# CHAPTER 150

## TABLE OF CONTENTS


| | |
|---|---|
| ARTICLE I | General |
| ARTICLE II | Interpretation and Definitions |
| ARTICLE III | Administration |
| ARTICLE IV | Regulations for Permitted and Conditional Land Uses |
| ARTICLE V | Planned Developments |
| ARTICLE VI | Performance Standards |
| ARTICLE VII | Area, Bulk, and Density |
| ARTICLE VIII | Off-Street Parking and Loading |
| ARTICLE IX | Non-Conforming Structures and Uses |
| ARTICLE X | Occupancy Certificates |
| ARTICLE XI | The Zoning Board of Appeals |
| ARTICLE XII | Variations |
| ARTICLE XIII | Appeals |
| ARTICLE XIV | Special Uses |
| ARTICLE XV | Amendments |
| ARTICLE XVI | Special Exceptions |
| ARTICLE XVII | Reserved |
| ARTICLE XVIII | Stormwater Management, Wetlands Protection, and Flood Plain Regulation |
| ARTICLE XIX | Steep Slope Zone |
| ARTICLE XX | Signs |
| ARTICLE XXI | Inclusionary Housing |
| ARTICLE XXII | Landscape Planting and Screening |

## TABLE OF CONTENTS

ARTICLE I. GENERAL
Sec. 150.101 Purpose. ..... I-1
Sec. 150.102 Scope of Regulations. ..... I-3
Sec. 150.103 Interpretation -- Other Restrictions -- Burden of Proof. ..... I-3
Sec. 150.104 Lots or Parcels of Land of Record. ..... I-4
Sec. 150.105 Established Setbacks -- Single Family Districts. ..... I-4
Sec. 150.106 Driveways for Commercial and Industrial Districts. ..... I-4
Sec. 150.107 Zoning District Boundaries. ..... I-5
Sec. 150.108 Effect of Headings. ..... I-6
Sec. 150.109 Report by Department of Community Development. ..... I-6
Sec. 150.110 Severability. ..... I-6
Sec. 150.111 Proceedings to Prevent Violation. ..... I-6
Sec. 150.112 Penalties. ..... I-7

ARTICLE II. INTERPRETATION AND DEFINITIONS
Sec. 150.201 Rules of Construction. ..... II-1
Sec. 150.202 Definitions. ..... II-1

ARTICLE III. ADMINISTRATION
Sec. 150.301 Office of the Zoning Administrator. ..... III-1
Sec. 150.302 Assistance. ..... III-2
Sec. 150.303 Restrictions. ..... III-2
Sec. 150.304 Proceedings to Prevent Violation. ..... III-2
Sec. 150.305 Zoning Board of Appeals. ..... III-3
Sec. 150.306 Cost Recovery Fees ..... III-3

ARTICLE IV. REGULATIONS FOR PERMITTED AND CONDITIONAL LAND USES
Sec. 150.401 Establishment of Districts. ..... IV-1
Sec. 150.402 Located on Legal Lot of Record. ..... IV-6
Sec. 150.403 Allowable Uses. ..... IV-7
Sec. 150.404 Principal and Accessory Uses. ..... IV-7
Sec. 150.405 Interpretation of Uses. ..... IV-8
Sec. 150.406 Accessory Buildings and Uses. ..... IV-8
Sec. 150.407 Uses Within Buildings. ..... IV-9
Sec. 150.408 Uses Outside Buildings. ..... IV-9
Sec. 150.409 Temporary Buildings. ..... IV-10
Sec. 150.410 Uses within the HC (Health Care) Zoning District. ..... IV-10
Sec. 150.411 Conditional Uses. ..... IV-14
Sec. 150.412 Dormitory Buildings as Conditional Uses in Residential Districts. ..... IV-14
Sec. 150.413 Tennis, Racquetball, Handball, Swimming and Other Private Recreational Clubs as Conditional Uses in Residential Zoning Districts. ..... IV-15
Sec. 150.414 Additional Regulations for Towers and Conditional Uses for Use with Television and/or Other Transmitting and Receiving Equipment, Including Cellular Telephone and Personal Wireless Telecommunications Facilities. ..... IV-16
Sec. 150.415 Special Regulations for the Pedestrian Oriented Shopping Overlay(POSO)Zone ..... IV-21
Table of Allowable Uses ..... IV-25

ARTICLE V. PLANNED DEVELOPMENTS

Sec. 150.501 Intent and Purpose.....V-1
Sec. 150.505 Applicability. .....V-2
Sec. 150.510 Modifications to Zoning District Regulations.....V-2
Sec. 150.515 Public Benefit.....V-4
Sec. 150.520 Site Planning Constraints and Design Standards. .....V-5
Sec. 150.525 Preliminary Development Plan Filing Requirements. .....V-10
Sec. 150.530 Preliminary Development Plan Review Procedure.....V-16
Sec. 150.535 Final Development Plan Filing Requirements. .....V-19
Sec. 150.540 Final Development Plan Review Procedure. .....V-22
Sec. 150.545 Amendments to Approved Planned Developments .....V-23
Sec. 150.550 Concurrent Review of Preliminary and Final Development Plans .....V-24
Sec. 150.555 Enforcement and Recording.....V-25
Sec. 150.560 Construction Timing .....V-25
Sec. 150.565 Completion of Planned Development .....V-26

ARTICLE VI. PERFORMANCE STANDARDS

Sec. 150.601 Purpose. ..... VI-1
Sec. 150.602 Other Regulations. ..... VI-1
Sec. 150.603 Application. ..... VI-1
Sec. 150.604 Electromagnetic Radiation..... VI-1
Sec. 150.605 Lighting. ..... VI-4
Sec. 150.606 Heat..... VI-5
Sec. 150.607 Noise. ..... VI-6
Sec. 150.608 Odorous Matter. ..... VI-7
Sec. 150.609 Radioactive Materials. ..... VI-8
Sec. 150.610 Smoke, Particulate Matter, and Other Air Contaminants. ..... VI-8
Sec. 150.611 Vibration. ..... VI-8
Sec. 150.612 Refuse Disposal and Screening of Refuse Receptacles. ..... VI-10

ARTICLE VII. AREA, BULK, AND DENSITY

Sec. 150.701 Scope of Requirements. ..... VII-1
Sec. 150.702 Bulk Conformance. ..... VII-1
Sec. 150.703 Low Density Residential District Regulations. ..... VII-1
Sec. 150.703.1 Special Regulations for the LFOZ Lakefront Density and Character Overlay Zone. VII-2
Sec. 150.703.2 Special Regulations for the SLOZ South Green Bay Road Small Lot Overlay Zone VII-4
Sec. 150.703.3 Regulations for Low Desnity Residential FAR ..... VII- 6
Sec. 150.704 High Density Residential and Health Care District Regulations. ..... VII-8
Sec. 150.705 Commercial and Light Industrial District Regulations. ..... VII-11
Sec. 150.705.1 Public Activity District Regulations……VII-12
Sec. 150.706 Special Area Considerations. ..... VII-13
Sec. 150.707 Special Yard Considerations. ..... VII-14
Sec. 150.708 Special Height Considerations. ..... VII-20
Sec. 150.709 Special Density Considerations. ..... VII-20
Sec. 150.710 Lots or Parcels of Land of Record. ..... VII-20
Sec. 150.711 Established Setbacks — Single Family Districts. ..... VII-21
Sec. 150.712 Garage Door Openings. ..... VII-21

ARTICLE VIII. OFF-STREET PARKING AND LOADING

Sec. 150.801 Scope of Requirements. .....VIII-1

Sec. 150.802 Limitations on Existing Uses. VIII-1
Sec. 150.803 Computation of Parking and Loading Requirements for New Development. VIII-2
Sec. 150.804 Joint Parking Facilities. VIII-3
Sec. 150.805 General Location Requirements. VIII-5
Sec. 150.806 Legal Requirements for Off-Site Facilities. VIII-6
Sec. 150.807 Relief from Off-Street Parking and Loading Requirements. VIII-6
Sec. 150.808 Design and Maintenance of Parking Facilities. VIII-8
Sec. 150.809 Design of Loading Spaces. VIII-13
Table of Parking and Loading Requirements VIII-15

ARTICLE IX. NON-CONFORMING STRUCTURES AND USES
Sec. 150.901 General Provisions. IX-1
Sec. 150.902 Nonconforming Uses of Land and Nonconforming Uses in Structures. IX-1
Sec. 150.903 Nonconforming Structures other than Signs. IX-3

ARTICLE X. OCCUPANCY CERTIFICATES
Sec. 150.1001 Occupancy Certificate Required. X-1
Sec. 150.1002 Application for an Occupancy Certificate. X-1
Sec. 150.1003 Issuance of Occupancy Certificate. X-2
Sec. 150.1004 Posting of Occupancy Certificates. X-2

ARTICLE XI. THE ZONING BOARD OF APPEALS
Sec. 150.1101 Creation and Membership. XI-1
Sec. 150.1102 Organization. XI-1
Sec. 150.1103 Hearings and Meetings. XI-2
Sec. 150.1104 Jurisdiction. XI-4
Sec. 150.1105 Limitation. XI-5
Sec. 150.1106 Administrative Review. XI-5

ARTICLE XII. VARIATIONS
Sec. 150.1201 Authorization. XII-1
Sec. 150.1202 Application for Variation. XII-1
Sec. 150.1203 Processing, Notice, and Hearing. XII-3
Sec. 150.1204 Authorized Variations. XII-4
Sec. 150.1205 Standards. XII-7
Sec. 150.1206 Variation by Final Order of the Zoning Board of Appeals. XII-8
Sec. 150.1207 Variations by Ordinance. XII-8
Sec. 150.1208 Duration of Variation. XII-8

ARTICLE XIII. APPEALS
Sec. 150.1301 Scope of Appeals. XIII-1
Sec. 150.1302 Notice of Appeal. XIII-1
Sec. 150.1303 Processing, Notice and Hearing. XIII-2
Sec. 150.1304 Action on Appeal. XIII-3

ARTICLE XIV. SPECIAL USES
Sec. 150.1401 Purpose and Authorization. XIV-1
Sec. 150.1402 Application for Special Use. XIV-2
Sec. 150.1403 Processing, Notice, and Hearing. XIV-3
Sec. 150.1404 Standards. XIV-4

Sec. 150.1405 Plan Commission Recommendation. ..... XIV-5
Sec. 150.1406 Action by City Council. ..... XIV-6

ARTICLE XV. AMENDMENTS
Sec. 150.1501 Authorization. ..... XV-1
Sec. 150.1502 Initiation of Amendments. ..... XV-1
Sec. 150.1503 Application for Amendment. ..... XV-1
Sec. 150.1504 Processing, Notice, and Hearing. ..... XV-2
Sec. 150.1505 Standards. ..... XV-3
Sec. 150.1506 Plan Commission Recommendation. ..... XV-5
Sec. 150.1507 Action by City Council. ..... XV-5

ARTICLE XVI. SPECIAL EXCEPTIONS
Sec. 150.1601 Purpose. ..... XVI-1
Sec. 150.1602 Authority to Grant Special Exceptions. ..... XVI-1
Sec. 150.1603 Application for Special Exceptions. ..... XVI-1
Sec. 150.1604 Processing, Notice, and Hearing. ..... XVI-3
Sec. 150.1605 Authorized Special Exceptions……...XVI-4
Sec. 150.1606 Standards for Special Exceptions. ..... XVI-4
Sec. 150.1607 Alternative Review by Plan Commission. ..... XVI-5
Sec. 150.1608 Conditions and Restrictions. ..... XVI-6
Sec. 150.1609 Action on Special Exceptions. ..... XVI-7
Sec. 150.1610 Duration of Special Exceptions. ..... XVI-7
Sec. 150.1611 Notice of Special Exception. ..... XVI-7

ARTICLE XVII. RESERVED

ARTICLE XVIII. STORMWATER MANAGEMENT, WETLANDS PROTECTION, AND FLOOD PLAIN REGULATION
Sec. 150.1801 Purpose. ..... XVIII-1
Sec. 150.1802 Administration. ..... XVIII-2
Sec. 150.1803 Enforcement. ..... XVIII-2
Sec. 150.1804 Watershed Development Permits. ..... XVIII-5
Sec. 150.1805 Waivers. ..... XVIII-47
Sec. 150.1806 Inspections and Access. ..... XVIII-49
Sec. 150.1807 Penalties and Legal Action. ..... XVIII-51
Sec. 150.1808 Disclaimer of Liability. ..... XVIII-52
Sec. 150.1809 Amendments. ..... XVIII-52
Sec. 150.1810 Severabiltiy. ..... XVIII-52

ARTICLE XIX. STEEP SLOPE ZONE
Sec. 150.1901 Introduction ..... XIX-1
Sec. 150.1902 Statement of Purpose. ..... XIX-1
Sec. 150.1903 Aesthetic and Safety Control of Steep Slopes ..... XIX-2
Sec. 150.1904 Special Setbacks. ..... XIX-3
Sec. 150.1905 Maintenance of the Steep Slope Zone. ..... XIX-3
Sec. 150.1906 Exemptions. ..... XIX-4
Sec. 150.1907 Required Plans - Review Required. ..... XIX-5
Sec. 150.1908 Development Standards. ..... XIX-7
Sec. 150.1909 Removal of Trees in the Steep Slope Zone ..... XIX-8
Sec. 150.1910 Permits. ..... XIX-10

Sec. 150.1911 Appeals. ..... XIX-11
Sec. 150.1912 Variations. ..... XIX-11
Sec. 150.1913 Enforcement and Penalties. ..... XIX-11
Sec. 150.1914 Corrective Measures. ..... XIX-12

ARTICLE XX. SIGNS
Sec. 150.2001 Policy ..... XX-1
Sec. 150.2002 Intent. ..... XX-2
Sec. 150.2003 Scope ..... XX-2
Sec. 150.2004 Application. ..... XX-2
Sec. 150.2005 Sign Classifications. ..... XX-2
Sec. 150.2006 General Standards. ..... XX-6
Sec. 150.2007 Illumination. ..... XX-6
Sec. 150.2008 Sign Colors. ..... XX-6
Sec. 150.2009 Electrical Elements ..... XX-6
Sec. 150.2010 Structural Elements. ..... XX-7
Sec. 150.2011 Obstruction of Access Ways. ..... XX-7
Sec. 150.2012 Obstructcion of Window Surface ..... XX-7
Sec. 150.2013 Traffic Safety. ..... XX-7
Sec. 150.2014 Locational Restrictions ..... XX-7
Sec. 150.2015 Sign Maintenance ..... XX-7
Sec. 150.2016 Sign Measurement ..... XX-7
Sec. 150.2017 Method of Determination of Number of Signs ..... XX-8
Sec. 150.2018 Signs on Lots with Multiple Uses ..... XX-8
Sec. 150.2019 General Safety ..... XX-8
Sec. 150.2020 Sign Height ..... XX-8
Sec. 150.2021 Obscenity Prohibited ..... XX-8
Sec. 150.2022 District Regulations: Single Family Residential Districts ..... XX-9
Sec. 150.2023 District Regulations: Multiple Family Residential Districts ..... XX-13
Sec. 150.2024 District Regulations: B1, B1-A, B2, B2-RW, B4, and B5 Districts ..... XX-17
Sec. 150.2025 District Regulations: B3 and I Districts ..... XX-22
Sec. 150.2026 District Regulations: HC District ..... XX-27
Sec. 150.2027 Signs Specifically Prohibited in All Districts ..... XX-32
Sec. 150.2028 Signs that Require Sign Permit Approval ..... XX-34
Sec. 150.2029 Signs that Require Review by the Design Review Commission ..... XX-37
Sec. 150.2030 Variances ..... XX-38
Sec. 150.2031 Appeals ..... XX-40
Sec. 150.2032 Continuation of Legal Nonconforming Signs ..... XX-40
Sec. 150.2033 Compliance or Removal ..... XX-42
Sec. 150.2034 Violations ..... XX-42
Sec. 150.2035 Abatement ..... XX-42
Sec. 150.2036 Penalty ..... XX-43
Sec. 150.2037 Amendments to Article 20 ..... XX-43

ARTICLE XXI. INCLUSIONARY HOUSING
Sec. 150.2100 Policy ..... XXI-1
Sec. 150.2101 Covered Development Projects. ..... XXI-2
Sec. 150.2102 Percentage of Affordable Housing Units Required ..... XXI-2
Sec. 150.2103 Application and Inclusionary Housing Plan. ..... XXI-3
Sec. 150.2104 Development Agreement and Other Documents. ..... XXI-4
Sec. 150.2105 Development Cost Off-Sets. ..... XXI-4

Sec. 150.2106 Density Bonuses. ..... XXI-4
Sec. 150.2107 Integration of Affordable Housing Units. ..... XXI-5
Sec. 150.2108 Alternatives to On-Site Affordable Housing Units. ..... XXI-6
Sec. 150.2109 Target Income Levels for Affordable Housing Units. ..... XXI-6
Sec. 150.2110 Eligibility of Households. ..... XXI-7
Sec. 150.2111 Marketing of the Affordable Housing Units ..... XXI-8
Sec. 150.2112 Period of Affordability. ..... XXI-8
Sec. 150.2113 Affordability Controls ..... XXI-9
Sec. 150.2114 Departures from Requirements ..... XXI-9
Sec. 150.2115 Adminstrative Guidelines ..... XXI-9

ARTICLE XXII LANDSCAPE PLANTING AND SCREENING
Sec. 150.2201 Intent ..... XXII-1
Sec. 150.2202 Scope ..... XXII-1
Sec. 150.2205 Approval Required ..... XXII-2
Sec. 150.2210 Landscaping Planting and Screening Application ..... XXII-2
Sec. 150.2215 Review of Application ..... XXII-3
Sec. 150.2220 Vehicular Use Area Landscaping ..... XXII-4
Sec. 150.2225 Foundation Landscaping ..... XXII-6
Sec. 150.2230 Landscape Planting Quantities ..... XXII-7
Sec. 150.2235 Natural Landscape Buffering ..... XXII-8
Sec. 150.2240 Ground Sign Planting ..... XXII-8
Sec. 150.2245 Refuse Container Screening ..... XXII-9
Sec. 150.2250 Ground-Mounted Mechanical or Utility Screening ..... XXII-9
Sec. 150.2255 Non-Supportive Landscape Areas ..... XXII-9
Sec. 150.2260 Variations ..... XXII-9
Sec. 150.2265 Appeals ..... XXII-11
Sec. 150.2270 Follow-up by Director of Community Development ..... XXII-11

# ARTICLE I. GENERAL

SECTION


150.101 Purpose
150.102 Scope of Regulations
150.103 Interpretation -- Other Restrictions -- Burden of Proof
150.104 Lots or Parcels of Land of Record
150.105 Established Setbacks – Single Family Districts
150.106 Driveways for Commercial and Industrial Districts
150.107 Zoning District Boundaries
150.108 Effect of Headings
150.109 Report by Department of Community Development
150.110 Severability
150.111 Proceedings to Prevent Violation
150.112 Penalties


Sec. 150.101 Purpose.

(A) The problems and complexities which necessitated the original adoption of building and land use regulations have been multiplied by increases in population, technological advances, and expanded community service requirements. Therefore, the decisions and actions of today are even more crucial to the sound development of the community as a whole. This Chapter aligns itself with the reasons for accepting zoning expressed by Justice Sutherland in the leading U.S. Supreme Court decision, Village of Euclid, Ohio v. Amber Realty Company, 272 U.S. 365, 47 Sup. Ct. 114.

(B) The objectives of this Zoning Ordinance are:

(1) To promote and protect the public health, safety, morals, comfort, and general welfare of the people;

(2) To effectuate a planning program consistent with the Master Plan with the understanding, however, that no proposed land use depicted in the Master Plan shall be deemed to supersede the provisions of this Chapter. The decision as to whether and when particular elements of the Master Plan will be implemented in regulatory ordinances is reserved for the City Council to make from time to time taking into account, among other factors, the type of development that is contemplated and the timing of such development;

(3) To protect the character and the stability of the residential, business, public open space, environment, manufacturing and other areas within the City and to promote the orderly and beneficial development of such areas, all in accordance with the Master Plan;

(4) To regulate individual property use by establishing districts, building site requirements, yards, density, parking, and height regulations, and by specifying external impact performance standards for noise, smoke, odor, glare, and vibration;

(5) To decrease land use conflict by prohibiting uses, buildings, or structures incompatible with the character of development of intended uses within specified zoning districts;

(6) To develop a compatible relationship between private property uses and necessary public improvements;

(7) To conserve the value of land and buildings throughout the City and enhance the desirability of living in the community for all residents regardless of race, religion, or economic circumstances;

(8) To regulate the intensity of use of lot areas and to determine the area of open space around buildings in order to provide adequate light, air, privacy, and convenience of access to property and thereby:

(a) Protect against fires, explosion, smoke, noxious fumes, noise, and other objectionable materials or influences in the interest of the public health, safety, comfort, and general welfare; and

(b) Prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;

(9) To establish building lines and the location of buildings designed for residential, business, manufacturing or other uses within areas designated for such uses;

(10) To establish reasonable standards to which buildings or structures shall conform;

(11) To prevent additions to, or alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations imposed in this Chapter;

(12) To limit congestion in the public streets and to protect the public health, safety, convenience, and general welfare by providing for off-street parking of motor vehicles and the loading and unloading of commercial vehicles;

(13) To provide for the gradual elimination of non-conforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district;

(14) To define and limit the powers and duties of the administrative officers and bodies as provided in this Chapter;

(15) To prevent the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters; and

(16) To prescribe the penalties for the violation of the provisions of this Chapter and any amendments.

Sec. 150.102 Scope of Regulations.

Except as provided by this Chapter and except after obtaining written permission from the Zoning Administrator, it shall be unlawful within the corporate limits of the City of Highland Park:

(A) To establish any use of a building, structure or land, either by itself or in addition to another use.

(B) To expand, change or re-establish any non-conforming use or structure.

(C) To erect a new building or structure or part thereof; or to excavate or otherwise alter the existing topography, contour or grade of land by more than twelve (12) inches or cover more than fifty (50) square feet in area.

(D) To rebuild, structurally alter, add to or relocate any building or structure or part thereof.

(E) To reduce the open space or lot area below that required for a building or structure located on the lot in question or to include any part of such required open space or lot area as that required for an adjoining building or structure.

(F) To construct more than one principal building upon a lot, unless such lot is improved as a Planned Unit Development or within the HC District.

(G) To construct one building or to maintain one principal use on more than one lot, unless such occupancy or use occurs within the HC District.

Sec. 150.103 Interpretation -- Other Restrictions -- Burden of Proof.

(A) Minimum Requirements. The provisions of this Chapter shall be held to be the minimum requirements for the promotion of public health, safety, morals and welfare.

(B) Relationship with Other Laws. Where the conditions imposed by any provision of this Chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Chapter or any other law, ordinance, resolution, rule or regulations of any kind, including private restrictive covenants, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

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

(D) Burden of Proof; Supporting Evidence. The applicant shall bear the burden of establishing conclusively that the applicant's proposal will comply with all applicable requirements of the Municipal Code. During any public hearing, the applicant shall submit such documents including necessary governmental licenses or permits or applications applicable thereto as the Plan Commission, or the Zoning Board of Appeals, as the case may

be, deems necessary. Provided it does not conflict with the terms of this Chapter, the procedure for the conduct of any public hearing shall be as set forth by rule of the Plan Commission or the Zoning Board of Appeals, as the case may be.

Sec. 150.104 Lots or Parcels of Land of Record.

(A) Contiguous Ownership in the R1, R2, R3, R4, R5, R6, R7, RM1, RM1A, RM2 and RO zoning districts. When two or more parcels of land (which may contain a lot or lots of record), are adjacent and one or more of such parcels lack adequate area or width to qualify for a permitted use under the requirements of the zoning district in which such parcels are located, all of such parcels shall be maintained and used as one zoning lot for such use if such parcels have been held in contiguous ownership at any time after May 8, 1960, or the date when such parcel ceased to comply with lot area and width requirements. (Ord. 57-02, J. 28, p. 410-473, passed 9/9/02**)**

(B) Division of Lots. No improved lot or parcel of land shall be divided into two (2) or more lots unless all improved zoning lots resulting from such division conform with all applicable regulations of the zoning district in which the lot or parcel is located.

(C) Location of Open Space. All yards and other open spaces allocated to a building or Planned Unit Development shall be located on the same lot as such building. Furthermore, no legally required yards or other open space or minimum lot area allocated to any building shall by virtue of change of ownership or for any other reason be used to satisfy yard or other open space or minimum lot area requirements for any other building or Planned Unit Development on a contiguous lot or parcel.
(See also Sec. 150.1510)

Sec. 150.105 Established Setbacks -- Single Family Districts.

(A) In any single family residential zoning district, if the Established Building Setback is greater in depth than required for front yards for such zoning district, no new structure or addition to an existing structure shall be erected closer to the street than the Established Building Setback, provided, however, that when a lot has more than one front lot line, the Established Building Setback regulations shall not apply on the side of the lot with the longest front lot line, unless either (1) the lot depth of the lot, measured on that side, is greater than 125 feet, or (2) the lot is a through lot. In no event shall the Established Building Setback be less than the front yard required in the zoning district. **(Ord. 71-06, J. 32, p. 340-342, passed 11/13/06)**

(B) Vision Clearance - Corner Lots. No building or structure hereafter erected and no planting or other obstruction to the vision of drivers of motor vehicles shall be located:

(1) In any residential district or PA (Public Activity) district exceeding a height of three (3) feet above the street grade within twenty-five (25) feet of the intersecting street lines bordering corner lots; and (Ord. 42-02, J. 28, p. 313-337, passed 7/8/02**)**

(2) In the HC (Health Care) or any industrial or commercial district within twenty-five (25) feet of the intersecting street lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor.
(See also Sec. 150.1511)

Sec. 150.106 Driveways for Commercial and Industrial Districts.

No parcel of land which is located in any residential district shall be used for a driveway, walkway, or access to a parcel of land located in a B1, B1A, B2, B2RW, B3, B4, B5, or I District.

Sec. 150.107 Zoning District Boundaries.

(A) The boundaries of all zoning districts within the City of Highland Park are hereby established as shown on the Official Zoning Map contained herein and all notations, references and other information shown thereon are a part of this Chapter and have the same force and effect as if the Official Zoning Map and all the notations, references and other information shown thereon were fully set forth in written text and so described herein.

(1) Any land whose classification is not shown on the Official Zoning Map and any land hereafter annexed to the City is hereby classified as lying within the R-1 Country Estate District, the highest restrictive use district under this Chapter, until such classification may be amended, if at all, by a formal hearing to such other district pursuant to the procedures contained in this Chapter.

(2) Where the district boundaries are not otherwise indicated, and where the property has been or hereafter is divided into blocks and lots, the district boundaries shall be construed to be the lot lines in closest proximity to the district boundaries shown on the Official Zoning Map. Where the districts designated on the Official Zoning Map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

(3) A copy of the Official Zoning Map as amended from time to time shall be maintained in the office of the City Clerk and in the office of the Zoning Administrator.

(B) Zoning of Rights of Way.

(1) The district boundaries are either streets or alleys unless otherwise shown and where the districts designated on the district map are bounded approximately by street or alley lines, the center line of the street or alley shall be construed to be the boundary of the district. Where the center line of a street, alley, public way, waterway, or railroad right of way serves as a zoning district boundary, the zoning of such areas, unless a particular zoning classification is otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

(2) Whenever any street, alley, or other public right-of-way is vacated by official action of the City Council of the City of Highland Park, the zoning thereof shall be unaffected by such vacation.

(C) Zoning of Annexed Land.

(1) Unless requested otherwise, the land being annexed shall automatically be zoned R-1 Country Estate District upon annexation.

(2) A petition for annexation to the City may include a request from the petitioner that the land being annexed shall, upon annexation, be zoned other than for R-1 Country Estate District. Should such a request be contained in the petition, the City Clerk shall refer the matter to the Plan Commission to conduct a public hearing and make its recommendation. Following the recommendation of the Plan Commission, the City Council shall proceed to vote as it normally does in zoning matters and notify the petitioner of the result. If the City Council denies the request, the petitioner may withdraw his petition for annexation.

Sec. 150.108 Effect of Headings.

Chapter, Article, and Section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any Chapter, Article or Section hereof.

Sec. 150.109 Report by Department of Community Development.

Prior to taking action upon a request for any zoning consideration, the Zoning Board of Appeals and/or the Plan Commission, as the case may be may request that the Department of Community Development review the testimony and evidence taken at the public hearing and report its conclusions and recommendations with respect to the application to the Board or the Plan Commission, as the case may be. A copy of any such report shall be distributed to all interested parties.

Sec. 150.110 Severability.

In the event any section, paragraph, subdivision, clause, sentence, or provision of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Chapter, but the effect of such judgment shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Sec. 150.111 Proceedings to Prevent Violation.

(A) If any building or structure, including fixtures, is constructed, excavation, filling, reconstructed, altered, repaired, converted, or maintained; or if any such building or structure, including fixtures or land, is used in violation of this Chapter or any other ordinance of the City, any owner or tenant of real property located within twelve hundred (1200) feet in any direction of the land or building or structure in question who shows that his property or person will be substantially affected by the alleged violation, or the Zoning Administrator of the City, may institute any appropriate action or proceeding:

(1) To prevent the unlawful construction, excavation, filling, reconstruction, alteration, repair, conversion, maintenance, or use;

(2) To prevent the occupancy of the building, structure, or land;

(3) To prevent any illegal act, conduct, business, or use in or about the building, structure and/or land; or

(4) To restrain, correct, or abate the violation.

(B) At the time such action is instituted by an owner or tenant, notice of such action shall be served upon the City at the time suit is begun by serving a copy of the complaint on the City Clerk in order that the City may join as a party plaintiff, if it so elects. However, no such action shall be maintained until such notice has been given. (See also 150.304)

Sec. 150.112 Penalties.

(A) It shall be unlawful for any Person to violate or fail to comply with any of the provisions of this Chapter. Upon conviction thereof, any person who shall violate or fail to comply with any of the provisions of this Chapter or who shall counsel, aid or abet any such violation, shall be punished by a fine of not less than Fifty Dollars ($50), nor more than One Thousand Dollars ($1,000), unless a more specific fine or penalty is provided elsewhere in this Chapter.

(B) For purposes of this Section and this Chapter, each day that a violation is permitted to exist shall constitute a separate offense.

## ARTICLE II. INTERPRETATION AND DEFINITIONS

SECTION

150.201 Rules of Construction
150.202 Definitions

Sec. 150.201 Rules of Construction.

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

(A) The singular number includes the plural number, and the plural the singular;

(B) The word "shall" is mandatory; the word "may" is permissive; and

(C) The masculine gender includes the feminine and neuter.

Sec. 150.202 Definitions.

Whenever in this Chapter the following words and phrases are used, they shall, for the purposes of this Chapter, have the meanings respectively ascribed to them in this Section, except when the context otherwise clearly indicates. Whenever in this Chapter other words are used, those other words shall have the meanings normally ascribed to them.

ABANDONMENT: The voluntary discontinuance of a non-conforming use or the occupancy of a non-conforming structure, when accompanied by an intent not to re-establish such use or occupancy. Any one of the following shall constitute prima facie evidence of intent to abandon:

1. Any positive act indicating such intent; or

2. Any conscious failure to take all necessary steps to resume the non-conforming use or occupancy with reasonable dispatch in the circumstances, including advertising of the property for sale or for lease; or

3. In the case of a structure or structure and land in combination, discontinuance of the occupancy or non-conforming use for twelve (12) consecutive months; or

4. In the case of land only, discontinuance of the occupancy or non-conforming use for ninety (90) consecutive days, or for a total of six (6) months during any one (1) year period; or

5. In the case of a non-conforming structure which is damaged by means out of control of the owner to an extent of less than fifty percent (50%) of the estimated cost of reconstruction of the entire structure new, failure to commence restoration within six (6) months from the date of partial destruction, or conclude restoration within two (2) years from the time restoration construction is initiated.

ACCESS: A way or means of approach to provide physical entrance to a property or capability for physical entrance to a property.

ACCESSORY BUILDING or ACCESSORY STRUCTURE: A subordinate detached building or structure located on the same lot as a principal building, the use of which subordinate building or structure is incidental to that of the principal building or to the principal use of the lot. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

ACCESSORY USE: A use, which is ancillary or incidental to the principal use of the premises.

ADEQUATE DOWNSTREAM STORMWATER CAPACITY: A stormwater management facility shall be considered to have adequate downstream stormwater capacity if the facility can be shown to store or convey up to and including the 100-year stormwater runoff without increasing damage to the adjoining properties or to a point downstream known to the Enforcement Officer to be a restriction causing significant backwater. (Ord. 92-99, adopted 11/8/99, Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

ADDITION: Any structural alteration that increases the floor area ratio of a building.

ADJACENT: To touch, to abut, to lie immediately next to, and/or to share a common wall or lot line.

ADULT BOOK or ADULT VIDEO STORE: An establishment having as a substantial or significant portion of its sales and/or stock in trade, books, magazines, films and/or videos for sale or viewing on the premises by use of motion picture devices or any coin-operated means, and other periodicals -- which are distinguished or characterized by their emphasis on material depicting, describing or relating to "specified anatomical areas" or "specified sexual activities", or an establishment with a segment or section devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, the exclusion of minors from the establishment's premises, or any other factors showing that the establishment's primary purpose is to purvey such material.

ADULT DAY CARE SERVICE: A service provided or arranged by any person, group of persons, agency, association or organization, whether established for gain or otherwise, for the care of one or more adults, aged 60 or older with a physical, social and/or mental impairment, for less than 24 hours per day. Services offered in adult day care service centers may include, without limitation, meals, personal care and recreational and/or therapeutic activities. (**Ord. 44-10, J. 36, p.179-187, passed 5/10/10**)

ADULT ENTERTAINMENT CABARET: A public or private establishment which, live or on motion pictures, features (i) topless dancers, strippers, and/or male or female impersonators; or (ii) entertainers who not infrequently display "specified anatomical areas"; or (iii) entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or entertainers who engage in, or engage in explicit simulation of, "specified sexual activities".

ADULT MINI MOTION PICTURE and/or VIDEO THEATER: An enclosed building or an area within a building, having a capacity for less than fifty (50) persons, and used for presenting motion picture films, video cassettes, cable television, and/or any other such visual media -- all of such materials so presented distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT MOTION PICTURE THEATER: An enclosed building or an area within a building, having a capacity of fifty (50) or more persons, and used regularly and routinely for presenting motion picture films, video cassettes, cable television, and/or any other such visual media -- all of such materials so presented having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

AFFORDABLE HOUSING TRUST FUND: The fund created by the City pursuant to Subsection 33.1133(C) of this Code. (Ord. 52-03, J. 29, p. 174-185, passed 8/25/03)

AFFORDABLE HOUSING UNITS: Residential dwelling units that are required under this Article to be “affordable housing,” as that term is defined in Subsection 33.1133(A) of this Code. (Ord. 52-03, J. 29, p. 174-185, passed 8/25/03)

AGGREGATE DIAMETER: The combined diameter of a multiple trunk Tree measured at Breast Height. (Ord 11-2000, passed 2/28/00; Ord. 38-01, J. 27, p. 146-167, passed 6/25/01)

AGRICULTURAL PRACTICES: Activities including, but not limited to, normal farming, silviculture and ranching activities such as gardening, plowing, seeding, cultivating, harvesting for the production of food, fiber, forest products, nursery stock and livestock; maintenance of agricultural drain tiles, irrigation and drainage ditches; and maintenance of farm roads and other access areas for farm vehicles and equipment use. (Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

ALCOHOLIC, PSYCHIATRIC, AND NARCOTIC TREATMENT FACILITY: A non-residential, freestanding (not integral to a hospital) out-patient facility having no accommodations for overnight stay but having programs specifically designed to treat alcoholism, psychiatric disorders, and/or narcotic abuse.

ALLEY: A right-of-way not more than twenty-five (25) feet wide.

ALLOWABLE USE: A Permitted Use or Special Use, including any conditional use as set forth in the "Table of Allowable Uses" in this Chapter.

ALTERATION, STRUCTURAL: Any change (other than incidental repairs) or replacement of the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

ANIMAL HOSPITAL or CLINIC: Any building or portion thereof designed or used for the care, observation or treatment of domestic animals which may include overnight boarding and/or veterinary care.

ANIMAL POUND: A building, structure or facility operated, owned, maintained, or used to provide for and promote the welfare, protection and humane treatment of animals, including animals impounded for rabies observation.

ANTENNA, INCLUDING DIRECTIONAL ANTENNA (SUCH AS PANELS) MICROWAVE DISH, SATELLITE DISH, AND OMNI-DIRECTIONAL ANTENNA (SUCH AS A WHIP ANTENNA): Any structure or device designed for the purpose of collecting or transmitting electromagnetic waves for telephonic, radio, data, Internet or other communications, including appurtenant equipment attached to a tower or building for the purpose of providing personal wireless services, including, for example, "cellular", "paging", "low power mobile radio", and "personal communications services" telecommunications services, and their attendant base stations. (Ord. 11-98, passed 1/26/98)

ANTENNA HEIGHT: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the antenna support structure, even if said highest point is an antenna. Measurement of tower height shall include antennas, base pad, and other appurtenances and shall be measured from the grade of the site. If the antenna support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. (Ord. 11-98, passed 1/26/98)

ANTENNA SUPPORT STRUCTURE: Any building, pole, mast, tower, tripod, or other structure which supports or is a component part of the overall structure supporting an antenna. (Ord. 11-98, passed 1/26/98)

APARTMENT: A room or suite of rooms in a multiple family residential structure which is arranged, designed, used or intended to be used as a single dwelling unit.

APPEAL: A request for relief from a decision of the Zoning Administrator.

APPLICANT or PETITIONER: Any person who files an application for zoning amendment, special use, special exception, variation, subdivision approval, appeal, or permit from SMC or the City to carry out development.

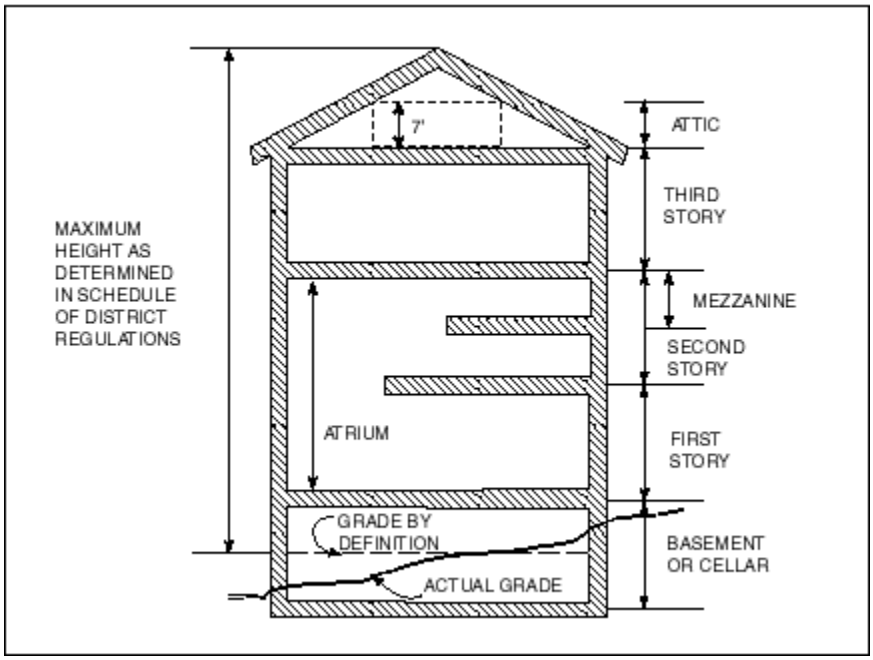
APPROPRIATE USE: Only uses of the Regulatory Floodway that are permissible will be considered for permit issuance. The only uses that will be allowed are as specified in Article XVIII of this Chapter. (Ord. 92-99, adopted 11/8/99)

AREA MEDIAN INCOME: The median income level for the Chicago area, as established and defined in the annual schedule published by the Secretary of the Department of Housing and Urban Development, and adjusted for household size. (Ord. 52-03, J. 29, p. 174-185, passed 8/25/03)

ASSISTED LIVING FACILITY: A residential facility within which residents with or without minor physical disabilities live, cook, dine, and recreate, and may be provided with medical and other services.

ATTIC: That portion of the height and area of a building between the eave and the ridge lines of a sloping roof which has a ceiling height of seven (7) feet or more over a floor area

which is more than one-third (1/3) of the floor area of the next lower and adjacent story but less than one-half (1/2) of the floor area of the said next lower and adjacent story.




ATRIUM: An interior space, two (2) or more stories in height.

AUDITORIUM: A room, hall or building which may be a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations.

AUTOMATIC TELLER MACHINE: An automated device that performs banking or financial functions.

AVERAGE: The result obtained by dividing the sum of two (2) or more quantities by the number of such quantities.

AVERAGE ILLUMINATION: The overall average of all points on the surface of the illuminated area including the brightest and dimmest points. (Ord. 53-05, J. 31, p. 173-181, passed 8/22/05)

AVERAGE UNIFORMITY RATIO: A measurement of the average light level in relation to the lowest light level within a given area. Example: A ratio of 3:1 states that the average level is three times higher than the minimum level. (Ord. 53-05, J. 31, p. 173-181, passed 8/22/05)

AWNING: A temporary shelter supported entirely from the exterior wall of a building, composed of non-rigid materials, which is either stationary or can be retracted, folded or collapsed against the face of the supporting building.

BALCONY: A platform projecting from the wall of a building supported by pillars, brackets or consoles or cantilevers from the main part of the building and enclosed by a rail or coping.

BANKS AND FINANCIAL INSTITUTIONS: Commercial banks, savings and loan associations, brokerage offices, and other similar facilities, including loan offices.

BASE FLOOD: The flood having a one percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event. Application of the base flood elevation at any location is as defined in this Article.

BASE FLOOD ELEVATION or BFE: The elevation delineating the level of flooding resulting from the 100-year flood frequency elevation.

BASEMENT: A story partly underground, having its floor below grade level on all sides, one-half (1/2) or more of the height of it is above grade. A basement shall be counted in calculating F.A.R. and as a story for the purposes of height measurement.

BASIN: Sub-watershed areas within Lake County that include the Fox River mainstem (including the Chain O' Lakes), Flint Creek, Tower Lake Darin, Slocum Drain, Mutton Creek, Squaw Creek, Fish Lake Drain, Bull Creek, Indian Creek, Aptakisic Creek, Buffalo Creek, Skokie River, Middle Fork-North Branch Chicago River, West Fork-North Branch Chicago River, Kellogg Creek, Dead River, Waukegan River, Pettibone Creek, and Lake Michigan Bluff/Ravines. (Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

BASIN PLAN: A study and evaluation of an individual drainage basin's stormwater management and flood control needs.

BERM: An earthen mound, constructed at an incline not to exceed one foot of vertical rise to three feet of horizontal distance, used to divert storm water flows, provide a restriction to create storm water storage areas, protect lower lying areas, enhance landscaping, screen undesirable views, and/or decrease noise. (Ord. 71-07, J. 33, p. 461-508, passed 9/24/07).

BILLBOARD: A generally flat surface or board, usually outdoors, on which advertisements or notices are posted. (Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

BLOCK: A tract of land bounded by streets or cul-de-sacs, or in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, ravines, corporate boundary lines of municipalities, or the shoreline of Lake Michigan.

BLUFF: An elevated segment of the Lake Michigan shoreline above the beach which normally has a precipitous front inclining steeply on the lakeward side.

BOARD OF APPEALS: The Zoning Board of Appeals of the City of Highland Park.

BOARDING HOUSE: A building or place other than a hotel, motel and/or lodging house where lodging and meals are provided for compensation by prearrangement for a definite period to five (5) or more, but not exceeding twelve (12) individuals.

BODY SHOP: See "MOTOR VEHICLE REPAIR, MAJOR".

BONUS FLOOR AREA RATIO (BFAR): A bonus that is granted in certain limited circumstances for floor area ratio as provided in Subsection 150.703.3(B). (Ord. 46-04, J. 30, p. 175-180, passed 6/28/04)

BOOK STORE: An establishment which is not an Adult Book Store and which deals in books and other printed materials.

BOTTOM, or TOE, OF RAVINE SLOPE OR TOE OF BLUFF SLOPE: The lowest elevation of soil grade adjacent to the base of a ravine or a bluff slope, as the case may be.

BUFFER: An area of predominantly vegetated land to be left open, adjacent to drainageways, wetland, lakes, ponds or other surface waters for the purpose of eliminating or minimizing adverse impacts to such areas.

BUFFERING: Any means of protecting a parcel from the visual or auditory effects of an adjacent use through the use of berms, fences, landscaping, setbacks, and/or open spaces.

BUILDING: Any structure with substantial walls and roof which is securely affixed to the land, on a permanent frost-proof foundation, and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings, and which structure is designed, intended, or used for the shelter, enclosure, or protection of persons, animals, or chattels. The term also includes gas or liquid storage tanks. (Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

BUILDING CODE: Chapter 170 of this Code, as the same has been, and may from time to time hereafter be, amended. (Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

BUILDING ENVELOPE: The area depicted upon a master site plan within which the general location of existing structures and/or structures that may be developed in the future are shown.

BUILDING PERMIT: A permit issued by the City for the construction, alteration, removal or demolition of a building or structure within the corporate limits of the City.

BUILDING SETBACK LINE: A line established on a lot, by agreement or otherwise, designating the required distance of any structure or building from a lot line or right of way. See "ESTABLISHED BUILDING SETBACK". (Ord. 74-06, J. 32, p. 346-351, passed 11-13-06)

BUILDING SITE PLAN: A document reviewed by the Director in conjunction with a building permit application for construction upon real estate located in the HC (Health Care) Zoning District and approved, if at all, in light of an existing Master Site Plan and in accord with the procedures established in this Code for building site plan review.

BUILDING, TEMPORARY: Any building not designed to be permanently located in the place where it is or where it is intended to be placed or affixed.

BULK REGULATIONS: The term used to indicate the size of the setbacks, the location of a building with respect to adjoining lots and street lines, and matters similar thereto including but not limited to the following:

1. Floor area ratio and bonus floor area ratio;
2. Front yard regulations;
3. Side yard regulations;
4. Rear yard regulations;
5. Maximum height regulations:
6. Lot size;
7. Lot coverage;
8. Lot area per dwelling unit; and
9. Open space. (Ord. 46-04, J. 30, p. 175-180, passed 6/28/04)

BY-PASS: To route tributary drainage area runoff around and not through a stormwater control structure. (Ord. 92-99, adopted 11/8/99)

CALIPER: The diameter of a Tree trunk six inches (6") above the existing grade or proposed planted grade. Caliper is usually used in reference to nursery stock for new plantings. (Deleted by Ord. 11-2000, passed 2/28/00; Ord. 38-01, J. 27, p. 146-167, passed 6/25/01)

CANOPY: A roof-like structure with posts or other ground support, constructed to provide shelter to pedestrians or vehicles.

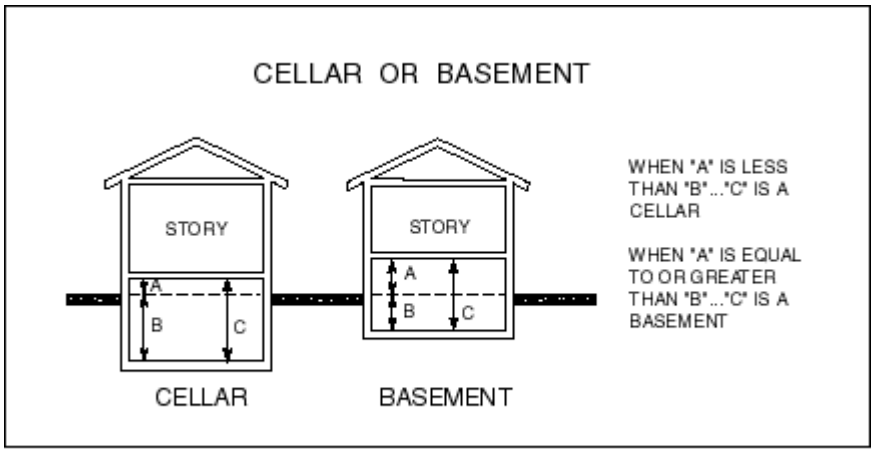
CARETAKER'S AND SERVANT'S QUARTERS: Living quarters containing no kitchen and existing as an accessory use in single family residential zoning districts within a principal building or located above a garage.

CARPORT: A canopy for vehicle storage, open on three (3) sides and attached to a principal building.

CAR WASH: See "MOTOR VEHICLE LAUNDRY" or" MOTOR VEHICLE WASHING FACILITY".

CATERING SERVICE: The business of providing food or meals for compensation on premises not owned or controlled by the proprietor of the business.

CELLAR: A story having more than one-half (1/2) of its height below grade. A cellar shall not be counted in calculating F.A.R. or as a story for the purpose of maximum height measurement.




CELL SITE: A tract or parcel of land that contains personal wireless telecommunications facilities including any antenna, antenna support structure, accessory building, and off-street parking, and may include other uses associated with and ancillary to personal wireless services, excluding a single family residence. (Ord. 11-98, passed 1/26/98)

CELLULAR TELEPHONE FACILITY: A cell site housing computerized telephone transmission equipment together with the necessary antennas, which site is part of a distribution system for mobile telephones licensed by the Federal Communications Commission of the United States of America, controlled from a central mobile telephone switching office and which may include a support structure or tower upon which may be mounted necessary antennas and equipment and an unmanned telephone transmission equipment shelter in which necessary telephone equipment may be housed.

CEMETERY: A burial ground including structures such as mausoleums, columbariums, incidental management offices, and maintenance facilities.

CENTRAL BUSINESS DISTRICT, B5: See "ZONING DISTRICTS".

CERTIFIED COMMUNITY: A community which has petitioned the Stormwater Management Commission to be capable of enforcing an ordinance (or ordinances) which contain stormwater and regulatory floodplain management rules and regulations which are consistent with or at least as stringent as those of the Lake County Watershed Development Ordinance.

CERTIFIED WETLAND SPECIALIST: Persons meeting the minimum requirements of a, b, c, and d below, as follows:

a. Provide a one-page statement of qualifications in the areas noted below. The signed statement will be considered as evidence of qualifications.

b. Pass the Certified Wetland Specialist Exam.

c. Completion of a SMC-approved wetland delineation course and meet the requirements of one of the following:

   1. Registered Professional Wetland Scientist (PWS) from the Society of Wetland Scientists;

   2. Minimum of a Bachelor's Degree in an Earth Science or Biologic Science and at least one of the following: Three years (cumulative) full-time experience in the Upper Midwest Region on wetland related projects; or the completion of 100 wetland delineations in the Upper Midwest; or, a minimum of 300 hours spent in field review of wetlands in the Upper Midwest; or

   3. Six years (cumulative) full-time experience in the Upper Midwest Region on wetlands related projects. (Ord. 12-02, J. 28, p. 28-43, 2/25/02)

d. Recertification as a Certified Wetland Specialist shall be required every three years through SMC. A minimum of 24 work-related professional development hours, including SMC mandatory training for this type of certification, shall be obtained within the three-year period in order to qualify for recertification. Documentation shall be self-monitoring and shall be provided to SMC upon application for certification or recertification. (Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

CHANNEL: A natural or artificial depression of perceptible extent with a defined bed and banks that confine and conduct flowing water either continuously or periodically. Any river, stream, creek branch, natural or artificial depression, ponded area, lakes, flowage, slough, ditch, conduit, culvert, gully, ravine, swale, wash, or natural or man-made drainageway, in or into which surface or groundwater flows, either perennially or intermittently.

CHANNEL MODIFICATION: Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining and significant removal of bottom or woody vegetation of the channel. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel.

CHAPTER: This Chapter, being Chapter 150 of the Code.

CHILD CARE FACILITY: A building where any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility , established and maintained for the care of children.

CITY: The City of Highland Park, Lake County, Illinois.

CITY COUNCIL: The City Council of the City of Highland Park, Illinois.

CITY FACILITIES: Any building or structure owned or operated by the City including, without limitation, administrative offices, police and fire stations, public works garages, storage facilities, infrastructure, and recreational and social facilities. (Ord. 63-05, J. 31, p. 258-260, passed 10/24/05)

CITY MANAGER: The City Manager of the City of Highland Park.

CLINIC: A facility used for the diagnosis and treatment of physical and/or mental disorders on an outpatient basis.

CLUB or LODGE, PRIVATE: A non-profit association of persons who are bona fide members thereof who may pay annual dues, which association owns, hires or leases a building or portion thereof. "PRIVATE CLUB OR LODGE" shall not include an Adult Entertainment Cabaret.

CODE: The "Highland Park Code of 1968", as amended, of which this Chapter is a part.

COMMERCIAL FRONT YARD: That part of the front yard of a lot other than the 2 foot area adjacent to the front lot line thereof, located within the Commercial and Industrial zoning districts, maintained as open space except for paved off street parking and signs.

COMMERCIAL SERVICE DISTRICT, B4: See "ZONING DISTRICTS".

COMMERCIAL VEHICLE: Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES: Licensed commercial wireless telecommunication services including cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services that are marketed to the general public. (Ord. 11-98, passed 1/26/98)

COMMON OPEN SPACE: Open space of a parcel or development that (i) is set aside for the use and enjoyment by all persons who occupy a principal use or who reside on that parcel or within that development, and (ii) is free of structures, except for historic structures and/or approved recreational facilities. Common open space shall not include: (a) areas reserved for the exclusive use or benefit of an individual unit or lot; (b) dedicated

streets, alleys, or other public rights-of-way; (c) vehicular drives, private streets, or parking, loading and storage areas; or (d) strips of land that are less than 20 feet wide. (Ord. 80-07, J. 33, p. 660-693, passed 11/13/07)

COMMUNITY or RECREATION CENTER: A building in which members of a community may gather for social, educational, recreational or cultural activities operated on a not-for-profit basis.

COMMUNITY LIVING FACILITY: A residential setting at which guidance, supervision, training and other assistance is provided to disabled adults with the goal of eventually moving these persons to more independent living arrangements, and in which residents are required to participate in day activities, such as vocational training, sheltered workshops or regular employment. A Community Living Facility shall not be a medical or Nursing Home Care Facility. (**Ord. 44-10, J. 36, p.179-187, passed 5/10/10**)

COMMUNITY RESIDENTIAL ALTERNATIVE: A home for disabled adults who are unable to live independently but are capable of community living if provided with an appropriate level of supervision, assistance and support services. A Community Residential Alternative may provide training and guidance to residents in the skills of daily living and shall provide opportunities for participation in community activities. A Community Residential Alternative shall not be a medical or Nursing Home Care Facility. (**Ord. 44-10, J. 36, p.179-187, passed 5/10/10**)

COMPATIBILITY: The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict. In arriving at the determination of the compatibility of a particular use or activity the following shall be a minimum of the elements to be considered: density of occupancy as measured by dwelling units per acre; floor area ratio; pedestrian or vehicular traffic generated; volume of goods handled; and such environmental effects as noise, vibration, glare, air pollution, erosion, or radiation.

COMPENSATORY STORAGE: An excavated, hydraulically equivalent volume of storage used to offset the loss of natural flood storage capacity when artificial fill or structures are placed within a regulatory floodplain.

COMPREHENSIVE MASTER PLAN: The Official Highland Park Comprehensive Master Plan of 1976, as amended.

CONDITIONAL APPROVAL REGULATORY FLOODWAY MAP CHANGE: Pre-construction approval by IDNR/OWR and the Federal Emergency Management Agency of a proposed change to the Regulatory Floodway map and/or BFE. This pre-construction approval, pursuant to Article XVIII of this Chapter, gives assurances to the property owner that once an Appropriate Use is constructed according to permitted plans, the Regulatory Floodway map and/or BFE can be changed, as previously agreed, upon review and acceptance of as-built plans. (Ord. 92-99, adopted 11/8/99)

CONDITIONAL LETTER OF MAP REVISION or CLOMR: A letter which indicates that the Federal Emergency Management Agency will revise base flood elevations, flood insurance rate zones, flood boundaries or Regulatory Floodway and/or BFE as shown on an

effective Flood Hazard Boundary Map or Flood Insurance Rate Map, once the as-built plans are submitted and approved.

CONDITIONAL USE: See "SPECIAL USE".

CONDOMINIUM: A building, or group of buildings, in which units are owned individually and the structures and common areas and facilities are owned by all the owners on a proportional, undivided basis.

CONGREGATE HOUSING: Housing which provides a living arrangement of self-contained units (each containing a full kitchen and bath) that integrates shelter, food service, and other services for independent adults who do not require 24 hour oversight. Services may include meals, laundry, transportation and housekeeping. Congregate Housing does not require a state license.

CONSERVATION: Planned management or enhancement of the natural environment with the minimum introduction of foreign materials and alteration of the natural setting.

CONSTRUCTION: Any activity which would cause structures of any kind to be installed, erected or removed.

CONTIGUOUS OWNERSHIP: Ownership of any parcel or tract of land by any person who simultaneously holds ownership to any adjacent parcel or tract of land.

CONTROL STRUCTURE: A structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

CONVENIENCE FOOD MART: A business, other than a restaurant or fast-food restaurant or carry-out restaurant or a drive-in restaurant, which sells food directly to the customer and occupies a floor area of less than 5,000 square feet.

CONVERSION: A change in a residential or mixed-use rental development to individual-owner residential condominium units. (Ord. 52-03, J. 29, p. 174-185, passed 8/25/03)

COUNTRY CLUB: A club which includes a golf course.

COUNTRY ESTATE RESIDENTIAL DISTRICT (R1): See "ZONING DISTRICTS".

COUNTRY HOME RESIDENTIAL DISTRICT (R2): See "ZONING DISTRICTS".

COVENANT: A private or public written agreement relating to the use of, restriction of, interest in, or right to, real property and recorded with the Lake County Recorder of Deeds against the title to the real property to which it applies.

COVERED DEVELOPMENT PROJECT: Any development project in the City that is required to provide affordable housing units under the provisions of this Code. Projects at one location undertaken in phases, stages, or otherwise developed in distinct sections shall be considered a single covered development project. (Ord. 52-03, J. 29, p. 174-185, passed 8/25/03)

CUL-DE-SAC: A vehicular turnaround located at the termination of a dead end street.

CURRENCY EXCHANGE: Any establishment primarily engaged in the business or service of, and providing facilities for, cashing checks, drafts or money orders for a fee or service charge, or which is engaged in the business of selling or issuing money orders under its name, or any other money orders, or engaged in both such activities.

CUTTING or UNDERCUTTING: Shaping of the land surface through the moving of soil, rock or other materials.

DAM: All obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included.

DAMAGE: Any destruction of or loss to real property including but not limited to that caused by fire, windstorm, flooding, or act of God. With respect to stormwater management, wetland protection, and flood plain regulations, "Damage" means a measurable rise in flood heights on property currently subject to flooding, flooding of property currently not subject to flooding unless it is contained within the streambanks or a deed or plat restricted area or increases in velocity to the point where the rate of land lost to erosion and scour is significantly increased. (Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

DAY CARE HOME: A dwelling unit which receives children for care during the day and which is licensed as such by the State of Illinois.

~~DAY NURSERIES: See NURSERY, DAY.~~ **(Ord. 44-10, J. 36, p.179-187, passed 5/10/10)**

DECIBEL: A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

DECIDUOUS: A plant with foliage that is shed annually. (Added by Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)

DECK: A structure which is open to the sky (as opposed to a "Porch") and which provides a platform that is raised more than six (6) inches above the ground.

DEED OR PLAT RESTRICTION: Permanent easements, covenants, deed restricted open spaces, outlots dedicated to a public entity, reserved plat areas and conservation easements dedicated to meet the requirements of Article XVIII of this Chapter, or public road rights-of-way that contain any part of the stormwater management system of a development. (Ord. 92-99, adopted 11/8/99; Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

DENSITY: The number of dwelling units per unit of land measure.

DEPRESSIONAL STORAGE AREAS: Non-riverine depressions where stormwater collects.

DESIGN STORM: A selected storm event, described in terms of the probability of occurring once within a given number of years, for which stormwater or flood control improvements are designed and built.

DESIGNATED EROSION CONTROL INSPECTOR: A person responsible for, at minimum, verifying compliance and on-going maintenance of the approved soil erosion and sediment control plan measures of a development, and who is recommended to meet the minimum qualification requirements of a, b, c, and d below, as follows:

a. Provide a one-page statement of qualifications in the areas noted below and a request to be included on the SMC Designated Erosion Control Inspector qualified listing, which signed statement will be considered as evidence of qualifications;

b. Pass the Designated Erosion Control Inspector Exam that is administered by SMC;

c. Completion of an SMC-approved soil erosion and sediment control course and meet the requirements of one of the following:

1. Have an official designation as a Certified Professional n Erosion and Sediment Control (CPESC); or

2. Two years cumulative experience in the Upper Midwest Region on soil erosion and sediment control inspections; and

d. The listing of Designated Erosion Control Inspectors shall be officially updated every three years by the SMC. A minimum of 24 work-related professional development hours, including SMC mandatory training for this designation, shall be obtained within the three-year period in order to qualify for re-listing. Documentation shall be self-monitoring and shall be provided to SMC upon application for listing. (Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

DESIGNATED EROSION CONTROL INSPECTOR EXAM: An exam that is formally adopted and administered by the SMC to establish minimum qualifications for an individual to be listed as a Designated Erosion Control Inspector by the SMC. Formal adoption of this exam by the SMC shall include the determination of a starting date for the Designated Erosion Control Inspector Program requirements in this ordinance. (Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

DETENTION FACILITY: A man-made structure for the temporary storage of stormwater runoff with controlled release during or immediately following a storm.

DETENTION VOLUME SAFETY FACTOR: A multiplication factor applied to a development's detention volume when the detention facility is constructed on-stream. (Ord. 92-99, adopted 11/8/99)

DEVELOPMENT: The performance of any construction or earth moving activity, the making of a material change in the use or appearance of any structure or land, the division of land into two (2) or more lots, or the creation or termination of rights of access or littoral

rights. With respect to stormwater management, wetland protection, and floodplain regulations, "Development" means any finalization of plat, replat, or man-made change to real estate by private or public agencies including:

a. Construction, reconstruction, repair, or placement of a building or any addition to a building;

b. Drilling, mining, installation of utilities, construction of roads, bridges, or similar projects;

c. Clearing of land as an adjunct of construction;

d. Construction or erection of levees, walls, fences, dams, or culverts; channel modification; filling, dredging, grading, excavating, paving, or other alterations of the ground surface; storage of materials; deposit of solid or liquid waste; or

e. Any other activity that might change the direction, height, volume or velocity of flood or surface water, including the drainage of wetlands and removal of vegetation to the extent such that the wetland would no longer meet the criteria of supporting hydrophytic vegetation as defined in this Section except that which would be considered appropriate for management purposes.

Development does not include maintenance of existing buildings and facilities such as resurfacing of roadways when the road elevation is not increased, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees. Nor does development include agricultural practices outside of the Regulatory Floodplain involving filling or grading as part of a Natural Resources Conservation Service designed and approved conservation project (i.e. terraces, grass waterways). Additionally, development does not include fence installation, pole placement, drilling or other minor auxiliary construction activity which does not affect stormwater runoff rates or volumes as long as the development activity is not located in a Regulatory Floodplain, wetland or channel. (Ord. 92-99, adopted 11/8/99; Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

DEVELOPMENT PLAN: A preliminary or final plan meeting the requirements of this Chapter for the construction of a Planned Unit Development.

DIAMETER BREAST HEIGHT OR "DBH": The diameter of a Tree measured at four and one-half feet (4-1/2') above the existing grade at the base of the Tree. (Deleted by Ord. 11-2000, passed 2/28/00; Ord. 38-01, J. 27, p. 146-167, passed 6/25/01)

DIRECTOR: The City Manager of the City or his duly authorized agents.

DISCRETE PULSES: In connection with sound and vibration, pulses which do not exceed one hundred (100) impulses per minute.

DISTRICT or ZONING DISTRICT: A portion of the City for which the regulations governing the use, area, bulk, density, and setbacks of structures and property are uniform as established in this Chapter.

DOG RUN: An area enclosed by a fence for the containment of dogs or other domestic animals. For purposes of this Chapter, a dog run is considered a structure. For purposes of this definition "fence" shall not include invisible electronic fences.

DOMESTIC PET SERVICES: Any business where clipping, bathing, and related services are provided for dogs, cats, and other domestic pets but not including veterinary care and/or overnight boarding.

DOMINANT PLANT SPECIES: A plant species that comprises greater than 50% of the vegetative layer. The vegetative layer is defined as a subunit of a plant community in which all component species exhibit the same growth form (e.g., trees, saplings, shrubs, herbs). (Ord. 12-02, J. 28, p. 28-43, 2/25/02; Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

DORMITORY BUILDING: Located on a privately owned and operated golf course, a building containing a number or private or semiprivate rooms for residents, usually along with common bathroom facilities and recreation areas.

DRAINAGE AREA: The land area above a given point that contributes stormwater to that point.

DRIVE-THROUGH FACILITY: An accessory use, other than a gasoline and/or diesel fuel station, which accommodates the patrons' motor vehicles and from which the occupants of the motor vehicles may make purchases, or transact business; provided, however, that an area used solely for the placement by occupants of a motor vehicle of mail or parcels into United States Postal Service mailboxes or similar structures shall not be considered a Drive-Through Facility. (**Ord. 18-10, J. 36, p. 022-028, passed 2/8/10**)

DRIVEWAY: A private access way that provides direct access from a street to not more than one (1) lot or principal building or use, except as may otherwise be provided by this Code.

DRUG STORE: A place of business which includes a pharmacy and which also offers for retail sale cosmetics, stationery, and sundries.

DRY DETENTION FACILITY: A dry detention facility is a detention facility designed to drain completely after temporary storage of stormwater flows and to normally be dry over the majority of its bottom area.

DWELLING, ATTACHED: A single-family dwelling unit that is attached to two or more one-family dwelling units by unpierced, common fire-resistant walls. (Ord. 80-07, J. 33, p. 660-693, passed 11/13/07)

DWELLING, TWO-FAMILY: A multiple dwelling building which is designed to contain two (2) dwelling units and no more than two (2) dwelling units.

DWELLING UNIT: One (1) or more rooms in a residential structure which are arranged, designed, used or intended to be used by one (1) family, and which includes complete kitchen and complete bath and toilet facilities permanently installed.
wire

EARTH MOVING: Any excavating, cutting or filling, or any combination thereof.

EDUCATIONAL INSTITUTION: Public, parochial, charitable or non profit elementary and high school, junior college. college or university, other than trade or business schools, including instructional and recreational uses with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

ELECTRICAL CODE: Chapter 172 of this Code, as the same has been, and may from time to time hereafter be, amended. (Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

ELIGIBLE HOUSEHOLD: For purposes of Article XXI of this Code, a household of low- or moderate-income. (Ord. 52-03, J. 29, p. 174-185, passed 8/25/03)

ELEVATION CERTIFICATES: A form published by the Federal Emergency Management Agency that is used to certify the elevation to which a building has been constructed.

EMERGENCY OVERFLOW: The structure in a stormwater management system designed to protect the system in event of a malfunction of the primary flow structure or a storm event greater than the system design. The emergency overflow capacity initiates at the facility design high water level or base flood elevations. (Ord. 92-99, adopted 11/8/99)

ENFORCEMENT OFFICER: The City Manager of the City or his duly authorized agent or representative.

ENVIRONMENTALLY SENSITIVE AREA: An area with one or more of the following characteristics: (1) surface waters, including lakes, ponds, and streams; (2) steep slopes; (3) regulatory floodplain; (4) regulatory floodway; (5) hydric soils; (6) soils classified as subject to erosion; (7) stream corridors; (8) mature stands of native vegetation; (9) high quality aquatic resources; (10) habitats of endangered species and (11) Medium and High Priority Open Space Parcels identified in the North Branch of the Chicago River Open Space Plan. (Ord. 80-07, J. 33, p. 660-693, passed 11/13/07)

EROSION: The general process whereby soils are detached and moved by flowing water or wave action. (Ord. 92-99, adopted 11/8/99)

ESTABLISHED BUILDING SETBACK: In a block containing three (3) or more single family residences, in the event fifty percent (50%) or more of the lots fronting on one side of such block are improved with principal buildings that have setbacks greater in depth than required for such given zoning district in this Chapter, upon each such improved lot (exclusive of the lot for which a building permit is sought) the distance to the front lot line thereof from the foundation of the principal or accessory building closest to the front lot line shall be the existing setback. In the R5, R5A, R6, and R7 zoning districts, the established building setback is the lesser of (i) the average of the existing setbacks of such foundations on such block, and (ii) 150% of the minimum front yard setback set forth in the bulk regulations of the applicable zoning district. In all other zoning districts, the established building setback is the average of the existing setbacks of such foundations on such block. (Ord. 72-06, J. 32, p. 343-344, passed 11-13-06)

EVERGREEN: A plant with foliage that persists and remains green year-round. (Added by Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)

EXCAVATING: Removing of soil or other materials by digging or scooping out.

EXCEPTIONAL FUNCTIONAL VALUE WETLAND: Any Waters of the United States or isolated lake, pond or wetland identified as such in the USEPA Advanced Identification Study of Lake County (ADID) or any Waters of the United States that through a functional assessment meets the criteria defined in that study for determining exceptional functional value. (Ord. 92-99, adopted 11/8/99)

FAA: The Federal Aviation Administration of the United States of America. (Ord. 11-98, passed 1/26/98)

FAMILY: An individual, or two (2) or more persons related by blood or marriage or adoption, living together in a dwelling unit; or a group of not more than five (5) persons who need not be related by blood or marriage or adoption, living as a single housekeeping unit in a dwelling unit, and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage or adoption; in either case exclusive of household employees. (**Ord. 44-10, J. 36, p.179-187, passed 5/10/10**)

FARMED WETLAND: Wetlands that are farmed currently, or have been farmed within 5 years previous to the permit applications date, as defined in 7 CFR Part 12 (61 FR 47025). (Ord. 12-02, J. 28, p. 28-43, 2/25/02)

FCC: The Federal Communications Commission of the United States of America. (Ord. 11-98, passed 1/26/98)

FEE-IN-LIEU OF ON-SITE STORMWATER STORAGE: A fee assessed to a permit applicant used to contribute to the cost of the capital improvement component of basin plans; such as, regional detention site(s) or improvements to downstream conveyances "in-lieu-of" constructing on-site detention or for compensatory storage requirements for streambreaks and shoreline restoration fills of less than 200 cubic yards. (Ord. 68-2000, adopted 10/23/00)

FEMA: The Federal Emergency Management Agency and its regulations codified as 44 CFR 59-79 effective as of October 1, 1986. This incorporation does not include any later editions or amendments. (Ord. 92-99, adopted 11/8/99)

FENCE: A structure which is a barrier and which is used as a means of protection or confinement, providing privacy, security, weather control, esthetic appearance and/or boundary definitions for land and land uses, and made of manufactured material such as, but not limited to, steel, aluminum, wood and/or masonry material, including but not limited to:

1. <u>Solid Fence</u>: A fence, including gates, thick or dense in appearance or texture over its entire vertical and horizontal height and length, having no open breaks or

divisions and which conceals from view from adjoining properties activities conducted behind.

2. Open Fence: A fence, including gates, fifty (50) percent of the area of each one (1) square foot segment extending over the entire length and height of which fence consists of open air spaces which afford a direct view through the fence; which fence is constructed of posts carrying boards, rails, pickets, or wire or constructed of iron consisting of vertical or horizontal bars or other open work.

3. Chain Link Fence: A fence made of wire helically wound and interwoven in such a manner as to provide a continuous mesh without knots or ties, except in the form of "knuckling" the ends of the wires to form a selvage of the fabric. As used herein, "knuckling" is a term used to describe the type of selvage obtained by interlocking adjacent pairs of wire ends and then bending the wire ends back into a closed loop.

FILLING: Depositing of soil, rock or other materials by other than natural means.

FINAL ORDER: A conclusion or statement of decision rendered by the Board of Appeals in a particular case which affects the legal rights, duties, or privileges of persons and which terminates the proceedings in the case before the Board of Appeals.

FINDING: A determination of facts based on the evidence presented during a public hearing and prepared by a hearing officer or body in support of its decision.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD FREQUENCY: A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

FLOOD INSURANCE RATE MAPS or FIRM: A map prepared by the Federal Emergency Management Agency or HUD that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and Regulatory Floodplains and may or may not depict Regulatory Floodways.

FLOOD LIGHT: A projector designed for lighting a scene or object to a brightness considerably greater than its surroundings. (Ord. 53-05, J. 31, p. 173-181, passed 8/22/05)

FLOODPLAIN (REGULATORY): See Regulatory Floodplain.

FLOODPLAIN MANAGEMENT: An overall program of corrective and preventive measures for avoiding or reducing future flood damage.

FLOODPLAIN STUDY: A study that has been formally adopted by the SMC, excluding base flood determinations performed for a specific development site, that examines, analyzes, evaluates or determines the hydraulic and hydrologic characteristics of flood hazards for a basin or partial basin area. To be used a s a regulatory instrument the study shall, at a minimum, meet the FEMA criteria specified in 'Guidelines and Specifications for

Flood Hazard Mapping Partners', most current version. (Ord. 92-99, adopted 11/8/99; Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

FLOOD-PRONE AREA: Any area inundated by the base flood.

FLOOD PROTECTION ELEVATION or FPE: The elevation of the base flood elevation plus 2 feet of freeboard.

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures or property which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODPROOFING CERTIFICATE: A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

FLOOD TABLE LAND: The land area immediately adjacent to flood-prone areas with greater than 100 acres of tributary drainage area, the elevation of which is greater than the base flood elevation by two (2) feet or less. (Ord. 92-99, adopted 11/8/99)

FLOODWAY (REGULATORY): See Regulatory Floodway.

FLOOR AREA or GROSS FLOOR AREA: The floor area, including the exterior building walls, of a building or structure, minus the following allowable deductions:

1. Parking area supplied within structure;

2. Storage or stock area accessory to the principal use of the structure;

3. Restrooms and mechanical equipment rooms; and

4. Kitchens and areas occupied by permitted specialized automatic mechanical or electrical equipment or apparatus.

FLOOR AREA OF A BUILDING FOR PURPOSES OF CALCULATING F.A.R.: The sum of the gross horizontal area of the several floors of a building measured from the exterior face of the exterior walls, without deduction for hallways, stairs, closets, thickness of walls, columns, interior balconies and mezzanines, atriums, or similar interior features. Such area shall exclude any cellar. Such area shall include parking decks, garages (attached or detached – either above, below, or partially below grade) and other below grade parking areas not open to the sky, attic areas, and any roofed structure (principal or accessory use). If an interior space has a ceiling height of 14'-0" or greater, the floor area of that space shall be counted twice for the purpose of F.A.R. calculation. If an interior space has a sloped ceiling, only that portion of the floor having a ceiling height of 14'-0" or greater shall be counted twice for the purpose of F.A.R. calculation and only that area having a ceiling height of less than 7'-0" shall not be counted for the purpose of F.A.R. calculation. (Ord. 3-05, J. 31, p. 007-009, passed 1/10/05)

FLOOR AREA RATIO (FAR): The floor area of a building divided by the area of the legal lot of record on which it is located. (Ord. 46-04, J. 30, p. 175-180, passed 6/28/04)

FOOT CANDLE (fc): The American unit used to measure the total amount of light cast on a surface (illuminance). One foot candle is equivalent to the illuminance produced by one candle at a distance of one foot. One foot candle is approximately equal to ten (10) Lux, the British unit used to measure illuminance. (Ord. 53-05, J. 31, p. 173-181, passed 8/22/05)

FOOTPRINT: The specific area depicted upon a Development Plan or a Building Site Plan which demonstrates the exact perimeter boundaries of structures.

FORESTED WETLAND: A wetland area with 30 percent greater areal coverage of trees. Trees refer to woody plants that are greater than 3 inches in diameter at breast height (DBH) and with a height of greater than 20 feet. (Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

FORT SHERIDAN: The property that has heretofore been designated as a federal military reservation, which is legally described in the Fort Sheridan Retrocession Law of 1992, 5 ILCS 541/20 5.

FORT SHERIDAN JOINT PLAN COMMISSION or JPC: A commission authorized pursuant to Section 11-12 13 of the Illinois Municipal Code, and the "HIGHWOOD/HIGHLAND PARK INTERGOVERNMENTAL PLANNING AGREEMENT OF 1996", with the jurisdiction and powers set forth in said Agreement.

FRAMEWORK PLAN: The long range general plan undertaken as part of a master planning process to provide the foundation and goals from which a master site plan is derived for any given tract zoned to the HC (Health Care) Zoning District, which includes a system for organized growth and future development expansion of a health care campus, articulating the broad goals and more specific objectives for the facilities on the health care campus and which correlates future development of the site with the Comprehensive Master Plan of the City.

FREEBOARD: An increment of height added to the base flood elevation to provide a factor of safety for uncertainties in calculations, unknown local conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

FREQUENCY: The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

FRONTAGE: All the real property adjacent to a street or alley on a given block.

FRONT LOT LINE: With respect to any lot other than a lot-in-depth, the lot line thereof coextensive with the right-of-way line of any adjacent and abutting street. The front lot line of a lot-in-depth shall be the lot line adjacent to and most perpendicular to the stem.

FRONT YARD: Upon any lot, other than a lot-in-depth, that yard adjacent to any front lot line and maintained, except as otherwise set forth in this Code and except for ingress and egress drives and sidewalks traversing the same in a fashion other than parallel to the

front lot line it abuts, as open space. Front yards are measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. See also "ESTABLISHED BUILDING SETBACKS" and "COMMERCIAL FRONT YARD".

FULL CUTOFF FIXTURE: A fixture that when installed projects all light below a horizontal plane through the fixture's lowest light emitting portion, as determined by photometric test or certified by the fixture's manufacturer; and no more than ten percent (10%) of the fixture luminous output may be above eighty degrees (80˚) relative to nadir. A fixture with a drop lens shall not be as a full cutoff fixture. (Ord. 53-05, J. 31, p. 173-181, passed 8/22/05)

FULLY SHIELDED FIXTURE: A fixture constructed in such a manner that the lamp is not visible and no light emitting portion of the fixture is visible when viewed from the property line. (Ord. 53-05, J. 31, p. 173-181, passed 8/22/05)

FUNCTIONAL ASSESSMENT: An assessment of a wetland's flood storage, water quality and other beneficial functions.

GARAGE: A building designed for sheltering motor vehicles, including:

1. Private Garage: Being a garage owned by a person for sheltering motor vehicles owned by such person; and

2. Public Garage: A garage used in the business of sheltering motor vehicles owned by persons other than the garage owner.

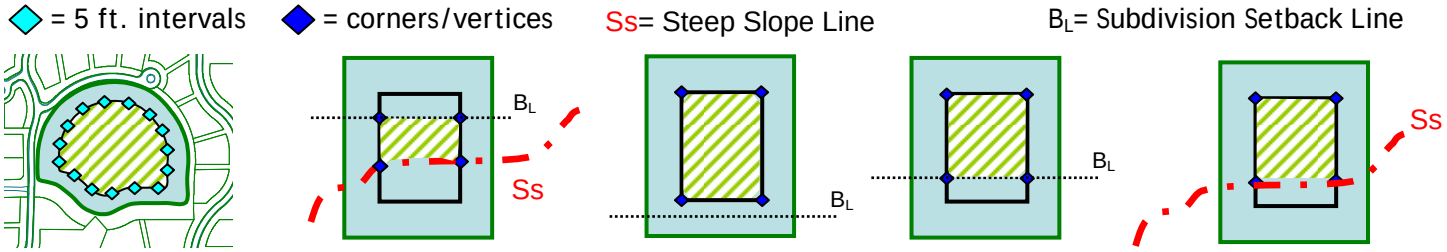
GASOLINE and/or DIESEL FUEL STATION: Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made: sales and servicing of spark plugs, batteries, and distribution of parts; tire service and repair, but not recapping or regrooving; replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like; vehicle radiator cleaning and flushing; hand vehicle washing and polishing and the sale of automotive washing and polishing materials; greasing and lubrication; and other minor motor vehicle repair of vehicles. Services at a gasoline and/or diesel fuel station do not include major motor vehicle repair.

GAZEBO: An accessory structure detached from any other building on the premises and unenclosed by solid walls, except that such structure may have a roof.

GENERATOR: An electromechanical machine that converts mechanical energy into electrical energy and generates electrical power either as an alternating current, an alternator, or as a direct current, a dynamo. (Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

GOLF COURSE: A public, semi-public or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto.

GRADE or GRADE LEVEL: The average elevation at the corners of the smallest polygon formed by the intersecting lines of: the minimum required front yard, rear yard, side yard, subdivision setback lines, and steep slope setback lines (excluding established front yard setback lines) on a legal lot of record; and, which polygon is entirely outside of a steep slope zone. If the required yards and subdivision setback lines do not intersect to form "corners" (e.g., as in a circular shaped lot), then grade shall be the average elevation measured in five-foot intervals along the smallest continuous boundary of buildable area formed by required yards, subdivision setback, and steep slope, excluding established front yard setback lines. Grade shall be established prior to any development, demolition, or issuance of a drainage and grading permit or tree removal permit.




(Ord. 03-05, J. 31, p. 007-009, passed 1/10/05)

GROSS LEASABLE AREA: Within a multiple-family residential structure wherein dwelling units are leased, that area comprising the total square footage of all of such dwelling units exclusive of common areas including but not limited to common rooms available for use by tenants and their guests.

GROUP CHILD CARE HOME: A residential building or portion thereof designed as a child care facility operated by an institution accredited by the State of Illinois, which institution and facility provide supervised maintenance or personal care in a quasi-family setting for not more than ten (10) children, ages six (6) to under twenty-two (22) years, not of common parentage, for part or all of the day and/or night. (**Ord. 44-10, J. 36, p.179-187, passed 5/10/10**)

GUEST PARKING: Designated and unrestricted off-street parking space(s) available for guests who visit dwelling units. (Ord. 30-09, J. 35, p. 088-095, passed 4/27/09)

~~HALFWAY HOUSE: A transitional residential setting which provides guidance, supervision, training, and other assistance to individuals, with the goal of eventually moving these persons to more independent living arrangements.~~ (**Ord. 44-10, J. 36, p.179-187, passed 5/10/10**)

HEALTH CARE CAMPUS: A site which is developed pursuant to a master site plan as a unified setting containing primarily health care and related uses and structures designed for the providing, study, and administration of human health and medical services, accommodating a synthesis of health care related uses, which may include but are not limited to:

1. Hospital and related uses, which may include alcoholic, psychiatric and narcotic treatment facilities; ambulatory surgical treatment facilities; emergency and trauma centers; hospices; medical clinics/surgical centers; medical diagnostic facilities, including magnetic resonance imaging equipment, miscellaneous medical facilities and services; and specialized hospital facilities;

2. Medical offices and related uses such as chiropractors' offices; dental laboratories; dental offices; medical laboratories; offices for the fitting and repair of hearing aids, prosthetic appliances and the like; optometrists' and ophthalmologists offices; and psychiatrists' and psychologists' offices;

3. Residential uses such as assisted living facilities; community residential alternative homes for the disabled/community living facilities; congregate housing; group child care homes; intermediate or long term care facilities; skilled nursing care facilities; nursing home care facilities; respite facilities; sheltered care facilities; single family dwellings; two (2) family dwellings; and multiple family dwellings; and (**Ord. 44-10, J. 36, p.179-187, passed 5/10/10**)

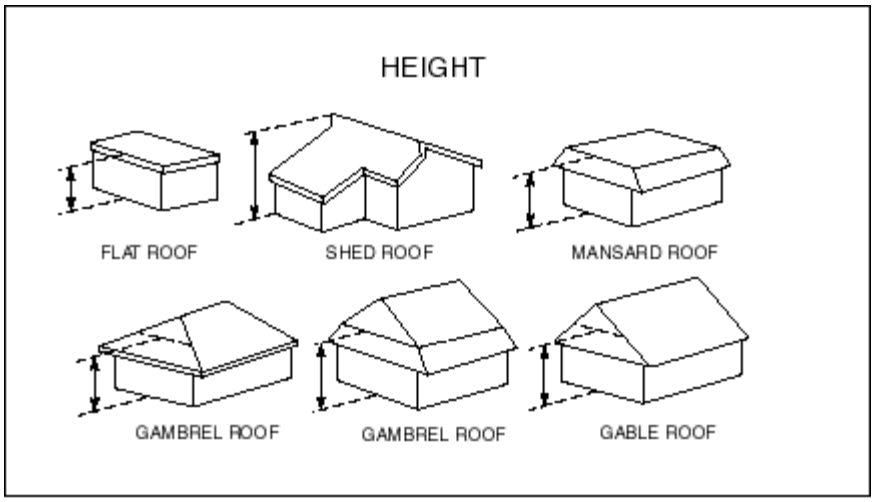
4. Accessory uses as set forth elsewhere in this Chapter, but specifically excluding heliports and parking decks unless authorized as a conditional use.

HEALTH CARE DISTRICT (HC): See "ZONING DISTRICTS".

HEALTH CLUB: A facility designed for the major purpose of physical fitness or weight reduction which includes, but is not limited to, such equipment as weight resistance machines, whirlpools, saunas, showers, and lockers and which may include racquet courts, and/or swimming pool. This shall not include a municipal or privately owned recreation building and/or adult entertainment cabaret.

HEALTH CLUB (MINOR): A Health Club, as herein defined, that is less than 3,000 square feet and contains no more than four showers for customer use. (Ord. 49-04, J. 30, p. 200-202, passed 7/12/04)

HEIGHT, MAXIMUM: For structures located in the R1-R7 zoning districts, inclusive, the vertical distance measured from grade to the highest point of a roof; in all other zoning districts height shall be measured as the vertical distance in feet of a building measured from grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the mean level between the eaves of the ridge of a gable, hip or gambrel roof, or to the



highest point of a shed roof; provided that antenna towers with a maximum height of sixty (60) feet and antenna tower structures (including mast and antenna) having an overall height of not more than seventy (70) feet; and aesthetic design features (including dormer windows), equipment penthouses, steeples, chimneys, etc., or other towers shall not be counted in measuring the height of buildings.

HELIPORT: "Heliport" shall include "Helipads" and "Helistops" and shall mean an area on land or upon a structure set aside and used for the landing and takeoff of rotary wing aircraft.

HID LAMP: High Intensity Discharge Lamp. Included groups are High Pressure Sodium, Mercury Vapor, and Metal Halide. (Ord. 53-05, J. 31, p. 173-181, passed 8/22/05)

HIGH DENSITY RESIDENTIAL DISTRICT (RM2): See "ZONING DISTRICTS".

HIGH DENSITY RESIDENTIAL/OFFICE DISTRICT (RO): See "ZONING DISTRICTS".

HIGHWAY COMMERCIAL DISTRICT (B3): See "ZONING DISTRICTS".

HIGH-QUALITY AQUATIC RESOURCES (HQAR): Waters of the United States or Isolated Waters of Lake County that are determined to be critical due to their uniqueness, scarcity, function and/or value as defined in the Lake County Watershed Development Ordinance. The following are descriptions of high-quality aquatic resources:

1. Advanced Identification (ADID) sites: Aquatic sites that have been identified by the U.S. Army Corps of Engineers, Chicago District and U.S. Environmental Protection Agency (U.S. Environmental Protection Agency, 1992, Advanced Identification (ADID) Study, Lake County, Illinois, Chicago, Illinois) or latest ADID study.

2. Bog: A low nutrient peatland, usually in a glacial depression, that is acidic in the surface stratum and often dominated at least in part by the genus Sphagnum.

3. Ephemeral Pool: A seasonally inundated depression, within a forested wetland or upland community, usually located on a moraine, glacial outwash plain, or in an area shallow to bedrock; also known locally as a “vernal pool.” These areas may not be permanently vegetated.

4. Fen: A peatland, herbaceous (including calcareous floating mats) or wooded, with calcareous groundwater flow.

5. High Quality Forested Wetland: A forested wetland dominated by native woody vegetation by at least one of the following species or genera: Carya spp., Cephalanthus occidentalis, Cornus alternifolia, Fraxinus nigra, Juglans cinerea, and Quercus spp. (Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

6. Sedge Meadow: A wetland dominated by at least one of the following genera: Carex, Calamagrostis, Cladium, Deschampsia, Rhynchospora, Scleria, or Eriophorum. (Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

7. Seep: A wetland, herbaceous or wooded, with saturated soil or inundation resulting from the diffuse flow of groundwater to the surface stratum.

8. Streams shown on the most recent USGS quadrangle map as a perennial (solid blue line) or intermittent (dashed blue line) that are not determined to be a Water of the U.S. If a site specific Index of Biological Integrity (IBI) assessment is lower than 35, this stream reach shall not be considered a HQAR.

9. Streamside March: An Isolated Waters or Lake County wetland that is within a 10-year riverine floodplain and dominated by herbaceous species.

10. Wet Prairie: A wetland dominated by native graminoid species with a diverse indigenous forb component that is seasonally saturated and/or temporarily inundated.

11. Wetland supporting Federal or Illinois endangered or threatened species: For current state-listed species, reference Illinois Endangered Species Protection Board's "Checklist of Endangered and Threatened Animals and Plants of Illinois" and/or contact the Illinois Department of Natural Resources. For Federally-listed species, reference the U.S. Fish and Wildlife Service's "Endangered and Threatened Wildlife and Plants" list (latest edition) and/or contact the U.S. Fish and Wildlife Service.

12. Wetlands with a Floristic Quality Index of 20 or greater or a mean C-value of 3.5 or greater: Reference Plants of the Chicago Region (F. Swink and G. Wilhelm, 4th edition, Indianapolis: Indiana Academy of Science, 1994).

13. Wetlands that are within a designated Illinois Natural Areas Inventory Site (INAI). (Ord. 12-02, J. 28, p. 28-43, 2/25/02)

HIGHWOOD/HIGHLAND PARK INTERGOVERNMENTAL PLANNING AGREEMENT OF 1996: The Intergovernmental Agreement dated the 27th day of September 1996 and adopted by the City of Highwood pursuant to Ordinance 96-0-24 and by the City of Highland Park pursuant to Ordinance No. 51-96, as same may be amended from time to time.

HISTORIC STRUCTURE: A "Historic Structure" is any structure that is:

a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on the State inventory of historic places by the Illinois Historic Preservation Agency; or

d. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency. (Ord. 92-99, adopted 11/8/99)

HOME OCCUPATION: An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the residential use of the dwelling for living purposes, which does not change the character thereof; and which is conducted in compliance with the applicable regulations of this Code.

HOSPICE: A facility in which care for terminally ill patients is provided.

HOSPITAL: Any institution, place, structure, or agency, public or private, whether organized for profit or not, licensed by the State of Illinois, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment and medical care of humans having illness, disease, injury, deformity, pregnancy, or abnormal human physical condition.

HOTEL or MOTEL: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a "boarding house" or "lodging house" as herein defined.

HOUSE TRAILERS: See "MOBILE HOMES".

HOUSING EXPENSES: (1) For rental housing – rent and utilities; (2) for home ownership – principal, interest, property taxes, condominium or homeowners' association fees, if applicable, and insurance. (Ord. 52-03, J. 29, p. 174-185, passed 8/25/03)

HYDRAULICALLY EQUIVALENT COMPENSATORY STORAGE: Compensatory storage placed between the proposed normal water elevation and the proposed 100-year flood elevation. All storage lost or displaced below the existing 10-year flood elevation is replaced below the proposed 10-year flood elevation. All storage lost or displaced above the existing 10-year flood elevation is replaced above the proposed 10-year flood elevation.

HYDRIC SOIL: A soil that is saturated, flooded, or ponded long enough during the growing season to develop an anaerobic conditions in the upper part.

HYDROLOGIC AND HYDRAULIC CALCULATIONS: Engineering analyses which determine expected flood flows and flood elevations based on land characteristics and rainfall events.

HYDROLOGICALLY DISTURBED: An area where the land surface has been cleared, grubbed, compacted, or otherwise modified to alter stormwater runoff, volumes, rates, flow direction or inundation direction. (Ord. 92-99, adopted 11/8/99)

HYDROPHYTIC VEGETATION: Plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

IDNR/OWR: Illinois Department of Water Resources, Office of Water Resources, previously known as IDOT/DWR. (Ord. 92-99, adopted 11/8/99)

I.E.S.: Illuminating Engineering Society of North America. (Ord. 53-05, J. 31, p. 173-181, passed 8/22/05)

ILLICIT DISCHARGE: Any discharge or dumping of material into the stormwater management system or a floodprone area that is not composed entirely of storm water, except for discharges allowed under NPDES Permit No. ILR40 Part I.B.2. (Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

ILLINOIS URBAN MANUAL: The Natural Resources Conservation Service Illinois Urban Manual, a technical manual designed for urban ecosystem protection and enhancement. This manual contains design guidance for a development site to meet the Watershed Development Ordinance performance standards for soil erosion and sediment control. (Ord. 92-99, adopted 11/8/99)

IMPACT VIBRATION: Vibrations occurring in discrete pulses separated by an interval of at least one (1) minute and numbering no more than eight (8) per twenty-four (24) hour period.

IMPERVIOUS SURFACE: Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreation areas. (Ord. 92-99, adopted 11/8/99)

IMPERVIOUS SURFACE RATIO: That part of the surface of any lot occupied by buildings, structures, and/or other impervious surfaces, including but not limited to sidewalks, driveways, accessory buildings or other structures, divided by the area of the lot. (Ord. 80-99, adopted 9/27/99)

INDUSTRIAL: See "MANUFACTURING".

INDUSTRIAL DISTRICT: See "LIGHT INDUSTRIAL DISTRICT".

IN-KIND REPLACEMENT (CULVERT): An in-kind culvert replacement has an equivalent cross-sectional area, shape, roughness coefficient, and inlet and outlet elevations; or the replacement may be shown to have an equivalent hydraulic capacity using appropriate engineering calculations.

INSPECT: To visit, or to review plans, or to oversee a site visit or plan review per generally accepted engineering practice.

INTERESTED PARTY: See "PARTY OF RECORD or INTERESTED PARTY".

INTERMEDIATE or LONG-TERM CARE FACILITY: A facility which is equipped to provide medical care and programs to meet the needs of persons who are disabled, infirm, or of advanced age, in a residential setting, for as long as necessary.

ISOLATED WATERS OF LAKE COUNTY: All waters such as lakes, ponds, streams (including intermittent streams), farmed wetlands, and wetlands that are not under U.S. Army Corps of Engineers jurisdiction. The limits of the Isolated Waters of Lake County

extend to the ordinary high water mark of the delineated wetland boundary. (Ord. 12-02, J. 28, p. 28-43, 2/25/02; Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

A. The following are excluded from Isolated Waters of Lake County:

1. Excavations and impoundments that have received a permit from the appropriate jurisdictional authority;

2. Excavations and impoundments permitted by right, prior to being a regulated activity, within 40% or more non-hydric soils. Areas designated as 'water' as depicted on the Soil Survey of Lake County, SCS, 1970 are determined as either hydric or non-hydric soils by connecting adjoining soil boundaries to create complete polygons of the depicted soil type; and

3. Roadside ditches. (Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

B. The following shall not be considered as meeting the exclusion criteria in A. above:

1. All areas meeting the definition of High Quality Aquatic Resources;

2. Wetland mitigation areas created to meet the requirements of Article XVIII of this Chapter or of Section 404 of the Clean Water Act; and

3. Wetland areas created or restored using public funds. (Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

KENNEL: Any lot or premises or portion thereof on which more than four (4) dogs over four (4) months of age are kept, or where more than four (4) cats or other domestic animals are kept, or where any dog or other domestic animals are boarded for compensation or kept for sale.

LABORATORY: A place devoted to experimental study such as testing and analysis. Manufacturing, assembly or packaging of products is not included within this definition.

LAKE: A natural or artificial body of water encompassing an area of two (2) or more acres which retains water throughout the year.

LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE: The Watershed Development Ordinance of Lake County, originally effective on October 18, 1992, as amended from time to time. (Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

LAUNDRY or DRY-CLEANING FACILITY: A business equipped with machines for the washing, drying, and dry-cleaning of clothes.

LEGAL DESCRIPTION: The description of real property established by law and created in specific cases from real property surveys drawn by licensed land surveyors.

LEGAL LOT OF RECORD. A lot or tract of land that meets each of the following requirements:

1. The lot or tract of land is either (a) part of a subdivision, the plat of which has been recorded in the Office of the Lake County Recorder of Deeds, or (b) a parcel of land separately described in a recorded deed; and

2. The lot or tract of land was created by either (a) a plat of subdivision, or (b) a deed recorded prior to May 8, 1960; and

3. The lot or tract of land, at the time it was created, complied with all applicable ordinances and regulations; and

4. The lot or tract of land was not created by the sale or transfer of property that resulted in either (a) the creation of a lot or tract of land that did not comply with the lot area, depth, and width regulations applicable at the time of such sale or transfer; or (b) the increase in the degree of nonconformity of any existing nonconforming lot or tract of land; and

5. If the lot or tract of land does not comply with the requirements for lot area, then it must have remained in separate and individual ownership from adjoining lots or tracts of land continuously at all times since May 8, 1960. For purposes of this requirement, a lot or tract of land shall be deemed to have been owned separately and individually from adjoining lots and tracts of land since May 8, 1960, so long as the owner of such lot or tract of land did not, directly or indirectly, have legal title to or enjoy beneficial interest in the lots or tracts of land contiguous to such lot or tract of land at any time after that date. (Added by Ord. 35-2000, adopted 5/8/00)

LEGAL NON-CONFORMING: A use or structure which does not comply in some respect with the currently effective regulations in this Chapter but which was lawfully established and did so comply in all respects when established and with respect to which the amortization period has not expired or for which there is no amortization period. See also "NON-CONFORMING STRUCTURE".

LETTER OF MAP AMENDMENT or LOMA: The official determination by FEMA that a specific structure is not in a Special Flood Hazard Area; amends the effective Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM).

LETTER OF MAP REVISION or LOMR: The letter issued by FEMA or IDNR/OWR that revises base flood elevations, flood insurance rate zones, flood boundaries or Regulatory Floodways as shown on an effective FHBM or FIRM. (Ord. 92-99, adopted 11/8/99)

LICENSED INTERMEDIATE CARE FACILITY: An institution which (1) is licensed under Illinois State law to provide, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a Hospital or Skilled Nursing Facility is designed to provide, but who because of their mental or physical condition require care and services (above the level of room and board) which can be made available to them only through institutional facilities, (2) meets such standards prescribed by the Secretary of the United States Department of Health & Human Services as he finds

appropriate for the proper provision of such care, (3) meets such standards of safety and sanitation as are established under regulation of the Secretary in addition to those applicable to nursing homes under Illinois State law, and (4) meets the requirement of Section 1395x(j) (14) of TITLE 42 OF the United States Code with respect to protection of patients' personal funds.

LIGHT INDUSTRIAL DISTRICT (I): See "ZONING DISTRICTS"

LOADING AND UNLOADING SPACE OR BERTH, OFF-STREET: An open, paved area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor vehicles, trucks, tractors and trailers.

LODGING HOUSE: A building or place other than a hotel, motel or boarding house where lodging (but not meals) is provided for compensation by prearrangement for a definite period to five (5) or more, but not exceeding twelve (12), individuals.

LOT-IN-DEPTH: A lot of record, most of which is adjacent to and located behind another lot of record and which derives its only access to a public street by a stem. See Illustration.

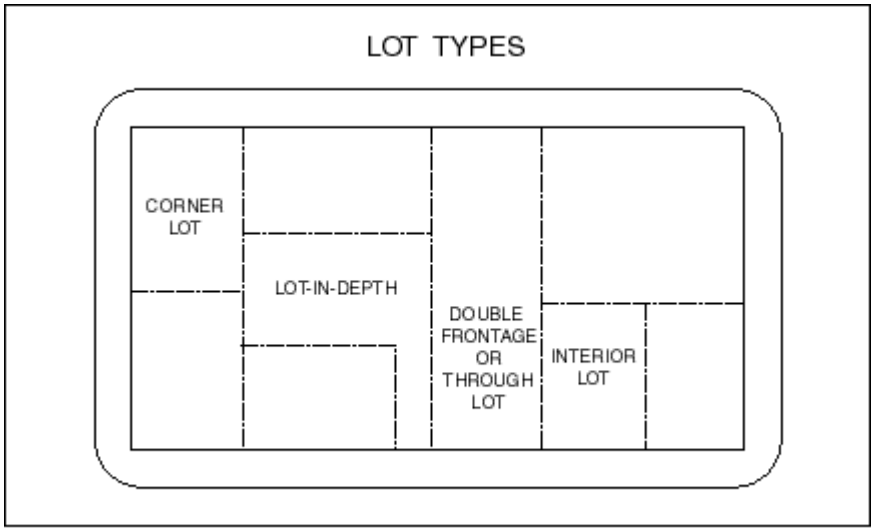
LOT-IN-DEPTH YARD: Any yard required and within a lot-in-depth and located adjacent to abutting lot lines.

LOT FOR PURPOSE OF PLANNED UNIT DEVELOPMENT: A portion of platted land measured, set apart and subdivided as a distinct parcel, to be used in accordance with this Chapter, with such required open space and with its principal frontage upon a street or public place and created and delineated upon a plat of subdivision or resubdivision approved by the City Council and so recorded by the Recorder of Deeds of Lake County, Illinois.

LOT AREA: The total land and water area of a lot, excluding any streets. (Ord. 73-06, J. 32, p. 345-348, passed 11/13/06)

LOT AREA PER DWELLING UNIT: That portion of a lot allocated for each dwelling unit located on such lot.

LOT, CORNER: A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty five (135) degrees or less. On a corner lot all lot lines adjacent to a street shall be deemed front lot lines.




LOT COVERAGE: The area of a lot that is covered by principal and/or accessory buildings. (Ord. 80-99, adopted 9/27/99)

LOT DEPTH: The average distance between the front lot line and the rear lot line. In the case of a corner lot, the lot depth is the greater of the two distances between the front lot lines and the respective lot line opposite each. For a lot-in-depth, lot depth shall be the average distance between the front lot line and the lot line opposite and most parallel to the front lot line.

LOT, DOUBLE FRONTAGE (THROUGH LOT): A lot having frontage on two (2) parallel or approximately parallel streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: A line on the perimeter of any lot. See "FRONT LOT LINE", "REAR LOT LINE" or SIDE LOT LINE".

LOT, THROUGH: See "LOT, DOUBLE FRONTAGE (THROUGH LOT)".

LOT WIDTH: Measured parallel to the street adjacent to the front lot line, the distance between the side lot lines most perpendicular to the front lot line measured at the mid-point of the lot depth. When a lot has more than one front lot line, the required lot width shall be measured parallel to the shortest front lot line. (Ord. 73-06, J. 32, p. 345-348, passed 11/13/06)

LOW DENSITY RESIDENTIAL DISTRICT (R3): See “ZONING DISTRICTS.”

LOW IMPACT DEVELOPMENT: Techniques that aim to mimic natural hydrology and processes by using small scale, decentralized practices that infiltrate, evaporate and transpire rainwater in order to help maintain, to the greatest extent possible, a natural

landscape. Such techniques include, without limitation: low-impact roadways, permeable pavement, bio-retention, rain gardens, and vegetated swales. (Ord. 80-07, J. 33, p. 660-693, passed 11/13/07)

LOW INCOME HOUSEHOLDS: Households that have incomes that do not exceed 80 percent of the area median income. (Ord. 52-03, J. 29, p. 174-185, passed 8/25/03)

LOW OPENING ELEVATION: The elevation at which water could enter a structure through any non-watertight opening such as a doorway threshold, a window sill, or a basement window well.

LOWEST ADJACENT GRADE: The lowest finished grade adjacent to a structure, not including the bottom of window wells. (Ord. 92-99, adopted 11/8/99)

LOWEST FLOOR: Lowest floor of the lowest enclosed area, including basement.

LOW-TO-MODERATE DENSITY RESIDENTIAL DISTRICT (R4): See "ZONING DISTRICTS".

LUMEN: The unit used to quantify the amount of light energy produced by a lamp. The lumen output of most lamps is provided on the packaging. (Ord. 53-05, J. 31, p. 173-181, passed 8/22/05)

MANUFACTURING: The production, making, molding or processing of products or materials or commodities from raw and unfinished materials or from finished materials or products for general consumption of the public or for sale to specialized institutions or organizations.

MARKET RATE UNITS: Residential dwelling units that are not required to be affordable housing units under the requirements of this Code. (Ord. 52-03, J. 29, p. 174-185, passed 8/25/03)

MARQUEE: A permanent shelter which projects from the wall of a building without ground support and which may be of a roof-like nature.

MASSAGE THERAPIST. Any person certified by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) to engage in the practice of massage therapy. (Added by Ord. 80-98, passed 12/14/98)

MASSAGE THERAPY: Any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, bathing, touching, binding, painting, irritating, or stimulation of external soft parts of the body with hands or with the aid of any manual, mechanical, or electrical apparatus or appliance, with our without such supplementary aids as rubbing alcohol, liniments, antiseptic oils, power, creams, lotions, soaps, ointments, or other similar preparations commonly used in this practice, performed by a massage therapist. (Added by Ord. 80-98, passed 12/14/98)

MASSAGE THERAPY CLINIC: Any establishment having its place of business where any person engages in or carries on, or permits to be engaged in or carried on, massage therapy.

(Added by Ord. 80-98, passed 12/14/98)

MASTER PLAN: The Official Highland Park Comprehensive Master Plan of 1976, as amended.

MASTER SITE PLAN: A document which is derived from a specific framework plan and reviewed in conjunction with any petition to rezone land to the HC (Health Care) Zoning District and approved by the Plan Commission and City Council subsequent to a public hearing, which describes the future development or redevelopment of a site, using graphics to depict land use as well as text that is explanatory thereof and the locations of building envelopes on the site.

MAXIMUM UNIFORMITY RATIO: A measurement of the maximum light level in relation to the lowest light level within a given area. (Ord. 53-05, J. 31, p. 173-181, passed 8/22/05)

MEDICAL LABORATORY: A facility which meets State of Illinois health and safety standards and is equipped and used for the observation, analysis, evaluation and documentation of conditions of organisms, cells, tissues, organs, specimens, diseases, etc.

MEDICAL OFFICE: A facility used for offices of one or more physicians, dentists, clinical psychologists, nurse-practitioners, and similar medical or chiropractic professionals, for the examination and treatment of patients, in which one or more medical professionals may be associated together or practicing independently of each other. Medical offices may include apothecaries, dental and medical laboratories, naprapathy, X-ray and/or other facilities, but do not include inpatient facilities devoted primarily to major surgical procedures or accommodations for the overnight stay of patients.

MEDIUM DENSITY RESIDENTIAL DISTRICT (R6): See "ZONING DISTRICTS"

MEDIUM TO HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT (RM1A): See “ZONING DISTRICTS” (Ord. 57-02, J. 28, p. 410-473, passed 9/9/02**)**

MEDIUM-TO-HIGH DENSITY RESIDENTIAL DISTRICT (RM1): See "ZONING DISTRICTS"

MEZZANINE: A low ceilinged area between two (2) main stories of a structure, containing no more than one-third (1/3) of the floor area of either the floor directly above or below.

MINIMUM LANDSCAPED OPEN SPACE: The percentage of lot area which must be maintained in grass or other living vegetation.

MINI-WAREHOUSE or SELF-STORAGE FACILITY: Any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such for the purpose of storing and removing personal property. A mini-warehouse and/or self-service storage facility is not a warehouse for the purpose of Article 7 of the Uniform Commercial Code.

MITIGATION: Measures taken to eliminate or minimize damage from development activities, such as construction in wetlands or Regulatory Floodplain filling, by replacement of the resource.

MOBILE HOME: A movable or portable unit which is eight body feet or more in width and 32 body feet or more in length, which is constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations, and designed to be used without a permanent foundation and connected to utilities for year-round occupancy with or without a permanent foundation. The term includes any trailer, as defined herein, used for residential purposes, but not including sports or camping trailers. The term also references manufactured homes constructed after June 30, 1976, in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 *et seq.* *(*Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

MODERATE DENSITY RESIDENTIAL DISTRICT (R5): See "ZONING DISTRICTS"

MODERATE INCOME HOUSEHOLDS: Households that have incomes that do not exceed 120 percent of the area median income, or such higher income limit as may be established for a local, county, state, or federal housing program. (Ord. 52-03, J. 29, p. 174-185, passed 8/25/03)

MOTION PICTURE: A sequence of photographs or drawings on photographic film or video tape projected on a screen in such rapid succession so that an optical illusion (because of the persistence of vision) of moving persons and objects is created.

MOTOR VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power and devices used exclusively upon stationary rails or tracks, and snowmobiles as defined in the Illinois Vehicle Code. For the purposes of this Chapter, unless otherwise prescribed, a device shall be considered to be a vehicle until such time as it either comes within the definition of a "junk vehicle" under the Illinois Vehicle Code, or a junking certificate is issued for it. For the purposes of the Illinois Vehicle Code and this Code, vehicles are classified into two divisions:

1. First Division: Those motor vehicles which are designed for the carrying of not more than ten (10) persons; and

2. Second Division: Those vehicles which are designed for carrying more than ten (10) persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses.

MOTOR VEHICLE LAUNDRY: A use auxiliary to gasoline and diesel fuel stations, housed in a structure and capable of being utilized for the washing of motor vehicles whether by hand or by automation, where no motor vehicle conveyor or drive-through facility is

incorporated into the process and where no more than two (2) vehicles are able to be washed on the premises at any given time.

MOTOR VEHICLE AND TRAILER SALES AREA: An open area, other than a street, used for the display or sale of new or used motor vehicles or trailers other than mobile homes and house trailers, and where no repair work is done except for minor motor vehicle repair and repair of trailers to be displayed and sold on the premises.

MOTOR VEHICLE REPAIR, MAJOR: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair, and painting of vehicles.

MOTOR VEHICLE REPAIR, MINOR: Incidental repair and/or replacement of parts and motor service to motor vehicles, including motor vehicle detailing but not including any operation specified under "MOTOR VEHICLE REPAIR, MAJOR".

MOTOR VEHICLE STACKING SPACE: The space required for the number of motor vehicles that must be accommodated in an on-site holding or reservoir space of a business or service facility while the operators of such motor vehicles await ingress to the specified business or service provided by such facility.

MOTOR VEHICLE WASHING FACILITY/AUTOMOBILE WASHING FACILITY: A use housed in a building, other than a Motor Vehicle Laundry, comprising the washing of automobiles and/or other motor vehicles, which may utilize such mechanical devices as a vehicle conveyor, hot air blowers, steam cleaners, and wax applicators -- all located upon a single lot of record.

MULTIPLE FAMILY RESIDENTIAL DISTRICT: The RM1, RM1A RM2, and RO Districts. (Ord. 32-02, J. 28, p. 227-264, passed 5/13/02; Ord. 57-02, J. 28, p. 410-473, passed 9/9/02)

MULTIPLE-FAMILY RESIDENTIAL STRUCTURE: A building or portion thereof, designed or altered for occupancy by more than one (1) family, each family living independently of the other in separate dwelling units.

NATURAL DRAINAGEWAY: A channel formed by the existing surface topography of the earth prior to changes made by the intervention of man.

NATURAL LANDSCAPE: Landscape designed to evoke the character of nature with plants arranged similarly to their arrangement in nature. (Added by Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)

NATURAL VEGETATION: Plant materials which are indigenous to the area and exist on a site prior to any construction or earth moving activity.

NEIGHBORHOOD COMMERCIAL DISTRICT: See "ZONING DISTRICTS".

NATURAL: When used in reference to streams and channels means those streams and channels formed by the existing surface topography of the earth prior to changes made by

man. A modified stream or channel which has regained natural characteristics over time as it meanders and reestablishes vegetation may be considered natural.

NGVD: National Geodetic Vertical Datum of 1929.

NON-CONFORMING SIGN: A Sign governed by the provisions of this Chapter that, after September 12, 2005, the date of adoption of the comprehensive amendment of Chapter 150 of this Code, is in violation of any of the laws of the City governing the erection, construction, or maintenance of Signs. (Ord. 32-02, J. 28, p. 227-264, passed 5/13/02, Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

NON-CONFORMING STRUCTURE: Any building or structure which existed lawfully at the time of the adoption of the "Highland Park Zoning Ordinance of 1978", or any subsequent amendment thereto:

a. All or substantially all of which is designed or intended for a use not permitted in the zoning district in which it is located; or

b. Which does not comply with the area, bulk, density, yard, or setback requirements for the zoning district in which it is located.

NON-CONFORMING USE: Any use of land or structures which existed lawfully at the time of the adoption of the Highland Park Zoning Ordinance of 1978, or amendment thereto, which does not comply with the use regulations of the district in which it is located.

NON-CONFORMITY, DATE OF: The date at which a use or structure, which complied with the applicable zoning regulations at the time of its initiation, was subsequently made non-conforming by the passage of a new zoning ordinance or an amendment to an existing zoning ordinance.

NON-PERMIT SIGN: A Sign that does not require a permit or fee pursuant to this Chapter. (Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

NON-RIVERINE REGULATORY FLOODPLAIN: Regulatory floodplains not associated with streams, creeks or rivers, such as isolated depressional storage areas or lakes.

NON-SHIELDED FIXTURE: A fixture constructed in such a manner that either the lamp or more than 50% of the light emitting portion of the fixture is visible when viewed from the property line. (Ord. 53-05, J. 31, p. 173-181, passed 8/22/05)

NOXIOUS MATTER: Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effect upon the psychological, social, or economic wellbeing of human beings.

~~NURSERY, DAY: An establishment for the part-time care of five (5) or more children of pre-elementary school age in addition to the members of the family residing therein.~~ (**Ord. 44-10, J. 36, p.179-187, passed 5/10/10**)

NURSING HOME CARE FACILITY: An institution, including main and auxiliary buildings thereof, whether operated for profit or not, which provides, through its ownership or management, personal care or nursing for three (3) or more persons, not related to the applicant or owner by blood or marriage and includes any "Skilled Nursing Facility", any "Intermediate Care Facility" and any "Sheltered Care Facility" (any of which may provide for on-site room and board for staff of said facility) but does not include the following: (1) an institution, or other place operated by the federal government or agency thereof, or by the State of Illinois; (2) a hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefor; (3) any "Child Care Facility"; (4) any "Community Living Facility"; and/or (5) any "Community Residential Alternative." (**Ord. 44-10, J. 36, p.179-187, passed 5/10/10**)

OCCUPANCY CERTIFICATE: A certificate issued by the Zoning Administrator stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Code.

OCCUPIED: Used, inhabited or kept for use.

ODOR THRESHOLD: The concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of normal persons.

OFF-STREET PARKING: Paved parking spaces located in an area other than a street or public right-of-way and limited in use to vehicles not exceeding a net weight of three (3) tons and parked for continuous periods of less than forty-eight (48) hours.

OFF-STREET PARKING SPACE: An off-street parking area meeting the requirements of this Chapter for the temporary parking of a single vehicle.

ON-STREAM DETENTION: Any detention facility that has off-site tributary drainage area. (Ord. 92-99, adopted 11/8/99)

OPEN SPACE: Any real estate which is open to the sky and unobstructed except for natural features.

OPEN SPACE, COMMON: Part of a parcel which is open and unobstructed, including natural features and permitted accessory uses and structures, and which is accessible and usable by all persons who occupy a principal use on that parcel.

OPEN SPACE, PUBLIC: Any publicly-owned open space including but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways, trails, paths, streets and alleys.

OPEN SPACE, USABLE: Open space which has slopes of less than ten (10) percent, has all dimensions a minimum of twenty (20) feet, is located not less than twenty (20) feet from any residential wall containing a window, and is easily accessible by all residents occupying the same parcel or related parcels.

OPEN STORAGE YARD: An area of real estate whereon goods, materials, and other chattels are stored in the open as opposed to being stored in buildings or structures.

OPEN WATERS: Permanently inundated Isolated Waters of Lake County that are greater than three feet in depth below the normal water level or normal pool elevation. (Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

ORDER: See "FINAL ORDER".

ORDINARY HIGH WATER MARK: The point on the bank or shore at which the presence and movement of surface waters are continuous so as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other such recognized characteristics. (Ord. 92-99, adopted 11/8/99)

ORNAMENTAL TREE: A Tree that is Deciduous Tree, typically smaller at maturity than a Shade Tree, planted primarily for its beauty of its foliage or flowers, or for screening purposes. (Added by Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)

OUTDOOR RECREATION FACILITY: Includes all outdoor recreation uses listed in the Zoning Code except those located on a lot with or directly associated with a residential use. (Ord. 53-05, J. 31, p. 173-181, passed 8/22/05)

OUTPATIENT TREATMENT CENTER: A facility which provides medical treatment including surgery for patients who do not require overnight hospitalization.

OVERLAND FLOW PATH: An area of land which conveys stormwater for all events up to and including the base flood event. The overland flow path can be estimated using readily available topographic information and shall take into account all on-site and off-site tributary areas in accordance with Article XVIII of this Chapter. (Ord. 92-99, adopted 11/8/99)

OVERLAY ZONE: A mapped area within one or more zoning districts established by this Chapter which allows certain uses or imposes certain regulations different from those set forth for the underlying zoning district(s).

OWNER: The holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten (10) years, and the like. Whenever a statement of ownership is required by this Code, full disclosure of all legal and equitable interests in the property is required.

OWNERSHIP PARCEL: Any legally described parcel of land. This includes contiguous lots or parcels of land owned by the same property owner.

PARCEL: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established.

PARCEL IDENTIFICATION NUMBER (PIN): Permanent index number used to identify properties for tax assessment. (Ord. 92-99, adopted 11/8/99)

PARKING DECK: Any structure containing automobile parking spaces, any portion of which is above grade, which structure is neither totally enveloped by nor directly below another structure.

PARTIALLY SHIELDED FIXTURE: A fixture constructed in such a manner that the lamp is not visible and no more than 50% of the fixture's light reflecting or transmitting portion(s) is visible when viewed from the property line. (Ord. 53-05, J. 31, p. 173-181, passed 8/22/05)

PARTICULATE MATTER: Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.

PARTY OF RECORD or INTERESTED PARTY: Any person who either: (1) files an appearance or testifies during any public hearing held before the Plan Commission or the Zoning Board of Appeals; or (2) owns the real property that is the subject of such hearing. (Ord. 2-09, J. 35, p. 004-006, passed 1/23/09)

PATIO: A surfaced area other than a deck which is used for sitting or passive recreation.

PEDWAY: An enclosed or open pedestrian/wheelchair passageway connecting adjoining structures, but which for the purposes of this Chapter shall not be deemed to combine two or more structures into one structure.

PERFORMANCE STANDARD: A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

PERMITTED USE: Any use, other than a special use or conditional use as set forth in the "Table of Allowable Uses" in this Chapter.

PERSON: Any individual, copartnership, firm, association, joint stock company, corporation, or any combination of individuals of whatever form or character.

PERSONAL SERVICE ESTABLISHMENT: A business which provides personal services directly to customers at the site of the business, or which receives goods from or returns goods to the customer which have been treated or processed at another location. This includes, but is not limited to, travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmeticians, toning or tanning salons, banks, currency exchanges, postal substations, package delivery and pick-up stations, shoe repair shops, interior design studios, dance and martial arts studios, and domestic pet services.

PERSONAL WIRELESS SERVICE and PERSONAL WIRELESS TELECOMMUNICATIONS FACILITY: As used in this Chapter, "Personal Wireless Service" and "Personal Wireless Telecommunications Facility" have the same definition as that contained in Title 47, United States Code, Section 332(c)(7)(C) and may include commercial wireless telecommunication services. (Ord. 11-98, passed 1/26/98)

PETITIONER: See "APPLICANT or PETITIONER".

PHARMACY: The place of business of a State of Illinois licensed pharmacist which offers pharmaceutical services, including offering for sale or selling at retail, drugs, medicines or poisons, whether pursuant to prescriptions or orders of duly licensed physicians, dentists, veterinarians, or other persons authorized to prescribe drugs within the limits of their licenses.

PLAN COMMISSION: The Plan Commission of the City of Highland Park, except with respect to matters involving Fort Sheridan. In matters involving Fort Sheridan, references in this Chapter to the "Plan Commission" shall be deemed to be references to the Joint Plan Commission.

PLANNED DEVELOPMENT or PLANNED UNIT DEVELOPMENT: An area or tract of land under common ownership or control to be developed in accord with the procedures established in this Chapter as a single entity for a number of structures; the plan for which does not necessarily correspond in lot size, bulk, type of use, lot coverage, or required open space to the regulations established in the zoning district in which such land is located. (Ord. 80-07, J. 33, p. 660-693, passed 11/13/07)

POND: A natural or artificial body of water of less than two (2) acres which retains water year round.

PORCH: A roofed-over structure, projecting out from the wall or walls of a main structure and commonly open to the weather in part.

PRINCIPAL FRONTAGE: That boundary of a lot adjacent to a street. In the case of a lot-in-depth "principal frontage" shall be the boundary of the stem parallel to and abutting a street.

PRINCIPAL STRUCTURE OR USE: The main or primary structure or use on a parcel of land as distinguished from a secondary or accessory use. The uses allowed in various districts in Article IV of this Chapter are principal uses.

PROTECTED TREE: Any Tree having a diameter of eight inches (8") DBH or larger or having an Aggregate Diameter of fifteen inches (15") DBH or larger. (Deleted by Ord. 11-2000, passed 2/28/00; Ord. 38-01, J. 27, p. 146-167, passed 6/25/01)

PUBLIC BODIES OF WATER: All open public rivers, streams, and lakes specifically designated as such by IDNR/OWR in Appendix F of Article XVIII of this Chapter that are capable of being navigated by water craft, in whole or in part, for commercial uses and purposes, or which in their natural condition were capable of being improved and made navigable, or that are connected with or discharged their waters into navigable lakes or rivers within, or upon, the borders of the State of Illinois, together with all bayous, sloughs, backwaters, and lakes that are open to the main channel or body of water and directly accessible thereto. (Ord. 92-99, adopted 11/8/99)

PUBLIC FLOOD CONTROL PROJECT: A flood control project within a deed or plat restricted area which will be operated and maintained by a public agency to reduce flood damages to existing buildings or structures. A land stewardship not-for-profit corporation,

or similar entity, may also own, operate or maintain a public flood control project. In this circumstance, there shall also be an executed agreement with a public agency to take over ownership, operation or maintenance if the corporation dissolves or fails to meet the operation and maintenance requirements for the project area. The project shall include a hydrologic and hydraulic study of the existing and proposed conditions of the watershed area affected by the project. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies. (Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

PUBLIC HEARING: A meeting conducted pursuant to the provisions of the Illinois Open Meetings Act at which petitioners and members of the general public may give testimony, evidence or opinions relevant to the subject matter of such hearing.

PUBLIC MEETING: A meeting conducted pursuant to the provisions of the Illinois Open Meetings Act.

PUBLIC ROAD DEVELOPMENT: Any development activity which takes place in a public right-of-way or part thereof that is administered and funded, in whole or in part, by a public agency under its respective roadway jurisdiction. Rehabilitative maintenance and in-kind replacement are considered to be a public road development if located in a Regulatory Floodplain. A public road development located within a Regulatory Floodway and which has been approved by the IDOT, Division of Highways (IDOT/DOH), Bureau of Local Roads and Streets, is exempt from the hydraulic analysis requirements of Article XVIII of this Chapter. Individual recreational trail systems being constructed that are not part of another development project and railroad development projects shall be considered public road developments with respect to the requirements of this Chapter. (Ord. 68-2000, adopted 10/23/00)

PUBLIC SAFETY EMERGENCY FACILITIES: Any City owned, operated, or approved ground-level or pole-mounted equipment that is specifically provided for the purpose of notifying the general public or an emergency event or condition. (Ord. 63-05, J. 31, p. 258-260, passed 10/24/05)

PUBLIC UTILITY: Any person duly authorized to furnish to the public electricity, natural gas, steam, telephone, transportation, sewer and/or water services.

RAILROAD RIGHT-OF-WAY: A strip of land with tracks and auxiliary facilities for track operation and a passenger station, but not including depot loading platforms, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.

RAVINE: A deep gully or gorge worn by the flow of water to Lake Michigan and designated by the City's Ravine Topography Map, dated October 19, 2005, as may be amended. (Ord. 26-08, J. 34, p. 056-068, passed 4/14/08)

RAVINIA COMMERCIAL DISTRICT (B2): See "ZONING DISTRICTS".

REAR LOT LINE: The lot line of any lot opposite a front lot line thereof.

REAR YARD: Upon any lot other than a lot-in-depth, the yard adjacent to the rear lot line and maintained, except for ingress and egress drives and sidewalks traversing the same in a fashion other than parallel to the rear lot line it abuts, as open space except as otherwise provided by this Code. Rear yards are measured by a line at right angles to the rear lot line, or by the radial line in the case of a curved rear lot line. However, with respect to a corner lot, the rear yard shall be that yard, if any, which does not abut the side yard of an adjacent interior lot. Any yard so abutting the side yard of an adjacent interior lot shall be a side yard.

RECONSTRUCTION: The act of rebuilding a structure.

RECORD DRAWINGS: Construction drawings revised to show significant changes made during the construction process, usually based on marked-up prints, drawings and other data furnished by the contractor to the Enforcement Officer. (Ord. 92-99, adopted 11/8/99)

RECOVERY SERVICES: A transitional program and/or service which provides guidance, supervision, training, and other assistance to individuals of any age. The programs and services provided may or may not include treatment for alcoholism or substance abuse, but shall not be considered a Group Child Care Home, Community Residential Alternative, Community Living Facility, Nursing Home Care Facility, or State of Illinois Residential Extended Care Facility. (**Ord. 44-10, J. 36, p.179-187, passed 5/10/10**)

RECREATION VEHICLE: See "TRAILER, SPORTS or CAMPING". (Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

REGISTERED PROFESSIONAL ENGINEER: An engineer in the State of Illinois, under the Professional Engineer Practice Act of 1989, 225 ILCS 325/1-49. (Ord. 92-99, adopted 11/8/99)

REGISTERED PROFESSIONAL LAND SURVEYOR: A land surveyor in the State of Illinois, registered and/or licensed under the Professional Land Surveyor Act of 1989, 225 ILCS 330/1-49. (Ord. 92-99, adopted 11/8/99)

REGISTERED STRUCTURAL ENGINEER: A structural engineer in the State of Illinois, registered and/or licensed under the Structural Engineer Licensing Act of 1989, 225 340/1 et seq. (Ord. 92-99, adopted 11/8/99)

REGULATORY FLOODPLAIN: Regulatory Floodplains may be either riverine or non-riverine depressional areas. Floodplain boundaries shall be delineated by projecting the base flood elevation onto the best available topography. A flood prone area is a Regulatory Floodplain if it meets any on the following descriptions:

a. Any riverine area inundated by the base flood where there is at least 640 acres of tributary drainage area;

b. Any non-riverine area with a storage volume of 0.75 acre-foot or more when inundated by the base flood; or

c. Any area indicated as a Special Flood Hazard Area on the FEMA Flood Insurance Rate Map and located with the best available topography to be inundated by the base flood.

REGULATORY FLOODWAY: The channel, including on-stream lakes, and that portion of the Regulatory Floodplain adjacent to a stream or channel as designated by the Illinois Department of Natural Resources, Office of Water Resources, which is needed to store and convey the existing and anticipated future 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10% increase in velocities. The location of the Regulatory Floodway shall be delineated on the maps listed in Appendix B to Article XVIII of this Chapter. Where interpretation is needed to determine the exact location of the Regulatory Floodway boundary, the IDNR/OWR should be contacted for the interpretation. (Ord. 92-99, adopted 11/8/99)

REHABILITATIVE MAINTENANCE (ROADWAY): Rehabilitative maintenance is repair and maintenance that does not increase the traffic lanes and does not involve changes to the roadway elevation.

REMOVE or REMOVAL: The causing or accomplishing of the actual physical removal of a Tree, or the effective removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a Tree. (Deleted by Ord. 11-2000, passed 2/28/00; Ord. 38-01, J. 27, p. 146-167, passed 6/25/01)

RENOVATION: Physical improvement that adds to the value of the real property. Painting, ordinary repairs, and other normal maintenance do not constitute a renovation. (Ord. 52-03, J. 29, p. 174-185, passed 8/25/03)

REPAIR, REMODELING OR MAINTENANCE: Activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

REPETITIVE LOSS: Flood-related damages sustained by a structure on two separate occasions during a 10-year period, for which the cost of repairs at the time of each such flood, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. (Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

RESIDENTIAL DISTRICTS: The R1, R2, R3, R4, R5, R5A, R6, R7, RM1, RM1A, RM2, and RO zoning districts as established in this Chapter. (Ord. 57-02, J. 28, p. 410-473, passed 9/9/02; Ord. 30-09, J. 35, p. 088-095, passed 4/27/09)

RESIDENTIAL STRUCTURE: A building, not including house trailers or mobile homes, designed or used for residential occupancy, including single family residential structures and multifamily residential structures, but not including hotels, motels, boarding or lodging houses.

RESPITE FACILITY: A building or portion thereof for temporary occupancy by persons visiting or caring for persons in a hospice or hospital.

RESTAURANT: Any business, other than a boarding house, where food or meals are provided for compensation, for consumption on the premises, inside a building, including a cafe, cafeteria, coffee shop, dining room, lunchroom or tearoom, and including the serving of alcoholic beverages when served with and incidental to the serving of meals.

RESTAURANT, DRIVE-IN: A fast food or carry-out restaurant where food (including frozen desserts) may be ordered from a motor vehicle, or where a specific motor vehicle parking area is provided on the premises for the consumption of food.

RESTAURANT, FAST FOOD or CARRY-OUT: Any business where the principal part of the business is providing food or meals for compensation in disposable wrappers or containers for consumption within the principal building or off the premises where prepared.

RESTORATION: To re-establish the grade, slope, stability, vegetation, or drainage systems of a steep slope property by bringing the property back to its former condition prior to the adverse impact(s) caused.

RETAIL: Sale to the ultimate consumer for direct consumption and not for resale.

RETAINING WALL: An artificial composition of wood, concrete, masonry or other material utilized in conjunction with a drainage and grading plan approved by the City Engineer of the City for the sole purpose of stabilizing soil and/or existing natural conditions.

RETENTION FACILITY: A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration or pumping.

RIGHT-OF-WAY: A strip of land designated for use for vehicular or pedestrian access or passage or for installation of railroad tracks, utility lines, or similar facilities.

RIGHT-OF-WAY, PRIVATE: A right-of-way that has not been dedicated by prescription or otherwise to or accepted by a government agency.

RIGHT-OF-WAY, PUBLIC: A right-of-way that has been dedicated by prescription or otherwise to and accepted by a government agency.

RIVERINE: Relating to, formed by, or resembling a stream (including creeks and rivers).

ROADSIDE DITCHES: Drainage ditches within 25-feet from the edge of the outside travel lane. (Ord. 12-02, J. 28, p. 28-43, 2/25/02)

RUN-OFF: That part of precipitation which flows over the land without filtering into the soil.

SATELLITE DISH: Any disc which does not exceed thirty-nine (39) inches in diameter, whether flat, concave, or parabolic, which is designed to receive signals from satellites or other sources, or to transmit such signals to a receiving station. A satellite dish shall be considered an accessory structure and use for the purposes of this Chapter. (Ord. 11-98, passed 1/26/98)

SCHOOL: See "EDUCATIONAL INSTITUTION".

SCREENING: A structure erected or vegetation planted to conceal an area from view.

SEDIMENTATION: The processes that deposit soils, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.

SELF-SERVICE STORAGE FACILITY: See "MINI-WAREHOUSE".

SERVICE STATION: See "GASOLINE and/or DIESEL FUEL STATION".

SERVICE USE: Use devoted to repair, maintenance, administration, teaching, or enhancement.

SETBACK: The minimum horizontal distance between the street line and the nearest wall of a building facing such street line, or edge of the area of operation of a principal use when no building or structure is involved.

SEXUAL or GENITAL AREA: Such area of any person's body that includes the genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.

SHADE TREE: A Tree, usually Deciduous, that normally grows with one main trunk and has a canopy that screens and filters the sun in the summer and winter, respectively. (Added by Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)

SHELTERED CARE FACILITY: A facility which:

1. Provides food, shelter and laundry services;

2. Provides assistance with meals, dressing, movement, bathing, or other personal needs, or general supervision and oversight of the physical and mental well-being of an individual, exclusive of nursing, who because of age or physical disability is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed;

3. Is licensed pursuant to Illinois law;

4. Files attested or audited financial statements, and a statement of ownership with the Illinois Department of Public Health;

5. Maintains written policies for resident care, medical services, group and individual activities, maintenance and housekeeping; and

6. Maintains a medical record and a personal property record for each resident.

SHRUB: A woody Deciduous or Evergreen plant, smaller than a Tree, consisting of several small stems from the ground or small branches near the ground. (Added by Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)

SIDE LOT LINE: The lot line of any lot between a front line and a rear line thereof unless such line lies opposite a front lot line, in which case such line shall be a rear lot line.

SIDEYARD: Upon any lot other than a lot-in-depth, that yard located adjacent to a side lot line and maintained, except for ingress and egress drives and sidewalks, as open space. Side yards are measured by a line at right angles to the side lot line, or by the radial line in the case of curved side lot line. In addition, a sideyard shall not include area located in a front and/or rear yard. However, with respect to a corner lot, any yard which abuts the side yard of an adjacent interior lot shall be a side yard and not a rear yard.

SIGN: Any object, device, display, or structure, or any part thereof, including any Structural Elements, that is located outdoors or indoors, and that is used to advertise, identify, display, direct, or attract attention to an object, Person, institution, organization, business, product, service, event, or location by any means, including specifically, but without limitation, words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

For purposes of this Chapter, all Signs are classified according to both (i) functional type and (ii) structural type as set forth in Section 150.2005 of this Chapter. (Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

SIGN AREA: The entire area within a single continuous square or rectangle enclosing the extreme limits of the Sign and in no case passing through or between any adjacent elements of the Sign. However, such perimeter shall not include any Structural Elements lying outside the limits of the Sign and not forming an integral part of the display. (Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

SIGN FACE: The surface of a Sign upon, against, or through which the message is displayed or illustrated. (Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

SINGLE FAMILY RESIDENTIAL DISTRICT: The R1, R2, R3, R4, R5, R5A, R6, and R7 Districts. (Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

SINGLE FAMILY RESIDENTIAL STRUCTURE: A building designed exclusively for use and occupancy by one family.

SITE: A delimited area considered for a specific use which may be part of a larger area and which may vary in size from a one acre parcel of land to a one thousand two hundred (1,200) acre watershed.

SITE PLAN: The plan depicting the exact location on the ground upon which any building, structure, landscaping or other facility is to be located in connection with the development of any parcel of land.

SITE PLAN REVIEW TEAM: An inter-departmental team of professional City staff members who meet on a regular basis to review development proposals for compliance with City standards as established in the Code.

SKILLED NURSING FACILITY: An institution (or a designated part of an institution) which provides licensed, skilled nursing care and related services for patients who require medical, nursing or rehabilitative services.

SMC: The Lake County Stormwater Management Commission. (Ord. 12-02, J. 28, p. 28-43, 2/25/02)

SMC-APPROVED WETLAND BANK: A wetland mitigation bank approved by SMC that conforms with Appendix M of the Lake County Watershed Development Ordinance. (Ord. 12-02, J. 28, p. 28-43, 2/25/02)

SMC CHIEF ENGINEER: A Registered Professional Engineer representing the Lake County Stormwater Management Commission as the Enforcement Officer of the Lake County Watershed Development Ordinance.

SMC WETLAND RESTORATION FUND: A fund that is administered and implemented for wetland impact mitigation and approved and adopted by the SMC. (Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

SOIL: All materials above bed rock, for example, rock debris of all kinds, glacial drift, alluvium, loess, Aeolian deposits, vegetal accumulations, and soil (agricultural).

SOUND LEVEL or DECIBEL METER: An instrument standardized by the American Society for Testing and Materials (ASTM) for the measurement of intensity of sound.

SPECIAL EXCEPTION: A relief from the otherwise applicable zoning restrictions of the zoning district within which the use is located for which the special exception is sought.

SPECIAL FLOOD HAZARD AREA or SFHA: Any area subject to inundation by the base flood from a river, creek, stream, or any other identified channel or pond and shown on the Regulatory Floodplain Maps as listed in Appendices A and B of Article XVIII of this Chapter. (Ord. 92-99, adopted 11/8/99)

SPECIALIZED HOSPITAL FACILITY: A structure or group of structures providing one or several isolated types of outpatient and/or inpatient medical treatment or care, but which does not provide the full range of types of medical treatment or care available to a patient through the profession of medicine. Specialized hospital facilities may be equipped for obstetric, surgical, orthopedic, psychiatric, or skilled nursing services, sub-acute care, or other types of medical treatment.

SPECIAL SETBACK: The minimum distance between swimming pools and the nearest line of the steep slope zone.

SPECIAL USE: A use which, because of its unique characteristics cannot be properly classified in any particular zoning district or districts without consideration in each individual case of the impact of such use upon neighboring land and of the public need for that particular special use at that particular location, and which falls into one of two broad categories:

1. A use publicly operated or traditionally affiliated with the public interest identified as a conditional use in the Table of Allowable Uses; or

2. A use entirely private in character, but of such an unusual nature that its operation may give rise to unique problems with respect to its impact upon neighboring property or public facilities; such use may include a Planned Unit Development meeting the standards and requirements of this Chapter.

SPECIAL USE PERMIT: The permit issued by ordinance in accord with this Chapter.

SPECIFIED ANATOMICAL AREAS:

1. Less than completely and opaquely covered: (a) human genitals, pubic region; (b) buttocks; and (c) female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

1. Human genitals in a state of sexual stimulation and arousal; or

2. Acts of human masturbation, sexual intercourse or sodomy; or

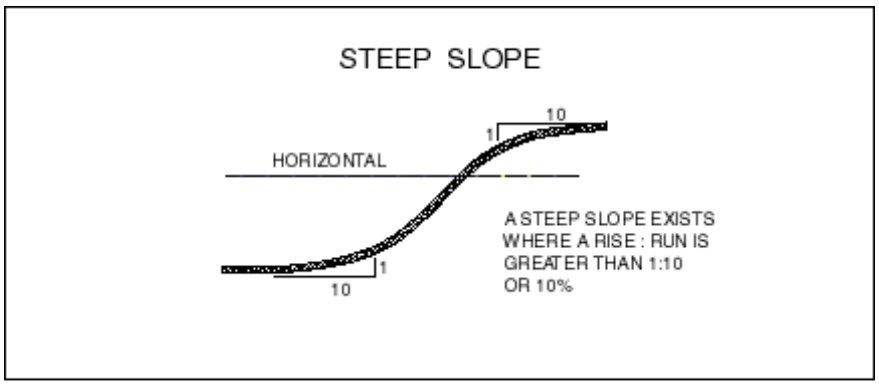
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STABLE: A structure designed, intended, or used for the keeping of one (1) or more horses.

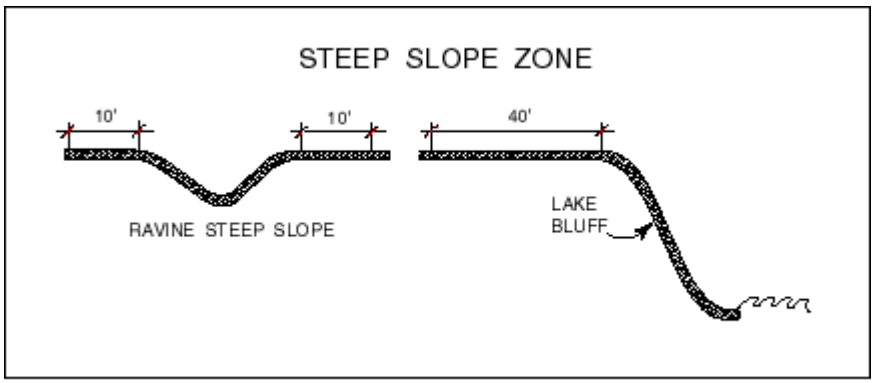
STATIONERY STORE: An establishment which is not an adult book store and which deals in paper and office supplies and may also deal in books and other printed material.

STEADY STATE VIBRATION: A vibration which is continuous or in discrete pulses more frequent than one hundred (100) per minute.

STEEP SLOPE: Land comprising or adjacent to a ravine or lake bluff where the slope in ascent or descent exceeds ten (10) percent from the horizontal. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)




STEEP SLOPE ZONE: All land which lies between the bottom of a ravine steep slope and a line being farthest from the bottom of a ravine steep slope and ten (10) feet from the top edge of a ravine steep slope; and all land which lies between the bottom of a bluff steep slope and a line being farthest from the bottom of a bluff steep slope and forty (40) feet from the top edge of a bluff steep slope.




STEM: The extended portion of a lot-in-depth which provides access to a street and which is considered the principal frontage of the lot-in-depth. No portion of a stem shall be considered a yard. In the case of lots-in-depth created by subdivision approved prior to January 1, 1997, the extended portion of a lot-in-depth may consist of an easement providing access to a street.

STORMWATER MANAGEMENT: A set of actions taken to control stormwater runoff with the objectives of providing controlled surface drainage, flood control and pollutant reduction in runoff.

STORMWATER MANAGEMENT COMMISSION or SMC: The Lake County Stormwater Management Commission established and existing under 55 ILCS 5/5-1062 for the purposes of developing, revising and implementing a county-wide stormwater management plan.

STORMWATER MANAGEMENT SYSTEM: The collection of natural features and man-made facilities which define the stormwater management for a development.

STORY: That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above then the space between the floor and the ceiling next above it.

STREAM: A course of running water flowing in a channel (includes creeks and rivers).

STREET: Any property dedicated or intended for public or private roadway, highway, or freeway purposes.

STREET LINE: A line separating a public street right-of-way from other land.

STREET, PRIVATE: Any street other than a public street and other than a driveway.

STREET, PUBLIC: A street that has been dedicated to and accepted by, under the jurisdiction of, or otherwise acquired by, a government agency.

STRUCTURAL ALTERATIONS: See "ALTERATIONS, STRUCTURAL".

STRUCTURAL ELEMENTS: The supports, uprights, bracing, and framework of a Sign. (Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

STRUCTURE: Anything constructed, reconstructed, or erected or any production or piece of work man-made or composed of parts joined together in some definite manner, the use of which requires permanent or temporary location on or in the ground or requires attachment to something having a permanent location in or upon the ground, including, but not limited to: air conditioner compressor units, backstops for tennis courts, billboards, buildings, fences, parking facilities (surface and/or deck), pergolas, radio and television antennae including supporting towers, signs, stadia, and swimming pools. This definition does not include underground tanks for the storage of any type of storm water, utility lines or retaining walls. (Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

STRUCTURE, TEMPORARY: A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, addition or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the pre-existing structure either a) before the improvements or repair is started, or b) if the structure has been damaged, and is being restored, before the damage occurred. This term includes structures which have incurred a repetitive loss for the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall,

ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term includes all cumulative improvements within the last ten years. The term does not, however, include either 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or 2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. (Ord. 92-99, adopted 11/8/99; Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)

SWALE: A vegetated channel, ditch, or low-lying or depressional tract of land that is periodically inundated by conveying stormwater from one point to another. (Ord. 92-99, adopted 11/8/99)

SWIMMING POOL: Any temporary or permanent artificial pool or receptacle for water, the primary purpose for which is swimming and/or diving, including apparatus and equipment appurtenant thereto, installed, constructed or maintained in, on, or above ground (not including those enclosed and located entirely within a building), having a perimeter of more than twenty-five (25) feet and a depth of more than three (3) feet at any point.

SWIMMING POOL, PRIVATE: A swimming pool maintained by an individual in connection with a detached dwelling for the sole use of his household and guests, without charge for admission, and not for the purpose of profit or in connection with any business operated for profit, as an accessory use to a residence.

SUBDIVISION ORDINANCE: Chapter 151 of the Code. (Ord. 80-07, J. 33, p. 660-693, passed 11/13/07)

SUBDIVISION SETBACK LINE: A line of demarcation found on a plat of subdivision or plat of survey that establishes a minimum setback or required yard for a lot of record and, unlike a yard requirement imposed by a zoning district regulation, runs with that lot and is not subject to change by amendment to this code. (Ord. 15-05, J. 31, p. 028-029, passed 02/28/05)

SUBJECT PROPERTY: Real property for which rezoning, a variation, a special use, a special exception, or subdivision is sought or concerning which an appeal is taken.

TABLELAND: Land where the cross slope in any direction does not exceed ten (10) percent.

TANNING FACILITY: A room or a booth or group of rooms or booths that houses ultraviolet lamps or products containing lamps intended for the irradiation of any part of the living human body for cosmetic or nonmedical related purposes but does not include any hotel or motel guest rooms where sunlamps are installed in the restroom area.

TECHNICAL REFERENCE MANUAL: The Lake County Stormwater Management Commission Technical Reference Manual, which contains guidance for a development site to meet the Lake County Watershed Development Ordinance performance standards. (Ord. 92-99, adopted 11/8/99)

TENNIS COURT: Any temporary or permanent arrangement, grading or surfacing, together with the ordinary appurtenances thereto, intended for or used for playing tennis. When constructed or maintained in connection with a detached dwelling, one such tennis court shall be considered an accessory use or a use customarily incidental to a detached single family dwelling.

TENT: A portable structure, the roof of which and one-half (1/2) or more of the sides are constructed of nylon, cotton, canvas or similar materials.

TERRACE: A natural earthen embankment between a building and its street front.

THEATER: An establishment other than an adult motion picture theater, an adult entertainment cabaret, or adult video store, or an adult mini picture theater used to observe films, live performers, plays, musicals, dancers, and other auditory and/or visual material.

THROUGH BLOCK CONNECTION: An ample passageway, through or between any structures on a parcel, that allows the general public to walk from the street edge to the rear of the parcel.

THROUGH LOT: See "LOT, DOUBLE FRONTAGE (THROUGH LOT)".

TOP EDGE (or RIDGE) OF STEEP SLOPE: A line connecting the points at which tableland and a steep slope intersect.

TOWER, INCLUDING SELF-SUPPORTING LATTICE TOWERS, GUY TOWERS, OR MONOPOLE TOWERS: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term encompasses personal wireless service facilities, radio transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like. (Ord. 11-98, passed 1/26/98)

TRAILER: A vehicle with or without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, which does not meet the building code requirements and which has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" includes "camp car", "house car", "house trailer", and "mobile home", and the presence of a permanent foundation under, and/or the erection of additions to, such vehicle shall not change its character unless the trailer itself and any additions thereto conform to all City ordinances.

TRAILER, SPORTS OR CAMPING: A trailer designed for camping or other recreational purposes and not including a house trailer or mobile home.

TRANSITION SECTION: Reaches of the stream or Regulatory Floodway where water flows from a narrow cross-section to a wide cross-section or vice-versa.

TREE: A self-supporting, woody plant, together with its root system, having a well defined stem or trunk or a multi-stemmed trunk system, a more or less well defined crown, and a mature height of at least eight feet. "Tree" shall not include trees in containers or nursery stock trees maintained for resale. (Deleted by Ord. 11-2000, passed 2/28/00; Ord. 38-01, J. 27, p. 146-167, passed 6/25/01)

TREE REMOVAL PERMIT: That permit required by this Chapter to be issued in order to Remove:

1. any Protected Tree within the corporate limits of the City; or

2. any Tree in the Steep Slope Zone within the corporate limits of the City. (Deleted by Ord. 11-2000, passed 2/28/00; Ord. 38-01, J. 27, p. 146-167, passed 6/25/01)

TREE STUMP: The part of a Tree remaining in the ground after the top has fallen or been cut down. (Ord. 38-01, J. 27, p. 146-167, passed 6/25/01)

TRUCK PARKING AREA: Any land used or intended to be used for the storage or parking of trucks, trailers, tractors and/or commercial vehicles which exceed three (3) tons in capacity.

TRUCK TERMINAL: A gathering point of vehicles of the Second Division at which the contents thereof are distributed or combined, or stored for a short period of time until distributed or combined.

UNDESIRABLE SPECIES: Are those species which are invasive, nonnative, and/or shallow-rooted, including, but not limited to, buckthorn, Norway maple, mulberry, box elder, and willow. (Ord. 38-01, J. 27, p. 146-167, passed 6/25/01)

USE: The purpose for which land or a structure is designed, arranged, or intended and for which it is occupied or maintained, let, or leased.

USE, ACCESSORY: See "ACCESSORY USE".

USE, PRINCIPAL: See "PRINCIPAL USE".

VARIATION or VARIANCE: Limited relief from the requirements of this Chapter as granted by the Board of Appeals in those cases where strict application of those requirements will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Chapter.

VEHICULAR USE AREAS: All areas of a lot dedicated to paved off-street parking and loading spaces, including vehicle service yards, driveways and drive aisles, that provide for vehicular maneuvering or other accessory or incidental vehicular movement purposes. (Added by Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)

VIDEO: A videotape or video disc copy of a motion picture film.

VIDEO STORE: An establishment which is not an adult video store and which deals in videos and/or other motion pictures.

WALL: Any of various permanent upright constructions having a length much greater that the thickness and presenting a continuous surface except where pierced by doors, windows, etc.; used for shelter, protection or privacy, or to subdivide interior space, to support floors, roofs, or the like.

WAREHOUSE: A building designed for the storage of goods.

WATCHKEEPER'S QUARTERS: A single living accommodation existing as an accessory use within a principal building in the commercial or industrial zoning districts.

WATER DEPENDENT: Structures or facilities relating to the use of, or requiring access to, the water or shoreline. Examples of water dependent uses include but are not limited to pumping facilities, wastewater treatment facilities, facilities and improvements related to recreation, boating or commercial shipping.

WATERSHED: The land area above a given point on a channel that contributes stormwater to that point. In Lake County the four (4) major watersheds are officially defined as: The Lake Michigan Watershed, the North Branch of the Chicago River Watershed, the Des Plaines River Watershed, and the Fox River Watershed.

WATERSHED DEVELOPMENT PERMIT: A permit established by this Article and issued, through the SMC or certified communities, prior to the approval of a building permit signifying conformance with provisions of this Article.

WATERS OF THE UNITED STATES: Those areas that are under the U.S. Army Corps of Engineers' jurisdiction. (Ord. 92-99, adopted 11/8/99; deleted by Ord. 12-02, J. 28, p. 28-43, 2/25/02)

WATERSHED BENEFIT: A decrease in flood damages to structures upstream or downstream of the development site created by installation of the stormwater management system. The benefit must be beyond the benefit provided by meeting the minimum Lake County Watershed Development Ordinance standards and TRM guidelines. (Ord. 92-99, adopted 11/8/99)

WATERSHED DEVELOPMENT PERMIT: A permit established by Article XVIII of this Chapter and issued, through the SMC or the City, prior to the approval of a building permit signifying conformance with provisions of Article XVIII of this Chapter. (Ord. 92-99, adopted 11/8/99)

WATERWAYS: Any natural or artificial above-ground stream, creek, river, ditch, channel, canal, conduit, culvert, drain, gully or wash in which water flows in a definite direction or course, either continuously or intermittently and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water. (Added by Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)

WET DETENTION FACILITY: A detention facility designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

WETLAND: Wetlands are land that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, under normal conditions, a prevalence of vegetation adapted for life in saturated soil conditions (known as hydrophytic vegetation). A wetland is identified based upon the three attributes: 1) hydrology, 2) soils and 3) vegetation as mandated by the current Federal wetland determination methodology. (Ord. 92-99, adopted 11/8/99, deleted by Ord. 12-02, J. 28, p. 28-43, 2/25/02)

WETLAND IMPACT: Isolated Waters of Lake County or Waters of the United States that are hydrologically disturbed or otherwise adversely affected by flooding, filling, excavation, or drainage which results from implementation of a development activity. (Ord. 92-99, adopted 11/8/99; deleted by Ord. 12-02, J. 28, p. 28-43, 2/25/02)

WIRELESS TELECOMMUNICATION SERVICE TOWER: Any ground-mounted tower including a mast, intended primarily for the purpose of mounting an antenna. (Ord. 11-98, passed 1/26/98)

YARD: The required space measured from the nearest property line to a line on a lot parallel to such property line which space must be open to the sky, unoccupied and unobstructed except for natural features and certain exceptions permitted by this Code. No portion of a stem shall be considered in the calculation of a required yard.

ZONING ADMINISTRATOR: The City Manager or his designee.

ZONING BOARD OF APPEALS: The Zoning Board of Appeals of the City.

ZONING DISTRICTS: A part of the corporate area of the City wherein regulations of this Zoning Code are uniform. See also Section 150.401 of this Zoning Code. (Ord. 42-02, J. 28, p. 313-337, passed 7/8/02)

ZONING LOT: See "LOT" or "LOT OF RECORD".

ZONING ORDINANCE: Chapter 150 of the Code.

ZONING ORDINANCE DISTRICT MAP or OFFICIAL ZONING MAP: The map incorporated herein as a part hereof, designating zoning districts.

# ARTICLE III. ADMINISTRATION

SECTION

150.301 Office of the Zoning Administrator
150.302 Assistance
150.303 Restrictions
150.304 Proceedings to Prevent Violation
150.305 Zoning Board of Appeals
150.306 Cost Recovery Fees
150.307 Settlement of Litigation
150.308 Pending Land Use Application Disclosure Notice

Sec. 150.301 Office of the Zoning Administrator.

(A) The City Manager of the City of Highland Park or his designee shall serve ex officio as the head of the Office of the Zoning Administrator and shall from time to time hereinafter be referred to as the "Zoning Administrator".

(B) The Zoning Administrator and/or his duly appointed and/or authorized representatives shall have the responsibilities of administering and enforcing this Chapter, along with the following specific duties:

(1) To receive and process any application for an occupancy certificate for any structure or addition thereto for which a building permit is required;

(2) To receive and process any application for an occupancy certificate upon the completion of a structure or when there is a change of use as herein provided;

(3) To inspect any structure or the use of land to determine whether there is compliance with this Chapter and, in the case of any violation, to give written notice to the person or persons responsible, specifying the nature of the violation and order a corrective action;

(4) To maintain this Chapter, including the Official Zoning Map, in current status;

(5) To maintain permanent and current records required by this Chapter, including but not limited to zoning certificates, occupancy certificates, inspections, reports, and all official action on appeals, variations, special uses, and amendments;

(6) To prepare and have available in book, pamphlet, or map form:

(a) The complete text of the Zoning Ordinance; and

(b) A zoning map or maps, showing the zoning districts, divisions, and classifications;

(7) To notify other administrative officials of the City regarding pending matters and from time to time to coordinate and arrange, under the auspices of the City Manager, meetings between developers, builders, etc., and administrative officials of the

City to facilitate the solving of engineering, layout, and design problems and/or issues prior to hearings before the Zoning Board of Appeals and/or the Plan Commission;

(8) To maintain for distribution to the public a supply of the rules and by-laws of the Zoning Board of Appeals and the Plan Commission;

(9) To accept any application for a public hearing before the Plan Commission and/or the Zoning Board of Appeals and to forward such application to the Office of the City Clerk for processing and publication of proper legal notice as provided in this Chapter, and the Rules of the Zoning Board of Appeals or Plan Commission, as the case may be, for hearing;

(10) To maintain a file and conduct an annual review of the compliance with the special conditions and requirements of each permit and variation;

(11) To initiate, direct, and review from time to time, a study of the provisions of this Chapter, and make reports of his recommendations to the Plan Commission not less frequently than once a year; and

(12) To take appropriate action to abate violations of this Chapter.

Sec. 150.302 Assistance.

It shall also be the duty of the Police Department and all officers and employees of the City to assist the Zoning Administrator in enforcing the regulations contained in this Chapter.

Sec. 150.303 Restrictions.

No official or employee responsible for the enforcing of this Chapter shall engage directly or indirectly in any industry or profession, or in any type of gainful employment or business that conflicts with his duties.

Sec. 150.304 Proceedings to Prevent Violation.

(A) If any building or structure, including fixtures, is constructed, reconstructed, altered, repaired, converted, or maintained; or if any such building or structure, including fixtures or land, is used in violation of this Chapter or any other ordinance of the City, any owner or tenant of real property located within twelve hundred (1200) feet in any direction of the land or building or structure in question who shows that his property or person will be substantially affected by the alleged violation or the Zoning Administrator of the City may institute any appropriate action or proceeding:

(1) To prevent the unlawful construction, excavation, filling, reconstruction, alteration, repair, conversion, maintenance, or use;

(2) To prevent the occupancy of the building, structure, or land;

(3) To prevent any illegal act, conduct, business, or use in or about the building, structure, and/or land; or

(4) To restrain, correct, or abate the violation.

(B) At the time any such action is instituted by an owner or tenant, notice of such action shall be served upon the City at the time suit is begun by serving a copy of the complaint on the City Clerk in order that the City may join as a party plaintiff, if it so elects. However, no such action shall be initiated until such notice has been given. (See also 150.111)

Sec. 150.305 Zoning Board of Appeals.

Decisions made by the Zoning Administrator in the enforcement of this Chapter may be appealed to the Zoning Board of Appeals, as provided in Section 150.1301.

Sec. 150.306 Cost Recovery Fees.

(A) Fee Established. Every petition filed and processed pursuant to this Chapter that requires the City to incur third party costs or expenses, including, without limitation, legal fees incurred by the office of Corporation Counsel or any attorney or firm retained by the City, shall be subject to the cost recovery fee and escrow provisions set forth in this Section. The cost recovery fee shall in addition to any and all other filing fees and other charges established pursuant to this Chapter. For purposes of this Section, the word "petition" shall be deemed to include and refer to any and all petitions and applications filed or processed pursuant to this Chapter.

(B) Responsibility for Payment. The owner of the property that is the subject of the petition and, if different, the petitioner, shall be jointly and severally liable for the payment of the cost recovery fee, and for the establishment of the cost recovery escrow. By signing the petition, the owner or petitioner shall be deemed to have agreed to pay, and to have consented to, the cost recovery fee, plus any costs of collection, that have not been paid within 30 days following the mailing of a written demand for payment to the owner or petitioner at the address set forth on the petition, including any additional cost recovery fees assessed under Subsection 150.306(D)(3). Any lien filed pursuant to this Subsection 150.306(B) may be foreclosed in the manner provided for mortgages or mechanics liens under Illinois law.

(C) Recoverable Costs. For purposes of calculating the cost recovery fee, the costs incurred by the City with respect to the following items shall be deemed to be the "actual costs" incurred by the City in processing a petition:

(1) Publication of notices;

(2) Court reporter;

(3) Professional and technical consultant services (including, without limitation, landscape and other design review); (**Ord. 71-07, J. 33, p. 459-460, passed 9/24/07**)

(4) Corporation Counsel, or other City retained attorney or law firm, consultation, meeting attendance, document preparation, and review;

(5) Copy reproduction; and

(6) Document recordation.

(D) Cost Recovery Fee Payment and Cost Recovery Escrow.

(1) Initial Payment and Cost Recovery Escrow. Every petition shall be accompanied by the required petition fee plus an advance estimate of the cost recovery fee, to be deposited in the cost recovery escrow account established by the City. The advance estimate shall be in an amount established and adjusted from time to time by administrative order of the City Manager. No interest shall be payable on any funds retained in such escrow account.

(2) Charges Against Cost Recovery Escrow. From the date of filing of any petition, the City shall maintain an accurate record of the actual costs of processing the petition. The City Manager or his designee shall, from time to time, draw funds from the cost recovery escrow account established for the petition to pay such actual costs and shall transfer the funds to the appropriate City accounts. The City Manager or his designee shall maintain an accurate record of all the drawings from the cost recovery escrow account.

(3) Additional Cost Recovery Escrow Deposits. Should the City Manager or his designee at any time determine that the cost recovery escrow account established in connection with any petition is, or likely to become, insufficient to pay the actual costs of processing the petition, the City Manager or his designee shall provide notice of the insufficiency to the owner or petitioner and demand an additional deposit in an amount deemed by the City Manager or his designee to be sufficient to cover current and foreseeable additional costs. If the additional deposit is not provided to the City Manager or his designee within 30 days of the mailing of notice and demand to the owner or petitioner, the City Manager or his designee may direct that processing of the petition be suspended or terminated.

(4) Final Settlement. As soon as reasonably feasible following final action on a petition, the City Manager or his designee shall cause a final accounting to be made of the cost recovery escrow deposits made in connection with the petition and of the actual cost of processing the petition and shall make a final charge of the actual costs against the cost recovery escrow deposits. A copy of the accounting shall be provided to the owner and the petitioner.

(5) Insufficient Amounts; Reimbursement. If the amount in the cost recovery escrow account is insufficient to pay the total actual costs, a written demand for payment of the balance due shall be mailed to the owner and the petitioner. Any remaining funds in the cost recovery escrow account after payment of the total actual costs due pursuant to this Section shall be returned to the owner or petitioner, as applicable.

(E) Condition of All Petitions, Approvals, and Permits. No petition filed pursuant to this Chapter shall be considered complete unless and until all fees and deposits due pursuant to this Section have been paid. Every approval granted and every permit issued pursuant to this Chapter shall, whether or not expressly so conditioned, be deemed to be conditioned upon payment of cost recovery fees as required by this Section.

(F) Tolling of Time Periods. Where this Chapter provides that the passage of time without decision or action shall be deemed an approval or a recommendation for approval, time periods shall be tolled during any period of non-payment of the cost recovery fees and deposits due pursuant to this Section, but shall otherwise continue to run.

(G) Failure to Pay Cost Recovery Fees. The failure to pay in full when due any cost recovery fee or deposit required under this Section shall be grounds for refusing to process a petition and for denying or revoking any permit, or approval sought or issued with respect to the land or development to which the unpaid cost recovery fee or deposit relates.

(H) Specified Public Bodies Exempt The provisions of this Section 150.306 shall not apply to, and no cost recovery fee shall be required of, any public body or agency deriving the majority of its revenues from taxes levied within the City. (Section 150.306 added by Ord. 46-02, J. 28, p. 348-351, passed 7/22/02)

Sec. 150.307 Settlement of Litigation.

(A) Authority. Notwithstanding any other provisions of this Chapter or Chapter 151, the City Council may grant zoning and subdivision approvals in connection with the settlement of pending litigation brought by, or filed against, the City or any board or commission thereof, subject only to the provisions of this Section. For purposes of this Section, the term "zoning and subdivision approvals" includes the approval of Zoning Ordinance text amendments, Zoning Ordinance map amendments, special use permits, PUD approvals, variations, subdivision plats, waivers, and any other relief from the provisions of the Zoning Ordinance or the Subdivision Ordinance.

(B) Purpose. The authority conferred on the City Council pursuant to this Section is conferred in recognition of the fact that, when the City is involved in litigation concerning the exercise of its powers under this Chapter or Chapter 151, unique factors are sometimes brought into play. It is the ultimate responsibility of the elected governing body of the City to assess the impact of those factors on the land use decision involved and to make a decision based upon the overall public good.

(C) Powers. For the purpose of settling pending litigation on terms deemed by it to be most advantageous to the City, the City Council shall have the power to grant any zoning or subdivision approval authorized by this Chapter or by Chapter 151, or to modify or vary the provisions of this Chapter or Chapter 151, as they apply to the property that is the subject of such litigation.

(D) Procedure. Before exercising its powers under this Section, the City Council shall set, notice, and conduct a public hearing on the proposed exercise of these powers. No other procedure shall be required. Specifically, no review, consideration, or recommendation by or from any board, commission, or committee of the City shall be required prior to final action under this Section by the City Council. However, nothing herein shall preclude the City Council, in its sole discretion, from seeking or requiring review, consideration, or recommendation by or from a board, commission, or committee of the City on any specific matter.

All action taken under this Section shall be evidenced by an ordinance duly adopted. The concurrence of four members of the City Council shall be sufficient to approve any ordinance adopted pursuant to the authority and power granted by this Section.

(E) Notice and Hearing.

(1) Not more than thirty (30) days nor less than fifteen (15) days before the hearing date at which the City Council's exercise of its powers under this Section is to be considered, the City Clerk shall cause notice thereof to be published in one or more newspapers published in the City, or, if no newspaper is published within the City, then in one or more newspapers with a general circulation within the City. The notices required in this Section shall contain:

(a) The legal description of the subject property;

(b) The address of the subject property;

(c) A brief statement of the nature of the zoning or subdivision approval to be considered;

(d) The name(s) and address(es) of the legal and/or beneficial owner(s) of the subject property;

(e) The name(s) and address(es) of the party(ies);

(f) The name of the legal representative of the party, if any; and

(g) A statement of the date, time, and place of the hearing for which the notice is being given.

(2) Prior to the hearing, the Zoning Administrator shall also cause one or more signs to be posted on the subject property.

(a) The number and location of signs shall be determined by the Zoning Administrator.

(b) Each sign must be a minimum of 24" x 24" in size, have letters a minimum of 3/8" wide stroke by 2-1/2" high, and contain the following information:

(i) The fact that a public hearing will be held regarding the subject property, with direction to interested members of the general public to call the office of the Zoning Administrator for further information concerning date, time, and place and subject matter of the public hearing; and

(ii) The telephone number of the Zoning Administrator.

(c) Within ten (10) days after the commencement of the public hearing regarding the proposed amendment, the City shall cause the removal of the sign or signs from the subject property and return same to the office of the Zoning Administrator.

(3) Any interested party may appear in person, by agent, or by attorney, and be heard at the hearing.

Sec. 150.308 Pending Land Use Application Disclosure Notice.

(A) Notice Required. A disclosure notice in the form and content set forth in this Section shall be required in connection with all applications seeking any of the following land use relief:

(1) A variation from the regulations of this Chapter, in accordance with Article XII of this Chapter;

(2) A Special Use Permit, in accordance with Article XIV of this Chapter; or

(3) An amendment to either the text of this Chapter or the Official Zoning Map, in accordance with Article XV of this Chapter.

(B) Notice Location and Form. The applicant shall cause a disclosure notice of a pending application for land use relief, on a form to be provided by the City, to be attached to (1) any contract for the sale of any portion of the real property that is the subject of the pending application; (2) all promotional, sales, and advertising literature; and (3) all information packets distributed to prospective purchasers; provided, however, that no disclosure notice shall be required to be attached to, or made part of, advertisements in newspapers, magazines, and other similar forms of print media

(C) Notice Content. The disclosure notice shall, at a minimum, include the following information:

(1) The existing zoning classification of the real property;

(2) The name of, and contact information for, the applicant;

(3) A brief description of the nature of the land use relief requested; and

(4) The following statement: *"This property is the subject of an application for land use relief initially filed with the City of Highland Park on [DATE]. Unless and until the application is approved by the City of Highland Park, in accordance with its applicable codes and ordinances, the land use relief requested in the application shall not be allowed."*

(D) Demonstration of Compliance. Prior to the approval by the City Council or the Zoning Board of Appeals, as the case may be, of any or all of the land use relief requested, the applicant shall provide evidence of compliance with the requirements set forth in this Section to the City Director of Community Development.

(E) Responsibility for Compliance. The obligation set forth in this Section shall be the sole responsibility of the applicant for the requested relief. Nothing herein shall be deemed or interpreted as imposing upon the City any responsibility to satisfy the disclosure requirements set forth in this Section. (**Section 150.308 added by Ord. 18-07, J. 33, p. 069-072, passed 2/12/07**)

(Section 150.307 added by Ord. 57-05, J. 31, p. 238-240, passed 9/26/05)

# ARTICLE IV. REGULATIONS FOR PERMITTED AND CONDITIONAL LAND USES

SECTION


150.401 Establishment of Districts
150.402 Located on Legal Lot of Record
150.403 Allowable Uses
150.404 Principal and Accessory Uses
150.405 Interpretation of Uses
150.406 Accessory Buildings and Uses
150.407 Uses Within Buildings
150.408 Uses Outside Buildings
150.409 Temporary Buildings
150.410 Uses within the HC(Health Care) Zoning District
150.411 Conditional Uses
150.412 Dormitory Buildings as Conditional Uses in Residential Districts
150.413 Tennis, Racquetball, Handball, Swimming and Other Private Recreational Clubs as Conditional Uses in Residential Zoning Districts
150.414 Additional Regulations for Towers and Conditional Uses for Use with Television and/or Other Transmitting and Receiving Equipment, Including Cellular Telephone and Personal Wireless Telecommunications Facilities
150.415 Special Regulations for the Pedestrian Oriented Shopping Overlay (POSO) Zone
150.416 Public Safety Emergency Warning Facilities
150.417 Additional Regulations for Community Residential Alternatives


## Sec. 150.401 Establishment of Districts.

In order to carry out the purposes of this Chapter, the City of Highland Park is hereby divided into the following zoning districts, listed in the order of restrictiveness with the most restrictive being shown first. These districts are necessary in order to classify, regulate and restrict the locations of dwellings, trades, industries, and the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit by the intensity of the use of the lot areas, and to regulate and determine the areas of yards, courts, and other open spaces within the surroundings of such buildings.

(A) R1: Country Estate Residential District. This zoning district provides for single family residential and normal accessory uses in outlying or environmentally sensitive areas, where farming and conservation of land with ample open space is desirable or needed. It is not intended to allow commercial, industrial, governmental, recreational, or like uses in this district; however, certain facilities required to serve educational, religious, or other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect the residential and open space character.

(B) R2: Country Home Residential District. This zoning district provides for single family residential and normal accessory uses in outlying or environmentally sensitive areas. It is not intended to allow commercial, industrial, governmental, recreational, or like uses in this district; however certain facilities required to serve

educational, religious, or other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect the residential and open space character.

(C) R3: Low Density Residential District. This zoning district provides for low density residential and normal accessory uses. It is not intended to allow commercial, industrial, governmental, recreational, or like uses in this district; however, certain facilities required to serve educational, religious, or other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect the residential character.

(D) R4: Low-To-Moderate Density Residential District. This zoning district provides for low-to-moderate density residential and normal accessory uses. It is not intended to allow commercial, industrial, governmental, recreational, or like uses in this district; however, certain facilities required to serve educational, religious, or other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect the residential character.

(E) R5: Moderate Density Residential District. This zoning district provides for moderate density residential and normal accessory uses. It is not intended to allow commercial, industrial, governmental, recreational, or like uses in this district; however, certain facilities required to serve educational, religious, or other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect the residential character.

(F) R5A: Moderate-To-Medium Density Residential Zoning District. This zoning district provides for moderate-to-medium density residential and normal accessory uses. It is not intended to allow commercial, industrial, governmental, recreational, or like uses in this district; however, certain facilities required to serve educational, religious, or other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect the residential character.

(G) R6: Medium Density Residential District. This zoning district provides for medium density residential and normal accessory uses. It is not intended to allow commercial, industrial, governmental, recreational, or like uses in this district; however, certain facilities required to serve educational, religious, or other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect the residential character.

(H) R7: Single- and Two-Family Residential District. This district is intended to provide for medium density single-family and two-family residential development and accessory uses. It is not intended to provide for multiple-family residential buildings having in excess of two dwelling units, commercial, industrial, governmental, recreational, or other non-single or non-two-family residential uses in this district; however, certain facilities required to serve educational, religious, or other needs of the area may be permitted within the district as conditional uses subject to restrictions intended to preserve and protect the residential character.

(I) RM1: Medium-To-High Density Residential District. This zoning district provides for medium-to-high density multiple family residential and normal accessory uses. It is not intended to allow commercial, industrial, governmental, recreational, or like uses in this district; however, certain facilities required to serve educational, religious, or other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect the residential character.

(J) RM1A: Medium to High Density Multiple Family Residential Zoning District. This zoning district provides for medium to high density multiple family residential and normal accessory uses. It is intended to be transitional in both use and intensity between service commercial and lower intensity multiple and single family land use and zoning. The base density is between the base densities permitted in the RM1 and RM2 zoning districts. The base density may be equal to the density allowed in the RM2 Zoning District by utilizing a bonus for the provision of affordable housing. It is not intended to allow commercial, industrial, governmental, recreational, or like uses; however, certain facilities required to serve educational, religious, or other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect the residential character. (Ord. 57-02, J. 28, p. 410-473, passed 9/9/02)

(K) RM2: High Density Residential District. This zoning district provides for high density multiple family residential and normal accessory uses. It is not intended to allow commercial, industrial, governmental, recreational, or like uses in this district; however, certain facilities required to serve educational, religious, or other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect the residential character.

(L) RO: High Density Residential/Office District. This zoning district provides for a mixture of multiple family residential and compatible office uses in locations immediately adjacent to the greatest concentrations of commercial, transportation and cultural facilities. It is not intended to allow retail commercial, industrial, governmental, recreational, or like uses in this district; however, certain facilities required to serve educational, religious, or other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect their compatibility with regularly allowed uses and adjacent uses in other districts. Certain facilities required to serve educational, outdoor commercial, and other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect their compatibility with regularly allowed uses and adjacent uses in other districts.

(M) B1: Neighborhood Commercial District. This zoning district provides for groups of small business establishments located to serve frequent retail and personal service needs of residents within convenient traveling distance, and for the option of moderate density multiple family residential uses located above those establishments. It is not intended to allow major commercial or service establishments, which would attract substantial amounts of trade from outside the neighborhood. Certain facilities required to serve educational, outdoor commercial, and other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect their compatibility with regularly allowed uses and adjacent uses in other districts.

(N) B1A: Waukegan-Bloom Neighborhood Commercial District. This district is intended to provide for groups of commercial and office establishments located to serve both the frequent retail and personal service needs of residents within convenient traveling distance, and to complement and support uses within the adjacent Central Commercial District of the City of Highwood, as well as allowing for the portion of moderate density multiple-family residential uses located above first floor commercial uses. Certain facilities required to serve outdoor commercial and other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect their compatibility with regularly allowed uses and adjacent uses in other districts.

(O) B2: Ravinia Commercial District. This zoning district provides for retail and service establishments located in the commercial center established when Ravinia was a separate village but which are now related primarily to the needs of the surrounding neighborhood. Certain facilities required to serve educational, outdoor commercial and other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect their compatibility with regularly allowed uses and adjacent uses in other districts.

(P) B2-RW: Roger Williams Commercial District Overlay Zone. This district is intended to impose certain additional regulations on properties within the B2 zoning district and containing frontage along Roger Williams Avenue for the purpose of enhancing the Ravinia Commercial District as a viable and profitable retail center for the neighborhood. It is intended that only retail or retail-oriented service uses shall be allowed as allowed uses in first floor areas of all structures that have frontage along Roger Williams Avenue within this district, to result in the clustering of retail uses and exposing such uses to maximum pedestrian traffic, while keeping such traffic in concentrated areas. It is also the intent of this district to provide of comparison and complementary shopping among the retail uses. Non-retail-oriented service uses are allowed and encouraged on upper floor areas of all structures that have first floor frontage along Roger Williams Avenue within this district. These allowed uses are related primarily to the needs of the surrounding neighborhood, but existing and future focus of operations are not, and need not be, necessarily limited to that market area. It is intended that the district be broader than a neighborhood commercial district, but limited in scale and to a traffic generating capacity which can be handled by the existing street system. Certain non-retail-oriented service or office uses, or facilities required to serve educational, outdoor commercial and other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect their compatibility with regularly allowed uses and adjacent uses in other districts.

(Q) B3: Highway Commercial District. This zoning district provides for commercial uses in locations which abut or front, and have access to, either directly or via frontage roads, heavily traveled multi-laned major roadways. These uses may include facilities related to the traveler or highway user, as well as commercial activities, which require large land areas and do not depend upon adjoining uses for reasons of comparison shopping and pedestrian trade. Certain facilities required to serve educational, outdoor commercial and other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect their compatibility with regularly allowed uses and adjacent uses in other districts.

(R) B4: Commercial Service District. This zoning district provides for the wide range of goods and services required by central business district firms, their employees, and visitors in close proximity to the core of highest development intensity. It is also intended to include commercial uses that because of their single purpose shopping characteristics or their heavy traffic impact due to frequency of trip generations and types of required vehicles make them more appropriately located adjacent to the major roadways servicing the central business district, rather than relying primarily upon pedestrian traffic within that district. Certain facilities required to serve educational, outdoor commercial and other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect their compatibility with regularly allowed uses and adjacent uses in other districts.

(S) B5: Central Business District. This zoning district provides for the City's highest intensity core of retail, commercial, financial, and service facilities which tend to draw trade that is mutually interchangeable and so promote public convenience and business prosperity with high density multiple family residential uses located at the second floor and above being also encouraged to accommodate people disposed to urban living in proximity to employment, shopping and public transportation, thereby promoting a balanced downtown community. Certain facilities required to serve educational, outdoor commercial and other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect their compatibility with regularly allowed uses and adjacent uses in other districts.

(T) POSO: Pedestrian Oriented Shopping Overlay Zone. This overlay zone is intended to impose certain additional regulations on properties within the B5 Zoning District for the purpose of enhancing the commercial pedestrian core of the B5 Zoning District as a viable and profitable retail center. It is intended that only retail or retail-oriented service uses shall be allowed as permitted uses in ground floor areas of all structures that have frontages along selected streets in the B5 Zoning District. The Pedestrian Oriented Shopping Overlay Zone is generally bounded by Green Bay Road on the west, Elm Place on the north, mid-block of Central between St. Johns and Linden on the east, and Laurel Avenue on the south. The purpose of this overlay zone is to create a clustering of retail uses, and expose such uses to maximum pedestrian traffic while maintaining traffic in concentrated area. Finally, the Pedestrian Oriented Shopping Overlay Zone is intended to promote and preserve a balanced presence of retail and commercial uses to maintain the downtown pedestrian shopping character. (Ord. 28-04, J. 30, p. 97-116, passed 4/26/04)

(U) HC: Health Care District. This zoning district provides for large scale development of health care and related uses with a master planned setting. Certain facilities required to serve educational, outdoor commercial and other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect their compatibility with regularly allowed uses and adjacent uses in other districts.

(V) I: Light Industrial District. This zoning district provides for light manufacturing, processing, storage, wholesaling, and distribution operations; but also permits limited commercial uses. Certain facilities required to serve educational, outdoor commercial and other needs of the area may be allowed within the district as conditional

uses subject to restrictions intended to preserve and protect their compatibility with regularly allowed uses and adjacent uses in other districts.

(W) PA: Public Activity District. This zoning district provides for public, quasi-public, and institutional uses having purposes and impacts similar to governmental and special district facilities and that serve governmental, educational, religious, or recreational needs. It is the intent of this Code to create the PA district to avoid the problems inherent in locating governmental and special district facilities, permitted or conditional, in a zoning district with uses bearing no similarity to public, quasi-public, and institutional uses.

(X) LFOZ: Lakefront Density and Character Overlay Zone. This overlay zone is intended to impose additional lot dimension and density restrictions on newly subdivided lakefront lots in the R4 Low-To-Moderate Density Residential District for the purpose of protecting the density and character of the lakefront area. Many of the parcels along the lakefront are substantially larger than the minimum lot area requirements of the R4 District. This overlay zone is intended to preserve the spacious character and existing density of the area by requiring that any new subdivision in the overlay zone, with certain exceptions, complies with special average lot width and minimum lot area regulations. With the exception of the minimum lot area and average lot width requirements that specifically apply to lots in the LFOZ Overlay Zone pursuant to Section 150.703.1 of this Code, the R4 District regulations shall continue to govern property in the LFOZ Overlay Zone. (Added by Ord. 83-2000, passed 12/11/00; Ord. 33-01, J. 27, p. 136-139, passed 5/29/01; Ord. 42-02, J. 28, p. 313-337, passed 7/8/02)

(Y) SLOZ: South Green Bay Road Small Lot Overlay Zone. This overlay zone includes those lots in the R6 Medium Density Residential District area generally bounded on the west by Green Bay Road, on the north by Ravinia Road and Ridgewood Drive, on the east by the railroad tracks, and on the south by Blackstone Place existing on January 8, 2001, being the effective date of the Overlay Zone and regulations (the "Effective Date"). The lots in this overlay zone were platted prior to the adoption of this Code, and many do not comply with the R6 District regulations. The special lot area, lot width, and side yard regulations for the SLOZ Overlay Zone apply to lots existing prior to the Effective Date that have nonconforming conditions regarding the minimum lot area regulations or the minimum lot width regulations, or both, of the R6 District. Special regulations for the SLOZ Overlay Zone are not intended to apply to any new lot created by a subdivision of an existing lot in the SLOZ Overlay Zone after the Effective Date. With the exception of the minimum lot area, average lot width, and minimum side yard requirements that specifically apply in the SLOZ Overlay Zone pursuant to Section 150.703.2 of this Code, the R6 District regulations shall continue to govern property in the SLOZ Overlay Zone ( added by Ord. 01-01, passed 1/8/01; Ord. 32-01, J. 27, p. 130-135, passed 5/29/01; Ord. 42-02, J. 28, p. 313-337, passed 7/8/02)

(Section 150.401 amended in its entirety by Ord. 42-02, J. 28, p. 313-337, passed 7/8/02)

Sec. 150.402 Located on Legal Lot of Record.

Every building hereafter erected, converted, enlarged, reconstructed or structurally altered, or every land use hereafter initiated, shall be located upon a legal lot of record as herein defined.

(A) Single Lot. No principal structure shall be located upon a legal lot of record which contains any other principal structure or land use unless such lot is improved as part of a special use in the nature of a Planned Unit Development, or unless such use is located within the HC (Health Care) Zoning District.

(B) More Than One Lot. No principal structure or land use shall be located upon more than one lot of record unless such principal structure or land use has been approved as part of a Planned Unit Development, or unless such lot is located within the HC (Health Care) Zoning District.

(C) Use of Legal Lots of Record.

(1) Except as provided in Section 150.402(C)(2) of this Chapter, the Development and use of a legal lot of record shall comply with all of the regulations applicable in the zoning district in which the lot in question is located. (Ord. 81-07, J. 33, p.694-703, passed 11/13/07)

(2) Notwithstanding Section 150.402(C)(1) of this Chapter, a lot that is a legal lot of record pursuant to Subparagraph of the definition of legal lot of record shall not be required to comply with the otherwise applicable regulations set forth in Article VII of this Chapter for Minimum Lot Area for Single-Family Use or for Minimum Lot Area for Multiple-Family Use, if the legal lot of record is: (Sec. 150.402 amended by Ord. 35-2000, adopted 5/8/00; Ord. 81-07, J. 33, p.694-703, passed 11/13/07)

(a) Improved solely with one Single Family Residential Structure and any structures accessory thereto; or (Ord. 81-07, J. 33, p.694-703, passed 11/13/07)

(b) Located in a Multiple Family Residential District, and is the subject of a variation granted by the Zoning Board of Appeals for multiple-family use, in accordance with Section 150.1204(A)(2) of this Chapter. (Ord. 81-07, J. 33, p.694-703, passed 11/13/07)

Sec. 150.403 Allowable Uses.

No building or premises, improved or unimproved, shall be used, and no building shall be hereafter erected, converted, enlarged, reconstructed, or structurally altered, except for a purpose permitted in the zoning district in which the building or land is located as shown in the Table of Allowable Uses contained in this Article as having a "P" located after such use; or, in the alternative, after a public hearing for a special use permit as set forth in Article XIV for those uses having a "C" located after such use:

(A) In the aforesaid table, the uses listed in the horizontal rows with the letter "P" are permitted by right as a principal use in the zoning district listed at the head of the vertical column in which the letter "P" appears; similarly, the letter "C" indicates that the use is allowed as a conditional use in those zoning districts, subject to the regulations and procedures specified in this Chapter. The table does not consider accessory uses.

(B) Drive-Through Facilities.

(1) A land use that is identified in the Table of Allowable Uses as a permitted use in any zoning district of the City, other than the B5 Central Business District, and to which there is a Drive-Through Facility as an accessory use, shall not be permitted except upon issuance of a special use permit for a conditional use in accordance with the procedures set forth in Section 150.414 of this Article and Article XIV of this Chapter. (**Ord. 18-10, J. 36, p. 022-028, passed 2/8/10**)

(2) A land use that is identified in the Table of Allowable Uses in the B5 Central Business District, and to which there is a Drive-Through Facility as an accessory use, shall not be permitted except upon issuance of a special use permit for a Planned Development in accordance with the procedures set forth in Articles V and XIV of this Chapter. (**Ord. 18-10, J. 36, p. 022-028, passed 2/8/10**)

(C) The use of rights-of-way and easements for highways, public streets, public alleys, sidewalks, railroads, electric power lines, telephone lines, water mains, sanitary sewers, and storm sewers that belong to a governmental body or a public utility shall be considered permitted uses in all zoning districts.

Sec. 150.404 Principal and Accessory Uses.

(A) The uses listed in the Table of Allowable Uses contained in this Article as either permitted by right or as conditional uses in the various zoning districts are considered principal uses.

(B) Except as otherwise regulated by this Chapter, an accessory use, building, or structure is permitted to accompany the principal use to which it is subordinate where such principal use is either permitted by right or authorized by a special use permit.

(C) A structure, building, or use of land may be erected or established as an accessory structure, building, or use to a permitted principal structure, building, or use, provided that:

(1) It is located on the same lot of record occupied by the principal structure, building, or use;

(2) It is compatible in character and extent with the principal structure, building, or use and the zoning district within which it is located;

(3) It conforms with such other regulations as apply;

(4) It is not prohibited by other City ordinances;

(5) It shall not be erected or established prior to the establishment of the principal structure, building, or use, except as authorized by the City Council; and

(6) It is customarily incidental to the principal structure, building, or use.

Sec. 150.405 Interpretation of Uses.

Any uses not specifically listed as shown in the Table of Allowable Uses contained in this Article as having a "P" located after such use; or, in the alternative, after a public

hearing for a special use permit as set forth in Article XIV for those uses having a "C" located after such use shall be deemed prohibited. However, the City Council, upon recommendation of the Plan Commission, shall have the right to permit any other use not specifically listed in the said Table of Allowable Uses without formal amendment, provided that the proposed use is similar to and compatible with those uses permitted in the zoning district in question and is consistent with the purposes of this Chapter, provided that:

(A) Public meeting. Such determination by the City Council shall be made at a regularly scheduled public meeting of that body; and

(B) Public Record. A record shall be kept of each additional use(s) allowed and such record shall be available for public inspection.

Sec. 150.406 Accessory Buildings and Uses.

(A) Until the construction of the main building has been actually commenced, no accessory structure or use shall be constructed or initiated upon a lot and no accessory building shall be used for dwelling purposes.

(B) Home Occupations. Home occupations are permitted accessory uses in residential districts provided the use does not change the exterior character of the building other than for the existence of a small nameplate not more than one (1) square foot in area. In connection with a home occupation there shall not be the keeping, sorting, or maintaining of an inventory, equipment, or machinery; nor shall there be any commodity located upon the premises or sold upon or from the premises. In addition, other than members of the immediate family residing on the premises, not more than one (1) person shall be employed, nor shall there be more than three (3) pupils, clients, or customers present at the same time, and no mechanical equipment shall be used except such as is normally used for purely domestic or household purposes. No commercial vehicle used in connection with a home occupation shall be stored or parked upon the lot except within a fully enclosed and closed private garage.

(C) Sales in residential zoning districts. Not more than one (1) sale in any calendar year shall be permitted on any given premises in a residential zoning district. Any such sale shall be subject to the following conditions:

(1) The merchandise sold must be limited to household goods and furnishings, which have been in use in the dwelling unit(s) located on the premises;

(2) Such sale shall not extend over more than three (3) consecutive weekends;

(3) Written notice of such sale must be delivered to, and received by, the Department of Police not less than three (3) days in advance of the first day of the sale.

(D) Automatic Teller Machines in the B5 Zoning District. Automatic Teller Machines shall be prohibited in the B5 Zoning District, unless the Automatic Teller Machine is accessory to a primary use and is located inside the structure containing the primary use. (Ord. 28-04, J. 30, p. 97-116, passed 4/26/04)

Sec. 150.407 Uses Within Buildings.

No cellar in any building shall be used for or contain any quarters for sleeping or residential cooking. (Paragraph B Deleted by Ord. 24-07, J. 33, p. 180-181, passed 3/12/07)

Sec. 150.408 Uses Outside Buildings.

In the commercial and industrial zoning districts no use or accessory use may be conducted outside of a permanently constructed building, nor shall any outdoor storage or storage inside a trailer be permitted, except as provided below:

(A) Principal uses are permitted as literally described and conditioned in the Table of Allowable Uses contained in this Article.

(B) Outdoor accessory uses (including Christmas tree sales and temporary sales stands) may be permitted by the City Manager in conformance with the following requirements:

(1) The permitted outdoor accessory use shall be for the purpose of direct retail sales only, not for storage;

(2) The area of the permitted outdoor accessory use may not exceed ten percent (10%) of the indoor gross floor area or 100 square feet (whichever is greater) of the related principal use on the same premises; and

(3) Permission may be granted by the City Manager for a maximum term of one hundred twenty (120) days only per calendar year for all uses other than food and beverage uses, and for a maximum term of one hundred and eighty (180) days only per calendar year for food and beverage uses; however, extensions may be granted by the City Manager upon request. (Ord. 55-02, J. 28, p. 407-408, 9/9/02)

Sec. 150.409 Temporary Buildings.

Temporary buildings or trailers that are used only in connection with construction work may be permitted in any zoning district only during the period of construction subject to the following conditions:

(A) The City Manager may impose conditions related to the following items to insure that temporary buildings or trailers have the least possible negative impact upon the adjoining neighborhood:

(1) The required removal time;

(2) The location on the construction site;

(3) The presence or use of exterior lighting;

(4) The presence of signs; and

(5) The hours of use.

(B) The City Manager may require a deposit of up to Five Hundred Dollars ($500) in cash, a letter of credit or other form of financial guarantee acceptable to the Corporation Counsel of the City to insure compliance with the conditions stated above.

Sec. 150.410 Uses within the HC (Health Care) Zoning District.

(A) Permitted Use. Health Care Campus.

(B) Accessory Uses. Uses which are deemed accessory to the permitted health care campus uses within an HC (Health Care) Zoning District include, but are not limited to: bus shelters; chapels; convenience banking facilities, including but not limited to adult day care services; automatic teller machines; barber shops/hair salons; credit union offices; data processing centers; day or evening care facilities and kindergartens/child care facilities (including adult or child care); community living facilities; drug stores; dry cleaning facilities; general business offices; gift shops; recovery services; health club/fitness facilities; home health care facilities; libraries; lodging houses; medical appliance and supply stores; not-for-profit museums; underground or surface off-street parking; optical goods stores; pedways; pharmacies; postal service pick-up stations; radio, radar, television and cellular telephone towers; recycling collection points; restaurants; satellite receiving/communication devices; and other similar uses. (**Ord. 44-10, J. 36, p. 179-187, passed 5/10/10**)

(C) Conditional Uses.

(1) Heliports;

(2) Parking Decks – unless included in an approved Master Site Plan. (Ord. 29-02, J. 28, p. 111-114., passed 5/13/02)

(D) Minimum Size. This zoning district is intended to provide for the large scale development of health care and related uses within a master planned setting located on a minimum of ten (10) contiguous literal acres.

(E) Master Site Plan Review. At the time any given land is zoned to lie within the HC (Health Care) zoning district, a Master Site Plan must be provided for such land and approved by the City Council and made a part of the ordinance rezoning such given land to the HC (Health Care) zoning district. The Framework Plan shall remain on file with the City Clerk. The purpose of requiring a Master Site Plan is to allow for building site plan review (as set forth below) of individual structures that may be located within a master planned development reflected on the Master Site Plan for the land located in the HC (Health Care) zoning district.

(F) Building Site Plan Review.

(1) Purpose. Building Site Plan review of the proposed footprint of a structure provides a means of determining whether a construction proposal conforms to the approved Master Site Plan and whether the proposed development meets the standards of the City as set forth in its zoning, subdivision, and land development ordinances.

(2) Applicability. All proposed land development in the HC (Health Care) zoning district which involves construction of a structure, modifications or additions to an

existing structure that will alter the existing footprint, and/or other substantial alterations to a site shall be subject to Building Site Plan review.

(3) Procedure Preliminary to Building Permit Application.

(a) Prior to filing an application for a building permit, the applicant shall submit twelve (12) copies of the Building Site Plan to the Director, whereupon the Director shall examine and evaluate the Building Site Plan in accord with the criteria set forth below:

(i) The conformity of the Building Site Plan with the Master Site Plan and the applicable provisions of the Zoning Ordinance of the City;

(ii) The conformity of the arrangement of the proposed structure on the site to the best use of the topographical features of the site, causing minimal adverse environmental impact on the natural resources of the site such as steep slopes, wetlands, and wildlife habitats (Where practical, site improvements shall not interfere with views to outstanding natural features or existing structures);

(iii) The compatibility in use and visual character of all proposed structures, and other site improvements with the existing development (if any) on the subject site and with the adjacent property in the surrounding neighborhood;

(iv) The creation of privacy and security for the site user by reason of the arrangement on the site of structures and their relationship to other site features;

(v) The detention of stormwater runoff as close as possible to its point of origin, in conformance with the City's ordinances;

(vi) The availability of adequate and efficient provision of municipal services by reason of the design of the site;

(vii) The screening from direct view of utilities and service equipment such as gas meters, trash receptacles, loading docks, HVAC mechanical equipment, and storage tanks without eliminating access for maintenance or during emergencies;

(viii) The existence of pedestrian and vehicular circulation systems which provide adequate and safe access to and within the site and which direct vehicular traffic to roads of appropriate capacity;

(ix) The design, location, and screening of proposed parking areas or facilities in order to minimize adverse visual impact on adjacent properties (Perimeter parking lot screening shall be provided, and interior parking lot landscaping shall be required where necessary to mitigate large areas of pavement);

(x) The improvement of the character of existing improvements by establishing and maintaining landscaping and on-site open space;

(xi) The design, location, and installation of site illumination in a manner that will minimize adverse impacts on adjacent properties; and

(xii) The overall design of all structures, uses, and site improvements so as to ensure that the use of the site is in conformance with all performance standards of the City and of the State of Illinois regarding health, safety and welfare of its citizens.

(b) Following the review and evaluation of the Building Site Plan in light of the foregoing standards, the Director shall forward a report to the City Manager.

(c) Upon receipt of the report of the Director, the City Manager may approve the Building Site Plan:

(i) When the approval of the Building Site Plan will not constitute any deviation from the said Master Site Plan; or

(ii) Whenever the approval thereof will cause a change to the Master Site Plan as in his judgment shall not constitute a substantial deviation from the theretofore approved Master Site Plan.

(d) Before any changes approved by the City Manager may become effective, however, within seven (7) days of his receipt of the Director's report the City Manager shall notify in writing the City Council of such changes. In the alternative, the City Manager may determine that such change will constitute a substantial deviation from the approved Master Site Plan; and, in such event, he shall deny approval of the Building Site Plan.

(e) Nothing in this procedure shall preclude at any time the applicant's right to return voluntarily to the Plan Commission for review by the Plan Commission of an amended Master Site Plan.

(4) Action by City Council.

(a) Upon its receipt of notice from the City Manager of his approval of a Building Site Plan, construction and development of which in his judgment will cause a minor deviation from the Master Site Plan, the City Council, at its next regular meeting, may reverse the approval of such Building Site Plan upon its finding that such approval will produce a substantial deviation from the approved Master Site Plan in that such change will significantly and adversely affect the surrounding neighborhood or the health, safety or welfare of the community.

In the event the City Council determines that construction of the proposed change pursuant to the Building Site Plan creates a substantial deviation from the Master Site Plan, then the City Council shall deny approval of the Building Site Plan.

(b) At such meeting, in the event the City Council does so reverse the approval of the City Manager and deny approval of the Building Site Plan, the approval

of the City Manager shall not be effective and shall not be forwarded to the Coordinator of the Building Division. However, in the event the City Council does not reverse the approval of the City Manager, the approval of the City Manager shall be effective and shall be forwarded to the Coordinator of the Building Division.

(5) Amendment of Master Site Plan.

(a) Upon its receipt of an application to amend an approved Master Site Plan (which application shall conform to the requirements for a zoning map amendment) the Plan Commission shall conduct a public hearing and review the requested amendment of the Master Site Plan using the criteria set forth in the Framework Plan. When the Plan Commission completes its review of an amendment to the Master Site Plan it shall forward its recommendation thereon to the City Council.

(b) Following receipt of recommendations of the Plan Commission with respect to any amendment of an approved Master Site Plan for the HC (Health Care) zoning district, by adoption of an ordinance the City Council may approve such amendment as recommended by the Plan Commission, may modify the amendment, or may deny the amendment of the Master Site Plan and return it to the Plan Commission for further consideration.

Sec. 150.411 Conditional Uses.

(A) Purpose. Conditional use permits are intended to be a mechanism whereby specific special uses may be authorized on specific parcels of ground in zoning districts where they would normally be excluded, provided such uses are judged desirable to serve the cultural, recreational, educational, medical, governmental, religious, or specialized commercial and industrial needs of the adjacent neighborhood or the community as a whole.

(B) Limitation on Location. Special uses may be located in a particular zoning district by conditional use permit only as permitted in this Chapter.

(C) Procedure. The procedure for securing a conditional use permit shall be the same as the procedure for securing all special use permits outlined in Article XIV (Special Uses) of this Chapter.

(D) Conditions. Aside from the minimum standards which may be imposed by this Article upon certain conditional uses, after reviewing an application for a conditional use permit and considering the unique features of the specific special use proposal, the Plan Commission may recommend, and the City Council may require, such additional conditions upon the construction, location, and operation of any special use as shall be deemed necessary to insure that the use will meet the standards for special uses set forth in Article XIV (Special Uses) of this Chapter.

Sec. 150.412 Dormitory Buildings as Conditional Uses in Residential Districts.

Whenever Dormitory Buildings exist as conditional uses on privately owned and operated golf courses, they shall be located in residential districts other than the RM1, RM1A, RM2, and RO zoning districts, subject to the following minimum standards and development conditions: (Ord. 57-02, J. 28, p. 410-473, passed 9/9/02)

(A) No more than forty (40) occupants shall be permitted to occupy a Dormitory Building.

(B) Rooms in a Dormitory Building shall not be subject to lease and shall be restricted to employees of privately owned and operated golf courses located upon the same lot of record. Family members of employees shall not be permitted to reside in a Dormitory Building.

(C) A Dormitory Building shall be generally screened from the view of one standing on private property adjacent to the golf course properties and, where visible from public property or rights-of-way, a Dormitory Building shall present an appearance in keeping with the character of residences in the surrounding community.

(D) Outdoor recreation space of employees of the golf course shall be provided adjacent to the Dormitory Building and screened from the surrounding grounds.

(E) Common cooking and dining facilities, and indoor recreational space shall be located within each Dormitory Building or in an adjacent accessory building.

(F) Sleeping rooms of a Dormitory Building shall provide a minimum of 70 square feet of floor area per occupant. Sleeping rooms shall include secure space for the storage of clothing and personal items.

(G) Off-street parking shall be provided for each Dormitory Building at a ratio of one parking space for every three (3) occupants of such Dormitory Building.

(H) Although situated on the golf course land, a Dormitory Building shall be set back from golf course ownership lines in accord with the minimum setback from lot lines as required for the zoning district within which the Dormitory Building is to be located.

(J) Whenever the main golf course use ceases for six (6) consecutive months, accessory uses incidental to such main uses shall cease, and in the case of Dormitory Buildings, such Dormitory Buildings shall be razed within thirty (30) days of the cessation of the principal use: the privately owned and operated golf course.

Sec. 150.413 Tennis, Racquetball, Handball, Swimming and Other Private Recreational Clubs as Conditional Uses in Residential Zoning Districts.

Whenever a Tennis, Racquetball, Handball, Swimming and Other Private Recreational Club exists as a conditional use in any residential zoning district other than the RM1, RM1A, RM2, and RO Zoning Districts, such Club shall be subject to the following minimum standards and conditions: (Ord. 57-02, J. 28, p. 410-473, passed 9/9/02)

(A) The minimum lot size shall be 10 acres.

(B) The maximum allowable F.A.R. shall be 5 percent.

(C) The maximum allowable Impervious Surface Ratio shall be 50 percent. For purposes of this Section, Impervious Surface Ratio is any area having a runoff coefficient of

0.5 or greater, including roofs, decks, patios, driveways, sidewalks and normal gradation graveled areas.

(D) In all single family zoning districts, Private Recreational Clubs shall adhere to a special zoning yard requirement equal to a minimum of 50 feet from all lot lines comprising the perimeter of the Club.

(E) An adequate landscape buffer shall be provided which shall include a mix of coniferous and deciduous plantings, and which shall be subject to review by the Design Review Commission on a case-by-case basis.

(F) The principal use of a Private Recreational Club shall be located outdoors. The only uses allowed indoors shall be accessory uses. No playing court or swimming pool shall be allowed indoors.

(G) Parking requirements shall be: three spaces per court for tennis, racquetball and handball courts, and one space per swimmer, based on 20 percent of swimming pool capacity.

(H) Any lighting used to illuminate courts shall be directed or shaded to avoid casting direct light on any adjacent property or public right-of-way and the intensity of light shall not exceed 1/2 foot candle at the property line. It shall be unlawful to use unshielded light or any string of lights, and, further, it shall be unlawful to utilize outdoor court and/or swimming pool lighting, or conduct any outdoor activities before the hour of 8:00 a.m. and after the hour of 10:00 p.m. Sunday through Thursday and before the hour of 8:00 a.m. and after the hour of 11:00 p.m. on Friday and Saturday.

Sec. 150.414 Additional Regulations for Towers and Conditional Uses for Use with Television and/or Other Transmitting and Receiving Equipment, Including Cellular Telephone and Personal Wireless Telecommunications Facilities.

(A) Purpose and Interpretation. The purpose of this Section is to provide specific regulations for the placement, construction, and modification of radio and/or television towers and/or other transmitting and receiving equipment, including personal wireless telecommunications facilities. The provisions of this Section are not intended and shall not be interpreted to prohibit or have the effect of prohibiting the provision of personal wireless services, nor shall the provisions of this Section be applied in such a manner as to unreasonably discriminate between or among providers of functionally equivalent personal wireless services. To the extent that any provision or provisions of this Section are inconsistent or in conflict with any other provision of this Chapter, the provisions of this Section shall be deemed to control.

(B) Action by Plan Commission and City Council.

(1) Time for Action; Written Decision. Upon its review of any request by an applicant for any approval required under this Chapter to provide personal wireless service or to install radio and/or television towers and/or other transmitting and receiving equipment (including personal wireless telecommunications facilities), the Plan Commission and City Council shall each act within a reasonable period of time after the request is duly filed with the City Clerk and a recommendation forwarded by the Plan

Commission, respectively, taking into account the nature and scope of the request. A recommendation to deny or a final decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record. [*Formerly Paragraph 150.414(A)(2)]* (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(2) Modifications to or Replacement of Existing Facilities.

(a) Non-Structural Alterations. Any non-structural alteration of any existing antennas, antenna support structures, or related appurtenances, including the repair, maintenance, replacement, or addition of new antennas or internal equipment in equipment structures may be undertaken only after approval pursuant to the design review process required by Chapter 176 of this Code; provided, however, that the applicant shall comply with all requirements in Paragraphs (C)(5) and (C)(6) of this Section. (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(b) Structural Alterations. Notwithstanding the provisions of Article IX of this Chapter, any proposed structural alteration to, or replacement of, existing antenna support structures, including towers hosting antennas, or related equipment structures shall be required to comply with this Chapter as though they are a new structure. (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(3) Other Relief by Special Request. Should the application of this Section have the effect of prohibiting a person or entity from providing personal wireless service or other telecommunications service to all or a portion of the City, or discriminating against such a person or entity in their provision of such service, such provider may petition the City Council for (a) an amendment to this Section in the manner provided in Article XV of this Chapter, or (b) a variation from an applicable standard in the manner provided in Article XII of this Code. The City Council, upon receipt of such a petition, shall promptly undertake review of the petition and shall, or if applicable, shall direct the Zoning Board of Appeals to, make a determination on the petition within a reasonable period of time, taking into account the nature and scope of the petition. A decision to deny such a petition shall be in writing and supported by substantial evidence contained in a written record. [*Formerly Paragraph 150.414 (A)(3)*] (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(C) Criteria for Cell Sites and the Placement of Radio and/or Television Tower and/or Other Transmitting and Receiving Equipment, Including Personal Wireless Telecommunications Facilities. Subject to the terms, conditions, provisions, and limitations of this Section, including those set forth below, all antennas and antenna support structures shall, at all times, be subject to the applicable standards, regulations, and requirements at all times of those zoning districts in which they are located, and all requests for relief under this Chapter shall be subject to the applicable standards for special use permits, conditional uses, and variations, as appropriate: (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(1) Antenna Height. Each applicant for a special use permit shall demonstrate that antenna height is the minimum required to provide satisfactory operation of the radio and/or television tower and/or other transmitting and receiving equipment or personal wireless telecommunications facilities. No antenna height that is higher than such minimum shall be approved. In the case of personal wireless services facilities placed

on antenna support structures intended to support other public utilities as a primary use, each of the antennae and any overhead lines strung between the involved antenna support structures used for the operation of the personal wireless services shall be located at the maximum height on the designated antenna support structure permitted by the public utility provider, but shall not be installed less than 12 feet above the base of the antenna support structure. The applicant shall submit plans and supporting technical reports and certifications specifying the antenna support structure's fall-zone area and designated 'snap' area. (Ord. 69-02, J. 28, p.516-525, passed 11/12/02; Ord. 63-07, J. 33, p. 434-436, passed 7/23/07, **Ord. 28-10, J. 36, p. 105-109, passed 3/22/10**)

(2) Color. Antenna support structures and antennas shall have a finish color of non-contrasting black, blue, gray, or other color which minimizes the visibility of the antenna support structure.

(3) Aesthetic Design Compatibility. Radio and/or television towers and/or other transmitting and receiving equipment, including personal wireless telecommunications facilities, shall be compatible architecturally with adjacent buildings and land uses or otherwise integrated, through location and design, to blend in with existing characteristics of the site to the extent practical. Building mounted facilities shall be stepped back from the front façade, and any other sides of the building that are open to public viewing, in order to limit their visual impact on the building's silhouette. Site location and erection of a radio and/or television tower and/or other transmitting and receiving equipment or personal wireless telecommunications facility shall preserve the pre-existing character of the site as much as possible. Existing vegetation shall be preserved and improved, and disturbance of the existing topography of the site shall be minimized, unless such disturbance will result in less visual impact of the site upon the areas adjacent thereto. (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(4) Screening Stealth Designs. Where possible, towers and roof and wall mounted facilities should be camouflaged by screening materials or stealth designs, including, without limitation, the use of elements such as church steeples, spires, bell towers, smokestacks, radio towers, street lights, or fiberglass tree towers. (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(5) Technical Design, Coverage, and Capacity. All applicants shall provide one or more coverage and capacity analyses to demonstrate that the location of the antenna or antenna support structure as proposed is necessary to meet the frequency use and spacing needs of the personal wireless services facilities. In addition, all applicants shall provide an ambient and predictive radio frequency emissions report, prepared by an Illinois registered professional structural engineer that is not on retainer with the applicant, to demonstrate the cumulative impacts of the proposed facility and any other existing or currently proposed facilities on the subject lot and all lots that are adjacent to and/or abut the subject lot. Antennas shall be constructed to the then current standards of the Electronic Industries Association, the FAA, and the FCC. Guyed towers are prohibited. (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(6) Co-Location. Co-location of other radio and/or television towers and/or other transmitting and receiving equipment or personal wireless telecommunications facilities on the same antenna support structure shall be encouraged to the maximum

extent possible, so as to minimize the proliferation of antennas and antenna support structures. The number of positions to be available for co-location shall be based on the capacity of the facility, which shall be based on technical and capacity information and analysis submitted by the applicant and evaluated by the City. The applicant shall be required and shall agree to provide information to other personal wireless service and other providers seeking potential co-location positions. (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(a) Additional Required Submittals for Co-Location. In cases where an applicant intends to co-locate on an existing or approved antenna support structure or provide a co-location structure, the applicant shall provide, at a minimum, the following submittals to the City;

(i) A statement prepared by an Illinois registered professional engineer regarding co-channel interference and potential intermodulation interference. The report shall specifically include information regarding potential interference with City, county, state, and other governmental and public services and radio, television, and other services enjoyed by occupants of the site and adjacent residential and nonresidential properties;

(ii) An ambient and predictive radio frequency emissions report, prepared by an Illinois registered professional structural engineer that is not on retainer with the applicant, to demonstrate that co-location is feasible;

(iii) After co-location on an existing antenna support structure, the applicant shall provide a radio frequency emissions report prepared by an Illinois registered professional engineer who is not on retainer with the applicant. The report shall include data on predictive and cumulative radio frequency measurements; and

(iv) Copies of leases or other agreements between the owner of an existing antenna support structure and all co-locators that contain provisions allowing termination of the lease or relocation of the antenna facilities in the event that an antenna or other antenna support structure must be dismantled. (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(b) Additional Required Submittals where Inability to Co-locate is Alleged. In cases where an applicant claims an inability to co-locate on an existing or approved antenna or antenna support structure, the applicant shall provide, at a minimum, the following submittals to the City:

(i) Evidence that the applicant has sought and been denied the opportunity to co-locate its radio and/or television tower and/or other transmitting and receiving equipment or personal wireless telecommunications facilities on an existing antenna or antenna support structure; and evidence that the applicant has made adequate efforts, but is unable, to obtain a site for its facilities within the B3 Highway Commercial District. [*Formerly Subparagraph 150.414(C)(1)(b)]*

(ii) A report regarding the applicant's co-location efforts, detailing contacts and negotiations with other service providers within the applicant's

search area, without regard for municipal borders. The report shall provide specific details regarding the infeasibility of co-locating including statements that demonstrate, without limitations, the following:

(aa) The new facility would exceed the structural capacity of an existing antenna support structure;

(bb) The new facility would cause interference with other existing or planned equipment at the antenna or antenna support structure that cannot be corrected;

(cc) Existing or approved antenna support structures cannot reasonably accommodate the new facility at the height necessary for the proposed new facility to provide services to the residents and businesses of the City and the area;

(dd) The owners or lessors of the existing or approved antennas or antenna support structures are unwilling to allow co-location upon their facilities; and

(ee) The owners or lessors of the existing or approved antenna support structures will not offer a commercially reasonable market rate for a co-location lease.

(iii) Payment to the City for any expenses the City incurs in retaining a technical expert to confirm that each site within the applicant's search area would not be conducive for co-location.

(c) Revocation. The City may revoke an existing special use permit or other approval under this Chapter for a site on which it is determined that an existing service provider has not demonstrated good faith to provide co-location, where possible, at commercially reasonable rates to other service providers. (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(7) Equipment Structures. All ground level equipment structures shall comply with the requirements of the Highland Park Building Code, shall be designed to be consistent with the architectural styles, materials, and roof designs typical of the vicinity in which the facility is located, shall have a floor area not exceeding 300 square feet per provider nor a height exceeding twelve feet (12'), and shall be screened by non-deciduous plantings from the view of persons of at least six feet (6') in height who stand 100 feet from all adjacent lot lines. Where feasible, equipment shelters shall be located in underground vaults or fully enclosed buildings and shall have the capacity, or shall be designed in a manner, to easily allow expansion and to house the equipment of potential co-locators. (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(8) Noise. Unless the applicant demonstrates that the proposed facility will generate no increased sound levels as measured at the property line of the subject property during [*the hours of 5:00 p.m. to 9:00 a.m. the next day*], ground mounted equipment shall be surrounded with solid masonry or concrete walls. (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(9) Fencing. In order to thwart unauthorized access and minimize any danger to persons, all antennas, antenna support structures, and ground level equipment structures shall be fenced from adjacent areas by a six foot (6') high fence otherwise meeting the requirements of this Code. (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(10) Lights and Signs. Unless required by the FCC and/or the FAA, lights, signals, and/or signs of any kind are prohibited on any radio and/or television tower and/or other transmitting and receiving equipment, including a personal wireless telecommunications facility.

(11) Off-street Parking. Paved off-street parking adequate to provide parking for at least two trucks shall be required to be installed upon the lot for which any special use permit is issued. (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(12) Setback. The radio and/or television tower and/or other transmitting and receiving equipment or personal wireless telecommunication facility, including the required fencing, shall be set back from adjacent lot lines and existing buildings and structures as determined by the primary use of the antenna support structure and any single family dwelling, child care facility, day nursery, preschool or educational institution that may be within the specified distance, in accordance with the following table: (Ord. 63-07, J. 33, p. 434-436, passed 7/23/07)

| Zoning District | Antenna Support Structure Use | Required Setback from Lot Lines and Specified Buildings or Structures |
|---|---|---|
| All Districts Other Than Residential Districts | Primary or secondary use for personal wireless services facilities | A distance from the lot line that is at least equal to the antenna height or the required front yard, rear yard, or side yard, whichever is greater |

| Zoning District | Antenna Support Structure Use | Required Setback from Lot Lines and Specified Buildings or Structures |
|---|---|---|
| All Residential Districts | Primary use for personal wireless services facilities | A distance from the lot line that is at least equal to the antenna height or the required front yard, rear yard, or side yard, whichever is greater |
| All Residential Districts | Primary use for public utilities other than personal wireless services facilities | A distance no less than 100 ft. from any building or structure used as a single family dwelling, child care facility, ~~day nursery,~~ preschool or educational institution, excluding attached garages" |

(Ord. 63-07, J. 33, p. 434-436, passed 7/23/07; **Ord. 44-10, J. 36, p. 179-187, passed 5/10/10**)

(D) Prohibited Placement of Radio and/or Television Tower and/or Other Transmitting and Receiving Equipment, Including Personal Wireless Telecommunications Facilities. No public utility service use which satisfies the definition of personal wireless telecommunication facility shall be permitted in any zoning district in the City unless it complies with all applicable federal laws and regulations concerning its use and operation. (Ord. 11-98, passed 1/26/98)

(E) Continued Compliance. All applicants shall provide reports to the City, prepared by an Illinois registered professional engineer, not on retainer with the applicant, certifying continued compliance with current Federal radio frequency emission standards on an annual basis or upon modifications to equipment and facilities. (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

(F) Obsolete or Unused Support Structures, or Other Abandon Facilities. All obsolete, damaged, unused, or abandoned antenna towers, antenna support structures, and accompanying accessory facilities shall be removed no later than 90 days after the end of a twelve month period of continuous cessation of operations. In the case of multiple operators sharing the use of a single tower, this provision shall not become effective until all users cease operations for a period of twelve consecutive months. The site shall be restored to its original or improved state after the facilities are removed. The terms and conditions of a bond to assure removal of support structures and accessory facilities shall be specified in any special use permit granted for the installation or upgrade of telecommunication facilities. (Ord. 69-02, J. 28, p.516-525, passed 11/12/02)

Sec. 150.415 Special Regulations for the Pedestrian Oriented Shopping Overlay (POSO) Zone.

(A) Purpose. The purpose of the Pedestrian Oriented Shopping Overlay Zone

("POSO") is set forth in Section 150.401(T) of this Chapter.

(B) Overlay Zone. The POSO Overlay Zone appears on the Zoning Map as an "overlay zone" in portions of the B5 Zoning District. Development of property in the POSO Overlay Zone shall comply with the regulations of the POSO Overlay Zone contained in this Section and with the B5 Zoning District regulations contained in this Chapter. If there is any conflict between the POSO Overlay Zone regulations and the general B5 Zoning District regulations contained in this Chapter, the POSO Overlay Zone regulations shall control.

(C) Special POSO Overlay Zone Definitions. For the limited purpose of this Section 150.415, the following words shall have the meanings ascribed to them below:

(1) "PREMISES": Any building or separately owned, leased, or occupied space of a building.

(2) "GROUND FLOOR": Any occupiable floor of a building with direct access to grade, that is located less than one story above, or less than one story below, grade; provided, however, that no portion of a floor that constitutes a "cellar," as defined in this Chapter, shall constitute a "ground floor."

(3) "POSO REGULATED STREET": The following public rights-of-way, or segments thereof, located within the POSO Overlay Zone:

The north and south sides of Central Avenue, from the centerline of Green Bay Road on the West, to the eastern boundary line of the B5 Zoning District (mid-block of Central Avenue between Sheridan Road and Linden Avenue) on the East.

The east and west sides of Second Street, from the centerline of Elm Place on the North to the centerline of Laurel Avenue on the South.

The west side of First Street, from the centerline of Elm Place on the North to the centerline of Laurel Avenue on the South.

The south side of Elm Place, from the centerline of Green Bay Road on the West to the centerline of First Street on the East.

The east side of St. Johns Avenue, from the centerline of Park Avenue on the North to the centerline of Laurel Avenue on the South.

The east and west sides of Sheridan Road, from the centerline of Park Avenue on the North to the centerline of Central Avenue to the South.

The east side of Green Bay Road, from Elm Place on the North to the mid-block of Green Bay Road on the South that is between Central Avenue on the North and Laurel Avenue on the South.

The south side of Park Avenue from St. Johns on the West to the mid-

block of Park Avenue on the East that is between Sheridan Road on the West and Linden Avenue on the East.

(4) "POSO REGULATED PREMISES": Any Premises in the POSO Overlay Zone that (1) is located on the Ground Floor of a building and (2) has "frontage" on one or more POSO Regulated Streets. For purposes of this definition, a Premises shall be deemed to have frontage on a POSO Regulated Street if any exterior elevation of the Premises is either adjacent to the right-of-way line of a POSO Regulated Street or is separated therefrom only by a public or private sidewalk, access drive, parking lot, or plaza.

(D) Use Regulations.

(1) Permitted Uses. The only uses that shall be allowed within a POSO Regulated Premises shall be those that are specifically identified as "Permitted Uses" under the heading "POSO" in the Table of Allowed Uses in Article IV of this Chapter.

(2) Prohibited Uses. Subject to the non-conforming use provisions set forth in Article IX of this Chapter, the special non-conforming use provisions set forth in Section 150.415(F)(1), unless a use is specifically identified as a "Permitted Use" under the heading "POSO" in the Table of Allowed Uses in Article IV of this Chapter, such use shall not be allowed at any time, or under any circumstances, in any POSO Regulated Premises.

(E) POSO Regulated Premises Determination of Applicability. The Zoning Administrator shall have the authority to determine, or resolve any issue as to, whether a premises constitutes a POSO Regulated Premises and is therefore subject to the use regulations set forth in Section 150.415(D). Such determination or resolution may be made either at the initiation of the Zoning Administrator or upon the written application to the Zoning Administrator by the owner or occupant of any POSO Regulated Premises. The determination of the Zoning Administrator shall be final and binding, subject to the appeal provisions set forth in Article XIII of this Chapter.

(F) Non-Conforming Uses.

(1) Special Provisions. Any use that qualifies as a nonconforming use of land solely as a result of the adoption and application of the POSO Overlay Zone regulations shall be subject to the following regulations:

(a) Notwithstanding Section 150.902(E) of Article IX of this Chapter, no such nonconforming use shall be extended, expanded, or enlarged within a building or other structure to any portion of the floor area that is vacant, otherwise not occupied by a legal conforming use, or newly created within the existing building or structure.

(b) Notwithstanding Section 150.902(G) of Article IX of this Chapter, no such nonconforming use may be replaced by another nonconforming use unless (a) such use is identical to the nonconforming use that immediately preceded it, as identified in the Table of Allowed Uses in Article IV of this Chapter, or (b) such use is authorized by a special use permit issued pursuant to the standards set forth is Subsections (1), (4), and (9) of Section 150.1404(A) of Article XIV of this Chapter.

(c) Notwithstanding Section 150.902(I)(1) of Article IX of this Chapter, when such a nonconforming use is discontinued for a period of one year, regardless of any intent to resume or not to terminate such use, such use shall be deemed abandoned and shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of the POSO Regulated Premises within which such abandoned non-conforming use was located shall comply with the use regulations of the POSO Overlay Zone.

Except as expressly modified and excepted herein, all regulations in Article IX of this Chapter shall apply within the POSO Overlay Zone.

(2) Special Application. In addition to those uses that otherwise qualify as legal non-conforming uses pursuant to Article IX of this Chapter, the following uses shall be deemed to be legal non-conforming uses for the limited purposes of this Section 150.415:

(a) A use for which a completed and executed application for a building permit was submitted to the Department of Community Development prior to December 22, 2003.

(b) A use for which all of the requirements for receipt of an occupancy permit from the Department of Community Development were fulfilled prior to December 22, 2003.

(c) A use for which a completed and executed application for subdivision/consolidation approval or zoning relief for such building or property within which such use is intended to be located was submitted to the Department of Community Development prior to December 22, 2003; provided that evidence is produced, satisfactory to the City's Corporation Counsel, establishing that a non-conforming use, with a specific, actual, and identified user, was, at the time of submission of such application, intended to be located in the building or property. Such evidence may include a lease agreement fully executed prior to December 22, 2003.

(Section 150.415 added by Ordinance 28-04, J. 30, p. 97-116, passed 4/26/04)

Sec. 150.416 Public Safety Emergency Warning Facilities.

1. Purpose. In order to preserve and protect the public heath and safety and consistent with the goals of this Chapter, the City may, as needed, erect or approve Public Safety Emergency Warning Facilities.

2. Location. Public Safety Emergency Warning Facilities shall be permitted uses in all zoning districts established herein. Such facilities may be located at ground level or mounted on poles.

3. Principal or Accessory Use: Public Safety Emergency Warning Facilities may be considered either principal or accessory uses as follows:

(a) Principal Use: Public Safety Emergency Warning Facilities that are situated on a Lot where there is no principal use shall be considered the principal use on that Lot.

(b) Accessory Use: Public Safety Emergency Warning Facilities that are situated on a Lot where there exists a principal use shall be considered an accessory use to the principal use on that Lot.

4. Minimum Lot Size and Yard/Setback Requirements. The minimum Lot Area and yard/setback requirements applicable to the particular Lot on which Public Safety Emergency Warning Facilities are located shall not apply to Public Safety Emergency Warning Facilities, but shall apply to any principal use otherwise located on that Lot.

5. Maximum Height: Pole-mounted Public Safety Emergency Warning Facilities shall not exceed a height of 60'; provided, however, the City Council may, by resolution duly adopted, authorize the construction of Public Safety Emergency Warning Facilities in excess of 60' upon a determination, in its sole discretion, of a need to exceed such height in the interest of public safety.

6. Associated Buildings: Buildings associated with Public Safety Emergency Warning Facilities shall not exceed 50 square feet and shall require approval by the City Council.

7. Co-Location: The City Council may consider and approve a request from other units of local government to co-locate other Public Safety Emergency Warning Facilities on City structures or poles."

(Section 150.416 added by Ordinance 63-05, J. 31, p. 258-260, passed 10/24/05)

Sec. 150.417 Additional Regulations for Community Residential Alternatives.

(A) Minimum Setback from Other Community Residential Alternatives. No Community Residential Alternative shall be located on any lot that is within 400 feet, including rights-of-way, to another lot for which the primary use is another Community Residential Alternative, except upon issuance of a Conditional Use Permit pursuant to this Chapter.

(B) Business Registration Required. Notwithstanding any provision of Section 106.007 of the City Code to the contrary, each Community Residential Alternative shall register with the City pursuant to Chapter 106 of the City Code.

**(Section 150.417 added by Ordinance 44-10, J. 36, p. 179-187, passed 5/10/10)**

TABLE OF ALLOWABLE USES

The land uses in the following tables are grouped into generic categories and listed alphabetically within each category.

## RESIDENTIAL USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A ~ | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1A | B2 | B2 RW | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | P | **C** | P | | Boarding Houses | | | | | | | | | | | |
| | | | | | | | P | **C** | P | | Lodging Houses | | | | | | | | | | | |
| | | | | | | | | | | | Watchkeepers' Quarters | | | | | | | | | | C | |
| C | C | C | C | C | C | | | | | | Dormitory Buildings | | | | | | | | | | | |
| C | C | C | C | C | C | C | C | **C** | C | | Group Child Care Homes< | | | | | | | | | | | |
| P | P | P | P | P | P | P | P | **P** | P | P | Community Residential Alternative < | | | | | | | | | | | |
| | | | | | | | P | **P** | P | P | Multiple Family Dwellings | | | | | | | | | | | |
| | | | | | | | | | | | Dwellings Only Above First Floor Permitted Commercial or Office Uses | | P | P | P | P | | P | P | | | |
| C | C | C | C | C | C | | C | **C** | C | C | Dwellings as Part of a Planned Unit Development | | | | | | | | | | | |
| | | | | | | | C | **C** | C | C | Nursing Home Care Facility (including Skilled Nursing Facility, Intermediate Care Facility, Licensed Intermediate Care Facility, and/or Sheltered Care Facility) | | | | | | C | | | | | |
| P | P | P | P | P | P | P | P | **P** | P | P | Rectories < | | | | | | | | | | | |
| P | P | P | P | P | P | P | P | **P** | P | P | Single Family Dwellings | | | | | | | | | | | |
| | | | | | | P | P | **P** | P | | Two Family Dwellings | | | | | | | | | | | |
| | | | | | | | | **C +<** | | | **Dwelling Units per acre in excess of 30, up to a maximum of 40, subject to the conditions set forth in Section 150.704, footnote (d) of this Chapter~ + <** | | | | | | | | | | | |

* Added by Ord 42-02, J. 28, p. 313-337, passed 7/8/02, Amended by Ord. 01-03, J. 29, p. 01-16, passed 1/13/03
~ RM1A Zoning Added by Ord. 57-02, J. 28, p. 410-473, passed 9/9/02
\+ Deleted by Ord. 28-03, J. 29, p. 112-114, passed 3/24/03
**< Amended by Ord. 44-10, J. 36, p. 179-187, passed 5/10/10**

## PERSONAL SERVICES ESTABLISHMENTS AND CUSTOM CRAFT USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1A | B2 | B2 RW | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | **Art Shops** | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Barber Shops | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Beauty Shops | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Hobby Shops | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Key & Lock Shops | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Laundry & Dry Cleaning Establishments, drop-off & pick-up stations only | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Laundry & Dry Cleaning Establishments, with only coin-operated & self-service facilities | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Photographic Studios | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Shoe Repair Shops | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Printing Shops, hand press, off-set press, & photography only | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Tailoring & Dressmaking Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Tanning Salon | | P | | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Travel Agencies | | P | P | P | C | P | P | P | P` | P | |
| | | | | | | | | | | | Upholstery Shops | | | P | P | P | P | P | | | P | |
| | | | | | | | | | | | Weight Loss Clinics (Diet Centers) | | P | | P | C | P | P | P | | P | |

` POSO Zoning Added by Ord. 28-04, J. 30, p. 97-116, passed 4/26/04

## GENERAL RETAIL SALES AND RELATED SERVICE USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Antique Shops | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Art & School Supply Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Bicycle & Accessories Sales & Service | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Book Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Camera & Photographic Supply Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | China, Glassware, & Metalware Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Clothing Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Coin & Stamp Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Computer Equipment Sales & Service | | P | | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Craft Supply Stores | | P | | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Department Stores | | | | | C | P | P | P | P` | P | |
| | | | | | | | | | | | Drapery, Curtain & Window Covering Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Dry Goods Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Electrical Appliance Shops | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Fabrics & Sewing Accessory Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Floor Covering Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Florist Shops, retail | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Furniture Stores | | | P | P | P | P | P | P | P` | P | |

## GENERAL RETAIL SALES AND RELATED SERVICE USES (CONTINUED)

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Furriers & Fur Apparel Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Garden Supply Shops | | P | P | P | P | P | P | | | P | |
| | | | | | | | | | | | Gift, Novelty, & Souvenir Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Hardware Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Home Decorating Sales & Service | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Hotels and Motels ** | | | | | | C | C | C | C` | C | |
| | | | | | | | | | | | Jewelry Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Kitchen & Bath Cabinet Showrooms | | | | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Laundry & Dry Cleaning Establishments, except coin-operated & self-service - under 5000 sq. ft. | | | | P | P | P | P | | | P | |
| | | | | | | | | | | | Laundry & Dry Cleaning Establishments, except coin-operated & self-service - over 5000 sq. ft. | | | | | | | | | | C | |
| | | | | | | | | | | | Leather Shops | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Luggage & Suitcase Stores | | | | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Liquor Stores | | | | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Musical Instrument Stores | | | | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Newspaper & Magazine Stands | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Office Supply Stores | | | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Paint & Wallcovering Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Pet Shops | | | | | | C | C | C | C` | C | |
| | | | | | | | | | | | Record Shops | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Resale Shops | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Security Equipment Sales & Service | | P | | P | P | P | P | P | | P | |
| | | | | | | | | | | | Shoe Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Specialty Shops | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Sporting Goods Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Stationery Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Ticket Sales Facility | | P | | P | P | P | P | P | | P | |
| | | | | | | | | | | | Tobacco Shops | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Toy Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Video Sales and/or Rental Store | | P | | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Drug Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Optical Goods Store | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | **P** | Pharmacies | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Lighting & Electrical Equipment Store with Retail Sales Component | | | | P | P | | | P | P` | | |
| | | | | | | | | | | | Plumbing shop, Sales & Service with Retail Sales Component | | | | P | P | | | P | P` | | |
| | | | | | | | | | | | Medical Appliances & Supply Stores | | | | P | C | P | P | P | | P | |

** Amended by Ord. 51-01, J. 27, p. 232, passed 8/27/01
` POSO Zoning Added by Ord. 28-04, J. 30, p. 97-116, passed 4/26/04

## PLANTS, ANIMALS AND RELATED USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Animal Clinics or Hospitals | | | | | | C | C | | | C | |
| | | | | | | | | | | | Animal Pounds | | | | | | | | | | | C* |
| | | | | | | | | | | | Botanical Gardens | | | | | | | | | | | C* |
| P | P | | | | | | | | | | Agriculture | | | | | | | | | | | |
| | | | | | | | | | | | Florist Shops, wholesale | | | | | | P | P | | | P | |
| | | | | | | | | | | | Greenhouses, commercial | | | | | | P | | | | P | |
| C | C | C | C | C | C | | | | | | Kennels | | | | | | P | | | | P | |
| | | | | | | | | | | | Nurseries | | | | | | P | | | | P | |

* Added by Ord 42-02, J. 28, p. 313-337, passed 7/8/02

## FOOD PRODUCT USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Bakeries & Confectioneries, Retail | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Bakeries, Wholesale | | | | | | | | | | P | |
| | | | | | | | | | | | Convenience Food Mart | | P | | P | P | P | P | ~~P~~ ` | | P | |
| | | | | | | | | | | | Fruit & Vegetable Stores | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Grocery Stores, with or without meat | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Meat, Fish & Seafood Shops | | P | P | P | P | P | P | P | P` | P | |

` Deleted by Ord. 28-04, J. 30, p. 97-116, passed 4/26/04

## FOOD AND BEVERAGE USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | R M2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | PSOO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Catering Service Facilities | | | | | | P | P | | | P | |
| | | | | | | | | | | | Delicatessens | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Frozen Dessert Stores ~~with out Drive-in Facilities~~ ~ | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Outdoor Restaurants | | C | C | C | C | P | P | P | P` | P | |
| | | | | | | | | | | | ~~Restaurants, Drive-in ~~ | | | | | | ~~C~~ | ~~C~~ | | | ~~C~~ | |
| | | | | | | | | | | | Restaurants, Fast-food or Carry-out | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Restaurants, excluding dancing & entertainment | | P | P | P | P | P | P | P | P` | P | |
| | | | | | | | | | | | Restaurants, with dancing & entertainment | | | | C | C | P | P | P | P` | P | |

` POSO Zoning Added by Ord. 28-04, J. 30, p. 97-116, passed 4/26/04

~ **Amended by Ord. 18-10, J. 36, p. 022-028, passed 2/8/10**

## FINANCIAL USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | P A |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | P | Accounting, Auditing, & Bookkeeping Services | | | P | P | C | P | P | P | | P | |
| | | | | | | | | | | | Automatic Teller Machine | P | P | | P | P | P | P | P~~`~~ | | P | |
| | | | | | | | | | | | Banks~~, without Drive-in Facilities~~ ~ | | | | P | P | P | P | P | | P | |
| | | | | | | | | | | | Banks ~~with Drive-in Facilities~~ ** ~ | | | | ~~C~~ | ~~C~~ | ~~P~~ | ~~P~~ ~~C**~~ | ~~P~~~~`~~ | | ~~P~~ | |
| | | | | | | | | | | P | Collection Service Offices | | | | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Commodity Broker, Dealer, & Exchange Offices (including Wholesale) | | | | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Credit Reporting Service Offices | | | | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Credit Union Offices | | C* | P | P | C | P | P | P | | P | |
| | | | | | | | | | | | Currency Exchange | | | | | | C | | | | | |
| | | | | | | | | | | P | Financial Counseling Service Offices | | | P | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Holding & Investment Service Offices | | | P | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Income Tax Services | | | P | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Insurance Carriers, Agents, Brokers, & Service Offices | | | P | P | C | P | P | P | | P | |
| | | | | | | | | | | | Money Transmitting Businesses | | | P + | | | | | | | | |
| | | | | | | | | | | | ~~Savings & Loan Institutions, with Drive-in Facilities ** ~~ | | | | ~~C~~ | ~~C~~ | ~~P~~ | ~~P~~ ~~C**~~ | ~~P~~ | | ~~P~~ | |
| | | | | | | | | | | | ~~Savings & Loan Institutions, without Drive-in Facilities ~~ | | | | ~~P~~ | ~~P~~ | ~~P~~ | ~~P~~ | ~~P~~~~`~~ | | ~~P~~ | |
| | | | | | | | | | | P | Security Broker, Dealer, & Exchange Offices | | | | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Loan Company Offices | | | | P | C | P | P | P | | P | |

* A special use permit for the "Credit Union Offices" conditional use shall not be issued in any area of the B-1 District other than the specific B-1 district indicated on the City of Highland Park Zoning map and located in a portion of the area bounded by Ridge Road, Deerfield Road, and Richfield Avenue. (Amended by Ord. 44-03, J. 29, p. 153-154, passed 7/28/03)

` Deleted by Ord. 28-04, J. 30, p. 97-116, passed 4/26/04

\+ Added by Ord. 41-04, J. 30, p. 159-160, passed 6/28/04

**Notwithstanding the provisions of Section 150.411(C) of this Code, a permitted use (under any provision of this Code, including without limitation, Section 150.405) with ~~Drive-in~~ **Drive-Through** ~ Facilities that was made a conditional use by the amendment to this Zoning Code effective June 28, 2004 shall be considered a lawful conditional use, and may continue in existence as such use, as of June 28, 2004, provided, however, that the conditional use may not be expanded without first obtaining a conditional use permit in full accordance with Section 150.411 of this Code, and any other zoning relief required by applicable provisions of this Code. (Ord. 43-04, J. 30, p. 163-165, passed 6/28/04)

~ Amended by **Ord. 18-10, J. 36, p. 022-028, passed 2/8/10**

## BUSINESS SERVICE USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C= CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | P | Advertising Agency Offices | | | P | P | C | P | P | P | | P | |
| | | | | | | | | | | | Printing Shop including Blueprinting & Photocopying Shops | | | | | P | P | P | P` | | P | |
| | | | | | | | | | | | Printing Shop including Blueprinting & Photocopying Shops With Retail Sales Component | | | P | | | | | P | P` | | |
| | | | | | | | | | | | Building Maintenance Service Offices | | | | P | C | P | P | | | P | |
| | | | | | | | | | | P | Consumer Protection Organization Offices | | | | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Data Processing Centers | | | | | | P | P | P | | P | |
| | | | | | | | | | | P | Detective & Protective Service Offices | | | | | | P | P | P | | P | |
| | | | | | | | | | | P | Direct Mail Advertising Service Offices | | | | | | P | P | P | | P | |
| | | | | | | | | | | | Disinfecting & Exterminating Service Offices | | | | P | C | P | P | | | P | |
| | | | | | | | | | | P | Employment Agency Offices | | | | P | C | P | P | P | | P | |
| | | | | | | | | | | | Express Mailing Services | | P | | P | C | P | P | | | | |
| | | | | | | | | | | | Research & Survey Firms | | | | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Stenographic & Other Temporary Office Employment Service Offices | | | | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Window Cleaning Service Offices | | | | P | C | P | P | | | P | |

` Amended by Ord. 28-04, J. 30, p. 97-116, passed 4/26/04

## OFFICE AND PROFESSIONAL USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | P | Business & Management Consulting Service Offices | | | P | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Business Association Offices | | | | | C | P | P | P | | | |
| | | | | | | | | | | P | General Business Offices | | | P | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Interior Decorating Service Offices | | | P | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Newspaper Offices | | | | | C | P | P | P | | P | |
| | | | | | | | | | | P | Professional Offices including Architect, Attorney, Engineer, Landscape Architect, Urban Planner | | | P | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Publishing Offices | | | P | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Real Estate Broker, Salesperson, & Service Offices | | | P | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Telephone Business Offices | | | | | | P | P | P | | P | |
| | | | | | | | | | | P | Title Abstracting Company Offices | | | P | P | C | P | P | P | | P | |
| | | | | | | | | | | | Direct Selling Organizations | | | | | | P | P | P | | P | |
| | | | | | | | | | | P | Labor Union & Similar Labor Organization Offices | | | | | | P | P | P | | | |
| | | | | | | | | | | P | Office of Institution of Religious, Charitable, or Philanthropic Nature | | | | | | P | P | P | | | |
| | | | | | | | | | | P | Professional Membership Organization Offices | | | | | C | P | P | P | | | |
| | | | | | | | | | | | Taxicab Office, Dispatching | | | | | | P | P | P | | P | |
| | | | | | | | | | | P | News Syndication Services | | | | | | P | P | P | | P | |
| | | | | | | | | | | | Mail Order House | | | | | | P | P | P | | P | |
| | | | | | | | | | | | Motion Picture Film Distribution Offices | | | | | | P | P | P | | P | |

## MEDICAL AND RELATED USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | P | Acupuncture Services | | P | | P | C | P | P | P | | P | |
| | | | | | | | | | C | P | Chiropractor's Offices | | P | P | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Dental Laboratories | | | | P | C | P | P | P | | P | |
| | | | | | | | | | C | P | Dental Offices | | P | P | P | C | P | P | P | | P | |
| | | | | | | | | | | | Health Care Campus | P | | | | | | | | | | |
| | | | | | | | | | | | Home Health Care Provider's Offices | | P | | P | C | P | P | P | | P | |
| | | | | | | | | | | P | Massage Therapy Clinic | | P | P | P | P | P | P | P | | P | |
| | | | | | | | | | | P | Medical Clinics/Surgical Centers | | | | | | P | P | P | | P | |
| | | | | | | | | | | P | Medical Laboratories | | | | P | C | P | P | P | | P | |
| | | | | | | | | | C | P | Medical Offices | | P | P | P | C | P | P | P | | P | |
| | | | | | | | | | C | P | Offices for the Fitting & Repair of Hearing Aids, Prosthetic Appliances & the like | | P | P | P | C | P | P | P | | P | |
| | | | | | | | | | C | P | Optometrist's & Ophthalmologist's Offices | | P | P | P | C | P | P | P | | P | |
| | | | | | | | | | C | P | Psychiatrist's & Psychologist's Offices | | P | P | P | C | P | P | P | | P | |

## TRANSPORTATION AND RELATED USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Bus Terminals | | | | | | P | P | P | | P | |
| | | | | | | | | | | | Freight & Parcel Terminals | | | | | | P | | | | P | |
| | | | | | | | | | | C | Garage, public | | | | | C | C | C | C | | | |
| | | | | | | | | | | | Garage, Municipally Owned or Operated * | | | | | | | | | | | **C** |
| | | | | | | | | | | | Gasoline &/or Diesel Fuel Stations | | C | | C | C | C | C | | | C | |
| | | | | | | | | | | | Heliports | C | | | | | C | C | | | C | |
| | | | | | | | | | | | Marine Craft & Accessories Sales & Service Facilities | | | | | | P | | | | P | |
| | | | | | | | | | | | Motorcycle & Accessories Sales & Service Store | | | | | | P | P | | | P | |
| | | | | | | | | | | | Motor Vehicle Detailing Shops | | | | | | P | | | | P | |
| | | | | | | | | | | | Motor Vehicle Engine Repair Shops | | | | | | P | P | | | P | |
| | | | | | | | | | | | Motor Vehicle Glass Shops | | | | | | P | P | | | P | |
| | | | | | | | | | | | Motor Vehicle Muffler Shops | | | | | | P | P | | | P | |
| | | | | | | | | | | | Motor Vehicle Painting or Body Rebuilding Shops | | | | | | P | P | | | P | |
| | | | | | | | | | | | Motor Vehicle Parts & Accessories Sales | | | | | | P | P | | | P | |
| | | | | | | | | | | | Motor Vehicle Rental Agencies | | | | | | P | P | | | P | |
| | | | | | | | | | | | Motor Vehicle Repair, Major | | | | | | P | P | | | P | |

## TRANSPORTATION AND RELATED USES (CONTINUED)

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Motor Vehicle Repair, Minor | | | | | | P | P | | | P | |
| | | | | | | | | | | | Motor Vehicle Salesrooms | | | | | | P | P | | | P | |
| | | | | | | | | | | | Motor Vehicle Tire Sales & Installation Stores | | | | | | P | P | | | P | |
| | | | | | | | | | | | Motor Vehicle Upholstery Shops | | | | | | P | P | | | P | |
| | | | | | | | | | | | Motor Vehicle Washing Facility | | | | | | C | C | | | C | |
| | | | | | | | | | | | Motor Vehicle Wrecking & Salvage Yards | | | | | | | | | | C | |
| | | | | | | | | | | | New or Used Motor Vehicle Sales &/or Storage Lots, freestanding | | | | | | C | C | | | C | |
| C | C | C | C | C | C | C | C | C ^ | C | P | Off-Street Parking Lot, Freestanding | | P | C | P | C | P | P | P | | P | |
| | | | | | | | | | | | Off-Street Parking Lot, Freestanding, Municipally Owned or Operated * | | | | | | | | | | | C ! |
| | | | | | | | | | | | Parking Decks, | C + | | | | | | | | | | |
| | | | | | | | | | | | Parking Decks, Municipally Owned or Operated | | | | | | | | | | | C ! |
| | | | | | | | | | | | Railroad Stations | | | | | | | | | | | C ! |
| | | | | | | | | | | | Recreational & Sports Vehicle Sales & Service Facilities | | | | | | P | P | | | P | |
| | | | | | | | | | | | Taxicab Storage | | | | | | C | | | | C | |
| | | | | | | | | | | | Truck Terminals | | | | | | C | | | | C | |

+ A parking deck may be allowed as a permitted use in the HC Zoning District, provided that the parking deck detail is consistent with an approved Master Site Plan (Amended by Ord. 29-02, J. 28, p. 111-114., passed 5/13/02)
* Added by Ord 42-02, J. 28, p. 313-337, passed 7/8/02
^ Added by Ord. 57-02, J. 28, p. 410-473, passed 9/9/02
! Amended by Ord. 01-03, J. 29, p. 01-16, passed 1/13/03
` Deleted by Ord. 28-04, J. 30, p. 97-116, passed 4/26/04

## MATERIALS SUPPLY AND CONSTRUCTION USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Construction Hauling Companies | | | | | | | | | | C | |
| | | | | | | | | | | | Excavation Companies | | | | | | | | | | C | |
| | | | | | | | | | | | General Construction Companies | | | | | | P | | | | P | |
| | | | | | | | | | | | Glass Sales & Installation Facilities | | | | P | | P | | | | P | |
| | | | | | | | | | | | Glass Sales & Installation Facilities with Retail Sales Component | | | | P | P | | | | | | |
| | | | | | | | | | | | Heating & Air Conditioning Equipment | | | | | | P | P | | | P | |

## MATERIALS SUPPLY AND CONSTRUCTION USES (CONTINUED)

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Landscape Contractors and Yard Maintenance Services | | | | | | P | | | | P | |
| | | | | | | | | | | | Lighting & Electrical Equipment Store | | | | P | | P | P | ~~P~~ | | P | |
| | | | | | | | | | | | Lumber & Building Material Yard & Storage Facilities | | | | | | P | | | | P | |
| | | | | | | | | | | | Masonry, Stonework & Tilesetting Shops | | | | | | P | | | | P | |
| | | | | | | | | | | | Millwork & Cabinet Fabricating Shops | | | | | | | | | | P | |
| | | | | | | | | | | | Plumbing Shop, Sales & Service | | | | | | P | P | | | P | |
| | | | | | | | | | | | Ready-mix Concrete Yards | | | | | | | | | | P | |
| | | | | | | | | | | | Road Paving Companies | | | | | | | | | | P | |
| | | | | | | | | | | | Rock & Stone Supply Yards | | | | | | P | | | | P | |
| | | | | | | | | | | | Roofing Companies | | | | | | | | | | P | |
| | | | | | | | | | | | Sand, Gravel, & Earth Sales & Storage Facilities | | | | | | | | | | C | |
| | | | | | | | | | | | Sewer Companies | | | | | | | | | | C | |
| | | | | | | | | | | | Sheetmetal & Gutter Service Shop | | | | | | P | | | | P | |
| | | | | | | | | | | | Swimming Pool Companies | | | | | | P | | | | P | |
| | | | | | | | | | | | Water Well Drilling Companies | | | | | | | | | | P | |
| | | | | | | | | | | | Welding Equipment & Supply Shop | | | | | | | | | | P | |

` Deleted by Ord. 28-04, J. 30, p. 97-116, passed 4/26/04

## STORAGE, PROCESSING, AND WHOLESALING USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | General Warehouses & Storage Facilities, Enclosed | | | | | | P | | | | P | |
| | | | | | | | | | | | Metal Salvage Yards & Operations | | | | | | | | | | C | |
| | | | | | | | | | | | Mini-warehouses | | | | | | | | | | P | |
| | | | | | | | | | | | Open Storage Yards | | | | | | C | | | | C | |
| | | | | | | | | | | | Refrigerated Warehouses | | | | | | | | | | P | |
| | | | | | | | | | | | Wholesale Trade Offices & Storage Facilities | | | | | | P | | | | P | |

## INDUSTRIAL AND MANUFACTURING USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Facilities for the Bottling & canning of Liquids | | | | | | | | | | C | |
| | | | | | | | | | | | Facilities for Manufacturing, Processing, Assembly, & Packaging of: Articles of Merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, metal, paper, plastics, stone, tobacco, wood, yarns & paint, not employing a boiling process | | | | | | | | | | P | |
| | | | | | | | | | | | Facilities for Manufacturing, Processing, Assembly, & Packaging of: Bakery goods, candy, cosmetics, dairy products (including milk), drugs, grains, perfumes, pharmaceuticals, toiletries & food products, except the following uses: fish, meat products, sauerkraut, vinegar, yeast, & the rendering or refining of fats or oils | | | | | | | | | | P | |
| | | | | | | | | | | | Facilities for Manufacturing, Processing, Assembly, & Packaging of: Biological & botanical products, except manure | | | | | | | | | | C | |
| | | | | | | | | | | | Facilities for Manufacturing, Processing, Assembly, & Packaging of: Electrical Devices, appliances, apparatus, & instruments | | | | | | | | | | P | |
| | | | | | | | | | | | Facilities for Manufacturing, Processing, Assembly, & Packaging of: Mechanical Devices, machines & parts such as toys, novelties, & other light or small mechanical products | | | | | | | | | | P | |
| | | | | | | | | | | | Facilities for Manufacturing, Processing, Assembly, & Packaging of: Plastics, chemicals, & drugs, except poisons & insecticides | | | | | | | | | | P | |

## INDUSTRIAL AND MANUFACTURING USES (CONTINUED)

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Facilities for Manufacturing, Processing, Assembly, & Packaging of: Pottery, figurines, & similar ceramic products using only previously pulverized clay | | | | | | | | | | P | |
| | | | | | | | | | | | Metal Fabrication Shops, including cold rolled sheet, strip, & bars | | | | | | | | | | P | |
| | | | | | | | | | | | Manufacturing Laboratories & Testing Facilities | | | | | | | | | | P | |
| | | | | | | | | | | | Recycling Centers, Materials Reclamation | | | | | | | | | | | C * |
| | | | | | | | | | | | Wholesale Job Printing, with Bookbinding | | | | | | | | | | P | |
| | | | | | | | | | | | Wholesale Laundry, Cleaning, & Dyeing Plants | | | | | | | | | | C | |

* Added by Ord 42-02, J. 28, p. 313-337, passed 7/8/02)

## COMMUNICATIONS AND PUBLIC UTILITY USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| C | C | C | C | C | C | C | C | C ^ | C | C | Cellular Telephone Facilities without Towers for Use with Radio and/or Other Transmitting and Receiving Equipment, Including Cellular Telephone and Personal Wireless Communications Facilities — Including Antennas to a Maximum Height of 12 Feet without Towers but Excluding Satellite Dishes | C * | C | C * | C * | | C * | C * | C * | | C * | C + |
| C | C | C | C | C | C | C | C | | C | C | Electrical Receiving or Transforming Stations | | C | | C | | C | C | C | | C | C + |
| | | | | | | | | | | | Newspaper Distribution Services | | | | | | P | | | | P | |
| | | | | | | | | | | P | News Syndication Services | | | | | | P | P | P | | P | |
| | | | | | | | | | | P | Radio & Television Broadcasting Station | | | | | | P | P | P ` | | P | |
| C | C | C | C | C | C | C | C | C ^ | C | C | Radio and/or Television and/or Other Transmitting and Receiving Equipment, Including Cellular Telephone and Personal Wireless Communications Facilities with Towers or Poles | | C | | C | | C | C | C | | C | C + |

` Deleted by Ord. 28-04, J. 30, p. 97-116, passed 4/26/04

## COMMUNICATIONS AND PUBLIC UTILITY USES (CONTINUED)

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Recording Studios | | | | | | P | P | ~~P~~ ` | | P | |
| C | C | C | C | C | C | C | C | C ^ | C | C | Telephone Relay Facilities | | C | | C | | P | P | P | | P | C + |
| | | | | | | | | | | | Utility Maintenance Garages | | | | C | | | P | | | | |
| C | C | C | C | C | C | C | C | C ^ | C | C | Utility Substations | | C | | C | | C | C | C | | C | C + |
| | | | | | | | | | | | Utility Yards | | | | | | C | | | | P | |

* Amended by Ord. 24-02, J. 28, p. 89-90, passed 5/13/02
\+ Added by Ord 42-02, J. 28, p. 313-337, passed 7/8/02
^ Added by Ord. 57-02, J. 28, p. 410-473, passed 9/9/02
` Deleted by Ord. 28-04, J. 30, p. 97-116, passed 4/26/04

## GOVERNMENTAL USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | City Facilities & Services (not otherwise listed) | | | | | | | | | | | C *! |
| | | | | | | | | | | | Civil Defense Stations | | | | | | | | | | | C*! |
| | | | | | | | | | | P | Executive Offices, public; Judicial Quarters, public, Legislative Quarters, public; Offices of Federal, State, County or Local Governments | | | | | | P | P | P | | P | C *! |
| | | | | | | | | | | | Governmental Marinas | | | | | | | | | | | C * |
| | | | | | | | | | | | Postal Service and Parcel, Pick-up Stations | | | | | | | | | | | C * |
| | | | | | | | | | | | Postal Service and Parcel, Distribution Service | | | | | | | | | | | C * |
| | | | | | | | | | | | Sewage Pumping Stations | | | | | | | | | | | C * |
| | | | | | | | | | | | Sewage Treatment Facilities | | | | | | | | | | | C * |
| | | | | | | | | | | | Waterworks Treatment & Distribution Facilities | | | | | | | | | | | C *! |

* Added by Ord 42-02, J. 28, p. 313-337, passed 7/8/02
! Amended by Ord. 01-03, J. 29, p. 01-16, passed 1/13/03

## MISCELLANEOUS USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Cemeteries, Mausoleums, & Memorial Parks | | | | | | | | | | | C * |
| | | | | | | | C | | C | C | Civic, Social, & Fraternal Association Meeting Places | | C | C | C | C | P | P | P | | | C * |
| | | | | | | | | | | | Funeral Homes, Mortuaries & Crematoria | | C | | C | | C | C | | | | |
| C | C | C | C | C | C | C | C | C ^ | C | C | Houses of Worship * | | C | C | C | C | C | C | C | | | C * |

* Added by Ord 42-02, J. 28, p. 313-337, passed 7/8/02
^ Added by Ord. 57-02, J. 28, p. 410-473, passed 9/9/02

## CULTURAL, RECREATIONAL, AND ENTERTAINMENT USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Art Galleries, public | | | | | | | | | | | C * |
| | | | | | | | | | | | Auditoriums | | | | | | | | | | | C * |
| | | | | | | | | | | | Bowling Alleys | | | | | | P | P | C | | P | |
| C | C | C | C | C | C | C | C | C ^ | C | C | Club or Lodge, private | | C | | C | C | C | C | C | | C | |
| | | | | | | | | | | | Community & Recreation Centers | | | | | | | | | | | C * |
| P | P | P | P | P | P | | P | | P | | Country Clubs & Golf Courses | | | | | | | | | | | C ! |
| | | | | | | | | | | | Cultural Arts Centers * | | | | | | | | | | | C * |
| | | | | | | | | | | | Dinner Theaters | | | | | | C | C | C | C ` | C | |
| | | | | | | | | | | | Gymnasiums | | | | | | C | C | | | C | |
| | | | | | | | | | | | Health Clubs | | | | | | P | P | P | | P | |
| | | | | | | | | | | C \| | Health Clubs (Minor) | | | | | | | | | | | |
| | | | | | | | | | | | Libraries | | | | | | | | | | | C * |
| | | | | | | | | | | | Miniature Golf Courses | | | | | | P | | | | P | |
| | | | | | | | | | | | Movie & Drama Theaters | | | | | | P | P | P | P ` | P | |
| | | | | | | | | | | | Museums | | | | | | | | | | | C * |

` POSO Zoning Added by Ord. 28-04, J. 30, p. 97-116, passed 4/26/04
\| Health Clubs (Minor) Added by Ord. 49-04, J. 30, p. 200-202, passed 7/12/04

## CULTURAL, RECREATIONAL, AND ENTERTAINMENT USES (CONTINUED)

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| C | C | C | C | C | C | C | C | | C | C | Outdoor Theaters, festival-drama | | C | | C | C | C | C | C | | C | |
| P | P | P | P | P | P | C | P | **P** ^ | P | P | Parks & Playgrounds | | P | P | P | P | P | P | P | P` | P | |
| C | C | | | | | | | | | | Riding Academies | | | | | | | | | | | |
| | | | | | | | | | | | Roller & Ice Skating Rinks | | | | | | C | C | C | | C | |
| C | C | C | C | C | C | | C | | C | C | Tennis, Racquetball, Handball, Swimming & Other Private Recreational Clubs | | C | | | | P | P | P` | | P | |

* Added by Ord 42-02, J. 28, p. 313-337, passed 7/8/02
^ Added by Ord. 57-02, J. 28, p. 410-473, passed 9/9/02
` Removed by Ord. 57-02, J. 28, p. 410-473, passed 9/9/02
! Amended by Ord. 01-03, J. 29, p. 01-16, passed 1/13/03
` Amended by Ord. 28-04, J. 30, p. 97-116, passed 4/26/04

## EDUCATIONAL AND SUPPORT SERVICE USES

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Adult Day Care **<** | | C | | C | | C | C | C | | C | C |
| | | | | | | | | | | | Barber & Beauty Schools | | | | | | P | P | P | | P | |
| | | | | | | | | | | | Business & Technical Schools | | | | | | P | P | P | | P | C * |
| C | C | C | C | C | C | C | C | | C | C | Colleges, Junior Colleges & Universities | | | | | | C | C | C | | C | C * |
| | | | | | | | | | | | Community Living Facility **<** | | C | | C | | C | C | C | | C | C |
| C | C | C | C | C | C | | C | **C** ^ | C | C | Child Care Facility | | C | | C | C | C | C | C | | C | C * |
| C | C | | | | | | C | **C** ^ | C | | Convents, Monasteries or Seminaries | | | | | | | C | C | | | **C** * |
| | | | | | | | | | | | Dancing or Music Academies | | | | P | C | P | P | P | | P | |
| P | P | P | P | P | P | P | P | **P** ^ | P | P | Day Care Homes | | | | | | | | | | | |
| ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C ^~~ | ~~C~~ | ~~C~~ | ~~Nurseries, Day~~ **<** | | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | | ~~C~~ | ~~C *~~ |
| | | | | | | | | | | | Driving Schools | | | | P | | P | P | P | | P | |
| P | P | P | P | P | P | P | P | **P** ^ | P | P | Elementary & High Schools, Public, Private & Parochial including Kindergartens | | P | | P | | P | P | P | | P | C ***!** |

## EDUCATIONAL AND SUPPORT SERVICE USES (CONTINUED)

| R1 | R2 | R3 | R4 | R5 | R6 | R7 | RM 1 | RM 1A | RM 2 | RO | P = PERMITTED USES C = CONDITIONAL USES | HC | B1 | B1 A | B2 | B2R W | B3 | B4 | B5 | POSO | I | PA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| C | C | C | C | C | C | C | C | **C** | C | C | Outdoor Lights with Towers for Athletic Fields located on High School Campuses, at such maximum wattage and at such maximum height as may be specified by the City Council in the ordinance approving the special use permit **#** | | C | | C | | C | C | C | | C | C |
| P | P | P | P | P | P | P | P | **P** ^ | P | P | Institutions for Special Education | | P | | P | | P | P | P | | P | C ***!** |
| | | | | | | | | | | | Personnel Training Centers | | | | | | P | P | P | | P | |
| | | | | | | | | | | | Recovery Services **<** | P | C | | C | | C | C | C | | | |
| | | | | | | | | | | | Sports Training Schools | | | | | | P | P | C | | P | |
| | | | | | | | | | | | Studios for Art, Ceramics, Drama, Speech, and similar skills | | | | P | C | P | P | P | | P | |

* Added by Ord 42-02, J. 28, p. 313-337, passed 7/8/02
^ Added by Ord. 57-02, J. 28, p. 410-473, passed 9/9/02
! Amended by Ord. 01-03, J. 29, p. 01-16, passed 1/13/03
# Amended by Ord. 55-04, J. 30, p. 216-219, passed 8/9/04
**< Amended by Ord. 44-10, J. 36, p. 179-187, passed 5/10/10**

# ARTICLE V. PLANNED DEVELOPMENTS

SECTION


150.501 Intent and Purpose
150.505 Applicability
150.510 Modifications to Zoning District Regulations
150.515 Public Benefit
150.520 Site Planning Constraints and Design Standards
150.525 Preliminary Development Plan Filing Requirements
150.530 Preliminary Development Plan Review Procedure
150.535 Final Development Plan Filing Requirements
150.540 Final Development Plan Review Procedure
150.545 Amendments to Approved Planned Developments
150.550 Concurrent Review of Preliminary and Final Development Plans
150.555 Enforcement and Recording
150.560 Construction Timing
150.565 Completion of Planned Development


Sec. 150.501 Intent and Purpose.

To promote ingenuity, imagination, and excellence in project design on the part of owners, builders, architects, and developers and to produce developments which are in keeping with overall land use, open space and other objectives of the Master Plan, this Article makes available a special use procedure which allows for departures from the strict application of the specific zoning requirements of the Zoning District in which the proposed development is located. The intent of this Article is to permit site planning and project design flexibility from the requirements of this Chapter and of the Subdivision Ordinance, and to provide performance criteria for Planned Developments that:

(A) Encourage a creative and sustainable approach to the development of land and buildings, in order to protect, preserve, and enhance the natural and built environment.

(B) Accomplish a more desirable built environment than would be possible through the strict application of the requirements of this Chapter and of the Subdivision Ordinance;

(C) Provide for an efficient use of land that facilitates a more economic arrangement of circulation systems, land uses, buildings, and public and private utilities;

(D) Enhance neighborhoods through the preservation and protection of Environmentally Sensitive Areas, the preservation of structures and areas with architectural or historical significance, the provision of recreational and open space areas, and the provision of underground utilities;

(E) Minimize the consumption of natural resources by reducing the waste of water, energy, or materials;

(F) Encourage site planning and site designs that emphasize accessibility, open views, and connections to the larger community; and

(G) Provide an environment of stable character compatible with surrounding areas.

Sec. 150.505 Applicability.

The requirements of this Article shall apply to the following types of developments in the City:

(A) Residential Developments.

(1) Residential developments on a tract or tracts of land at least three acres in size and located in a Single Family Residential District, except for developments consisting solely of one single-family detached residence;

(2) Residential developments consisting of 10 or more dwelling units and located in a Single Family Residential District;

(3) Multiple-family residential developments consisting of more than one principal building on a Legal Lot of Record, except for townhouse and other attached single-family developments;

(4) Townhouse developments consisting of three or more dwelling units in any Single Family Residential District; and

(5) Townhouse developments consisting of 10 or more dwelling units in any Zoning District.

(B) Downtown Developments. New developments of 10,000 square feet or more of total area in the B4, B5, or RO Zoning Districts.

(C) Mixed Use Developments. Developments that contain both (1) commercial, institutional, or office uses, and (2) residential uses.

(D) Skokie Highway Business District Developments. New developments within the B3 or I Zoning Districts that include either (1) multiple principal structures, or (2) a single building consisting of 25,000 square feet or more of new floor area.

(E) Voluntary Participation. Developments for which the applicant chooses to utilize the Planned Development process set forth in this Article, in order to achieve a superior design and site planning flexibility.

(F) Drive-Through Facilities in the B5 Zoning District. Any development in the B5 Zoning District that includes one or more Drive-Through Facilities. (**Ord. 18-10, J. 36, p. 022-028, passed 2/8/10**)

Sec. 150.510 Modifications to Zoning District Regulations.

Subject to the standards and limitations set forth in this Section 150.510, the Plan Commission may recommend, and the City Council may approve, modifications to the provisions of this Chapter, of the Subdivision Ordinance, and of Chapter 93 of the Code, as they apply to, and in conjunction with the approval of, the proposed Planned Development. (Ord. 41-02, J. 28, p. 309-312, 07/08/02; Ord. 57-02, J. 28, p. 410-473, passed 9/9/02; Ord. 22-03, J. 29, p. 91-95, passed 2/24/03; Ord. 32-06, J. 32, p. 114-116, passed 4/24/06; Ord. 80-07, J. 33, p. 660-693, passed 11/13/07)

(A) Prohibited Modifications. The Plan Commission shall not recommend, and the City Council shall not approve, any of the following modifications:

(1) Modifications to the Table of Allowable Uses set forth in Article IV of this Chapter;

(2) Modifications that result in the increase of any density standard set forth in this Chapter, except as set forth in Section 150.510(D) of this Article; or

(3) Modifications that permit a Land Bank (as that term is defined in Section 150.804(C)(1) of this Chapter) within any part of the common open space required pursuant to this Article or within any Environmentally Sensitive Area. (**Ord. 30-09, J. 35, p. 088-095, passed 4/27/09**)

(B) Construction in Environmentally Sensitive Areas: The Plan Commission shall not recommend, and the City Council shall not approve, a Planned Development that is proposed to be constructed in an Environmentally Sensitive Area except upon making all findings required pursuant to Section 150.530(H)(2) of this Chapter and the following additional findings:

(1) That there are no available and feasible alternatives to the proposed Planned Development with less adverse impact to the Environmentally Sensitive Areas that will accomplish the project's purpose, taking into account costs, logistics, the proposed use, and the most current technology;

(2) That the Planned Development minimizes construction in Environmentally Sensitive Areas to the greatest extent possible; and

(3) That the proposed construction is consistent with (i) the regulations set forth in Articles XVIII and XIX of this Chapter, and (ii) other applicable provisions of the Code, as determined by the Director of Community Development.

(C) Modifications to Minimum Standards for Public Streets, Alleys, or Other Public Ways. All standards applicable to public streets, alleys, and other public ways, as set forth in the Subdivision Ordinance and in Chapter 93 of the Code, may be modified only upon (a) the recommendation of the City Director of Public Works, and (b) the finding by the Plan Commission, and the determination by

the City Council, that the proposed modifications will not impede safe and effective traffic flow or pedestrian use of the public streets, alleys, or other public ways.

(D) By-Right Density Bonuses.

(1) Bonus for Buildings with Architectural or Historic Significance. The applicant for a Planned Development that includes residential uses shall have the right, but not the obligation, to incorporate within the Planned Development one additional dwelling unit if the Planned Development includes one or more buildings, structures, areas, objects, or landscapes of significance that (a) have been determined to be historically significant by the Historic Preservation Commission of the City, pursuant to Chapters 24 or 170 of the Code, and (b) will be preserved or restored in conjunction with the proposed Planned Development.

(2) Affordable Housing Bonus. Upon satisfaction of the standards set forth in Section 150.2106 of this Chapter, the applicant for a Planned Development that includes residential uses shall have the right, but not the obligation, to incorporate within the Planned Development additional market rate dwelling units as permitted pursuant to Section 150.2106 of this Chapter. (Ord. 22-03, J. 29, p. 91-95, passed 2/24/03; Ord. 80-07, J. 33, p. 660-693, passed 11/13/07)

(3) Standards for Bonuses. The density bonuses authorized by this Section 150.510(D) shall be applicable only upon approval of the proposed Planned Development in accordance with the otherwise applicable provisions of this Article. Nothing in this Section 150.510(D) shall be deemed or interpreted as requiring the approval of a proposed Planned Development.

Sec. 150.515 Public Benefit.

(A) Public Benefit Defined. For purposes of this Article only, "public benefit" means an amenity provided in the form of an improvement, donation or dedication that is not otherwise required as part of the development process and that serves the residents of the Planned Development and the community at large.

(B) Public Benefit Required. A public benefit shall be required for the following types of Planned Developments:

(1) Planned Developments for which the applicant has requested, in accordance with and pursuant to Section 150.510 of this Article, a modification of the periphery yard, floor area ratio, open space, parking, building height, or lot coverage requirements otherwise applicable to the Planned Development; and

(2) All Planned Developments in the B4 or B5 Zoning Districts.

(C) Standards for Public Benefits.

(1) General Standards. All proposed public benefits shall be (a) commensurate with all zoning relief requested by the applicant, and (b) proportional to the anticipated impact of the proposed Planned Development on adjacent properties and land uses and on the community at large.

(2) Standards for Downtown Planned Developments. All proposed public benefits for Planned Developments in the B4 and B5 Zoning Districts shall (a) enhance and support the character and vitality of the downtown area, (b) foster economic investment in the downtown area, and/or (c) improve pedestrian amenities. (Ord. 22-03, J. 29, p. 91-95, passed 2/24/03; Ord. 80-07, J. 33, p. 660-693, 11/13/07)

(3) Public Benefits Provided by Sustainable Building and Site Design. Upon submission by the applicant of sufficient information and evidence that a proposed Planned Development will seek certification based upon the Leadership in Energy and Environmental Design (LEED) rating system or similar design or building certification system, architectural and landscape architectural elements and site plan features that are incorporated into the design of the Planned Development and commonly considered to be of "sustainable" design may satisfy all or part of the public benefit requirement set forth in this Section 150.515. Nothing in this Section 150.515(C)(3) shall be deemed or interpreted as obligating the Plan Commission or the City Council to accept the sustainable building and site design aspects of the development as a public benefit.

(D) Review of Proposed Public Benefits.

(1) The Plan Commission and City Council shall review all proposed public benefits in conjunction with their review of the proposed Planned Development pursuant to this Article.

(2) The Plan Commission shall not recommend, and the City Council shall not approve, any proposed public benefit except upon making a finding that the proposed benefit satisfies the standards set forth in Section 150.515(C) of this Article.

(3) The Plan Commission and the City Council may consult, and request reports from, any other City agency, board, or commission regarding the merit and appropriateness of a proposed public benefit. (Ord. 22-03, J. 29, p. 91-95, passed 2/24/03; Ord. 80-07, J. 33, p. 660-693, passed 11/13/07)

(4) The Plan Commission and the City Council shall have the right to require an alternate public benefit or combination of public benefits in lieu of, or in addition to, any public benefit proposed by the applicant.

(5) A determination that a proposed public benefit satisfies the standards set forth in this Section 150.515 shall not be deemed or interpreted as obligating the Plan Commission or the City Council to recommend or approve the associated Planned Development.

(E) Public Benefit List. The City may, from time to time, prepare a list of projects or other community needs that may serve as appropriate public benefits for Planned Developments.

(F) Waiver. The requirements of this Section 150.515 may be waived by the City Council in its sole and absolute discretion.

Sec. 150.520 Site Planning Constraints and Design Standards.

The applicant for a Planned Development must demonstrate that the proposed Planned Development satisfies and incorporates, to the greatest extent practicable, the following site design standards:

(A) Protection of the Public Health, Safety, and Welfare. The uses and structures within the Planned Development shall be compatible with one another, in that they are designed, located, and proposed to be operated so that the public health, safety and welfare will be protected.

(B) Preservation of Environmentally Sensitive Areas.

(1) No development shall occur in any Environmentally Sensitive Area located on the subject property, except upon approval of a modification therefor, in accordance with Section 150.510(B) of this Article.

(2) Environmentally Sensitive Areas located on the subject property may be included as common open space within a Planned Development, upon either (a) identification of such areas on the plat of subdivision as a separate lot or lots, or (b) recordation by the applicant of a conservation easement or similar restriction that ensures the preservation of such areas, in perpetuity, from future development.

(C) Historic Resources. The Planned Development shall preserve all (1) locally designated landmarks, and (2) properties, structures, areas, objects, and landscapes determined to be historically significant by the Historic Preservation Commission in accordance with Chapters 24 or 170 of the Code.

(D) Clustering New Development. The Planned Development shall preserve the structures, landscapes, scenic view sheds, and other natural and historic features of the subject property, through (i) clustering of lots or building pads, (ii) adaptive reuse of existing structures, and (iii) the protection of designated open space from development; provided, however, that clustering of development shall not be required upon a demonstration by the applicant, to the satisfaction of the Plan Commission and the City Council, that there are no features on the subject property worthy of preservation, or that those features worthy of preservation will be more effectively preserved by not clustering development. All clustering shall be designed in accordance with the following standards:

(1) Lots shall be configured to minimize the length of roadways required for the proposed Planned Development.

(2) Building envelopes shall be configured to minimize the loss of, and damage to, Environmentally Sensitive Areas located on the subject property.

(3) All residential units shall be grouped into clusters, in accordance with the following:

(a) Each cluster shall contain not less than three dwelling units, and not more than 10 single-family detached dwelling units nor more than 20 of all other types of dwelling units.

(b) To the extent practicable, residential clusters shall be located so as to (i) minimize negative impacts on the natural and cultural resources on the site, (ii) minimize conflicts between incompatible uses, (iii) minimize disturbance to Environmentally Sensitive Areas, and (iv) protect existing historic buildings and landscapes.

(E) Location of Structures. All structures to be located within the Planned Development shall (1) be related harmoniously to the terrain and to existing structures in the vicinity of the subject property, and (2) have a visual relationship to existing nearby structures;

(F) Environmental Quality and Responsible Design. The Planned Development shall be consistent with the City of Highland Park Environmental Policy and with the City of Highland Park Checklist for Environmentally Responsible Design and Construction. The applicant may demonstrate consistency with standards established for site design and building construction practices by referencing known sustainable development and green architecture rating systems.

(G) Preservation of Landscapes. The landscapes within the Planned Development shall be preserved in their natural states, insofar as practicable, by minimizing tree and soil removal. All proposed grade changes shall be consistent with the general appearance of neighboring developed areas.

(H) Schools, Parks, and Public Facilities. The Planned Development shall not impose an undue burden on parks, recreational areas, schools, or other public facilities that serve or are proposed to serve the Planned Development.

(I) Relationship and Connection to Adjoining Land. The Planned Development shall not be designed as an enclave separate from adjacent properties, unless existing development patterns, natural features, and/or topographic conditions prevent vehicular or pedestrian access connections to adjacent properties. In order to achieve connectivity to adjoining land, all lots, streets, sidewalks and/or paths within a Planned Development shall be designed, to the extent practicable, to allow for the continuation of such existing or proposed features to adjoining areas. New streets, sidewalks, and/or paths located within a proposed Planned Development shall be constructed and installed to the boundaries of the proposed Planned Development if the City Council determines, in its sole discretion, that the proposed Planned Development adjoins land with the potential of being subdivided or resubdivided.

(J) Setbacks from the Periphery of the Planned Development. The required front, rear, and side yards along the periphery of the Planned Development shall be of a size not less than the greater of (1) the minimum front, rear, and side yard requirements of the underlying Zoning District in which the Planned Development is located, and (2) the minimum front, rear, and side yard requirements of the adjacent Zoning District.

(K) Functional and Mechanical Features. Exposed storage areas, trash containers, recycling container space, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be (1) identified on the site plan required pursuant to Section 150.525(A)(9) of this Chapter, (2) incorporated into common areas of the development, (3) made as unobtrusive as possible, and (4) designed, landscaped, and screened in accordance with the requirements set forth in Article XXII of this Chapter and of Chapter 176 of the Code.

(L) Distance Between Buildings. The minimum horizontal distance between any two new buildings to be located on the subject property, or between any new building and an existing building (including building appurtenances), shall be not less than 15 feet; provided, however, that this Section 150.520(L) shall not apply to buildings that (1) share a common wall, and (2) have individual entrances and exits.

(M) Surface Water Drainage. In accordance with the stormwater management regulations set forth in Article XVIII of this Chapter, surface drainage systems serving the subject property shall be designed to prevent surface waters from adversely affecting neighboring properties or the public stormwater drainage system. Surface water in all paved areas shall be collected at intervals so as to prevent obstruction of the flow of vehicular or pedestrian traffic. The design of the stormwater management system shall enhance natural stormwater storage areas such as high-quality aquatic resources and regulatory floodplains, and may incorporate natural stormwater management techniques commonly referred to as low impact development techniques or best management practices.

(N) Ingress to and egress from the Planned Development shall be designed to (1) promote safe vehicular movements, (2) minimize traffic congestion in the public streets outside the Planned Development, and (3) facilitate the free flow of vehicular and pedestrian traffic within the Planned Development.

(O) Streets, Alleys, and Public Ways. The streets, alleys, and other public and private traffic thoroughfares located within the Planned Development shall conform to the applicable requirements set forth in Section 151.004 of the Subdivision Ordinance, as may be modified upon the recommendation of the Director of Public Works and the approval by the City Council. The City Council may, in its sole discretion, require that streets located within the Planned Development be stubbed in order to provide for future connections to adjacent developments.

(P) Common Ownership or Control.

(1) During Development. During the development process and until such time that the development is turned over to an owners' association or equivalent entity, all common areas within buildings, common open space, landscaping, exterior maintenance areas, and all other exterior aspects of the development located within the proposed Planned Development shall be on a tract or tracts of land under common ownership or control.

(2) Upon Completion of Development. The owners' association or equivalent entity, upon its establishment, shall be responsible for all obligations set forth in (a) the ordinance approving the Planned Development, adopted pursuant to Section 150.540(C) of this Article, (b) any associated development agreement pertinent to the Planned Development, and (c) the declaration of covenants, or similar recorded document, establishing the owners' association or equivalent entity.

(Q) Additional Standards for Planned Developments That Include Residential Uses.

(1) Residential Density.

(a) Except as provided pursuant to Section 150.510(D) and Article 21 of this Chapter, the residential density of the Planned Development shall not exceed in number the maximum number of dwelling units that could be achieved through a conventional subdivision of the site, as demonstrated by the subdivision sketch plan described in, and required pursuant to, Section 150.525(A)(8) of this Article.

(b) Whenever a proposed Planned Development is located in more than one zoning district, the number of allowable dwelling units must be separately calculated for each portion of the proposed Planned Development that is in a separate zoning district. The combined total of all dwelling units calculated as allowable pursuant to this Section 150.520(Q)(1)(b) may be constructed and distributed within the entire Planned Development without concern for the respective zoning districts within which the Planned Development is located.

(c) Nothing in this Section 150.520(Q)(1) shall be deemed or interpreted as requiring the Plan Commission to recommend, or the City Council to approve, a Planned Development that has equal to or less than the maximum number of dwelling units that could be achieved through a conventional subdivision as demonstrated by the subdivision sketch plan.

(2) Common Open Space. Planned Developments located in any Residential District shall comply with the following additional standards:

(a) At least 20% of the subject property shall be maintained as common open space, except as may be modified by the Plan Commission and City Council in accordance with this Article. Required yards in a Multiple Family

Residential District may account for a maximum of 50% of the required common open space.

(b) In a Multiple Family Residential District, a minimum of 100 square feet of open space per dwelling unit shall be provided within one or more sitting areas, plazas, recreational spaces or other areas for gathering by residents of the Planned Development. The open space provided pursuant to this Section 150.520(Q)(2)(b) shall be in addition to, and not in lieu of, the required yards within the applicable Zoning District.

(c) The common open space must be accessible from every dwelling unit located within the Planned Development, either via (i) direct access, or (ii) the granting of a permanent easement for convenient access to the common open space.

(d) No recreational facilities shall be permitted within any area designated as common open space, except those that are graphically depicted in the Final Development Plan approved by the City Council in accordance with Section 150.540(C) of this Article.

(e) No proposed area on a site plan may be accepted as common open space unless its character and quality have been approved by the Plan Commission. When making its determination, the Plan Commission shall give consideration to the following standards:

(i) The size and character of the structures to be constructed within the proposed Planned Development;

(ii) The character of surrounding developments;

(iii) The topography and existing amenities of the proposed open space area, including trees, ground cover and other natural features, and particularly as set forth in Article XXII of this Chapter and Chapter 176 of the Code;

(iv) The manner in which the proposed open space area is to be improved and maintained for recreational purposes; and

(v) The existence of public parks or other public recreational facilities in the vicinity of and the relationship to, the proposed open space.

(f) All portions of the subject property to be preserved as common open space must be conveyed, in a manner acceptable to the City Council and the Corporation Counsel, to a park district, school district, or other public agency, or to a private association or similar organization formed by a condominium agreement, townhouse declaration, indenture, restrictive covenant or other binding agreement.

(g) The applicant shall submit a management plan for restoration and long-term management of the common open space.

Sec. 150.525 Preliminary Development Plan Filing Requirements.

(A) Application. An applicant for a Planned Development shall file an application therefor on a form provided by the City, which application shall include, without limitation, the following:

(1) Plat of Survey. A plat of survey, prepared by a registered land surveyor, depicting, without limitation, all existing improvements and easements on the subject property.

(2) General Location Map. An illustration of the land uses of the surrounding neighborhood within a 500-foot radius around the subject property, with particular identification of all nearby streets and the lot lines, structures, setbacks, and driveways of all adjacent lots.

(3) Inventory Map. A map or series of maps illustrating the existing site conditions on the subject property, at a scale of no less than 1 inch = 50 feet, and including, without limitation:

(a) The current land uses, including all existing buildings and structures;

(b) The square footage and percentage coverage of all existing pervious and impervious surfaces;

(c) All existing encumbrances, including, without limitation, all applicable easements and covenants;

(d) The existing topography, illustrated at one-foot intervals;

(e) All water-related features;

(f) All existing vegetation, including, without limitation, threatened or endangered species,

(g) All existing high-quality aquatic resources, ravines, regulatory floodplains, and trees and woodlands;

(h) All unique soil conditions;

(i) All unique geological resources, such as rock outcrops and glacial features;

(j) All known critical habitat areas for rare, threatened or endangered species;

(k) All existing historic resources, identified by a resources survey prepared by a qualified architectural or landscape professional according to the standards established by the Illinois Historic Preservation Agency, which survey shall include a description of the historic character of any buildings and structures, historically important landscapes, archeological features, and a review of existing inventories, including without limitation those kept by the City and by the State of Illinois; and

(l) Other data as may be required by the Director of Community Development.

(4) Surrounding Conditions Report. A written description of the land uses and existing zoning of all properties abutting, and within the general vicinity of, the subject property.

(5) Inventory of Facilities and Public Transportation Opportunities. An inventory of all public schools, public parks, playlots and other public recreation facilities, private- and City-owned parking lots, and public transportation routes located within one quarter-mile of the subject property.

(6) Statements of Ownership and Proposed Use.

(a) Documentation verifying that the applicant has or will have, on or prior to the effective date of the ordinance approving the Planned Development, ownership or control over all land included within the proposed Planned Development; and

(b) A statement of the applicant's intent regarding the future sale or lease of any portion of the land, or of the structures located or to be constructed thereon, and the proposed use of the subject property.

(7) Statement of Objectives. A statement of the planning objectives to be achieved by the particular design approach proposed by the applicant, including (i) a description of the character of the proposed Planned Development and the rationale behind the assumptions and choices made by the applicant, and (ii) the extent to which the proposed Planned Development preserves natural and cultural resources, utilizes residential clustering, and is a creative and sustainable approach to land development. (Ord. 22-03, J. 29, p. 91-95, 2/24/03; Ord. 80-07, J. 33, p. 660-693, passed 11/13/07)

(8) Subdivision Sketch Plan. A sketch plan, demonstrating the maximum number of lots and/or dwelling units that could be achieved through a conventional subdivision of the site, in accordance with the following:

(a) The subdivision sketch plan shall include the location of all streets that would be required to provide access to the lots or dwelling units.

(b) The design and layout of all lots and streets in the subdivision sketch plan shall comply with all standards and requirements set forth in this Chapter and in the Subdivision Ordinance, without exception or variation.

(c) The subdivision sketch plan shall not designate for development any areas of the subject property that are identified as regulatory floodway and/or high-quality aquatic resources that cannot be mitigated in accordance with applicable City ordinances and the Lake County Watershed Development Ordinance.

(d) The subdivision sketch plan shall indicate those areas of the subject property that will be used to satisfy all applicable stormwater management requirements set forth in the Code.

(e) In the event that the applicant files an application for an amendment of the Official Zoning Map in conjunction with the application for a Planned Development, subdivision sketch plans shall be prepared in conformance with the requirements of both the existing zoning and the proposed zoning designations of the subject property.

(9) Site Plan. A site plan, based in part upon the inventory and general location maps, that:

(a) Indicates the preservation of the historic structures, landscapes, Environmentally Sensitive Areas and scenic viewsheds located on the subject property through clustering of lots, adaptive reuse of existing structures, and the use of designated open space; and

(b) Illustrates all proposed lot lines, structures, building pads, street configurations, and other elements required pursuant to this Article.

(10) Statement of Modifications from Zoning District Standards. A statement setting forth the specific modifications requested from the requirements of the underlying Zoning District. (Ord. 22-03, J. 29, p. 91-95, passed 2/24/03; Ord. 80-07, J. 33, p. 660-693, passed 11/13/07)

(11) Statement of Public Benefits. A statement of the specific proposed public benefit or benefits, as defined in Section 150.515 of this Article, to be provided by, or associated with, the proposed Planned Development. (Ord. 22-03, J. 29, p. 91-95, passed 2/24/03; Ord. 80-07, J. 33, p. 660-693, passed 11/13/07)

(12) Quantitative Summary. A quantitative summary, categorized according to proposed phases of development, if any, and including, without limitation, the following:

(a) The acreage and square footage of the subject property;

(b) The total and footprint square footage of all proposed principal and accessory buildings;

(c) The square footage of all proposed exterior parking areas, roads and other rights-of-way;

(d) The number of all proposed parking spaces and required parking ratios;

(e) The individual and collective percentages of the proposed impervious surfaces for principal buildings, accessory buildings, parking areas, roads, and recreational facilities;

(f) The total square footage of all proposed pervious surfaces;

(g) For Planned Developments that require the demolition of existing residential structures, the number of bedrooms located within each dwelling unit proposed to be demolished;

(h) The number of dwelling units proposed to be located within the Planned Development, identified by structure type (e.g. attached or detached single family, townhouses);

(i) For Planned Developments in Single Family Residential Districts, the base residential density for the subject property, excluding the application of the density bonuses described in Section 150.510(D) of this Article; and

(j) The square footage of all proposed commonly-owned and -maintained open space.

(13) Preliminary Plat of Subdivision. If applicable, a preliminary plat of subdivision that meets the requirements of this Chapter and of the Subdivision Ordinance.

(14) Preliminary Engineering Plans. A plan or plans illustrating (a) all existing and proposed public and private utilities (including but not limited to electrical, gas, water, sewer, storm, cable and communications utilities), (b) drainage facilities, (c) stormwater detention and flood plain compensatory storage facilities, to the extent required by the Code, and (d) a grading plan, showing the topography of the subject property before and after all proposed construction.

(15) Landscape Plan. A landscape plan consistent with the requirements set forth in Article XXII of this Chapter.

(16) Elevations. Elevation drawings of all proposed structures.

(17) Tree Preservation Plan. A tree preservation plan consistent with the requirements set forth in Chapter 94 of the Code.

(18) Cross Sections. A minimum of two cross sections through the entire site, illustrating the bulk and heights of proposed structures in relation to the

topography and vegetation of the subject property, and in relation to surrounding structures.

(19) Phasing Plan. A document describing the proposed phasing of the development, if any, for all structures, improvements, and areas and facilities to be held in common ownership, including the estimated commencement and completion dates of construction of each phase. If the applicant proposes a phased development, a pro rata portion of the common open space required pursuant to this Article shall be completed within each phase of development.

(20) Circulation Plan. A plan illustrating the proposed circulation of all vehicles, including emergency vehicles, within the subject property, which plan must (a) be consistent with approved engineering and design standards, (b) meet the City's minimum design standards, as may be modified by the Director of Public Works, (c) illustrate the relationship of the development's internal streets and driveways to the street system in the general area of the subject property, and (d) illustrate all vehicle stacking and turning templates, as may be required by the Director in his or her sole discretion.

(21) Traffic Study. A complete traffic impact study or a trip generation analysis, prepared by a qualified traffic expert, if required by the Director of Community Development or the Director of Public Works in their discretion, and in the following forms:

(a) A traffic impact study shall set forth and analyze the effect of the proposed Planned Development upon traffic on adjacent streets and on all affected surrounding areas, and shall indicate the anticipated points of origin and the direction, amount and density of traffic flow to and from the proposed Planned Development. The traffic impact study shall also address potential traffic and roadway improvements as may be necessary to accommodate the proposed Planned Development.

(b) A trip generation analysis shall include, without limitation, an assessment of current background trip information on nearby streets, an assessment of the traffic generated by the proposed land uses and an analysis of vehicular safety as it relates to the proposed Planned Development.

(22) High-Quality Aquatic Resources Delineation Report. If the subject property, in the sole determination of the Director of Public Works, contains high-quality aquatic resources or other significant natural resources, either (a) a high-quality aquatic resources delineation report, prepared by a Certified Wetland Specialist, or (b) a natural resources survey.

(23) Additional Filing Requirements for Large Residential and Commercial Developments. The following additional items shall be filed as part of any application for a Planned Development that includes either (i) 10 or more dwelling units, and/or (ii) 20,000 square feet or more of commercial floor area:

(a) Fiscal Impact Study. As assessment of the projected costs to be incurred by the City in providing municipal services to, and the revenues that will accrue the City and other taxing entities from, the proposed Planned Development.

(b) Market Study. An assessment of the economic viability of the proposed Planned Development, based in part upon (i) projected residential ownership price points and/or rents, and (ii) an evaluation of the demand for the proposed Planned Development.

(24) Additional Filing Requirements for Residential and Mixed Use Planned Developments. The following additional items shall be filed as part of any application for a Planned Development that includes residential uses:

(a) A statement describing the nature of the proposed open space on the subject property, and the extent to which the proposed open space may be utilized, actively or passively, by residents of the proposed Planned Development; and

(b) An open space management plan, if natural resources or Environmentally Sensitive Areas are located within, and preserved by, the proposed Planned Development.

(25) Other Information. Depending on the scale and unique characteristics of the subject property, other materials as may be required by the Director or by the Plan Commission, including, without limitation, market studies, soil borings, and approvals from other agencies.

(B) Applicability of Special Use Permit Requirements. All filing and application requirements set forth in this Section 150.525 are in addition to all filing and application requirements set forth in Article XIV of this Chapter for Special Use Permits.

(C) Contents of Required Submittals. All plats, maps, plans, and illustrations required pursuant to this Section 150.525 shall indicate the date of preparation, the appropriate graphic scale, a north arrow, and a title block containing the name and contact information of the preparer.

(D) Payment of Fees. The application shall be submitted along with full payment of all fees required pursuant to this Chapter, in the amounts set forth in the Annual Fee Resolution, including, without limitation, (a) all cost recovery fees required pursuant to Section 150.306 of this Chapter, and (b) all fees required pursuant to the Subdivision Ordinance, if applicable.

(E) Waiver of Required Submittals. Upon written request of the applicant, and at the sole and absolute discretion of the Director, the submission of any plans or documents required pursuant to this Section 150.525 may be waived.

Sec. 150.530 Preliminary Development Plan Review Procedure.

(A) Preliminary Development Plan. For purposes of this Article, the term "Preliminary Development Plan" means the set of the following documents:

(1) The Site Plan submitted pursuant to Section 150.525(A)(9) of this Article;

(2) The Quantitative Summary submitted pursuant to Section 150.525(A)(12) of this Article;

(3) The Preliminary Plat of Subdivision submitted pursuant to Section 150.525(A)(13) of this Article;

(4) The Preliminary Engineering Plans submitted pursuant to Section 150.525(A)(14) of this Article;

(5) The Tree Preservation Plan submitted pursuant to Section 150.525(A)(17) of this Article;

(6) The Phasing Plan, if any, submitted pursuant to Section 150.525(A)(19) of this Article; and

(7) Such other materials as may be required by the Director of Community Development or by the Plan Commission.

(B) Planned Development Processed as a Special Use. An application for a Planned Development shall be processed in the same manner, and shall require the same approval, as an application for a special use, as set forth in Article XIV of this Chapter, except as varied by the provisions of this Article.

(C) Rezoning Requests. If an applicant files an application for an amendment of the Official Zoning Map in conjunction with the application for a Planned Development, the provisions of Article XV of this Chapter, including all posting and notice requirements and the required public hearing, shall also apply to the proposed Planned Development. The applications shall be processed concurrently; however, the Plan Commission shall consider the proposed amendment of the Official Zoning Map prior to consideration of the Planned Development application.

(D) Subdivision Review. Applicable subdivision review under the Subdivision Ordinance shall be carried out as an integral part of the review of a Planned Development application pursuant to this Article, in accordance with the following:

(1) The applicant may submit subdivision applications for all or part of the subject property, corresponding to the phases of development identified in the Preliminary Development Plan.

(2) In the event of a conflict between the provisions of this Chapter and of the Subdivision Ordinance, the more restrictive or detailed requirements control, unless specifically waived or altered by the City Council upon recommendation of the Plan Commission.

(3) The internal roadway system located within the subject property, and the construction of bonded public or private improvements thereon, must comply with the requirements and standards set forth in the Subdivision Ordinance and in Chapter 93 of the Code. The City Council may permit such changes or alterations of such standards as are consistent with the spirit and intent of this Article, upon approval of a variation in accordance with the applicable provisions set forth in the Subdivision Ordinance and in Chapter 93 of the Code.

(E) Historic Preservation Commission Review.

(1) Demolitions. Prior to the opening of the public hearing on the proposed Planned Development, the applicant shall file all demolition applications for, and the Historic Preservation Commission shall review, all proposed demolitions of existing structures to which Section 170.040 of the Code applies. The Historic Preservation Commission shall transmit its findings and determinations regarding the proposed demolitions to the Plan Commission and the City Council.

(2) Significant Areas. If, in the determination of the Director, the proposed Planned Development might affect historically significant properties, structures, areas, objects, or landscapes, as defined in Chapter 24 of the Code, the Historic Preservation Commission shall (a) review the potential impact of the proposal on the historically significant properties, structures, areas, objects, and landscapes, and (b) submit a written report of its findings to the Plan Commission and the City Council.

(F) Design Review Commission Review. The Design Review Commission shall, pursuant to the authority set forth in Chapter 176 of the Code, (1) review the exterior design features of the proposed Planned Development, as set forth in the Preliminary Development Plan, and (2) transmit to the Plan Commission and to the City Council its preliminary comments regarding the extent to which all exterior design features of the proposed Planned Development satisfy the design review standards set forth in Chapter 176 of the Code.

(G) Input of Other City Commissions. The Plan Commission, may, in its sole discretion, request input regarding the proposed Planned Development from any City agency, board, or commission.

(H) Plan Commission Procedure.

(1) The Plan Commission shall not conduct a public hearing regarding any proposed Planned Development except upon submission of a complete application therefor, in accordance with and pursuant to Section 150.525 of this Article.

(2) The Plan Commission shall not recommend approval of a proposed Planned Development and Preliminary Development Plan except upon making all findings of fact required pursuant to Section 150.1404 of this Chapter, and as follows:

(a) That the Planned Development conforms to the goals and objectives of the Master Plan, and to the standards and requirements of this Article, including, without limitation, Section 150.520 of this Article;

(b) That the proposed Planned Development contains no more residential dwelling units than permitted pursuant to the subdivision sketch plan submitted in accordance with Section 150.525(A)(8) of this Article, as may be adjusted pursuant to Section 150.510(D) of this Article; and

(c) That the Planned Development provides a public benefit, if required pursuant to Section 150.515 of this Article.

(3) For Planned Developments that contemplate the approval of conditional uses, as determined in accordance with the Table of Allowable Uses set forth in Article IV of this Chapter, the Plan Commission shall not approve the proposed Planned Development except upon a determination that each proposed conditional use also meets the findings for a special use as set forth in Article XIV of this Chapter.

(4) In conjunction with its approval of a Preliminary Development Plan for a proposed Planned Development, the Plan Commission may recommend development restrictions and conditions for consideration by the City Council.

(5) The failure of the Plan Commission to provide a recommendation for or against the proposed Planned Development and Preliminary Development Plan within 45 days of the close of the public hearing, or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the approval of the proposed Planned Development and Preliminary Development Plan. (Ord. 18-04, J. 30, p. 49-54, passed 3/8/04; Ord. 80-07, J. 33, p. 660-693, 11/13/07)

(I) City Council Consideration.

(1) Upon receipt of the Plan Commission recommendation pursuant to Section 150.530(H) of this Article, the Historic Preservation Commission findings pursuant to Section 150.530(E) of this Article, and the Design Review Commission preliminary comments pursuant to Section 150.530(F) of this Article,

the City Council shall consider the Preliminary Development Plan, and shall either approve or reject the Preliminary Development Plan by resolution duly adopted. Resolutions approving the Preliminary Development Plan shall include, without limitation, the following:

(a) Approval of the preliminary plat of subdivision for the subject property, if any; and

(b) Identification of all variations and modifications from the City Code that have been requested in conjunction with the proposed Planned Development.

(2) Approval of the Preliminary Development Plan by the City Council shall neither (a) be deemed or interpreted as obligating the City Council to approve a final development plan for the proposed Planned Development, nor (b) vest any rights to the applicant other than the right to submit a final development plan for the proposed Planned Development.

Sec. 150.535 Final Development Plan Filing Requirements.

(A) Final Development Plan Application. Within six months of approval by the City Council of the preliminary development plan, pursuant to Section 150.530(I) of this Chapter, the applicant shall initiate the second stage of the application process by submitting the following documents and information to the Plan Commission:

(1) A "Final Development Plan," containing in final form (a) all of the information required in the Preliminary Development Plan, as may be revised, and (b) such other documents as may be necessary to implement the Planned Development or to comply with all applicable requirements of this Chapter;

(2) A final plat of subdivision, if applicable;

(3) All plats of dedication and plats of vacation, if applicable;

(4) A final engineering, drainage and grading plan that is in compliance with the requirements set forth in Section 151.006(F)(2) of the Subdivision Ordinance.

(5) For Planned Developments that include residential uses, a copy of any formal agreements with any third party for the ownership and maintenance of any common open space located within the proposed Planned Development, which agreement shall include, without limitation, a provision requiring the third party to maintain the common open space in accordance with the Code and the development agreement required pursuant to Section 150.540(C)(2) of this Article.

(6) A declaration of covenants that establishes an owners' association or equivalent entity, for review and approval by the Corporation Counsel and the City Council. For all Planned Developments to which Article XXI of this Chapter applies, no provision of the declaration of covenants shall conflict with the

requirements set forth in Sections 150.2104 and 150.2112 of this Chapter. The declaration of covenants shall include, without limitation, the following provisions:

(a) A requirement that the developer of the Planned Development convey the private streets and roads, the detention and retention facilities, and the common areas to the owners' association or equivalent entity;

(b) A requirement that the owners' association or equivalent entity provide for the maintenance and repair of all private streets and roads, detention and retention ponds, and common areas, and any and all appurtenances thereto, all in accordance with (i) the Code, and (ii) the development agreement required pursuant to Section 150.540(C)(2) of this Article;

(c) If the owners' association or equivalent entity fails to maintain and repair all private streets or roads, detention or retention ponds and common areas, the City, or its designated agent, shall have the right, but not the obligation, to (i) enter upon the property to maintain and repair such items, and (ii) place a lien upon the property until the owners' association or equivalent entity has paid the cost thereof;

(d) A statement of understanding that the City is under no obligation to, and will not be expected to, assume ownership or maintenance of private streets, utilities or other improvements; and

(e) A statement that the declaration of covenants shall run with the subject property and is binding upon all owners of any lot, dwelling unit, or any other portion of the subject property.

(B) Permitted Minor Changes from a Preliminary Development Plan. The Final Development Plan shall be in substantial conformance with the approved Preliminary Development Plan. Minor changes in the location, siting, and height of structures, streets, driveways, and open spaces may be included in the Final Development Plan and approved by the Plan Commission and City Council without additional public hearings, if such changes are required either (i) to satisfy the City's engineering standards, or (ii) by other circumstances not foreseen at the time of approval of the Preliminary Development Plan; except that the following changes shall not be authorized without an additional public hearing:

(1) A change in the land uses on the subject property;

(2) An increase by more than one percent in the overall lot coverage of all structures;

(3) An increase in the number of dwelling units;

(4) An increase by more than one percent in Floor Area or building square footage;

(5) A substantial increase in the traffic volume generated by, or traffic circulation of, the proposed Planned Development;

(6) A reduction of more than one percent in approved common open space;

(7) A reduction in the number of off-street parking or loading spaces required pursuant to Article VIII of this Chapter; or

(8) An increase or reduction in required pavement widths; or

(9) Any change for which a variation or modification from the provisions of this Chapter would otherwise be required.

(C) Time Extensions. Upon written request by the applicant, the Plan Commission, for good cause, may extend the period for filing the final development plan for a period not to exceed an additional six months.

(D) Failure to File. Upon the failure of the applicant to file a complete Final Development Plan, in accordance with this Section 150.535, within six months of approval by the City Council of the Preliminary Development Plan, or within the extended period approved by the Plan Commission pursuant to Section 150.535(C) of this Article, the Preliminary Development Plan approval by the City Council shall be considered null and void and of no force or effect.

Sec. 150.540 Final Development Plan Review Procedure.

(A) Plan Commission Review.

(1) Within 60 days after the filing of a complete Final Development Plan, with all necessary documents, subdivision plats, and exhibits, the Plan Commission shall review the Final Development Plan. If the proposed Final Development Plan does not include any changes from the approved Preliminary Development Plan that is listed in Sections 150.535(B)(1) through 150.535(B)(9) of this Article, the Plan Commission shall review the proposed Final Development Plan without conducting a new public hearing. If the proposed Final Development Plan includes any change from the approved Preliminary Development Plan that is listed in Sections 150.535(B)(1) through 150.535(B)(9) of this Article, the Plan Commission shall conduct a new public hearing in order to review the proposed Final Development Plan, in accordance with the procedures and standards set forth in Section 150.530 and Article XIV of this Chapter.

(2) Within 60 days after the filing of a complete Final Development Plan, the Plan Commission shall recommend either the approval (with or without modifications) or the rejection of the Final Development Plan. The Plan Commission shall transmit its findings of fact and recommendations to the City Council. The failure of the Plan Commission to provide a recommendation within such 60 day period, or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the approval of the Final Development Plan. (Ord. 18-04, J. 30, p. 49-54, passed 3/8/04; Ord. 80-07, J. 33, p. 660-693, passed 11/13/07)

(B) Design Review Commission Review. The Design Review Commission shall, pursuant to the authority set forth in Chapter 176 of the Code, review the exterior design features of the proposed Planned Development, as set forth in the Final Development Plan. Upon a showing by the applicant that the exterior design features satisfy the design review standards set forth in Chapter 176 of the Code, the Design Review Commission shall transmit its final approval of the exterior design features to the City Council.

(C) City Council Consideration. Upon receipt of the Plan Commission recommendation pursuant to Section 150.540(A) of this Article, and of the Design Review Commission final approval pursuant to Section 150.540(B) of this Article, the City Council may, by ordinance duly adopted, grant the applicant a special use permit for a Planned Development, which special use permit shall authorize the applicant to develop the subject property in accordance with the Final Development Plan. The ordinance shall include, without limitation, the following:

(1) All standards, conditions, or restrictions deemed necessary or applicable by the City Council to effectuate the proposed Planned Development and protect the public interest, health, safety, and welfare;

(2) A provision requiring the execution and recordation by the applicant of a development agreement, which development agreement shall (a) govern the use and development of the subject property, (b) incorporate the standards, conditions, and restrictions set forth in the ordinance, and (c) provide for the maintenance and continued protection of all public open space and all common open space.

(3) Provisions requiring the execution of such agreements as necessary to guarantee the maintenance of public and private open space located on the subject property; and

(4) A legal description of the property subject to the Planned Development.

Sec. 150.545 Amendments to Approved Planned Developments.

(A) Substantial Change.

(1) For purposes of this Section 150.545, the following changes in character of any approved Planned Development shall be "substantial changes":

(a) A change in the land uses on the subject property;

(b) An increase in the number of dwelling units;

(c) An increase by more than one percent in Floor Area or building square footage;

(d) An increase in the size of approved building pads;

(e) A substantial increase in the traffic volume generated by, or traffic circulation of, the proposed Planned Development;

(f) A reduction of more than one percent in approved common open space;

(g) A reduction in the number of off-street parking or loading spaces required pursuant to Article VIII of this Chapter;

(h) Any change that, in the opinion of the Director of Public Works, would constitute a significant modification to the provision of public utilities to the subject property; or

(i) Any change for which a variation or modification from the provisions of this Chapter would otherwise be required.

(2) No substantial change to an approved Planned Development may be implemented except upon the adoption of an amendatory ordinance by the City Council, which amendatory ordinance may be adopted only after a public hearing by, and recommendation of, the Plan Commission, in the manner set forth in Section 150.530 and Article XIV of this Chapter.

(B) Minor Changes. The City may approve changes to the Planned Development and Final Development Plan that do not, in the sole and absolute discretion of the City Manager, constitute a substantial change, as defined in Section 150.545(A)(1) of this Article, to the Planned Development, in accordance with the following procedure:

(1) The City Manager may approve the proposed minor change upon making a finding that the change is consistent with the intent and purpose of the Planned Development and the Final Development Plan.

(2) The City Manager shall notify the City Council of the approval of a minor change within seven days thereof.

(3) Within 60 days of its receipt of the notice submitted by the City Manager pursuant to Section 150.545(B)(2) of this Article, the City Council shall either (i) ratify the City Manager's approval of the minor change, by resolution duly adopted, or (ii) deny the minor change. Any minor change denied by the City Council pursuant to this Section 150.545(B)(3) may be reclassified as a "substantial change" and approved in accordance with Section 150.545(A)(2) of this Article.

(4) The failure of the City Council to ratify or deny a minor change within 60 days of the date of receipt of notice thereof shall be deemed a ratification of the minor change.

(C) Recreational Facilities. Notwithstanding anything in this Section 150.545 to the contrary, the approval by the City Manager of the erection and maintenance of recreational facilities within the required common open space of an

approved planned development, pursuant to Section 150.545(B)(1) of this Article, shall not require ratification by the City Council.

(D) Discretionary Review. Nothing in this Section 150.545 shall be deemed or interpreted as obligating the City to grant any requested changes or amendments.

Sec. 150.550 Concurrent Review of Preliminary and Final Development Plans.

An applicant for approval of a Planned Development may request concurrent review of the preliminary and final development plans. Nothing in this Section 150.550 shall be deemed or interpreted as obligating the City to approve a request for concurrent review. Either the Plan Commission or the City Council may, in their discretion and at any time, reject the request for concurrent review, and require separate review of the preliminary and final development plans. If concurrent review is authorized, the applicant shall submit for Plan Commission and City Council consideration all of the required documentation for a preliminary and final development plan and a preliminary and final plat of subdivision.

Sec. 150.555 Enforcement and Recording.

(A) Recordation of Ordinance. The City Clerk shall record the ordinance granting a special use permit for a Planned Development with the Lake County Recorder of Deeds, upon payment by the applicant of all fees and costs, and submission by the applicant of all documents, required pursuant to this Chapter.

(B) Covenants to be Recorded. All restrictive covenants required by the City Council as a condition of its approval of the Planned Development must be recorded with the Lake County Recorder of Deeds.

(C) Acceptance of Improvements. Neither the execution of the development agreement required pursuant to Section 150.540(C)(2) of this Article, nor the approval or recordation of any plat or plan associated with the subject property, shall constitute acceptance by the City of improvements that are depicted in, or described on, the development agreement or any plat or plan. The acceptance of any improvement shall be made only in compliance with the requirements of the Subdivision Ordinance.

Sec. 150.560 Construction Timing.

(A) Construction of an approved Planned Development shall commence within 12 months of the date of adoption of the ordinance approving the Planned Development and Final Development Plan, and shall proceed to completion in accordance with the phasing program, if any, set forth in the Final Development Plan. Upon written request by the applicant, the City Council may extend the time for the commencement of construction, as follows:

(1) If a delay, or anticipated delay, is caused by governmental action without fault of the applicant, an extension may be granted for a period not longer than the period of the governmental delay.

(2) For good cause shown, an extension may be granted for such periods of time as the City Council deems appropriate, but not exceeding 12 months exclusive of extensions authorized pursuant to Section 150.560(A)(1) of this Article.

(B) Issuance of Permits.

(1) No building permit or certificate of occupancy related to the Planned Development shall be issued, and no utility serving the Planned Development shall be connected to a City utility, except in accordance with Chapter 93 of the Code and the ordinance approving the Planned Development.

(2) No building permit related to the Planned Development shall be issued until the ordinance approving the Planned Development is recorded with the Office of the Lake County Recorder of Deeds.

(C) Phasing of Bonded Improvements. All bonded improvements and facilities to be constructed and installed in conjunction with the Planned Development shall be completed for each phase of development in accordance with the development agreement required pursuant to Section 150.540(C)(2) of this Article and with the phasing plan submitted pursuant to Section 150.525(A)(19) of this Article. The installation and completion of all improvements shall be performed in accordance with, and shall be guaranteed by the deposit of all financial sureties required pursuant to, the Subdivision Ordinance and Chapter 93 of the Code.

(D) Common Open Space and Facilities.

(1) No certificate of occupancy for any structure located in the Planned Development shall be issued unless a proportional share of the common open space and facilities required in compliance with the phasing plan provided pursuant to Section 150.525(A)(19) of this Article are suitable for use or occupancy, as determined by the Director of Community Development in his sole discretion.

(2) All common open space and facilities shall be controlled and maintained during construction of the Planned Development in accordance with the requirements set forth in Section 150.520(P)(1) of this Article.

(E) Revocation of Permits. The City Council may, at any time, request written reports from the applicant regarding the progress and development of an approved Planned Development. In the event that the City Council determines that the applicant has abandoned the development of the Planned Development, or has failed to comply with the approved Final Development Plan, it shall hold a public hearing for the purpose of considering the revocation of all approvals and permits associated with the Planned Development. Written notice of the hearing shall be sent by certified mail (return receipt) to the applicant at the business address stated in the application for the Planned Development. Publication of the hearing shall also be given in accordance with the provisions set forth in Article XIV of this Chapter. If the City Council finds that the applicant has abandoned the development of the Planned Development, or has failed to follow the final development plan, it may then revoke all approvals and permits issued for and to the Planned Development.

Sec. 150.565 Completion of Planned Development.

A Planned Development shall be deemed complete upon issuance of all required certificates of occupancy by the Zoning Administrator, in accordance with all applicable provisions of this Code."

(Note: Article V amended in toto by Ord. 30-97, J. 24, p. 103-105, passed 5/12/97; revised in toto by Ord. 80-07, J. 33. p. 660-693, passed 11/13/07)

# ARTICLE VI. PERFORMANCE STANDARDS

SECTION


150.601 Purpose
150.602 Other Regulations
150.603 Application
150.604 Electromagnetic Radiation
150.605 Lighting
150.606 Heat
150.607 Noise
150.608 Odorous Matter
150.609 Radioactive Materials
150.610 Smoke, Particulate Matter, and Other Air Contaminants
150.611 Vibration
150.612 Refuse Disposal


Sec. 150.601 Purpose.

It is the intent of these regulations to prevent land or structures, including those permitted by right or special use permit, from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance, glare or heat; liquid or solid refuse or wastes; or other substance, condition or elements in a manner or amount as to adversely affect the surrounding area.

Sec. 150.602 Other Regulations.

Compliance with the requirements of this Article shall not be interpreted as authorizing any practice or operation which would constitute a violation of any other applicable statute, ordinance, rule, or regulation.

Sec. 150.603 Application.

All uses established in all districts shall conform in operation, location and construction to the performance standards herein specified; provided, however, that uses in the PA District shall comply with the performance standards set forth in this Article for residential districts, unless the City Council, by ordinance duly adopted, provides otherwise. (Ord. 42-02, J. 28, p. 313-337, passed 7/8/02)

Sec. 150.604 Electromagnetic Radiation.

(A) It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure or any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation.

(1) Such operation, even when in compliance with Federal Communications Commission regulations, shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and property design because of proximity, primary field, blanketing, spurious reradiation, harmonic content, modulation or energy conducted by power or telephone lines.

(2) The determination of "abnormal degradation in performance" and "of quality and property design" shall be made in accordance with good engineering practices as defined in the latest principals and standards of American Institute of Electrical Engineers, the Institute of Radio Engineers and Electronic Industries Association.

(3) In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply:

(a) American Institute of Electrical Engineers;

(b) Institute of Radio Engineers; and

(c) Electronic Industries Association.

(B) It shall be unlawful to operate or to cause to be operated any source of electromagnetic interference, the radiation or transmission from which exceeds the maximum values tabulated below:

RADIATED:

| Section of Electromagnetic Spectrum (from-to) | Primary Intended Service | Maximum Field Strength at Edge of Property Containing Interference Source |
|---|---|---|
| 10 Kilocycles - 100Kc. | Communications Service | 500 Microvolts/Meter |
| 100 Kc. - 535 Kc. | Navigational Aids | 300 Microvolts/Meter |
| 535 Kc. - 1605 Kc. | AM Broadcasting | 200 Microvolts/Meter |
| 1605 Kc. - 44 Megacycles | Various Communications Service | 200 Microvolts/Meter |
| 44 Mc. - 88 Mc. | VHF Television Airport Control | 150 Microvolts/Meter |
| 88 Mc. - 174 Mc. | FM Broadcasting | 200 Microvolts/Meter |
| 174 Mc. - 216 Mc. | VHF Television | 150 Microvolts/Meter |
| 216 Mc. - 580 Mc. | Navigational Aids Citizens Radio | 250 Microvolts/Meter |
| 580 Mc. - 920 Mc. | UHF Television | 300 Microvolts/Meter |
| 920 Mc. - 30,000 Mc. | Various | 500 Microvolts/Meter |

BY TRANSMISSION OR CONDUCTION:

| Section of Electromagnetic Spectrum (from-to) | Primary Intended Service | Maximum Voltage Measured Line to Line to Ground Where Power or Telephone Lines Cross Edge of Property-Containing Interference Source |
|---|---|---|
| 10 Kilocycles - 100 Kc. | Communications Service | 2.5 Millivolts |
| 100 Kc. - 535 Kc. | Navigational Aids | 1.5 Millivolts |
| 535 Kc. - 1605 Kc. | AM Broadcasting | 1.0 Millivolts |
| 1605 Kc. - 44 Megacycles | Various Communications Services | 0.5 Millivolts |
| 44 Mc. - 88 Mc. | VHF Television | 0.25 Millivolts |
| 88 Mc. - 174 Mc. | FM Broadcasting Airport Control | 1.5 Millivolts |
| 174 Mc. - 216 Mc. | VHF Television | 0.15 Millivolts |
| 216 Mc. - 580 Mc. | Navigational Aids | 5.0 Millivolts |

| | | |
|---|---|---|
| | Citizens Radio | |
| 580 Mc. - 920 Mc. | UHF Television | 20.0 Millivolts |
| 920 Mc. - 30,000 Mc. | Various | 150 Millivolts |

(1) For the purpose of determining the level of radiated electromagnetic interference, standard field strength measuring techniques shall be employed. The maximum value of the tabulation shall be considered as having exceeded if, at any frequency in the section of the spectrum being measured, the measured field strength exceeds the maximum value tabulated for this spectrum section.

(2) For purposes of determining the level of electromagnetic interference transmitted or conducted by power or telephone lines, a suitable, tunable, peak reading, radio frequency voltmeter shall be used. This instrument shall, by means of appropriate isolation coupling, be alternately connected from line to line and from line to ground during the measurement. The maximum value of the tabulation shall be considered as having been exceeded if, at any frequency in the section of the spectrum being measured, the measured peak voltage exceeds the maximum value tabulated for this spectrum section.

Sec. 150.605 Lighting.

(A) No use in any zoning district shall be operated so as to produce direct sky-reflected glare or direct illumination across the adjacent property line from a visible source of illumination in violation of the following:

| | | Maximum Foot-Candle Level at Property Line | Average Foot Candles | Foot-Candle Average / Minimum Uniformity Ratio | Minimum Foot Candles for Parking | Minimum Foot Candles for Walkways | Light Source Shielding Requirements | Maximum Light Pole Height from Grade | Maximum Exterior Fixture Height on Principal Structures | Maximum Exterior Fixture Height on Accessory Structures | Maximum Fixture Height in Trees |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **Low Density (Single Family) Residential Districts** | **All Lighting** | 0.5 foot candles within front yard setback. 0.25 foot candles behind front yard setback. | Not Applicable | Not Applicable | Not Applicable | Not Applicable | >890 lumens per fixture fully shielded when viewed from property line(1)(7) | 7'6" | 20' | 18' | Maximum building height allowed (2) |
| **High Density (Multi-Family) Residential Districts** | **Parking Lots** | 0.5 foot candles within front yard setback. 0.25 foot candles behind front yard setback. | Not to Exceed 1.5 | 4:1 | 0.2 foot candles | Not Applicable | Full cutoff (5) | 16' | Not Applicable | 15' | Not Allowed |
| | **All Other Lighting** | | Not Applicable | 4:1 for walkways only | Not Applicable | 0.6 foot candles | >1800 lumens per fixture partially shielded. >3000 lumens per fixture fully shielded (1)(7). At individual units on upper levels >890 lumens per fixture fully shielded | 14' | Not Applicable | 15' | Maximum building height allowed (2) |
| **Commercial, Industrial, Public Activity and Health Care Districts** | **Parking Lots** | 0.25 foot candles if adjacent residential 1.0 all other times(6) | Not to Exceed 1.5 | 4:1 | 0.2 foot candles | Not Applicable | Full cutoff (5) | 22' in B3 & I zone. 16' other zones | Not Applicable | 15' | Not Allowed |
| | **All Other Lighting** | | I.E.S. Standards Shall Apply | I.E.S. Standards Shall Apply | Not Applicable | 0.6 foot candles | >1800 lumens per fixture partially shielded. >3000 lumens per fixture fully shielded (1) | 14' | Not Applicable | 15' | Maximum building height allowed(2) |

| The Following Standards Supersede Those Listed above only for the Specific Use Noted | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | **Maximum Foot-Candle Level at Property Line** | **Average Foot Candles** | **Foot-Candle Average / Minimum Uniformity Ratio** | **Minimum Foot Candles for Parking** | **Minimum Foot Candles for Walkways** | **Light Source Shielding Requirements** | **Maximum Light Pole Height from Grade** | **Maximum Exterior Fixture Height / Accessory Structure** | **Maximum Fixture Height in Trees** |
| **Outdoor Recreation Uses** | **All Lighting** | 0.25 foot candles if adjacent residential 1.0 all other times | I.E.S. Standards Shall Apply | I.E.S. Standards Shall Apply | Not Applicable | 0.6 foot candles | See footnote 4 | I.E.S. Standards Shall Apply | 15' | Not Allowed |
| **Gasoline &/or Diesel Fuel Stations** | **Parking Areas and Approach** | 0.25 foot candles if adjacent to residential. All other times 2.0 at property line and 1.0 at 15 feet beyond property line(6) | Not to exceed 15 | 4:1 | 0.2 foot candles | Not Applicable | Full cutoff (5) | 22’ | 15’ | Not Allowed |
| | **Pump Area** | | Not to exceed 30 | 3:1 | Not Applicable | Not Applicable | Full cutoff (5) | 22’ | 15’ | |
| | **All Other Lighting** | | I.E.S. Standards Shall Apply | 4:1 for walkways only | Not Applicable | 0.6 foot candles | >1800 lumens per fixture partially shielded. >3000 lumens per fixture fully shielded (1) | 14’ | 15’ | |

| The Following Standards Supersede Those Listed above only for the Specific Use Noted | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | **Maximum Foot-Candle Level at Property Line** | **Average Foot Candles** | **Foot-Candle Average / Minimum Uniformity Ratio** | **Minimum Foot Candles for Parking** | **Minimum Foot Candles for Walkways** | **Light Source Shielding Requirements** | **Maximum Light Pole Height from Grade** | **Maximum Exterior Fixture Height / Accessory Structure** | **Maximum Fixture Height in Trees** |
| **Motor Vehicle Sales** | **Front Row Feature Stands** | 0.25 foot candles if adjacent to residential. All other times 2.0 at property line and 1.0 at 15 feet beyond property line(6) | Not to exceed 50 | Average/ Minimum Ratio Not Applicable<br><br>Maximum to Minimum Uniformity Ratio 5:1 | Not Applicable | Not Applicable | Full cutoff (3)(5) | 22’ | 15’ | Not Allowed |
| | **General Sales Area** | | Not to exceed 30 | Average/ Minimum Ratio Not Applicable<br><br>Maximum to Minimum Uniformity Ratio 10:1 | Not Applicable | Not Applicable | Full cutoff (5) | | | |
| | **Within 100 feet of adjacent residential** | | Not to exceed 7 | Average/ Minimum Ratio Not Applicable<br><br>Maximum to Minimum Uniformity Ratio 12:1 | .2 foot candles | .6 foot candles | Full cutoff (5) | | | |

| The Following Standards Supersede Those Listed above only for the Specific Use Noted | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | **Maximum Foot-Candle Level at Property Line** | **Average Foot Candles** | **Foot-Candle Average / Minimum Uniformity Ratio** | **Minimum Foot Candles for Parking** | **Minimum Foot Candles for Walkways** | **Light Source Shielding Requirements** | **Maximum Light Pole Height from Grade** | **Maximum Exterior Fixture Height / Accessory Structure** | **Maximum Fixture Height in Trees** |
| **Religious and Educational Institutions in Single Family Residential Districts** | **Parking Lots** | 0.25 foot candles if adjacent to residential 1.0 all other times (6) | Not to Exceed 1.5 | 4:1 | 0.2 foot candles | Not Applicable | Full cutoff (5) | 16' | 15' | Not Allowed |
| | **All Other Lighting** | | I.E.S. Standards Shall Apply | I.E.S. Standards Shall Apply | Not Applicable | 0.6 foot candles | >1800 lumens per fixture partially shielded. >3000 lumens per fixture fully shielded (1) | 14' | 15' | Maximum building height allowed (2) |

Footnotes:

(1) Incandescent lamp - 890 lumens = 60 watts, 1800 lumens = 100 watts, 3000 lumens = 150 watts, halogen lamp - 890 lumens = 52 watts, 1800 lumens = 90 watts, 3000 lumens = 150 watts, compact fluorescent lamp - 890 lumens = 13 watts, 1800 lumens = 26 watts, 3000 lumens = 42 watts, HID lamp - 890 lumens = N/A, 1800 lumens = N/A, 3000 lumens = 39 watts

(2) Fixtures shall be aimed directly downward and shall not to exceed 2.0 maximum foot candles measured 6 feet above ground immediately below lighting fixture.

(3) Secondary flood lights may be added to front row poles provided mounting height does not exceed 14 feet and aiming angle does not exceed 35 degrees (measured vertically from nadir).

(4) Fixtures must be aimed toward interior of the property.

(5) Written documentation must be submitted in addition to the other requirements of this section that demonstrates that the location, type, and aiming of all light fixtures will focus light on the playing fields and minimize glare and visibility from adjoining properties.

(6) Fixtures located within 20 feet of a residential property line shall be directed toward the interior of the property and fully shielded from view of the adjacent residential property.

(7) Where a driveway serving as ingress and/or egress bisects the property line, illumination levels at the property line shall not exceed 3 foot candles.

(8) All flood or spot directional lights regardless of wattage shall be shielded to prevent glare from being visible at the property line.

(9) I.E.S. standards will apply when items such as definitions, standards, measurement protocol and methodology are not addressed in this Code.

(B) Additional Requirements in single-family districts. The following requirements and provisions shall be applicable in all single-family residential districts:

1. Lighting levels at exterior building walls shall not exceed 40 foot candles at any one point and no more than 15% of foot candle readings, taken at 20-foot intervals along an exterior building wall shall exceed 5 foot candles.

2. A motion controlled fixture shall only be setoff by movement occurring on the property on which such a fixture is located. Motion occurring from off of the property on which a motion controlled fixture is located shall not cause that motion controlled fixture to illuminate.

(C) Additional Requirements in all zoning districts. The following requirements and provisions shall be applicable in all zoning districts, except that they shall not apply to streetlights or to any lighting located within a public right-of-way:

1. Use or installation of high and low pressure sodium lights or mercury vapor lights is prohibited.

2. All lighting, except for emergency and security lighting, shall not exceed seven average foot candles within 100 feet of adjacent residential land except for 24-hour gasoline service stations.

3. Exterior lights that blink or shine with an intermittent phase are prohibited; provided, however, outdoor holiday decorations are exempt from these requirements for a period of forty-five (45) days before and fifteen (15) days after the holiday for which such outdoor holiday decorations are installed.

4. Light poles in a parking lot shall be protected from vehicles by curbed landscape islands or elevated concrete pedestals.

5. Light levels shall be measured in the horizontal plane, at ground level unless I.E.S. standards dictate otherwise.

6. Lighting of outdoor recreational uses shall cease at midnight.

7. The installation of all exterior lights and fixtures operating on 120 volts or greater AC shall require a permit prior to installation. Each application for such exterior lights shall include a photometric plan demonstrating compliance with the requirements of Article VI (Performance Standards) of this chapter and shall include the following:

   (a) All property lines, building locations, dimensions of paved areas, and location of all curbs relative to the proposed exterior light(s) and fixture(s).

   (b) Proposed exterior light and fixture location(s)

   (c) Details and height specifications of all proposed exterior lights and fixtures

   (d) Photometric data at all property lines and within all parking lots at a spacing

of not greater than ten feet (10') measured at the ground. When possible, photometric data shall extend 15' beyond the property line. Photometric data shall be generated by a recognized computer program and shall include calculation of maximum foot candles, minimum foot candles, average foot candles, and average to minimum uniformity ratio.

(e) Photometric data shall be calculated by using maintained light levels as calculated by I.E.S. standards.

(f) Plans at a scale of not less than one inch to fifty feet (1":50').

(g) Details of all proposed light poles and associated foundations.

(h) Other information as required.

8. Any abandoned, non-functional exterior light or fixture, as well as all associated hardware including, without limitation, poles, bases, and wiring shall be immediately removed.

(D) Specific Authorized Variations by the Zoning Board of Appeals. Notwithstanding any other provision of this Chapter, the Zoning Board of Appeals shall have the right to grant or deny a variance for the following specific purposes, but only with respect to single-family residential land uses, and only pursuant to the procedures set forth in Section 150.605(G):

a. To permit legal non-conforming uses, homeowners associations, community based services, recreational clubs, and similar facilities to be subject to the lighting requirements set forth in this Section 150.605 for high density residential districts.

b. To allow an increase in maximum lighting levels and uniformity standards when needed for security purposes provided that no greater impact on the surrounding property is found. Variations may be granted in average foot candles or maximum lumens if related to an increase in foot candles.

c. To increase the maximum light pole height from grade, provided that such an increased height provides a better alternative to meet operational requirements and does not increase the impact on surrounding property.

(E) Specific Authorized Variations by the Design Review Commission. Notwithstanding any other provision of this Chapter, the Design Review Commission shall have the right to grant or deny a variance for the following specific purposes, but only with respect to non-single-family residential land uses, and only pursuant to the procedures set forth in Section 150.605(G):

a. To permit legal non-conforming uses, homeowners associations, community based services, recreational clubs, and similar facilities to be subject to the lighting requirements set forth in this Section 150.605 for high density residential districts.

b. To allow an increase in maximum lighting levels and uniformity standards when needed for security purposes provided that no greater impact on the surrounding property is found. Variations may be granted in average foot candles or maximum lumens if related to an increase in foot candles.

c. To increase the maximum light pole height from grade, provided that such an increased height provides a better alternative to meet operational requirements and does not increase the impact on surrounding property.

(F) Variations Authorized by the City Council. The City Council shall have the right to either (a) grant any variance to this Section 150.605 or (b) authorize the Zoning Board of Appeals or the Design Review Commission, as the case may be, to consider and recommend to the City Council any variance to this Section 150.605; provided that the granting of any such variance shall be in accordance with the procedures and standards set forth in Section 150.605(G).

(G) Procedures and Standards for Variations.

1. Application. If a variation is requested pursuant to Sections 150.605(D), (E), or (F), upon submittal of a completed application for such variation, the Director of Community Development shall refer the application and all other relevant documents to the Zoning Board of Appeals, the Design Review Commission, or the City Council, as the case may be, for consideration and decision in accordance with this Section 150.605(G). The application shall include sketches, drawings, or photographs of the Lot on which the proposed variation is requested; sketches, drawings, or photographs of the proposed exterior light or fixture; sketches, drawings, or photographs of the proposed location of the proposed exterior light or fixture on the Lot on which the proposed variation is requested; and a written petition explaining (i) in what manner the proposed exterior light or fixture varies from the provisions of this Section 150.605, and (ii) why a variation is requested.

2. Notice. Notice of a public meeting concerning a variation to be considered by the Zoning Board of Appeals or the City Council shall be provided in accordance with Section 150.1203 of this Code. Notice of a public meeting concerning a variation to be considered by the Design Review Commission shall be provided in accordance with Subsection 176.045(D) of this Code.

3. Meeting. The Zoning Board of Appeals, the Design Review Commission, or the City Council, as the case may be, shall consider the variation application at a public meeting commenced within 90 days after the completed application for variation is submitted to the Director of Community Development.

4. Standards. No variation from the requirements of this Section 150.605 shall be granted unless the Zoning Board of Appeals, the Design Review Commission, or the City Council, as the case may be, determines that (i) the requested variance is appropriate due to a particular hardship or special unique circumstance, and (ii) the requested variance will not defeat the fundamental purposes and intent of this Section 150.605, and (iii) the requested variation will not be detrimental

to the public welfare or injurious to property in the vicinity of the Lot for which a variance is granted.

(H) APPEALS.

1. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, APPEALS FROM ANY DECISION UNDER THIS SECTION 150.605 SHALL BE PERMITTED ONLY PURSUANT TO THE PROCEDURES CONTAINED IN THIS SECTION 150.605(H).

2. Appeals from any decision of the Zoning Board of Appeals or Design Review Commission, as the case may be, granting or denying a variance pursuant to this Section 150.605 may be taken by the applicant or any other Person adversely affected by any such decision within 30 days after the decision. If no appeal is filed within 30 days after a decision by the Zoning Board of Appeals or Design Review Commission, as the case may be, such decision shall be final. All such appeals shall be taken to the City Council by filing a written notice of appeal with the Director of Community Development within five days following receipt or notice of the decision from which the appeal is taken. The City Council shall review the relevant variation application and any other reliable and relevant evidence, documents, or information, and may receive and consider new evidence. Within 45 days after receipt of the written notice of appeal of the decision from which the appeal is taken, the City Council shall render its written decision at a regularly scheduled meeting. The action taken by the City Council shall be final.

(I) Continuation of Legal Nonconforming Exterior Lights and Fixtures.

1. Authority to Continue. Any nonconforming exterior light or fixture may be continued so long as it otherwise remains lawful, and shall be maintained in good condition, subject to the regulations contained in this Subsection 150.605(I).

2. Ordinary Repair and Maintenance. Normal maintenance and incidental repair or replacement may be performed on any nonconforming exterior light or fixture; provided, however, that any repair or replacement shall, whenever possible, eliminate or reduce any nonconformity in the element being repaired or replaced; and, provided further that this Subsection 150.605(I) shall not be deemed to authorize any violation of this Section 150.605. Maintenance shall include the replacing, repairing, or repainting of any portion of an exterior light or fixture, including, without limitation, the renewing of any part that has been made unusable by ordinary wear and tear, weather, or accident. The replacing or repairing of an exterior light or fixture that has been damaged to an extent exceeding 50 percent of the appraised replacement cost (as determined by the Director of Community Development) shall be considered maintenance only when the exterior light or fixture conforms to all of the applicable provisions of this Article and when the damage has been caused by an act of God or violent accident.

3. Alteration; Enlargement; Moving. No nonconforming exterior light or fixture shall be:

(a) changed or altered in any manner that would increase the degree of its

nonconformity;

(b) enlarged or expanded;

(c) structurally altered to prolong its useful life;

(d) moved in whole or in part to any other location where it would remain nonconforming; or

(e) changed to another nonconforming exterior light or fixture.

4. Change of Exterior Light or Fixture. A nonconforming exterior light or fixture that has been changed to eliminate its nonconformity, or any element of its nonconformity, shall not thereafter be changed to restore such nonconformity or nonconforming element.

5. Damage or Destruction. Any nonconforming exterior light or fixture damaged or destroyed, by any means, to an extent of 50 percent or more of its replacement cost new shall not be restored but shall be removed or brought into conformity with the provisions of this Article.

6. Termination by Abandonment. Any nonconforming exterior light or fixture, the use of which is discontinued for a period of 90 days, regardless of any intent to resume or not to abandon such use, shall be deemed to be abandoned and shall not be reestablished or resumed. Every such nonconforming sign or fixture shall be immediately removed or brought into conformity with the provisions of this Section.

(J) COMPLIANCE OR REMOVAL.

Any nonconforming exterior light or fixture that loses its status as a legal nonconforming exterior light or fixture pursuant to this Section 150.605 shall be brought immediately into compliance with the provisions of this Section, or shall be immediately removed.

(K) VIOLATIONS.

1. It shall be unlawful and a violation of this Article for any Person to maintain any prohibited exterior light or fixture, to perform or order the performance of any act prohibited by this Section 150.605, or to fail to perform any act that is required by the provisions of this Article.

2. Any exterior light or fixture erected, altered, or maintained in violation of any of the clauses or provisions of this Section 150.605, or in violation of any of the laws or ordinances of the City or the State of Illinois, or both, are declared to be a public nuisance and subject to treatment and abatement of the nuisance. Any exterior light or fixture erected, altered, or maintained contrary to law shall be abated as a common nuisance by the Director of Community Development.

(Section 150.605 amended in its entirety by Ord. 53-05, J. 31, p. 173-181, passed 8/22/05)

Sec. 150.606 Heat.

No use or activity in any zoning district shall be so operated that it emits or transmits heat or heated air so as to be discernible at or beyond the property line of the lot on which it is located.

Sec. 150.607 Noise.

(A) Residential Districts. The regulation of noise radiated by a use or activity located on a lot that is located in any residential district shall be governed solely by Chapter 95, "Nuisances," of the Code; provided, however, that any noise created by a generator, as defined in Article II of this Chapter, that is located in a residential district shall not surpass the levels set forth in Column B of Section 150.607(B) below. (Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

(B) Non-Residential Districts.

(1) In no event shall the sound-pressure level of any noise radiated continuously by a use or activity located on a lot that is located in any non-residential district exceed, at the lot line of such lot, the levels in Column A of the following table in any octave band of frequency; unless such lot adjoins or lies within 25 feet of the lot line of a lot located in a residential district, in which case the levels set forth in Column B shall govern. (Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

Maximum Sound Level Table.

| Frequency Band Per Second | Column A* | Column B* |
|---|---|---|
| 20 - 75 | 74 | 70 |
| 75 - 150 | 65 | 55 |
| 150 - 300 | 61 | 48 |
| 300 - 600 | 55 | 43 |
| 600 - 1,200 | 47 | 38 |
| 1,200 - 2,400 | 45 | 35 |
| 2,400 - 4,800 | 43 | 33 |
| 4,800 - 10,000 | 40 | 31 |

* Sound Pressure Level Decibels re 0.0002 dyns/cm2
(Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

(2) If the noise is not smooth and continuous, or if it occurs within certain times, one (1) or more of the corrections below shall be added to or subtracted from each of the decibel levels given in the sound level table-above. Only one (1) of the additional corrections may be made for any noise source.

(a) For noise radiated between the hours of 9:00 p.m. and 7:30 a.m., five (5) decibels must be subtracted.

(b) If the noise source operates less than twenty (20) percent of any one (1) hour period, five (5) decibels may be added.

(c) If the noise source operates less than five (5) percent of any one (1) hour period, ten (10) decibels may be added.

(d) If the noise source operates less than one (1) percent of any one (1) hour period, fifteen (15) decibels may be added.

(e) If the noise is of an impulsive character (hammering, etc.), five (5) decibels must be subtracted.

(f) If the noise is of a periodic character (varying hum, screeching, etc.), five (5) decibels must be subtracted.

(C) Measurement of noise shall be made with a sound level meter and octave band analyzer meeting the standards prescribed by the American Standards Association. The instruments shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specification. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft, and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

(D) Impulsive and periodic type noises shall be subject to the sound level standards if those noises are capable of being accurately measured with the equipment specified in the paragraph above. Noises capable of being so measured, for the purpose of this Article, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, but objectionable because of intermittence, beat, frequency, or shrillness, shall be muffled and controlled so as not to become a nuisance to adjacent uses.

(E) Nothing in this Section shall apply to noises not directly under the control of the property user, such as: noises resulting from the construction and non-routine maintenance of buildings and facilities, including a site preparation; noises of infrequent safety signals or wiring devices; and noises of motor vehicles (except when they are being serviced).

Sec. 150.608 Odorous Matter.

(A) Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or so modified as to remove the odor.

(B) No continuous, frequent, or repetitive emission of odors or odor-causing substances shall exceed the odor threshold at or beyond the bounding property line of the tract on which the odor emission is initiated. An odor emitted no more than once in any one

(1) day for a period not exceeding fifteen (15) minutes shall not be deemed continuous, frequent, or repetitive within the meaning of these regulations.

(C) The odor threshold as herein referred to shall be determined by observation by a person or persons. In any case where the owner or operator of an odor-emitting use or activity may disagree with the Zoning Administrator where specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing Materials shall be used.

(D) Any process which may involve the creation or emission of odors which would be in violation of this Article shall be provided with both a primary and secondary safeguard system so that control will be maintained if the primary safeguard system fails.

Sec. 150.609 Radioactive Materials.

The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with:

(A) The applicable regulations of the Nuclear Regulatory Commission; and

(B) The applicable regulations of any instrumentality of the State of Illinois.

Sec. 150.610 Smoke, Particulate Matter, and Other Air Contaminants.

(A) The rules and regulations of the Illinois Air Pollution Control Board shall be complied with in respect to particulate matter and gasses in emissions into air.

(B) No use or activity in any zoning district shall cause, create, or allow the emission of air contaminants for more than three (3) minutes in any one (1) hour which, at (or within a reasonable distance of) the emission points are as dark or darker in shade as that designated as No. 1 on the Ringelman Smoke Chart, as published by the United States Bureau of Mines.

(C) Open storage and open processing operations, including on-site transportation movements which are the source of wind borne dust and other particulate matter, or which involve dust or other particulate air contaminant generating equipment (such as used in paint spraying, grain handling, sand or gravel processing or storage, or sandblasting) shall be so conducted that dust and other particulate air contaminants are not transported across the boundary line of the lot on which the use is located.

Sec. 150.611 Vibration.

(A) Ground-Transmitted Steady State Vibration.

(1) Residential Districts. The regulation of ground-transmitted steady-state vibration transmitted by a use or activity located on a lot that is located in any residential district shall be governed solely by Chapter 95, "Nuisances," of the Code. (Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

(2) Non-Residential Districts. In no event shall the ground-transmitted steady-state vibration caused by any use or activity located on a lot that is located in any

non-residential district exceed, at or beyond the lot line of such lot, the levels set forth in Column A of the following table; unless such lot adjoins or lies within 25 feet of the lot line of a lot located in a residential district, in which case the levels set forth in Column B shall govern. (Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

MAXIMUM PERMITTED STEADY-STATE VIBRATION DISPLACEMENT

| Frequency Cycles Per Second | Column A Inches | Column B Inches |
|---|---|---|
| Less than 10 | .0008 | .0004 |
| 10 through 19 | .0005 | .0002 |
| 20 through 29 | .0003 | .0001 |
| 30 through 39 | .0002 | .0001 |
| 40 through 49 | .0001 | .0001 |
| 50 and Over | .0001 | .0001 |

(B) Discrete Pulses. Discrete pulses shall not cause displacement in excess of twice the values established in the table above for steady-state vibration.

(C) Impact Vibration.

(1) Residential Districts. The regulation of impact vibration transmitted by a use or activity located on a lot that is located in any residential district shall be governed solely by Chapter 95, "Nuisances," of the Code. (Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

(2) Non-Residential Districts. In no event shall the impact vibration caused by any use or activity located on a lot that is located in any non-residential district exceed, at or beyond the lot line of such lot, the levels set forth in Column A of the following table; unless such lot adjoins or lies within 25 feet of the lot line of a lot located in a residential district, in which case the levels set forth in Column B shall govern. (Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

MAXIMUM PERMITTED IMPACT VIBRATION DISPLACEMENT

| Frequency Cycles Per Second | Column A Inches | Column B Inches |
|---|---|---|
| Less than 10 | .0016 | .0006 |
| 10 through 19 | .0010 | .0003 |
| 20 through 29 | .0006 | .0002 |
| 30 through 39 | .0004 | .0001 |
| 40 through 49 | .0002 | .0001 |
| 50 and Over | .0002 | .0001 |

(Ord. 44-04, J. 30, p. 166-172, passed 6/28/04)

(D) For the purpose of measuring vibrations, a three-component system shall be used. A three-component measuring system denotes instrumentation which can measure earth borne vibrations in three (3) directions, each of which occurs at right angles to the other two.

Sec. 150.612 Refuse Disposal.

(A) It shall be the duty of any person responsible for the production or accumulation of refuse on any lot located in the City resulting from any building or construction operations, and of the owner of the lot, to cause the storage, collection, and disposal of all refuse produced or otherwise accumulated on the lot in accordance with the provisions of the Code.

(B) Access to refuse receptacles shall not be across public curb or parkway. When in use, refuse receptacles shall not be allowed to overflow. Refuse receptacles shall not be allowed to stand unutilized at any site for longer than thirty (30) days. (**Ord. 71-07, J. 33, p. 461-508, passed 9/24/07**)

# ARTICLE VII. AREA, BULK, AND DENSITY

SECTION


| | |
|---|---|
| 150.701 | Scope of Requirements |
| 150.702 | Bulk Conformance |
| 150.703 | Low Density Residential District Regulations |
| 150.703.1 | Special Regulations for the LFOZ Lakefront Density and Character Overlay Zone |
| 150.703.2 | Special Regulations for the SLOZ South Green Bay Road Small Lot Overlay Zone |
| 150.703.3 | Regulations for Low Density Residential FAR |
| 150.704 | Multiple Family Residential and Health Care District Regulations |
| 150.705 | Commercial and Light Industrial District Regulations |
| 150.705.1 | Public Activity District Regulations |
| 150.706 | Special Area Considerations |
| 150.707 | Special Yard Considerations |
| 150.708 | Special Height Considerations |
| 150.709 | Special Density Considerations |
| 150.710 | Lots or Parcels of Land of Record |
| 150.711 | Established Setbacks – Single Family Districts |
| 150.712 | Garage Door Openings |


Sec. 150.701 Scope of Requirements.

Except as may be provided elsewhere in this Chapter, the provisions of this Article shall establish the necessary minimum and maximum requirements of area, bulk, density, and yards for every district established by this Chapter. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered in violation of the requirements of this Article.

Sec. 150.702 Bulk Conformance.

Any structure constructed in conformance with the bulk and setback regulations then in effect prior to the adoption of this Chapter shall not be deemed non-conforming with respect to the new bulk and yard regulations in this Article. However, any addition or enlargement to such structure must be made in conformance with the new regulations.

Sec. 150.703 Low Density Residential District Regulations.

The table below specifies the general minimum and maximum requirements of area, bulk, yards, and density for the low density residential zoning districts. These requirements may be modified as permitted elsewhere in this Chapter.

[INTENTIONALLY LEFT BLANK]

## LOW DENSITY RESIDENTIAL REGULATIONS

| | ZONING DISTRICT | R1 | R2 | R3 | R4 | R5 | R5A* | R6 | R7 |
|---|---|---|---|---|---|---|---|---|---|
| **LOT DIMENSIONS** | Minimum Area for Single-Family Residence | 130,680 sq. ft. | 80,000 sq. ft. | 40,000 sq. ft. | 20,000 sq. ft.(a) | 12,000 sq. ft. | 10,000 sq. ft. | 7,260 sq. ft.(b) | 7,000 sq. ft. |
| | Minimum Area for Two-Family Residence | Not Applicable | Not Applicable | Not Applicable | Not Applicable | Not Applicable | Not Applicable | Not Applicable | 10,000 sq. ft. |
| | Average Width | 250 ft. | 200 ft. | 100 ft. | 85 ft.(a) | 75 ft. | 70 ft. | 50 ft.(b) | 50 ft. |
| **DENSITY** | Minimum Lot Area per Dwelling Unit, Single-Family | 130,680 sq. ft. | 80,000 sq. ft. | 40,000 sq. ft. | 20,000 sq. ft.(a) | 12,000 sq. ft. | 10,000 sq. ft. | 7,260 sq. ft.(b) | 7,000 sq. ft. |
| | Minimum Lot Area per Dwelling Unit, Two-Family | Not Applicable | Not Applicable | Not Applicable | Not Applicable | Not Applicable | Not Applicable | Not Applicable | 5,000 |
| **YARDS** (c) | Minimum Front Yard | 50 ft. | 50 ft. | 40 ft. | 40 ft. | 40 ft. | 25 ft. | 25 ft. | 25 ft. |
| | Minimum Side Yard | 50 ft. | 25 ft. | Total depth of all side yards must be a minimum of 30% of Lot Width, and in no event shall any side yard be less than 15 feet | Total depth of all side yards must be a minimum of 30% of Lot Width, and in no event shall any side yard be less than 12 feet | Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 9 feet | Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 6 feet | Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 6 feet (b) | Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 6 feet |
| | Minimum Rear Yard (Whichever is Less) | 50 ft. | 50 ft. or 20% of Lot Depth | 40 ft. or 20% of Lot Depth | 35 ft. or 20% of Lot Depth | 30 ft. or 20% of Lot Depth | 30 ft. or 20% of Lot Depth | 25 ft. or 20% of Lot Depth | 25 ft. or 20% of Lot Depth |
| **BULK** | Maximum Height of Principal Structure | 35 ft. | 35 ft. | 35 ft. | 32 ft. | 32 ft. | 30 ft. | 30 ft. | 30 ft. |
| | Maximum Height of Accessory Structure | 18 ft. | 18 ft. | 18 ft. | 18 ft. | 18 ft. | 18 ft. | 18 ft. | 18 ft. |
| | Floor Area Ratio (F.A.R.)* | See Subsection 150.703.3 (A)+ | See Subsection 150.703.3 (A)+ | See Subsection 150.703.3 (A)+ | See Subsection 150.703.3 (A)+ | See Subsection 150.703.3 (A)+ | See Subsection 150.703.3 (A)+ | See Subsection 150.703.3 (A)+ | See Subsection 150.703.3 (A)+ |

~~*In the R2-R7 zoning districts, when the area of a lot in any given zoning district equals or exceeds the minimum lot area required in the next lower zoning district, then the F.A.R. shall be calculated as the F.A.R. of the next lower zoning district.~~ **(Deleted by Ord. 74-06, J. 32. p. 346-351, passed 11/13/06)**

(a) In addition to all other applicable regulations, the subdivision of any lot in the LFOZ Overlay Zone for which a complete application is filed with the City after December 11, 2000, being the effective date of the LFOZ Overlay Zone and regulations shall comply, where applicable, with the "minimum area for a single family residence," "average width," and "minimum lot area per single-family dwelling unit" requirements set forth in Section 150.703.1 of this Code. (Ord. 33-01, passed 5/29/01)

(b) In addition to all other applicable regulations, lots existing in the SLOZ Overlay Zone on January 8, 2001, being the effective date of the SLOZ Overlay Zone and regulations, shall, to the extent applicable, comply with the "minimum area for a single family residence," "average width," "minimum lot area per single-family dwelling unit," and "minimum side yard" requirements set forth in Section 150.703.2 of this Code. (Ord. 32-01, passed 5/29/01)

(c) No air conditioning systems or units (as defined in Section 50.900 of the Code) installed after June 29, 2004, being the effective date of this regulation, shall be installed in any required yard; provided, however, that air conditioning systems and units that were located in a required yard with or without authority prior to June 29, 2004, may be replaced in the same location without a variation. (Ord. 45-04, J. 30, p. 173-174, passed 6/28/04)

+ (Ord. 46-04, J. 30, p. 175-180, passed 6/28/04)

Sec. 150.703.1 Special Regulations for the LFOZ Lakefront Density and Character Overlay Zone.

(A) Purpose. The LFOZ Lakefront Density and Character Overlay Zone is intended to preserve the density and character of lots in the R4 Low-To-Moderate Density

Residential District located along the lakefront. Lake Michigan and the parcels located along the lakefront are important elements in defining the City's character. Many of the parcels along the lakefront have lot areas that are substantially larger than the minimum lot area requirements of the R4 District. The LFOZ Overlay Zone is intended to preserve the spacious character and existing density of the area. The preservation and appropriate development of the lakefront area requires, with certain exceptions, the establishment of special lot width and lot area regulations for newly subdivided lots in the LFOZ Overlay Zone. These new restrictions recognize the existing conditions of many of the lakefront lots and require new development in the LFOZ Overlay Zone to be consistent with these existing conditions. The LFOZ Overlay Zone is intended to address, among other things, a recent development trend in the City to subdivide larger lots along the lakefront. These new lots are, in many cases, inconsistent with the existing conditions along the lakefront. In addition to protecting the character and density of the area, the LFOZ Overlay Zone is intended to protect and preserve the ravines, lake bluffs, and beaches in the area, as well as Lake Michigan itself, and to prevent unnecessary erosion of properties in the LFOZ Overlay Zone, that may be affected or caused by increased development, whether on lots in the LFOZ Overlay Zone or within the abutting portions of Lake Michigan. This Section is specifically intended to permit property owners within the LFOZ Overlay Zone to develop their properties and to construct structures on the beach and in Lake Michigan, as further set forth in this Section and in the most environmentally and ecologically sensitive manner possible. The LFOZ Overlay Zone is consistent with the goals of the Lakefront District Neighborhood Strategic Plan, an element of the Master Plan, which plan was adopted by the City Council after numerous neighborhood planning meetings at which lakefront property owners and other City residents participated. The LFOZ Overlay Zone has been created and shall be mapped on the Zoning Map in furtherance of these public purposes. (Ord. 21-06, J. 32, p. 57-68, passed 3/13/06**)**

(B) Overlay Zone. The LFOZ Overlay Zone appears on the Zoning Map as an "overlay zone" imposed on top of certain properties located along the lakefront in the R4 District. Development of property in the LFOZ Overlay Zone must comply with the regulations of the LFOZ Overlay Zone and with the R4 District regulations. Except as required by Subsection (C) of this Section, the R4 District regulations shall apply to all lots in the LFOZ Overlay Zone. Where there is any conflict between the LFOZ Overlay Zone and the R4 District, the provisions of the LFOZ Overlay Zone shall apply.

(C) Zoning Relief. Nothing in this Section 150.703.1 shall be interpreted to deny the right of any property owner to seek a variation or other applicable zoning relief from the provisions of this Section, pursuant to the applicable procedures set forth in this Code.

(D) Special Bulk Regulations.

(1) Minimum Area for Single-Family Residence. Except only as provided in Paragraph (4) of this Subsection, no subdivision of any lot in the LFOZ Overlay Zone shall create any new lot that has a minimum area for a single-family residence of less than 40,000 square feet.

(2) Average Width. Except only as provided in Paragraph (4) of this Subsection, no subdivision of any lot in the LFOZ Overlay Zone shall create any new lot that has an average width of less than 100 feet.

(3) Minimum Lot Area Per Dwelling Unit, Single-Family. Except only as provided in Paragraph (4) of this Subsection, no subdivision of any lot in the LFOZ Overlay Zone shall create any new lot that has a minimum lot area per single-family dwelling unit of less than 40,000 square feet.

(4) Effective Date. The special bulk regulations set forth in this Subsection (D) shall only apply to subdivisions for which a complete application is filed with the City after December 11, 2000, being the effective date of the LFOZ Overlay Zone and regulations (the "Effective Date")

(5) Exceptions. The special bulk regulations set forth in this Subsection (D) shall not apply to any subdivision (i) that consists of a lot or lots the boundaries of which were described as property boundaries in a deed recorded prior to the Effective Date, or (ii) that results in the increase in size of any lot in the LFOZ Overlay Zone that, as of the Effective Date, was less than 40,000 square feet in size ("Existing Small Lot") and that does not result in the decrease in size of any other Existing Small Lot. (Ord. 33-01, passed 5/29/01)

(E) Lake Michigan Protection Regulations.

(1) Definitions.

Wherever the following words or phrases are used, they shall, for the purposes of this Subsection 170.703.1(E), have the meanings respectively ascribed to them in this Subsection 170.703.1(E), except when the context otherwise indicates:

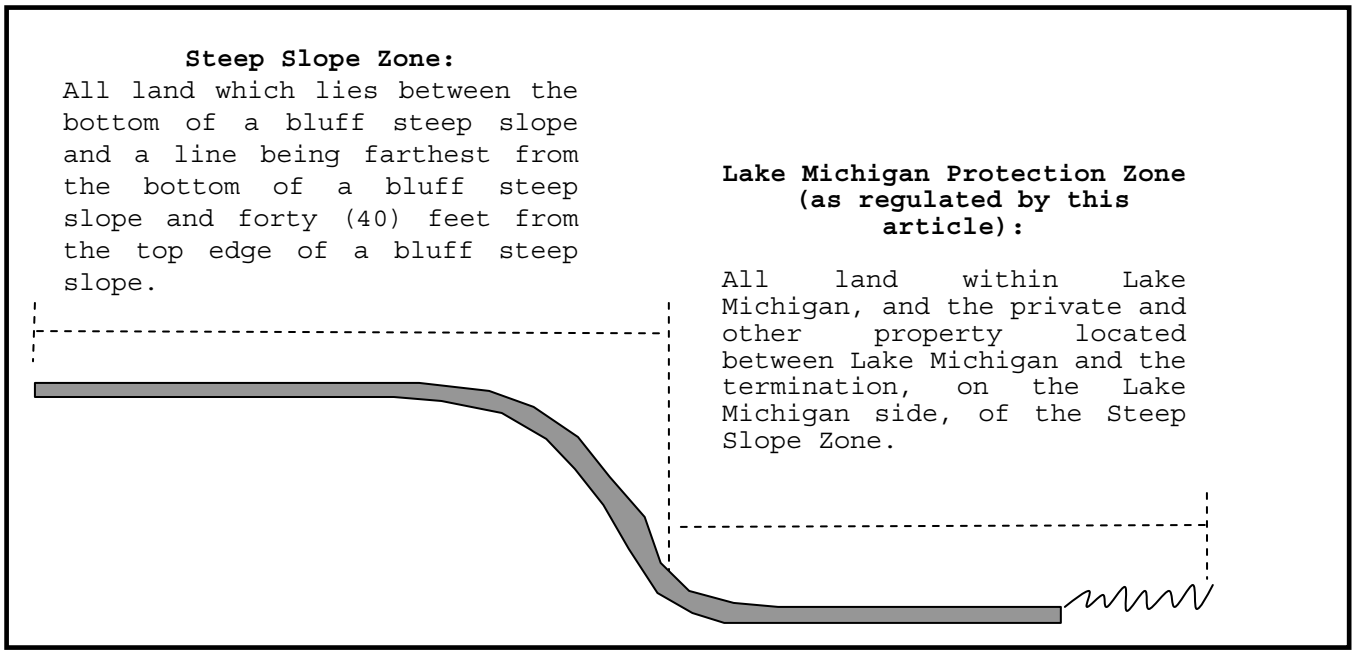
"**Adjacent Properties**" shall mean and include, whether or not located within the corporate limits of the City, (a) the first ten properties located upwater from the Subject Property, and (b) the first ten properties located downwater from the Subject Property.

"**Applicant**" shall mean the record owner of the Subject Property.

"**Commission**" shall mean the Lakefront Commission.

"**Lake Michigan**" shall mean that portion of Lake Michigan that borders the City of Highland Park, to the extent of three miles beyond the corporate limits, but not beyond the limits of the State.

"**Lake Michigan Protection Zone**" shall mean (a) Lake Michigan, and (b) the private and other property located between Lake Michigan and the termination, on the Lake Michigan side, of the Steep Slope Zone, as depicted below.




"**Permit Application**" shall mean the application for a permit to conduct a Regulated Activity in the Lake Michigan Protection Zone, as provided for in Subsection (E)(4) of this Section.

"**Pre-Application Meeting**" shall mean that meeting of the Commission at which the Applicant and the Commission shall discuss the proposed Structure and Regulated Activity prior to the submission of a Permit Application, as provided for in Subsection (E)(5)(a) of this Section.

"**Regulated Activity**" shall mean any act or process within the Lake Michigan Protection Zone involving (1) the construction, alteration, modification, demolition, or removal of any new or existing Structure, or (2) the adding, dumping, dredging, or removing of sand, rocks, or any refuse, garbage, or other discarded materials.

"**Steep Slope Zone**" shall have the meaning ascribed to it by Section 150.202 of this Zoning Ordinance.

"**Structure**" shall mean any improvement or structure in the Lake Michigan Protection Zone, including, without limitation, any revetment or groin.

"**Subject Property**" shall mean the property within or abutting that portion of the Lake Michigan Protection Zone on which the proposed Regulated Activity is to take place.

(2) Permit Required. Except as provided in Subsections (E)(9) and (E)(11) of this Section, no Regulated Activity shall be allowed in the Lake Michigan Protection Zone prior to the issuance of a permit in accordance with the procedures set forth in Subsections (E)(4), (E)(5), (E)(6) and (E)(7) of this Section and the standards set forth in Subsection (E)(3) of this Section.

(3) Standards

No permit for a Regulated Activity in the Lake Michigan Protection Zone shall be approved unless all of the following standards have been met or satisfied:

(a) The proposed Regulated Activity and/or Structure shall not unreasonably impede access to or pedestrian movement along the beach or to Lake Michigan;

(b) The proposed Regulated Activity and/or Structure shall not unnecessarily impede navigability within Lake Michigan;

(c) The proposed Regulated Activity and/or Structure shall not unreasonably impact the Subject Property or the Adjacent Properties;

(d) The Applicant has proposed appropriate long-term maintenance requirements and plans, as necessary, for the proposed Regulated Activity and/or Structure;

(e) The proposed means and methods of undertaking the Regulated Activity and/or Structure are consistent with appropriate design and aesthetics principles;

(f) The proposed Regulated Activity and/or Structure shall not create new nor amplify existing erosion problems on the Subject Property and on Adjacent Properties;

(g) The proposed Regulated Activity and/or Structure shall be for the purposes of erosion control, water gathering, and/or public access only;

(h) There will not be an unnecessary adverse environmental or ecological impact on the Subject Property or on any of the Adjacent Properties as a result of the proposed Structure and/or the Regulated Activity;

(i) The proposed Structure and/or the Regulated Activity is the least environmentally and ecologically intrusive means of achieving the stated purpose of the Structure; and

(j) The Applicant has properly obtained any and all permits required by the federal, state, and county governments for the Regulated Activity and/or the Structure.

(4) Application.

(a) The Applicant shall file a Permit Application with the Department of Public Works on forms provided by the City, which Permit

Application shall contain, without limitation, the following documents and information:

(i) A statement of the purpose and planning objectives to be achieved by the proposed Regulated Activity;

(ii) A plat of survey of the Subject Property;

(iii) A conceptual plan showing the Subject Property and the Adjacent Properties, including any and all existing Structures in the portion of the Lake Michigan Protection Zone abutting those properties;

(iv) Development and site plans showing the proposed Structure, if applicable;

(v) A demolition plan, if applicable;

(vi) An elevation plan, which shall include sectional views of the proposed Structure, if applicable;

(vii) Copies of any and all permits required by the federal, state, and county governments for the Regulated Activity and/or the Structure;

(viii) Engineering details of the proposed Structure and/or the Regulated Activity, which shall include, if applicable:

(A) the height, length, and width of the proposed Structure;

(B) the spacing between the proposed Structure and other Structures in the Lake Michigan Protection Zone abutting any of the Adjacent Properties; and

(C) the materials of which the proposed Structure will be composed;

(ix) A geo-technical investigation report of the site;

(x) A statement outlining structure success in various water levels;

(xi) A statement describing the long-term maintenance requirements and plan for the proposed Structure;

(xii) A written description of the proposed means and methods of undertaking the Regulated Activity;

(xiii) An explanation, in narrative form, of the following:

(A) Any and all erosion problems on the Subject Property for which the Structure and/or Regulated Activity is designed to correct or remedy;

(B) The environmental and ecological impact on the Property and the Adjacent Properties that are expected to result from the Structure and/or Regulated Activity;

(C) How the proposed Structure and/or Regulated Activity is the least environmentally and ecologically intrusive means of achieving the stated purpose; and

(D) The nature and composition of existing protections, including existing Structures, of the shoreline in that portion of the Lake Michigan Protection Zone abutting either the Subject Property or the Adjacent Properties, and the impact and effectiveness of those protections on the shoreline, the lakebed, and on erosion of the Subject Property and Adjacent Properties; and

(xiv) A non-refundable application fee, in the amount set forth in the City's Annual Fee Resolution. (**Ord. 28-10, J. 36, p. 105-109, passed 3/22/10**)

(b) All plans, specifications, and design analyses or calculations must be signed and sealed by a duly registered Professional Geologist, Structural Engineer or Professional Engineer experienced in the design and construction of shore and/or coastal facilities.

(5) Procedure and Notice

(a) Pre-Application Meeting.

(i) Prior to submission of a Permit Application pursuant to Subsection (E)(4) of this Section, the Applicant shall request, in writing to the Chairman of the Commission and to the Director of Public Works, a Pre-Application Meeting, and shall submit payment of a Pre-Application Review fee, in the amount set forth in the City's Annual Fee Resolution. (**Ord. 28-10, J. 36, p. 105-109, passed 3/22/10**)

(ii) Within 45 days following receipt of the written request of the Pre-Application Meeting, the Commission shall hold a Pre-Application Meeting with the Applicant, at which time the Commission may make any recommendations or requests for additional documentation and information to be included in the Permit Application.

(b) A Permit Application shall be filed no later than 60 days after the Pre-Application Meeting for the proposed Structure and Regulated Activity.

(c) Upon receipt by the Department of Public Works of a Permit Application, the Director of Public Works shall forward copies of the Permit Application to the Chairman of the Commission and to the City Clerk.

(d) Within 45 days following receipt of a Permit Application by the City, a meeting of the Commission shall be held at which the Commission shall review the Permit Application.

(e) Not more than 30 days but not less than 15 days prior to the meeting of the Commission at which the Permit Application will be reviewed, the City Clerk shall cause notice thereof to be sent to the record owners of those Adjacent Properties located within the corporate limits of the City, and to all homeowners associations of which at least one owner of an Adjacent Property is a member and which have registered with the City as desiring notice pursuant to this Subsection, which notice shall contain:

(i) The legal description of the Subject Property;

(ii) The address of the Subject Property;

(iii) A brief statement of the nature of the requested permit;

(iv) The name(s) and address(es) of the Applicant(s); and

(v) A statement of the date, time, and place of the meeting for which the notice is being given.

(6) Lakefront Commission Recommendation. The Commission shall make and submit to the City Council its findings and recommendations concerning the Permit Application within 30 days of the meeting at which the Permit Application is reviewed. The failure of the Commission to provide such findings and recommendations within 30 days, or such further time to which the Applicant may, in writing, agree, shall be deemed a recommendation against the approval of the Permit Application.

(7) Action by City Council. Following the City Council's receipt of the findings and recommendations of the Commission, the City Council may grant or deny the permit, or may return the Permit Application to the Lakefront Commission for further consideration.

(8) Amendments to Permit. Any substantial change in the character of an approved permit for a Regulated Activity, pursuant to this Subsection, shall require the approval of a new permit which shall reflect such changes in the proposed Structure and/or Regulated Activity; provided, however, that the Director of Public Works may approve such minor changes to the proposed Structure and/or Regulated Activity if, in the Director's judgment, such minor changes do not constitute a substantial deviation from the proposed Structure and/or Regulated Activity for which the permit was approved.

(9) Public Safety Emergency Permits. A permit for the removal or demolition of an existing Structure may be granted by the City Director of Public Works upon his or her determination that the Structure poses an immediate threat to the public health, safety, or welfare. If the Director of Public Works makes such a determination, the provisions of Subsections (E)(4), (E)(5), (E)(6), and (E)(7) of this Section shall not apply.

(10) Recordation. The Applicant shall cause to be recorded against the Subject Property, in the office of the Lake County Recorder, the following:

(a) Any permit approved and granted pursuant to this Subsection; and

(b) A restrictive covenant, requiring the Applicant, and all of the Applicant's transferees, heirs, assigns, and successors in interest to the Subject Property, to perform, at the Applicant's sole cost and expense, all regular maintenance and upkeep of the Structure.

(11) Partial Exemption for Structures Also Regulated Within The Steep Slope Zone. The review and permitting processes set forth in Section 150.703.1(E) of these Lake Michigan Protection Zone regulations shall not be necessary if the proposed Structure meets all of the following criteria:

(a) The proposed Structure is of a type, other than fences, to which Section 150.1906(C) of the Steep Slope Zone regulations of this Zoning Code applies;

(b) The proposed Structure is located in part in the Lake Michigan Protection Zone and in part in the Steep Slope Zone;

(c) The portion of the proposed Structure that is located within the Lake Michigan Protection Zone is necessary to the structural or functional integrity of the Structure as a whole;

(d) The proposed Structure protrudes no further than 15 feet into the Lake Michigan Protection Zone; and

(e) The portion of the proposed Structure that is located within the Lake Michigan Protection Zone is no larger than 75 square feet.

(Section 150.703.1 (E) added by Ord. 21-06, J. 32, p. 57-68, passed 3/13/06)

Sec. 150.703.2 Special Regulations for the SLOZ South Green Bay Road Small Lot Overlay Zone.

(A) Purpose. The SLOZ South Green Bay Road Small Lot Overlay Zone includes those lots in the R6 Medium Density Residential District generally bounded on the west by Green Bay Road, on the north by Ravinia Road and Ridgewood Road, on the east by the railroad tracks, and on the south by Blackstone Place and existing on January 8, 2001, being the effective date of the Overlay Zone and regulations. Many of the lots in the SLOZ

Overlay Zone have lot areas, lot widths, and side yards that are substantially smaller than the minimum requirements under the R6 District. The special lot area, lot width, and side yard regulations for the SLOZ Overlay Zone are intended to make these smaller lots conforming under the provisions of the SLOZ Overlay Zone. The SLOZ Overlay Zone is consistent with the goals of the South Green Bay Road District Plan, an element of the Master Plan, which plan was adopted by the City Council after neighborhood planning meetings at which owners of property within the SLOZ Overlay Zone and other City residents participated. The SLOZ Overlay Zone has been created and shall be mapped on the Zoning Map in furtherance of these public purposes.

(B) Overlay Zone. The SLOZ Overlay Zone appears on the Zoning Map as an "overlay zone" imposed on top of certain properties within the R6 District. Properties in the SLOZ Overlay Zone must comply with the regulations of the SLOZ Overlay Zone and with the R6 District regulations. Except as otherwise permitted by Subsection (D) of this Section, the R6 District regulations shall apply to all lots in the SLOZ Overlay Zone. Where there is any conflict between the SLOZ Overlay Zone and the R6 District, the provisions of the SLOZ Overlay Zone shall apply.

(C) Zoning Relief. Nothing in this Section 150.703.2 shall be interpreted to deny the right of any property owner to seek a variation or other applicable zoning relief from the provisions of this Section, pursuant to the applicable procedures set forth in this Code.

(D) Special Bulk Regulations.

(1) Minimum Area for Single-Family Residence.

(a) For any single-family residence on a lot existing in the SLOZ Overlay Zone that does not comply with the minimum lot area regulations of the R6 District as of January 8, 2001, being the effective date of the SLOZ Overlay Zone and regulations ("the "Effective Date"), the minimum area for any such lot shall be no less than 5,200 square feet.

(b) The special regulation set forth in Paragraph 1(a) of this Section shall not apply to any lot in the SLOZ Overlay Zone meeting the minimum lot area regulations of the R6 District or to any new lot created by a subdivision of any lot in the SLOZ Overlay Zone after the Effective Date.

(2) Average Width.

(a) For any single-family residence on a lot existing in the SLOZ Overlay Zone that does not comply with the minimum lot width regulations of the R6 District as of the Effective Date, the average width for any such lot shall be no less than 40 feet.

(b) The special regulation set forth in Paragraph 2(a) of this Section shall not apply to any lot in the SLOZ Overlay Zone meeting the minimum lot width regulations of the R6 District or to any new lot created by a subdivision of any lot in the SLOZ Overlay Zone after the Effective Date.

(3) Minimum Lot Area Per Dwelling Unit, Single-Family.

(a) For any single-family residence on a lot existing in the SLOZ Overlay Zone that does not comply with the minimum lot area per single-family dwelling unit regulations of the R6 District as of the Effective Date, the minimum lot area per single-family dwelling unit for any such lot shall be no less than 5,200 square feet.

(b) The special regulation set forth in Paragraph 3(a) shall not apply to any lot in the SLOZ Overlay Zone meeting the minimum lot area per single-family dwelling unit regulations of the R6 District or to any new lot created by a subdivision of any lot in the SLOZ Overlay Zone after the Effective Date.

(4) Minimum Side Yard.

(a) For any single-family residence on a lot existing in the SLOZ Overlay Zone that does not comply with the minimum area for single family residence regulations, average width regulations, or minimum lot area per single family dwelling unit regulations of the R6 District as of the Effective Date, the total depth of all side yards for any such lot shall be a minimum of 25 percent of the lot width and in no event shall any side yard be less than five feet.

(b) The special regulation set forth in Paragraph 4(a) shall not apply to any new lot created by a subdivision of any lot in the SLOZ Overlay Zone after the Effective Date. (Ord. 32-01, passed 5/29/01)

[INTENTIONALLY LEFT BLANK]

Sec. 150.703.3 Regulations for Low Density Residential FAR.

(A) FAR Formula. The maximum FAR allowed on a legal lot of record in the R1 through R7 zoning districts shall be determined based on the formula set forth in the following table:

| **Lot/Parcel Size Range (Sq. Ft.)** | **FAR Formula** | **Bonus FAR Formula** |
|---|---|---|
| <7,260 | $\frac{(.40 \text{ x lot area }) + 0}{\text{lot area}} \text{ x } 100$ | $\frac{(.40 \text{ x lot area}) + (.03 \text{ x lot area})}{\text{lot area}} \text{ x } 100$ |
| 7,260-9,999 | $\frac{(.22 \text{ x lot area}) + 1325}{\text{lot area}} \text{ x } 100$ | $\frac{[(.22 \text{ x lot area}) + 1325] + (.03 \text{ x lot area})}{\text{lot area}} \text{ x } 100$ |
| 10,000-11,999 | $\frac{(.11 \text{ x lot area}) + 2400}{\text{lot area}} \text{ x } 100$ | $\frac{[(.11 \text{ x lot area}) + 2400] + (.05 \text{ x lot area})}{\text{lot area}} \text{ x } 100$ |
| 12,000-19,999 | $\frac{(.26 \text{ x lot area}) + 600}{\text{lot area}} \text{ x } 100$ | $\frac{[(.26 \text{ x lot area}) + 600] + (.05 \text{ x lot area})}{\text{lot area}} \text{ x } 100$ |
| 20,000-39,999 | $\frac{(.21 \text{ x lot area}) + 1600}{\text{lot area}} \text{ x } 100$ | *If Lot Area is < 25,000 sq.ft.*<br>$\frac{[(.21 \text{ x lot area}) + 1600] + (.05 \text{ x lot area})}{\text{lot area}} \text{ x } 100$<br>*If lot area is = or > 25,000 sq. ft.*<br>$\frac{[(.21 \text{ x lot area}) + 1600] + (1250)}{\text{lot area}} \text{ x } 100$ |
| 40,000-79,999 | $\frac{(.11 \text{ x lot area}) + 5600}{\text{lot area}} \text{ x } 100$ | $\frac{[(.11 \text{ x lot area}) + 5600] + (1250)}{\text{lot area}} \text{ x } 100$ |
| 80,000-136,079 | $\frac{(.1026 \text{ x lot area}) + 6188}{\text{lot area}} \text{ x } 100$ | $\frac{(.1026 \text{ x lot area} + 6188) + (1250)}{\text{lot area}} \text{ x } 100$ |
| = >130,080 * | $\frac{(.15 \text{ x lot area}) + 0}{\text{lot area}} \text{ x } 100$ | $\frac{(.15 \text{ x lot area}) + (1250)}{\text{lot area}} \text{ x } 100$ |

* (Amended by Ord. 74-06, J. 32, p. 346-351, passed 11/13/06)

(B) Bonus FAR.

(1) Applicability. Bonus FAR shall be allowed on a legal lot of record that is not a lot or parcel in a Planned Unit Development in the R1 through R7 zoning districts on which an addition to an existing building (referred to herein as "addition") is proposed to be constructed, subject to the rules and conditions set forth in Section 150.703.3(B)(3). (Ord. 74-06, J. 32, p. 346-351, passed 11/13/06)

(2) Bonus FAR Formula. The maximum Bonus FAR allowed on a legal lot of record in the R1 through R7 zoning districts shall be determined based on the formula set forth in the table in Section 150.703.3.(A).

(3) Rules and Conditions. The following rules and conditions shall be used in determining the applicability of Bonus FAR for building additions on legal lots of record in the R1 through R7 zoning districts:

(a) The proposed addition shall be attached to an existing building, and:

(i) such existing building shall have been constructed prior to January 1, 1990 and no addition requiring a building permit was attached to such building after June 28, 2004; or

(ii) if such building was constructed after January 1, 1990, or an addition requiring a building permit was attached to such building after June 28, 2004, no addition requiring a building permit has been attached to the building in the seven years preceding the date on which a building permit application is submitted for the proposed addition; and

(b) No demolition activity, as defined in Subsection 170.040(E) of the Code, is proposed to occur during the construction of the proposed addition; and

(c) With the exception of maximum FAR, the building and the proposed addition will be in compliance with all applicable bulk regulations; provided, however, that for purposes of this Section 150.703.3(B)(3) only, the term "bulk regulations" shall mean only those types of regulations that are specifically set forth in Article II, and shall not include private restrictions or covenants, and (Ord. 74-06, J. 32, p. 346-351, passed 11/13/06)

(d) No part of the proposed addition shall be located within a steep slope zone; and

(e) No part of the proposed addition shall be attached to a building that was issued its initial certificate of occupancy within seven years preceding the date of the submittal of the building permit application for the proposed addition; and

(f) The existing building to which the proposed addition is to be attached shall not have:

(i) utilized the maximum Bonus FAR calculation for any addition prior to the proposed addition; and

(ii) had a portion of the building that was, prior to the submission of the building permit application for the proposed addition, partially removed or destroyed by any act or process within the control of a person that was the owner of the building at the time of such removal or destruction; and

(iii) any portion of the existing building that was not removed or destroyed, as set forth in Section 150.703.3(B)(3)(f)(ii) above, removed or destroyed by the applicant prior to the construction of the new addition. An applicant shall record a restrictive covenant, in a form acceptable to the Zoning Administrator, that prohibits, for a period of at least 20 years after the issuance of a certificate of occupancy for the addition, the removal or destruction of any portion of the building that was not removed or destroyed, as set forth in Subparagraph 150.703.3(B)(3)(f)(ii). (Ord. 46-04, J. 30, p. 175-180, passed 6/28/04)

Sec. 150.704 Multiple Family Residential and Health Care District Regulations.

(A) The following table specifies the general maximum and minimum requirements of area, bulk, yards, and density for the Multiple Family Residential and Health Care zoning districts. These requirements may be modified as permitted elsewhere in this Chapter. (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

**MULTIPLE FAMILY RESIDENTIAL AND HEALTH CARE DISTRICT REGULATIONS**

| | ZONING DISTRICT | | RM1 | RM1A | RM2 | RO | HC |
|---|---|---|---|---|---|---|---|
| LOT DIMENSIONS | Minimum Average Width for Any Use | Sq. Ft. | 50 | 50 | 50 | 50 | Not Applicable |
| | Minimum Lot Area for Multiple-Family Use | Sq. Ft. | 10,000 | 21,780 * | 21,780 | 21,780 | Not Applicable |
| | Minimum Lot Area for Single-Family Use | Sq. Ft. | 7,000 | 7,000 * | 7,000 | 7,000 | Not Applicable |
| DENSITY | Minimum Lot Area per Single-Family Unit | Sq. Ft. | 7,000 | 7,000 ^ | 7,000 | 7,000 | Not Applicable |
| | Minimum Lot Area per Multiple-Family Unit for Lots Greater Than or Equal to 90 Percent of the Minimum Lot Area for Multiple Family Use (f) ~ | Sq. Ft. | 2,904 | 1,980[d) ^ \| | 1,442 | 871 | Not Applicable ~ |
| | Minimum Lot Area per Multiple-Family Unit for Lots Smaller than 90 Percent of Minimum Lot Area for Multiple Family Use (f) ~ | Sq. Ft. ~ | (f) ~ | **(f)** ~ | (f) ~ | (f) ~ | Not Applicable ~ |

## MULTIPLE FAMILY RESIDENTIAL AND HEALTH CARE DISTRICT REGULATIONS (Continued)

| | ZONING DISTRICT | | RM1 | RM1A | RM2 | RO | HC |
|---|---|---|---|---|---|---|---|
| YARDS | Minimum Front Yard | Feet | 25 | 10 * | 25 | 25 | Not Applicable; See Below for HC Zoning District Yards ~ |
| | Minimum Side Yard | Feet | 10 | 10 * | 10 | 10 | |
| | Minimum Rear Yard | Feet | 25 or 20% of Lot Depth (Whichever is less) | 10; or 20, if adjacent to a residential district ^ ) | 25 or 20% of Lot Depth (Whichever is less) | 25 or 20% of Lot Depth (Whichever is less) | |
| | Minimum Setback in the HC District from those Principal or Accessory Structures which are not Single or Two-Family Residences to any Street R.O.W. (including Parking Decks but exclusive of surface parking) ~ | Feet | Not Applicable | Not Applicable * | Not Applicable | Not Applicable | 25 plus 2 for each foot of building over 15 feet in height (b) |
| | Minimum Setback in the HC District from those Principal or Accessory Structures which are not Single or Two-Family Residences to any directly adjoining residential property line ~ | Feet | Not Applicable | Not Applicable * | Not Applicable | Not Applicable | 25 plus 3 for each foot of building over 15 feet in height (c) |
| | Minimum Front Yard in the HC District for Single and Two-Family Residential Structures | Feet | Not Applicable | Not Applicable * | Not Applicable | Not Applicable | 25 |
| | Minimum Side Yard in the HC District for Single and Two-Family Residential Structures ~ | Feet | Not Applicable | Not Applicable * | Not Applicable | Not Applicable | 10 |
| | Minimum Rear Yard in the HC District for Single and Two-Family Residential Structures ~ | Feet | Not Applicable | Not Applicable * | Not Applicable | Not Applicable | 25 feet or 20% of Lot Depth (Whichever is less) |
| | Minimum Setback in the HC District from surface parking to any property line ~ | Feet | Not Applicable | Not Applicable * | Not Applicable | Not Applicable | 5 feet |
| HEIGHT | Maximum Height of Principal Structure | Feet | 35 | 40; maximum of three stories ^ | 40; maximum of three stories * | 45 | 60 |
| | Maximum Height of Accessory Structure | Feet | 15 | 15 * | 15 | 15 | 35 |
| BULK | Maximum F.A.R. | | Not Applicable | Not Applicable * | Not Applicable | Not Applicable | 1.0 (a) |
| | Maximum Lot Coverage | % | 33.3 | 33.3 * | 33.3 | 33.3 | 70.0 |

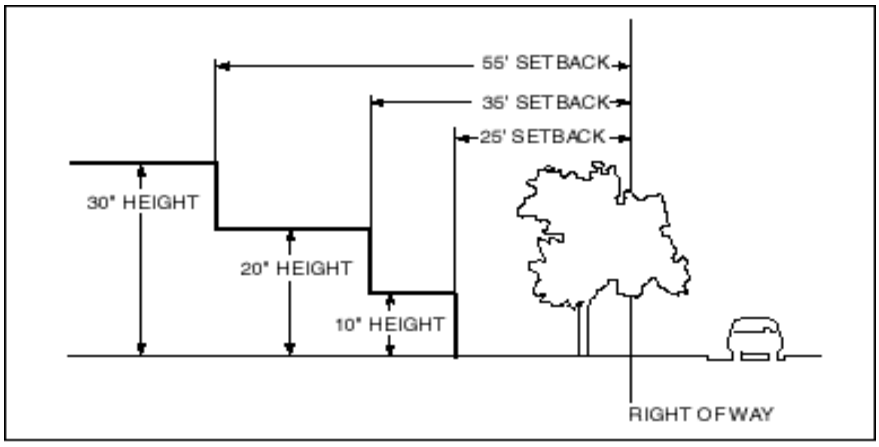
* Ord. 41-02, J. 28, p. 309-312, passed 7/8/02
^ Added by Ord. 57-02, J. 28, p. 410-473, passed 9/9/02
| Amended by Ord. 40-04, J. 30, p. 155-158, passed 6/28/04
~ Amended by Ord. 81-07, J. 33, p. 694-703, passed 11/13/07

(a), (b), (c), (d), (e), (f) — See explanation of footnotes following. (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

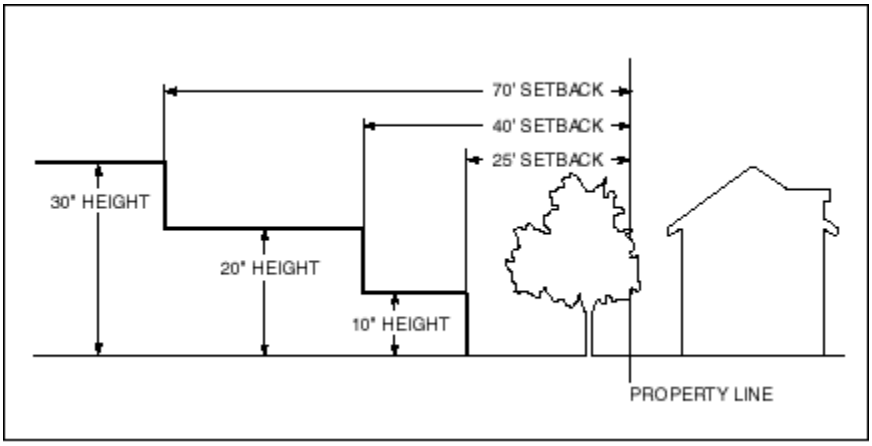
Footnotes for Multiple Family Residential and Health Care District Regulations

(a) Including Parking Decks, with the understanding that any portion of off-street parking facilities located below-grade shall not be included in the calculations for F.A.R.

(b) Where the minimum setback requirement is a function of the height of a structure, the setback is measured to each point of a building which may have multiple heights and result in multiple setbacks. (See following illustration.)




(c) Where the minimum setback requirement is a function of the height of a structure, the setback is measured to each point of a building which may have multiple heights and result in multiple setback distances. (See illustration below.)




(d) In the RM1A District not more than 22 dwelling units per acre shall be allowed on a lot. (Added by Ord. 57-02, J. 28, p. 410-473, passed 9/9/02, Footnote (d)(iii) and RM1A Density Chart 31-40 United Per Acre Deleted by Ord. 28-03, J. 29, 112-114, passed 3/24/03, Footnote (d)(i) & (ii) & RM1A Density Chart deleted by Ord. 40-04, J. 30, p. 155-158, passed 6/28/04)

(e) Off-street parking for buildings located in the RM1A District shall only be permitted in the rear yard of the principal building. (Added by Ord. 57-02, J. 28, p. 410-473, passed 9/9/02)

(f) Lots that are located in a Multiple Family Residential District and smaller than the Minimum Lot Area for Multiple-Family Use may not be used for multiple-family residential uses except upon the granting of a variation by the Zoning Board of Appeals pursuant to Section 150.1204(A)(2) of this Chapter. (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

(B) Given that Master Site Plan approval is required for tracts zoned HC (Health Care), off-street parking, yard, setback, F.A.R., maximum lot coverage, and other bulk regulations of the HC (Health Care) zoning district governing the site may be modified in conjunction with the approval of such Master Site Plan, provided the Plan Commission determines that such modification complies with the spirit and intent of the applicable provisions of this Chapter.

(C) Minimum Required Side Yard Setback.

(1) Except as provided in Section 150.704(C)(2) of this Chapter, the minimum side yard distance between a wall and a side lot line for multiple-family residential structures that are greater than 15 feet in height and located in a Multiple Family Residential District shall be 10 feet for that portion of the structure at or below a height of 15 feet above the grade, and an additional three feet for each subsequent ten feet of height of the structure. (Ord. 57-02, J. 28, p. 410-473, passed 9/9/02; Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

(2) Upon approval by the Design Review Commission, the footprint of each story located more than 15 feet above grade may be reconfigured on the lot in any manner by which the square footage of the reconfigure story does not exceed the maximum square footage that would be permitted in accordance with Section 150.704(C)(1) of this Chapter. (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

(D) The top of the second story of a multiple-family residential structure located in a Multiple Family Residential District shall not be located at a point higher than 25 feet above grade. (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

Sec. 150.705 Commercial and Light Industrial District Regulations.

(A) The following table specifies the general requirements of area, bulk, yards, and density for the commercial and light industrial zoning districts. These requirements may be modified as permitted elsewhere in this Chapter.

[INTENTIONALLY LEFT BLANK]

**COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT REGULATIONS**

| | ZONING DISTRICT | | B1 | B1A | B2 | B2-RW | B3 | B4 | B5 | I |
|---|---|---|---|---|---|---|---|---|---|---|
| **DENSITY** | Minimum Lot Area per Multiple Family Unit (At Second Floor and Above) | Sq. Ft. | 3,000 | 3,000 | 850 | 850[a] | Not Allowed | 3,000 | 3,000 | Not Allowed |
| **YARDS** | Minimum Front Yard | Feet | 25 | 0** | 0 | 0 | 25 | 0 | 0 | 25 |
| | Minimum Commercial Front Yard | Feet | 2 | 0** | Not Applicable | Not Applicable | 2 | Not Applicable | Not Applicable | 2 |
| | Maximum Front Yard | Feet | Not Applicable | 5** | Not Applicable | 5 | Not Applicable | Not Applicable | Not Applicable | Not Applicable |
| | Minimum Side Yard Adjacent to Residential District | Feet | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 |
| | Minimum Rear Yard Adjacent t Residential District | Feet | 25 or 20% of Lot Depth Whichever is Less | 25 or 20% of Lot Depth Whichever is Less | 20 | 20 | 20 | 20 | 20 | 20 |
| | Minimum Rear Yard Adjacent to Non-Residential District | Feet | 25 or 20% of Lot Depth Whichever is Less | 25 or 20% of Lot Depth Whichever is Less | 20 | 20 | 0 | 0 | 0 | 0 |
| **BULK** | Maximum Height of Principal Structure | Feet | 35 | 35 | 35 | 35 | 45 | 40; maximum of three stories; an additional five feet may be permitted as part of a Planned Unit Development provided that the subject structure shall not exceed four stories \| | 40; maximum of three stories; an additional ten feet may be permitted as part of a Planned Unit Development provided that the subject structure shall not exceed four stories \| | 45 |
| | Maximum Height of Accessory Structure | Feet | 35 | 35 | 35 | 35 | 45 | 40\| | 40 \| | 45 |

[a] In the B2-RW zoning district, the number of allowable efficiency dwelling units shall be limited to no more than thirty (30%) percent of the total number of units allowed on the lot.
**(Amended by Ord 93-99, adopted 11/8/99) | (Amended by Ord. 41-02, J. 28, p. 309-312, passed 7/8/02)

(B) For residential structures over fifteen (15) feet high in the B1, B2, and B5 zoning districts, the minimum side and rear yard distance between a wall containing

openings for light and air and a lot line shall be ten (10) feet plus one (1) foot for every three (3) feet of height above twenty (20) feet. For these purposes, the "height of the building wall" shall be measured from the floor level of the lowest story containing a dwelling unit.

Sec. 150.705.1 Public Activity District Regulations.

(A) General Requirements. The following table specifies the general requirements of area, bulk, yards, and density for the PA (Public Activity) District. These requirements may be varied or otherwise modified as permitted elsewhere in this Chapter.

| | **ZONING DISTRICT** | | **PA** |
|---|---|---|---|
| LOT | Minimum Average Lot Width | Feet | 50 |
| DENSITY | Minimum Lot Area per primary structure | Sq. Ft. | 40,000 |
| YARDS | Minimum Front Yard Adjacent to/or Across a Street from a Residential Zoning District | Feet | 25 *(See sec. (B) for additional regulations)* |
| | Minimum Front Yard Adjacent to/or Across a Street from a Non-Residential Zoning District | Feet | 0 |
| | Maximum Front Yard | Feet | Not Applicable |
| | Minimum Side Yard Adjacent to Residential District | Feet | 25 |
| | Minimum Side Yard Adjacent to Non-Residential District | Feet | 0 |
| | Minimum Rear Yard Adjacent to Residential District | Feet | 20 |
| | Minimum Rear Yard Adjacent to Non-Residential District | Feet | 0 |
| BULK | Maximum Height of Principal Structure *(See Sec.150.708 (c) Special Height Considerations, for additional regulations)* | Feet | 35 |
| | Maximum Height of Accessory Structure | Feet | 35 |

(B) Special Minimum Requirements. Notwithstanding the otherwise applicable front yard requirements set forth in Subsection (A) of this Section, the front yard requirements shall, in no event, be less than the front yard requirements of the zoning district for the properties abutting or located across a right of way from the property in the PA (Public Activity) District. If a property in the PA (Public Activity) District abuts or is across a right of way from two distinct zoning districts with different front yard requirements, then the front yard requirements for the property in the PA (Public Activity) District shall not be less then the front yard requirements of the zoning district with the greater front yard requirement.

(C) Special Standards for Telecommunication Facilities. The regulations and restrictions contained in this Section 150.705.1 shall not replace or supercede any of the regulations and restrictions for telecommunication facilities set forth in Section 150.414

of this Zoning Code. (Added by Ord. 42-02, J.28, p. 313-337, passed 7/8/02)

Sec. 150.706 Special Area Considerations.

The area requirements below further qualify the requirements in the preceding tables.

(A) The requirements found in this Article are mutually exclusive and the minimum yards and other open spaces, including lot area per dwelling unit, required for any structure or use shall not be encroached upon or considered as any part of similar requirements for any other structure or use.

(B) No part of any street shall be included in determining the area of any lot.

(C) No part of any lot which lies below an elevation of four (4) feet above the official city datum (Chapter 12 of the Code) shall be included in determining the area of any lot.

(D) Exclusive of the entire area of the stem, the entire remaining area included within any permitted lot-in-depth shall contain 115% of the required minimum lot area for conventional lots in any such zoning district and at least 115% of the lot width required by the applicable zoning district regulations.

Sec. 150.707 Special Yard Considerations.

The following yard requirements further qualify the preceding tables.

(A) Every part of a required yard shall be open to the sky, unobstructed, except for the following:

(1) Ordinary projections of sills, belt courses, cornices, roof eaves, gutters, and ornamental features projecting not to exceed twenty-four (24) inches;

(2) Open or lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting not more than five (5) feet into a rear yard;

(3) Steps and ramps; stoops extending not more than three (3) feet above grade and having an area of no more than sixteen (16) square feet; terraces; and patios projecting into a required rear or side yard, but not closer than two (2) feet to the adjacent property line;

(4) Ordinary projections of chimneys and flues into the rear yard;

(5) Accessory buildings and uses as restricted elsewhere in this Chapter;

(6) Driveways and parking spaces as restricted in this Chapter;

(7) Freestanding yard lights in front yards, provided that in residential districts and the PA (Public Activity) District such lights do not exceed seven (7) feet, six (6) inches in height and comply with the performance standards contained in this Chapter; (Ord. 42-02, J. 28, p. 313-337, passed 7/8/02)

(8) Fences erected on lot lines and in required yards, providing such fences comply with Chapter 173 of this Code;

(9) Any stone, paved or other surfaced patio or wooden deck constructed at or below a level which is twelve (12) inches above grade and not closer than two (2) feet to the adjacent property line, except for property lying within an area for which a Planned Unit Development permit has been issued pursuant to this Code;

(10) The following Signs:

(a) Signs that require a Sign Permit and all permanent Signs that do not require a Sign Permit pursuant to Article 20 of this Chapter; provided, however, that no such Sign shall be located within two (2) feet of the front Lot line. Notwithstanding this special yard regulation, if any other provision in this Chapter provides a more restrictive yard regulation, the more restrictive regulation shall control. (Ord. 80-98, adopted 12/14/98; Ord. 32-02, J. 28, p. 227-264, passed 5/13/02; Ord. 77-02, J. 28, p. 549-552, passed 11/25/02)

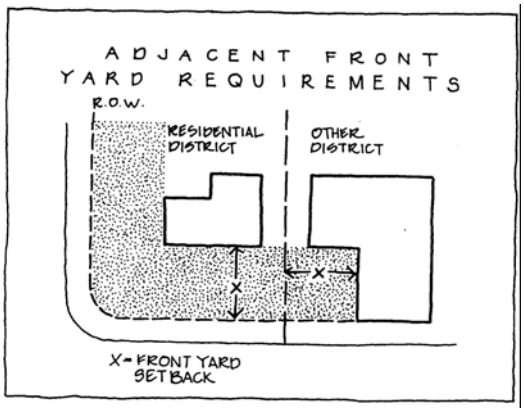
(b) All Temporary Signs that do not require a Sign Permit pursuant to Article 20 of this Chapter. (Ord. 77-02, J. 28, p. 549-552, passed 11/25/02)

(11) Commercial front yards.

(B) Front Yards.

(1) Whenever any ordinance or covenant entered into by the City stipulates a front yard or setback requirement along any street in any district which is greater than the front yard requirement of this Chapter, then the greater requirement shall apply.

(2) Where two districts with different front yard requirements are located adjacent to each other without a street or alley between them, the greater front yard requirement shall extend into and be effective in the district having the lesser front yard requirement for a distance equal to the greater front yard requirements. (See illustration)



(3) Where lots have street frontage on more than one side, a front yard shall be provided on each side adjacent to a street.

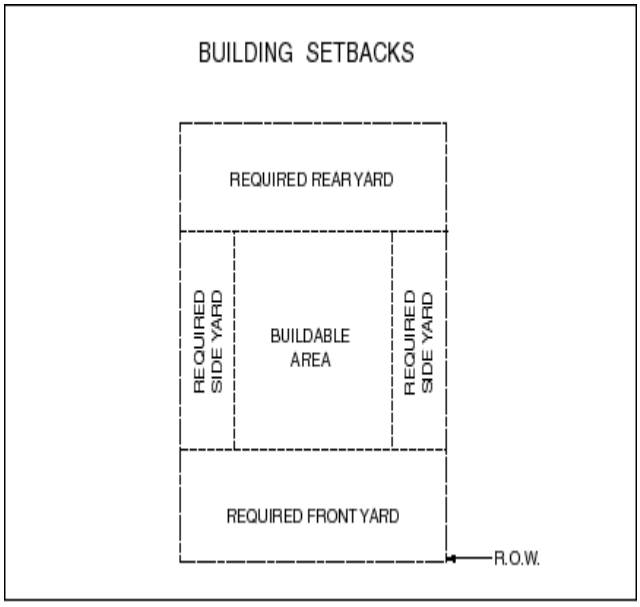
(C) Rear Yards.

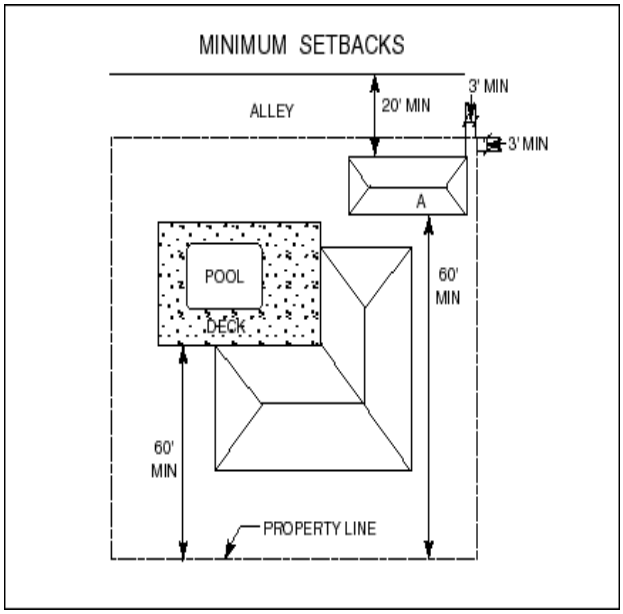
(1) Whenever a lot abuts a public alley, one-half (1/2) of the width of that alley may be considered as a portion of the required rear yard.

(2) The building setback lines for all accessory uses and structures in the required rear yard of the frontmost lot adjacent to a lot-in-depth shall be ten (10) feet.

(D) Accessory Buildings and Uses.

(1) Except as provided by Subparagraph (2) hereinbelow, no accessory use or building shall be located within a required front yard or required side yard. Detached accessory buildings or uses may be built or located in the required rear yard of any zoning district, provided: (a) the total floor area of all such accessory buildings or uses on a lot do not occupy more than thirty percent (30%) of the required rear yard of the lot; (b) any structure in the required rear yard must be constructed at least three (3) feet from the side and rear property lines of the lot upon which it would be located, provided that in the event the rear yard abuts a public alley, no building or structure shall be constructed within twenty (20) feet of the side of the alley opposite the rear yard the alley abuts; and (c) swimming pools (including decks and mechanical systems) and tennis courts must be at least ten (10) feet from the side and rear lot lines in the required rear yards. (See illustration)



(2) An accessory use consisting of a basketball backboard mounted upon a single stanchion, post or pole, either permanently installed or portable or mounted upon the principal or accessory structure, may be permitted in a single family residential zoning district, provided:

(a) The height of the structure is no greater than thirteen (13) feet above the level of the ground upon which such accessory is located;

(b) The structure is located on the lot so as to meet or exceed the required side yard setback for the principal structure in the zoning district in which it is located minus one foot and provided that the structure is located no less than ten (10) feet from the front or rear property line; and

(c) The area on the ground occupied by a stanchion, post or pole (if used) supporting the structure is no greater than one square foot. (Subsection (2) amended by Ord. 80-98, adopted 12/14/98)

(3) In any zoning district in which a side yard is required, no detached accessory building or use other than a garage shall be constructed closer than sixty (60) feet from the front lot line or closer to the front lot line than the foundation of the existing principal structure, whichever is lesser; nor shall any detached accessory building or use be located closer than three (3) feet to the principal building or any projection thereof.

(E) No building or structure of any kind, except paved off-street parking, utility poles, power lines, public lighting, and signs authorized by the Sign Code (Chapter 110 of the Municipal Code) shall be erected or constructed within a distance of fifty (50) feet or twenty percent (20%) of the average depth of the property upon which the building or structure is to be erected, whichever is lesser, from:

(1) The right-of-way of U.S. Route 41; or

(2) The right-of-way of Skokie Valley Road from the intersection of U.S. Route 41 (at Clavey Road) south to the south line of Lake Cook Road.

(F) Whenever a lot of record established prior to the adoption of this Chapter does not meet the minimum width requirements of the zoning district in which it is located, the criteria in the following two paragraphs shall be applied.

(1) The required side yard may be reduced to a width no less than the percentage of the width of the lot indicated for the appropriate zoning district in the table below, except that in no instance shall the width of the side yard be less than the minimum width in feet indicated for the appropriate district in the same table.

| ZONING DISTRICT | R1 | R2 | R3 | R4 | R5 | R6 | R7 | PA |
|---|---|---|---|---|---|---|---|---|
| Per Cent of Width of Lot | 20% | 18% | 15% | 14% | 12% | 10% | 10% | 10% |
| Minimum Side Yard | 10 Feet | 10 Feet | 7 Feet | 6 Feet | 6 Feet | 6 Feet | 6 Feet | 6 Feet |

(Ord. 42-02, J. 28, p. 313-337, passed 7/8/02)

(2) Any single lot or parcel of land not held in contiguous ownership that does not meet the requirements for minimum lot area may be utilized for a single family dwelling use, provided there is compliance with all of the bulk requirements of this Chapter except that yards may be ninety (90) percent of the minimum required dimensions of the district within which the lot or parcel lies.

(G) In all zoning districts no building or structure hereafter erected and no planting or other obstruction to the vision of drivers of motor vehicles shall be located:

(1) In any residential district or PA (Public Activity) District exceeding a height of three (3) feet above the street grade within twenty-five (25) feet of the intersecting street lines bordering corner lots; and (Ord. 42-02, J. 28, p. 313-337, passed 7/8/02)

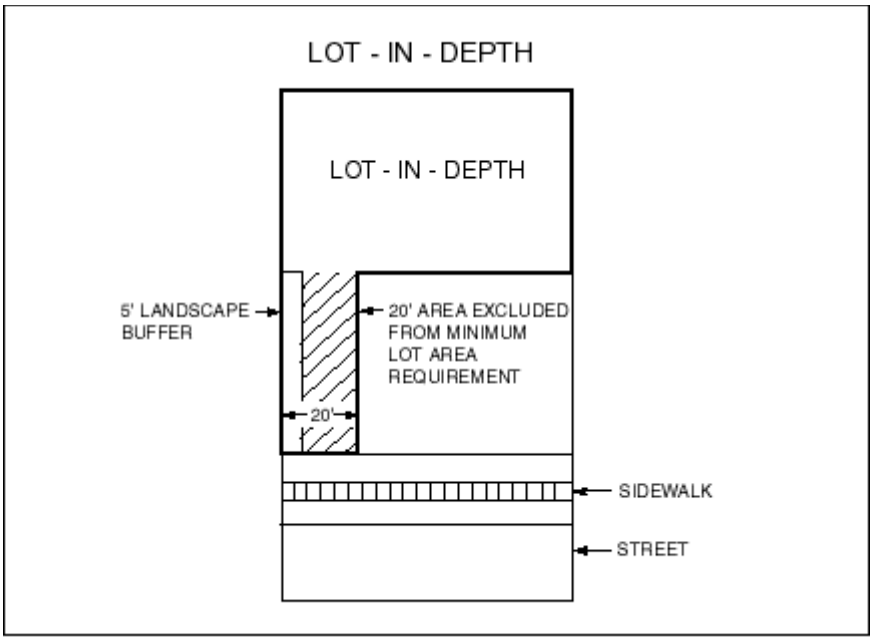
(2) In any industrial or commercial or health care district within twenty-five (25) feet of the intersecting street lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor.

(H) In all districts a triangular space determined by a diagonal line connecting two points measured fifty (50) feet equidistant from the intersection of the closest street or alley right-of-way lines must be maintained at an intersection of a street or alley right-of-way over which trains are operated, free from any kind of obstruction to vision; provided, however, that this paragraph shall not prevent the use, maintenance, repair or restoration of any building in existence on April 27, 1964.

(J) The preceding requirements notwithstanding, the following requirements shall regulate the yards required on all lots-in-depth:

(1) The minimum required building setback lines of a lot-in-depth shall be dependent upon the required zoning yards of any other lots adjacent to such lot-in-depth. Where a lot-in-depth abuts a front or rear yard, the required setback lines shall be equal to 120% of the front or rear yard setback required in that zoning district. Where a lot-in-depth abuts a side yard, the required setback lines shall be 200% of the side yard setback required in that zoning district.

(2) No building or other structure shall be placed or constructed upon any part of the stem.




(3) The lot-in-depth shall have frontage upon an existing public street by means of its stem, which shall be at least 20 feet wide.

(4) Five foot wide landscape buffers shall be provided: (i) adjacent to adjoining properties not in the proposed subdivision; and (ii) within the stem of the lot-in-depth. Prior to the issuance of an occupancy certificate by the City for structures on the lot-in-depth, within each five foot landscape buffer the owner of the lot-in-depth shall provide a shrub screen and groundcover plantings meeting the visual clearance requirements of this Chapter.

(K) In the B1A Waukegan/Bloom Neighborhood Commercial District, the following additional conditions shall apply:

(1) Commercial parking between buildings and the street shall be prohibited;

(2) Commercial parking lots shall be located at the rear of buildings;

(3) Alleys shall be constructed and utilized for automobile access to the rear of buildings;

(4) The primary ground floor entrances to commercial buildings shall be oriented to the street, parks, or plazas; and

(5) Notwithstanding the maximum front yard setback established in Subsection (A) of Section 150.705 hereinabove, a front yard setback of up to twenty feet (20') may be permitted if such setback is utilized for outdoor cafes, small plazas, arcades, patios, sidewalks, and/or walkways. (Subsection (K) added by Ord. 93-99, adopted 11/8/99)

Sec. 150.708 Special Height Considerations.

The height requirements below further qualify the requirements in the preceding tables.

(A) Chimneys, cooling towers, elevator bulkheads, fire towers, ornamental towers and spires, church steeples, flagpoles, or necessary mechanical appurtenances are all exempt from the height requirements established previously in this Chapter. However, they may be subject to other ordinances of the City.

(B) Radio, radar, citizens band, and television receiving or transmitting antennae may be erected on the roof of a main structure to a height not exceeding twelve (12) feet above the highest point on the roof of said main structure, but not closer to any property line than two (2) feet.

(C) Semi-public or public service buildings, hospitals, institutions or schools, when permitted in a zoning district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet, if such buildings are set back beyond the normal required yards at least one (1) foot for each one (1) foot of additional building height above the height limit otherwise required in the district in which the building or structure is located.

(D) No building or structure may be erected within the proximity of any airport, heliport, landing field, or landing strip which violates the regulations of the Federal Aviation Administration.

Sec. 150.709 Special Density Considerations.

In the RM1, RM1A, RM2, or RO zoning districts or in a Planned Unit Development, when the calculation of the number of dwelling units permitted on a lot results in a fraction, the following rules shall apply: (Ord. 57-02, J. 28, p. 410-473, passed 9/9/02)

(A) The lot area required for the first dwelling unit on a lot must be the complete and literal square footage required by this Chapter. No fractional percentage may satisfy the requirement.

(B) If, after the complete area required for the first dwelling unit on a lot is subtracted, the remaining density calculation results in a fraction, then any fraction up to and including one-half (1/2) shall be disregarded, and fractions of over one-half (1/2) shall be interpreted as permitting the next highest whole number of dwelling units.

Sec. 150.710 Lots or Parcels of Land of Record.

(A) Contiguous Ownership in the R1, R2, R3, R4, R5, R6, R7, RM1, RM1A, RM2, and RO zoning districts. When two or more parcels of land (which may contain a lot or lots of record), are adjacent and one or more of such parcels lack adequate area or width to qualify for a permitted use under the requirements of the zoning district in which such parcels are located, such parcels shall be maintained and used as one zoning lot for such use if such parcels have been held in contiguous ownership at any time after May 8, 1960, or the date when such parcel ceased to comply with lot area and width requirements. (Ord. 57-02, J. 28, p. 410-473, passed 9/9/02)

(B) Division of Lots. No improved lot or parcel of land shall be divided into two (2) or more lots unless all improved zoning lots resulting from such division conform with all applicable regulations of the zoning district in which the lot or parcel is located.

(C) Location of Open Space. All yards and other open spaces allocated to a building or Planned Unit Development shall be located on the same lot as such building. Furthermore, no legally required yards or other open space or minimum lot area allocated to any building shall by virtue of change of ownership or for any other reason be used to satisfy yard or other open space or minimum lot area requirements for any other building or Planned Unit Development on a contiguous lot or parcel.
(See also Sec. 150.104)

Sec. 150.711 Established Setbacks — Single Family Districts.

(A) In any single family residential zoning district, if the Established Building Setback is greater in depth than required for front yards for such zoning district, no new structure or addition to an existing structure shall be erected closer to the street than the Established Building Setback; provided, however, that when a lot has more than one front lot line, the Established Building Setback regulations shall not apply on the side of the lot with the longest front lot line, unless either (1) the lot depth of the lot, measured on that side, is greater than 125 feet, or (2) the lot is a through lot. In no event shall the Established Building Setback be less than the required front yard for the zoning district. (See also Sec. 150.105) (Ord. 71-06, J. 32, p. 340-342, passed 11/13/06)

(B) Vision Clearance - Corner Lots. No building or structure hereafter erected and no planting or other obstruction to the vision of drivers of motor vehicles shall be located:

(1) In any residential district or PA (Public Activity) District exceeding a height of three (3) feet above the street grade within twenty-five (25) feet of the intersecting street lines bordering corner lots; and (Ord. 42-02, J. 28, p. 313-337, passed 7/8/02)

(2) In the HC (Health Care) or any industrial or commercial district within twenty-five (25) feet of the intersecting street lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor.

Sec. 150.712 Garage Door Openings.

In any single family district, there shall be constructed upon any given lot no more than thirty-six (36) lineal feet of exterior wall openings for vehicular entry to or exit from all such buildings constructed upon such lot.

# ARTICLE VIII. OFF-STREET PARKING AND LOADING

150.801 Scope of Requirements
150.802 Limitations on Existing Uses.
150.803 Computation of Parking and Loading Requirements for New Development
150.804 Joint Parking Facilities
150.805 General Location Requirements
150.806 Legal Requirements for Off-Site Facilities
150.807 Relief from Off-Street Parking and Loading Requirements
150.808 Design and Maintenance of Parking Facilities
150.809 Design of Loading Spaces

Sec. 150.801 Scope of Requirements.

Except as provided elsewhere in this Chapter, every structure erected, structurally altered, enlarged, converted, or increased in capacity regardless of structural changes, and every land use initiated subsequent to the adoption of this Chapter, shall provide at least the minimum number of off-street parking and loading facilities in accordance with the provisions of this Article.

Sec. 150.802 Limitations on Existing Uses.

(A) Conforming Uses. An absence or deficiency of required parking and loading facilities for any use that is otherwise in conformance with this Chapter on the effective date of its adoption shall not be construed to render that use a Non-Conforming Use; providing:

(1) Any required off-street parking and loading facilities associated with that use must be maintained in conformance with the provisions of this Article; and

(2) If this use is abandoned, as defined in Section 150.902, or is destroyed or damaged by any means out of the control of the owner to the extent that the cost of restoration to the condition to which it was before the occurrence shall exceed fifty (50%) per cent of the cost of restoration of the entire structure new, such use shall not be restored unless said structure and the use thereof shall conform to all the regulations of this Chapter.

(B) Change in Use in the B1A, B2, B2-RW, B4, and B5 Zoning Districts. Notwithstanding any provision in this Code that may provide or require anything to the contrary, no additional off-street parking or off-street loading shall be required in the event that an existing conforming use in the B1A, B2, B2-RW, B4, and B5 Zoning Districts is changed to another use permitted within the applicable zoning district, even though such new use may require an increase in off-street parking or off-street loading facilities, as determined by the Table of Parking and Loading Requirements set forth in this Article, provided that: (1) the change in use does not constitute an expansion of use pursuant to 105.802(C) of this Article; and (2) the building containing the existing conforming use was not initially constructed or expanded pursuant to a building permit issued after May 25, 1997. (Ord. 49-2000, adopted 8/14/00; Ord. 76-02, J. 28, 547-548, passed 11/25/02; Ord. 30-09, J. 35, p. 088-095, passed 4/27/09)

(C) Expansions of Use in the B1A, B2, B2-RW, B4, and B5 Zoning Districts. Whenever (i) an existing use in the B1A, B2, B2-RW, B4, and B5 Zoning Districts is expanded and (ii) such expansion increases the floor area of the building within which such existing use is located, and (iii) such expansion requires an increase in off-street parking or off-street loading facilities, as determined by the Table of Parking and Loading Requirements set forth in this Article, then the additional off-street parking and off-street loading facilities shall be provided. In addition to all other methods of relief available pursuant to this Article, relief from the requirement in this Subsection may be granted pursuant to Section 150.807 (D) of this Article. (Ord. 49-2000, adopted 8/14/00; Ord. 76-02, J. 28, p. 547-548, passed 11/25/02)

(D) Repair and Alterations. An off-street parking facility that does not conform to the provisions of this Chapter may be repaired and maintained as previously provided and/or may be altered as required by law. An off-street parking facility which is expanded or substantially altered must be brought into full conformance with this Article unless a Special Exception is granted by the City Council in accordance with Article XVI.

(E) Buildings Destroyed or Damaged by Fire. For any conforming or nonconforming building or use which is in existence on the effective date of this Chapter, which subsequently is damaged or destroyed by fire, collapse, explosion or other cause and which is reconstructed, re-established or repaired of damage or destruction, the owner will be required to replace and restore all off-street parking which existed prior to the damage up to the number of spaces required by this Chapter. If there is no change in use or floor area, and the number of spaces provided is less than the number of spaces required herein, the difference between the spaces required and the spaces provided shall be credited to the property. If the restored floor area is larger than, or the use is changed from that of the prior existing building, the owner will be required to meet the requirements for off-street parking and loading for the incremental difference.

(F) Parking Non-conforming Uses.

(1) Continuation of Use. The legal use and occupancy of any Non-Conforming Use by reason of parking non-conformity only shall be permitted to continue without change, except as specifically provided in this Chapter.

(2) Change in Use. In zoning districts other than the B2, B4 and B5 zoning districts, when a change in intensity of use of any land, building, or structure would increase the off-street parking requirement through an addition or change in the number of dwelling units, gross floor area, gross leasable area, seating capacity, or other units of measurements specified herein, the increment of additional required parking shall be provided in accordance with this Chapter unless a Special Exception is granted by the City Council in accordance with Article XVI.

(G) Restricted Use. All off-street parking and loading areas required by this Article shall be used only for the temporary storage of motor vehicles related to the premises. The storage of merchandise, motor vehicles for sale, or the repair of vehicles shall be prohibited in such areas.

Sec. 150.803 Computation of Parking and Loading Requirements for New Development.

(A) Computation Rules.

(1) The capacity of the building expressed in number of persons shall be determined by the Fire Prevention Code of the City of Highland Park.

(2) When the calculation of the number of required off-street parking and loading spaces results in a requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions of over one-half (1/2) shall be interpreted as one (1) whole parking space, with a minimum of one space for any use which requires parking.

(B) Requirements by Use. The computation of the minimum off-street parking and loading requirements for each permitted use shall be based upon the following Table of Parking and Loading Requirements subject to the adjustments allowed and the absolute minimums required by this Article. (See Table of Parking and Loading Requirements at end of Article)

(C) Uses Not Listed. Whenever the City Council, upon recommendation of the Plan Commission, permits any use not listed in the Table of Allowable Uses without formal amendment in accord with Article IV of this Chapter, the City Council shall also determine the required off-street parking and loading facilities for such use.

(D) Minimum Parking Requirements.

(1) User Parking. Every use for which any requirement for user parking is listed in the Table of Parking and Loading Requirements must provide an absolute minimum of one (1) user off-street parking space.

(2) Commercial Vehicles. In addition to the requirements in the Table of Parking and Loading Requirements, one (1) off-street parking space shall be required for each commercial vehicle directly associated with a permitted use, whether the vehicle is stored over-night on the premises or not.

Sec. 150.804 Joint Parking Facilities.

(A) Mixed Uses. In the case of mixed uses (not qualifying as accessory uses or complementary uses), or two or more buildings upon a single lot, the total requirements for off-street parking and loading facilities shall be the sum of the requirements of the various uses computed, separately except as otherwise permitted in this Chapter.

(B) Common Facilities For Two or More Buildings. Nothing in this Article shall be construed to prevent collective or joint provision of off-street parking and loading facilities for two or more buildings, provided that the total of such common off-street parking and loading facilities shall not be less than the sum of the requirements for the various individual uses computed separately, and provided that the location of such facilities conforms to the location requirements found elsewhere in this Article.

(C) Adjustments to Parking Requirements.

(1) Procedure. In the specific instances set forth below, the City Council, upon a recommendation from the Plan Commission, may approve a reduction in required parking spaces. The failure of the Plan Commission to provide a recommendation within 45 days of the close of the public hearing for a reduction in parking spaces or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the approval of a reduction in required parking spaces. A petitioner for a reduction of parking requirements for a specific building and use must agree to "Land Bank" (an area of land set aside for a surface parking lot or structure) so that if circumstances provide that more parking is required, it can be added. If a permanent reduction or waiver without Land Banking is desired, a Special Exception must be obtained in accordance with Article XVI of this Chapter. Applications for such a reduction must be submitted to the Zoning Administrator in writing accompanied by the following: (Ord. 18-04, J. 30, p. 49-54, passed 3/8/04)

(a) A parking demand analysis prepared by a qualified parking or traffic consultant, which substantiates the need for a reduced number of spaces.

(b) A site plan showing how the additional number of spaces otherwise required could be provided on the site. The additional parking area shall maintain all required yards, setbacks and driveways for the subject property and shall meet all requirements of this Chapter. The additional parking areas may be provided in surface lot or structured facilities, as determined by the Zoning Administrator to be practical, feasible, and compatible with the site plan for the use.

(c) A covenant must be executed guaranteeing that the owner will provide the additional spaces if the Zoning Administrator, upon thorough investigation of the actual utilization of parking spaces at the building or complex, recommends to the Plan Commission and City Council that the approved reduction be modified or revoked. Said covenant shall meet the same requirements for covenants set forth in Section 150.806.

(d) The Zoning Administrator will review the above completed application and make a recommendation to the Plan Commission and City Council. The City Council may impose such additional conditions as are deemed necessary to protect the public health, safety, or welfare of the adjacent area and to assure compliance with the objectives of this Chapter.

(2) Shared Parking. Cumulative parking requirements for mixed-use occupancies may be reduced where it can be determined that the peak requirement of the several occupancies occurs at different times (either daily or seasonally). The Shared Parking report published by the Urban Land Institute may be used as a guideline in the estimation of parking demand.

(3) Captive Market. Parking requirements for retail and restaurant uses may be reduced where it can be determined that some portion of the patronage of these businesses comes from other uses (i.e. employees of area offices) located within a maximum walking distance of one thousand (1,000) feet. However, in lieu of an independent parking

study, the following factors for captive market adjustments may be employed for uses in the B5, Central Business District.

| | |
|---|---|
| Retail/Service | 15% Reduction |
| Food and Beverage | 15% Reduction |
| General Offices | 5% Reduction |
| Financial Institution | 5% Reduction |

(4) Alternative Transportation Reductions.

(a) A reduction of up to fifteen percent (15%) of the required parking, based on substantiated projections of reduction in parking demand, may be granted for any use, building or complex located within one thousand (1,000) feet of any regularly scheduled bus route or commuter train station.

(b) A reduction of up to ten percent (10%) of the required parking, based on substantiated projections of reduction in parking demand, may be granted for any building or complex exceeding fifty thousand (50,000) square feet of gross floor area or has a minimum of one hundred (100) employees on site at one time and that also institutes and maintains a carpooling/vanpooling program in association with a Chicago Area Transportation Survey (CATS) approved program.

(c) A reduction of up to fifteen percent (15%) of required parking, based on substantiated projections of reduction in parking demand, may be granted for any building or complex that institutes and maintains a continuous, personalized shuttle service, or contracts with a local agency to provide said service.

(5) Complementary Uses. Up to ten percent (10%) of the gross floor area (calculated as required by the standard for the principal use) in the same building or attached buildings may be occupied by other complementary uses without providing parking in addition to that imposed by the application of the ratio for the principal use. Examples of complementary uses include a pharmacy in a hospital or medical office building, food courts or restaurants within a principal shopping center building, and retail or restaurant tenants in an office building so long as the total space occupied by complementary tenancies does not exceed ten percent (10%) of the gross floor area.

Sec. 150.805 General Location Requirements.

(A) Distance From Main Building.

(1) Parking Facilities. All off-street parking facilities shall be provided on the same lot or parcel of land being served, or on a separate lot or parcel of land within one thousand (1,000) feet of the premises, measured by sidewalk travel distance to the main entrance of the related building or use. The zoning classification of such separate lot or parcel of land where the off-street parking facility is located shall be the same as, or less restrictive than, the classification of the lot where the principal use is located. The relationship of a separate lot or parcel of land to the use being served must be formalized in a written manner as outlined in this Article.

(2) Loading Spaces. All required loading spaces shall be located on the same lot or parcel as the uses being served.

(B) Limitations on Parking in Required Yards in Residential Zoning Districts.

(1) Except in the R6 (Medium Density Residential) and R7 (Single and Two-Family Residential) zoning districts, no part of a required side yard in a residential zoning district may be included in or developed as any part of the area required for off-street parking or loading facilities except for an access drive. Except for off-street parking located in the RM1A district, which is governed by Section 150.704 of this Chapter, parking and loading facilities in excess of those required by this Chapter may be located in front yards if they are located more than twenty-five (25) feet from any property line adjacent to a street. However, such parking facilities may be located in such front yards, but not closer than ten feet from any such lot line adjacent to a street, if a dense landscape buffer of either all evergreen or a combination of evergreen and deciduous trees and shrubs is installed between such parking facility and such front lot line. (Ord. 57-02, J. 28, p. 410-473, passed 9/9/02)

(2) In the R6 (Medium Density Residential) and R7 (Single and Two-Family Residential) zoning districts, off-street parking in excess of those required by this Chapter may be located in the front and side yards. However, if located in the front yard, a dense landscape buffer of either all evergreen or a combination of evergreen and deciduous trees and shrubs is installed between such parking facility and such front lot line.

Sec. 150.806 Legal Requirements for Off-Site Facilities.

(A) Deed or Long Term Lease Required. Whenever required off-street parking facilities are provided elsewhere than on the lot of record on which the principal use served is located, or when such facilities are collectively or jointly provided and used, and/or when the lots are owned by different persons, the facilities shall be in the same possession either by deed or long term lease as the property occupied by the principal use. Proof of deed or long term lease must be filed with the City. There shall further be a covenant placed on the separate lot of record guaranteeing the provision and maintenance of the required off-street parking facilities during the existence of said principal use in accordance with this Section 150.806.

(B) Covenant Required. Whenever required off-street parking facilities are provided elsewhere than on the lot of record on which the principal use served is located, or when such facilities are collectively or jointly provided and used, and/or when the lots are owned by different persons, the owner of the lot of record containing the principal use shall be bound by covenant on that property guaranteeing the provision and maintenance of the required off-street parking facilities during the existence of said principal use. The covenant shall:

(1) Be executed by the owner of said lot of record and the parties having beneficial use thereof;

(2) Be enforceable by either the parties having beneficial use thereof or both;

(3) Be enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns or both; and

(4) Be first duly recorded in the Office of the Recorder of Deeds of Lake County, Illinois.

Sec. 150.807 Relief from Off-Street Parking and Loading Requirements.

(A) Variance from the Zoning Board of Appeals. The Zoning Board of Appeals may grant parking variances in the specific instances set forth in Article XII of this Chapter.

(B) Payment in Lieu of Providing Spaces. A reduction in the off-street parking and loading facilities required for residential and non-residential uses in the RM1 Medium-to-High Density Residential District, RM2 High Density Residential District, B1 Neighborhood Commercial District, B1A Waukegan-Bloom Neighborhood Commercial District, B2 Ravinia Commercial District, B2-RW Roger Williams Commercial District Overlay Zone, B3 Highway Commercial District, B4 Service Commercial District, B5 Central Business District, and the RO High Density Residential/Office District may be granted by the City Council after review and recommendation by the Zoning Board of Appeals (and/or the Plan Commission, in those instances specified in Article XVI). The failure of the Zoning Board of Appeals or the Plan Commission to provide a recommendation within 45 days after the close of the public hearing for a reduction in off-street and loading facilities, or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the approval of a reduction in off-street parking and loading facilities. (Ord. 57-02, J. 28, p. 410-473, passed 9/9/02; Ord. 18-04, J. 30, p. 49-54, passed 3/8/04)

(1) Such reduction may be granted provided that the owner of the property shows that by reason of an exceptional situation, surroundings, or configuration of his property, the normal requirements of this Article result in a particular hardship, and that the granting of relief will not be detrimental to the public welfare.

(2) Thereupon, the City Council may, in its discretion, authorize the requested parking variation conditioned upon payment by the owner, in lieu of providing the normally required parking spaces, of the fee established from time to time by resolution of the City Council for each such parking space not so provided, which payment, pursuant to the provisions of this Article, shall be placed into a City fund to be used by the City for the acquisition and maintenance of public off-street parking and loading facilities to serve the zoning district wherein the property given the variation is located. Upon payment of the fee by the owner, the property granted the variation shall be credited permanently by ordinance with the number of spaces for which payment has been received by the City, which ordinance shall be recorded at the expense of the owner with the Recorder of Deeds of Lake County.

(3) Establishment of Parking Facility Funds. The City may at any time establish an off-street parking public parking plan for any given zoning district. In order to effect such off-street parking pursuant to such plan or plans, the City Council shall establish a special parking facility fund for each such plan. Whenever relief is granted pursuant to the provisions in this Article and/or Article XVI of this Chapter, monies shall

be paid into such funds by any owner receiving such relief. In instances where the City implements such a plan and constructs such special parking facility before sufficient monies are available in such fund to pay for such special parking facility, the special parking facility fund shall reimburse the general fund of the City when and as monies are paid into such special parking facility fund by any owner receiving such relief. Monies placed in any such fund may be used by the City at any time to offset the costs of implementing such plan.

(C) Special Exception by the Zoning Board of Appeals or Plan Commission. The Zoning Board of Appeals or the Plan Commission, as the case may be, may grant a special exception from the accessory off-street parking requirements as set forth in Article XVI of this Chapter.

(D) Waiver by City Council of Requirements in the B2, B2-RW, B4, and B5 Districts. Upon receipt of a written application therefor, the City Council may, in its discretion by resolution duly adopted, waive the otherwise applicable requirements set forth in Subsection 150.802 (C) of this Article for the provision of additional off-street parking and loading resulting from a change or expansion in an existing use in the B2, B2-RW, B4, and B5 zoning districts. Applications for such waiver must be submitted to the Zoning Administrator on such form, and with such documentation as the Zoning Administrator shall deem necessary. (Sec. 150.807 amended by Ord. 49-2000, adopted 8/14/00)

Sec. 150.808 Design and Maintenance of Parking Facilities.

(A) Plot Plan Required. No application for a building permit for a new, enlarged, or altered structure or improvement of use shall be approved unless there is included a plot plan drawn to scale, showing the topography at one foot contour intervals, all trees 8" diameter and larger, with drip line shown, as well as the location, layout and other necessary details of the off-street parking and loading facilities required by this Article.

(B) Design Review. All new off-street parking and loading facilities, except those facilities that are constructed to serve lots improved exclusively with single-family residential structures, shall be reviewed pursuant to Chapter 176 of the Code for design layout and site conformance with the requirements of this Chapter and other City ordinances. (Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)

(C) Access. All required off-street parking and loading facilities shall be designed with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic movement.

(1) Backing Prohibited. Except for single-family residential dwellings, no design of required off-street parking and loading facilities which requires vehicles to drive in reverse direction directly onto a public street other than an alley shall be permitted unless first approved by the Traffic Commission of the City.

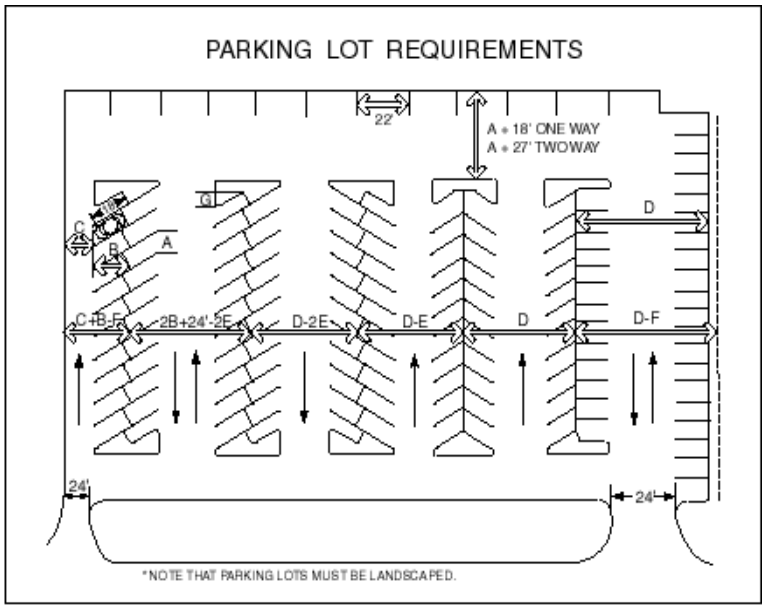
(2) Driveways Over Public Property. All driveways and driveway approaches which open on to, or cross over, a public right-of-way shall be designed to the specifications found in the Street and Sidewalk Ordinance (Chapter 93 of the Code).

(3) Separation from Residential District. Each entrance to and exit from off-street parking and loading facilities in commercial or industrial zoning districts shall be at least twenty-five (25) feet distant from adjacent property located in any Residential zoning district, except where ingress and egress to the parking lot is provided from a public alley or public way separating the Residential zoning districts from the proposed off-street parking lot or loading facilities.

(4) Driveways for Commercial and Industrial Districts. As required by Section 150.106 of this Chapter, no parcel of land which is located in any residential zoning district shall be used for a driveway, walkway, or access to any parcel of land which is located in any B1, B1A, B2, B2-RW, B3, B4, B5, or I District.

(D) Minimum Area and Spacing Requirements. The following are minimum requirements, and it shall be the responsibility of the property owner to maintain the facilities in such a condition as to be able to continue to meet these requirements.

(1) Geometrics. All parking stalls and aisle dimensions shall have minimum dimensions as set forth in Figure 1. The "module" at any angle is the required dimension of two parked vehicles and the aisle between. Modules may be adjusted for overhang and interlock effects as detailed herein. When automobile overhang beyond an installed curb is included in the stall depth calculation, such overhang shall be considered as part of the parking stall and not for landscaping or setback purposes.



(2) Parking Table. The size and spacing specifications for required off-street parking facilities shall be taken from the diagram and table below:

| Angle (degrees) | Stall Width Projection | | Vehicle Projection | Aisle | Typical Module | Interlock Reduction | Over-hang | Off-set |
|---|---|---|---|---|---|---|---|---|
| | (A) | (A)* | (B) | (C) | (D) | (E) | (F) | (G) |
| 0 | 8'6" | 16'0" | 22'0" | 12'0" | 29'0" | N.A. | N.A. | N.A. |
| 45 | 12'0" | 22'8" | 17'4" | 14'4" | 49'0" | 2'3" | 1'1" | 7'7" |
| 50 | 11'1" | 20'11" | 17'11" | 15'2" | 51'0" | 2'0" | 2'1" | 7'8" |
| 55 | 10'5" | 19'6" | 18'5" | 15'8" | 52'6" | 1'10" | 2'2" | 7'5" |
| 60 | 9'10" | 18'6" | 18'9" | 16'6" | 54'0" | 1'7" | 2'4" | 6'11" |
| 65 | 9'5" | 17'8" | 19'0" | 17'0" | 55'0" | 1'4" | 2'5" | 6'2" |
| 70 | 9'1" | 17"0" | 19'1" | 17'10" | 56'0" | 1'1" | 2'6" | 5'3" |
| 75 | 8'10' | 16'7" | 19'0" | 19'6" | 57'6" | 0' 10" | 2'7" | 4'1' |
| 90 | 8'6" | 16'0" | 17'11" | 25'8" | 61'6" | N.A. | 2'8" | N.A. |

* Handicapped Stalls

(see additional footnotes on next page)

Notes:

1. Stall sizes are based on projections of parked vehicles.
2. Parallel parking stall lengths shall be 22'.
3. Other angles may not be used except by permission of Director of Planning.
4. Offset (G) does not include curb or island width.

(a) When curb dimensions exceed the overhang dimension (F), the module shall be increased accordingly. Off-sets at angled parking stalls shall be as per dimension (G). Interlock reductions (E) may only be taken where barriers and appurtenances extend into less than 10% of the parking stalls. Columns, pipes, light standards and other appurtenances may protrude into a non-interlocked module up to a maximum combined dimension of two feet (2").

(b) In facilities where the predominant use is low turnover parking (defined as at least 75% of the daily users parking for more than three hours), the stall width may be reduced to eight feet three inches (8'3"), with all other dimensions as shown in Figure 1. In open or enclosed parking structures or in facilities where a wheel stop or vehicle restraint system is provided in all stalls, the aisle may be reduced by one foot (1'), reducing the total module by a like amount. A maximum of 10% of a parking facility may be provided as compact stalls with a minimum width of seven feet six inches (7'6") where dimensional constraints such as walls, columns, or turning aisles exist. Designs with more than 10% of the capacity provided as compact stalls may not be employed except by permission of the Zoning Administrator.

(3) Turn Around Area. When only one (1) entry or exit is provided, all required off-street parking and loading facilities shall contain internal circulation or an adequate turn around area for the size of vehicles normally expected to use such facilities.

(4) Sidewalks. In order to insure pedestrian safety, sidewalks of not less than three (3) feet in width, exclusive of vehicle overhang, are required to separate any driveway or parking area from a building.

(5) Stacking Areas. When entry to a parking facility is controlled by gates, there shall be at least one entrance lane and gate for every 400 parking spaces provided. Adequate reservoir areas in addition to the service position shall be provided at all entrance lanes to eliminate queuing of vehicles on public property, including sidewalks. The space for each vehicle in the stacking area shall be a minimum of 9' by 20'.

| Ratio of Capacity to Number of Entrance Lanes | Reservoir Areas |
|---|---|
| 0 to 200 | None |
| 201 to 300 | One vehicle |
| 301 to 350 | Two vehicles |
| 351 to 400 | Three vehicles |

(6) Required Stacking Spaces.

(a) A Motor Vehicle Washing Facility shall provide a paved off-street parking area sufficient in size to provide the number of off-street parking spaces required in this Chapter as well as a minimum number of off-street stacking spaces equal to the product obtained by multiplying by 10 the maximum number of automobiles capable of being washed at any one time.

(b) Similar off-street stacking spaces shall be provided for other drive-in uses as follows:

(i) Financial institutions — five (5) spaces per drive-in window;

(ii) Restaurants — six (6) spaces per drive-in window; and

(iii) Other drive-in facilities — four (4) spaces per drive-in window.

(E) Spaces for the Physically Handicapped. Off-street parking facilities required for multiple family residential, commercial, and industrial uses shall have the number of level parking spaces as set forth in the following table.

| Total Spaces in Parking Lot | Required for Handicapped |
|---|---|
| Up to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1000 | 2% of total |
| Over 1000 | 20 plus 1 per 100 over 1000 |

All handicapped parking facilities shall be designed with accessible spaces in accordance with the following standards.

(1) Size. Handicapped parking spaces shall be at least 8'-0" wide and shall have an adjacent access aisle 8'-0" wide minimum. A single space 16'-0" wide may also be provided. Two adjacent accessible parking spaces may share a common access aisle only if a vehicle can reasonably back into a space to insure that the access aisle is on the preferred side or if the space may reasonably be used by handicapped vans. Parked vehicle overhangs shall not reduce the clear width of an accessible route.

(2) Signage. A sign displaying the symbol of accessibility, the restriction to use by permit holders and the fine for violation shall be provided at each handicapped stall in accordance with State law.

(F) Materials and Accessories. The following are minimum requirements, and it shall be the responsibility of the property owner to maintain the facilities in such a condition as to be able to continue to meet these requirements.

(1) Surfacing. All open required off-street parking and loading facilities for multiple family, commercial, and industrial uses shall be paved with non-combustible materials to provide a smooth surface free of depressions, gaps, holes, or other surface aberrations, according to the following standards:

(a) A two (2) inch thick bituminous concrete binder and surface Class I course on a six (6) inch thick compacted crushed stone base in accordance with Illinois State Department of Transportation specifications for road and bridge construction; or

(b) Interlocking paving blocks with openings for sod inserts (Grasscrete, Turf Stone, Checker Block, Mono Slab Grass Paver, and other brand names) on a twelve (12) inch base; or

(c) The equivalent to (a) or (b) above as judged by the City Engineer.

(2) Striping. All required off-street parking and loading spaces shall be marked and maintained with durable paint in stripes a minimum of four (4) inches wide extending all but one (1) foot of the length of the parking space. Handicapped stalls may be striped as a standard stall with a dedicated crosshatched access aisle. Striping for each parking space shall be painted in yellow or white. Thermoplastic pavement markings are an acceptable alternative. All areas designated as fire lanes shall be marked by posting of signs and/or yellow markings, provided that signs shall be used wherever feasible.

(3) Bumper Stops. Bumper stops, curbing, or wheel checks shall be provided to prevent any vehicle from damaging or encroaching upon any adjacent parking or loading space, sidewalk, landscaped area, fence, wall, or building.

(4) Lighting. Any lighting used to illuminate off-street parking and loading facilities shall comply with the performance standard provisions set forth is Section 150.605 of this Chapter. (Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)

(5) Signs.

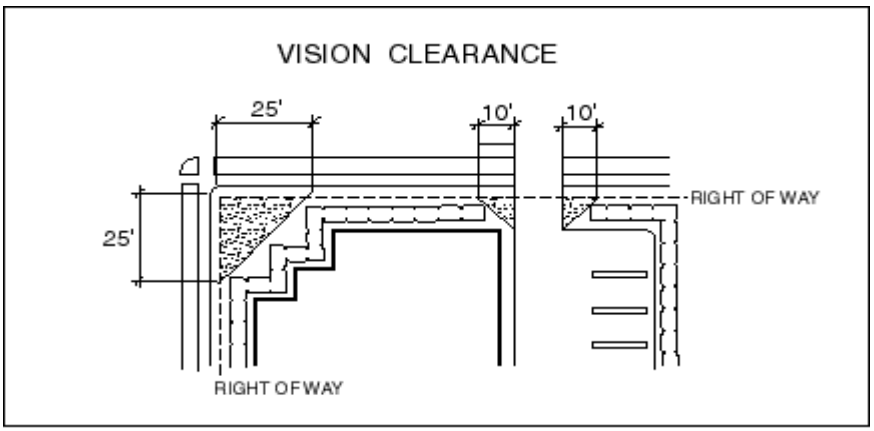
(a) Entrance, exit, and other traffic control signs shall comply with all provisions set forth in Article XX of this Chapter governing "On-Site Informational Signs," as that term is defined in Article XX of this Chapter. (Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)

(b) The Zoning Administrator may require the posting of such traffic control signs as deemed necessary to promote vehicular and pedestrian safety. Such requirements by the Zoning Administrator may be appealed to the Traffic Commission of the City. (Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)

(6) Drainage. All surfaces shall be sloped a minimum of one and one-half percent (1.5%) to provide positive surface drainage. Retention facilities shall be provided in accordance with City ordinances. Parking facilities may be utilized for temporary storm water retention to a maximum depth of 18" in accordance with City ordinances and Metropolitan Sanitary Sewer District regulations.

(G) Screening and Landscaping. Any construction or enlargement of off-street parking and loading areas, except those areas that serve lots improved exclusively with single-family residential structures, shall comply with the requirements of Article XXII of this Chapter. (Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)

(H) Visual Clearance. No fence, wall, landscaping, sign, vehicle, or other visual obstruction located above a height of three feet, measured from the established street grade, shall be permitted within (1) 10 feet on either side of an entrance or exit to off-street parking and loading facilities, measured at the property line, nor (2) the triangular area formed by a straight line drawn between points on the property lines at a distance of 25 feet in each direction from the intersection of any street or alley. (Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)



Sec. 150.809 Design of Loading Spaces.

(A) Trash Dumpster/Compactor. When loading spaces are required, at least one such space may include permanent accessibility to a trash dumpster and/or compactor. When only one loading space is required, the space may be designed for both dumpster and access thereto and a 50' semi-trailer. All trash dumpsters and compactors shall be screened in accordance with the refuse container screening provisions set forth in Article XXII of this Chapter. (Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)

(B) Loading Space Size. A standard loading space shall have a length of at least 55 feet, a width of at least 11 feet and a clear height of at least 14 feet. Restricted spaces shall have a length of at least 35 feet, a width of at least 11 feet and a height of at least 12 feet. In no instances shall more than one-third (33%) of the required spaces be of restricted size.

(C) Access to Loading Spaces. The path of travel between a public roadway or street and the loading spaces must provide for the same or greater vertical height as the loading space to be served. Turning movements into a standard loading space shall be adequate for a WB50 semi-trailer truck as defined by American Association of State Highway Transportation Officials (AASHTO). Turning movements into a restricted space shall be adequate for a AASHTO Single Unit Truck. If access to loading spaces is provided via designated parking areas, no interference of any type shall be permitted with the normal use of any parking space. Loading spaces shall not interfere with any fire exit or emergency access.

(D) Multiple Uses. For certain multiple-building uses on the same lot of record, the supply of required loading spaces for each particular use or building complex may be grouped in one or more locations, provided that such loading space supply shall be fully adequate for all uses within said campus. Where multiple buildings or uses share a common loading space or terminal, the movement of goods or freight between such buildings shall not involve the use of public rights-of-way.

TABLE OF PARKING AND LOADING REQUIREMENTS

In the following table, GFA is an abbreviation for Gross Floor Area and GLA is an abbreviation for Gross Leaseable Area. Loading spaces are calculated on the basis of gross floor area.

RESIDENTIAL USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Boarding Houses | 1 space per sleeping room plus 2 spaces for owners/managers | None |
| Lodging Houses | 1 space per sleeping room plus 2 spaces for owners/managers | None |
| Watchkeepers Quarters | 1 space per sleeping room plus 2 spaces for owners/managers | None |
| Dormitory Buildings | 0.33 space per resident | None |
| Group Child Care Homes + | 0.33 space per resident | None |
| Multiple Family Dwellings | Studio: 1.25 spaces per dwelling unit; One bedroom: 1.5 spaces per dwelling unit; Two or more bedrooms: 2 spaces per dwelling unit.<br>In addition, Guest Parking shall be required as specified in the Table of Guest Parking Requirements * | None required for first 25 dwelling units; thereafter one loading space for every 100 dwelling units per building |
| Dwellings Only Above First Floor Permitted Commercial or Office Uses | 1 space per dwelling unit | None |
| Dwellings as Part of a Planned Unit Development | Studio: 1.25 spaces per dwelling unit; One bedroom: 1.5 spaces per dwelling unit; Two or more bedrooms: 2 spaces per dwelling unit<br>In addition, Guest Parking shall be required as specified in the Table of Guest Parking Requirements * | None required for first 25 dwelling units; thereafter one loading space for every 100 dwelling units per building |
| Nursing Home Care Facility (including Skilled Nursing Facility, Intermediate Care Facility, Licensed Intermediate Care Facility, or Sheltered Care Facility) | 0.33 space per resident | One |
| Rectories | 2 spaces per dwelling unit | None |
| Single Family Dwellings | 2 spaces per dwelling unit<br>In addition, Guest Parking shall be required as specified in the Table of Guest Parking Requirements * | None |

* Amended by Ordinance No. 30-09, J. 35, p. 88-95, passed 4/27/09

\+ Amended by Ordinance No. 44-10, J. 36, p. 179-187, passed 5/10/10

RESIDENTIAL USES (CONTINUED)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Two Family Dwellings | 2 spaces per dwelling unit<br>In addition, Guest Parking shall be required as specified in the Table of Guest Parking Requirements * | None |

* Amended by Ordinance No. 30-09, J. 35, p. 88-95, passed 4/27/09

GENERAL RETAIL SALES AND RELATED SERVICE USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Antique Shops | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Art & School Supply Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Bicycle & Accessories Sales & Service | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Book Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Camera & Photographic Supply Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| China, Glassware, & Metalware Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Clothing Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Coin & Stamp Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Computer Equipment Sales and Service | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Crafts Supply Store | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Department Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Direct Selling Organizations | 2.5 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |

GENERAL RETAIL SALES AND RELATED SERVICE USES (CONTINUED)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Drapery, Curtain & Window Coverings Stores | 2.5 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Dry Goods Stores | 4 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Electrical Appliance Shops | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Fabrics & Sewing Accessory Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Floor Covering Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Florist Shops, retail | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Furniture Stores | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Furriers & Fur Apparel Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Garden Supply Shops | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Gift, Novelty, & Souvenir Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Hardware Stores | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Home Decorating Sales and Service | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Hotels and Motels | 1 space per Guest Room plus any spaces for restaurant, lounge, banquet, & meeting rooms | 1 per 40,000 sq. ft. GFA |
| Jewelry Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |

GENERAL RETAIL SALES AND RELATED SERVICE USES (Continued)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Kitchen & Bath Cabinet Showrooms | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Laundry & Dry Cleaning Establishments, except coin-operated & self-service - under 5000 sq. ft. | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Laundry & Dry Cleaning Establishments, except coin-operated & self-service - over 5000 sq. ft. | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Leather Shops | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Luggage & Suitcase Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Liquor Stores | 4 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Mail Order Houses | 2.5 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Motion Picture Film Distribution Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Musical Instrument Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Newspaper & Magazine Stands | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Office Supply Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Paint & Wallcovering Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Pet Shops | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Records Shops | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |

GENERAL RETAIL SALES AND RELATED SERVICE USES (Continued)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Resale Shops | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Security Equipment Sales & Service | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Shoe Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Specialty Shops | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Sporting Goods Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Stationery Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Ticket Sales Facility | 4 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Tobacco Shops | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Toy Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Video Sales and Rental Store | 4 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |

PERSONAL SERVICES ESTABLISHMENTS AND CUSTOM CRAFT USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Art Shops | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Barber Shops | 2 spaces per treatment station but not less than 4 spaces per 1,000 sq. ft. GFA | None |
| Beauty Shops | 2 spaces per treatment station but not less than 4 spaces per 1,000 sq. ft. GFA | None |
| Hobby Shops | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |

PERSONAL SERVICES ESTABLISHMENTS AND CUSTOM CRAFT USES (Continued)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Key & Lock Shops | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Laundry & Dry Cleaning Establishments, drop-off & pick-up stations only | 2 spaces per 1,000 sq. ft. GFA * | 1 space per 25,000 sq. ft. up to 50,000 sq.ft., plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter. * |
| Laundry & Dry Cleaning Establishments, with only coin-operated & self-service facilities | 1 space per 2 machines | None |
| Photographic Studios | 0.25 space per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Shoe Repair Shops | 2.5 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Printing Shops, hand press, off-set press, & photography only | 0.25 space per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Tailoring & Dressmaking Stores | 0.25 space per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Tanning Facility | 2 spaces per treatment station but not less than 4 spaces per 1,000 sq. ft. GFA | None |
| Travel Agencies | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Upholstery Shops | 2.5 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Weight Loss Clinics (Diet Centers) | 2 spaces per treatment station but not less than 4 spaces per 1,000 sq. ft. GFA | None |

* Amended by Ordinance No. 77-07, J. 33, p. 649-651, passed 10/22/07

PLANTS, ANIMALS AND RELATED USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Animal Clinics or Hospitals | As determined by Zoning Administrator | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Animal Pounds | As determined by Zoning Administrator | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Botanical Gardens | As determined by Zoning Administrator | As determined by Zoning Administrator |

PLANTS, ANIMALS AND RELATED USES (Continued)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Agriculture | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Florist Shops, wholesale | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Greenhouses, commercial | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Kennels | As determined by Zoning Administrator | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Nurseries | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |

FOOD PRODUCT USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Bakeries & Confectioneries, Retail | 4 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Bakeries, Wholesale | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 space for the next 50,000 sq. ft. plus 1 space per 100,000 sq. ft. thereafter |
| Convenience Food Mart | 4 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Fruit & Vegetable Stores | 4 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Grocery Stores, with or without meat | 4 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Meat, Fish & Seafood Shops | 4 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |

FOOD AND BEVERAGE SERVICE USES
Within the Central Business District *

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Catering Service Facilities | 4 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |

FOOD AND BEVERAGE SERVICE USES (Continued)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| ~~Delicatessens~~ | ~~10.80 spaces per 1,000 sq. ft.~~ | ~~One with indoor seating area; none with no seating area provided~~ + |
| Frozen Dessert Stores, ~~without Drive-in Facilities~~ ~ | 4 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Outdoor Restaurants | 10.80 spaces per 1,000 sq.ft. GFA | One with indoor seating area; none with no seating area provided |
| ~~Restaurants, Drive-in~~ ~ | ~~20 spaces per 1,000 sq. ft. GFA for kitchen area, serving counter and waiting area, plus 0.5 spaces per seat~~ + | ~~One with indoor seating area; none with no seating area provided~~ |
| Restaurants, Fast-food or Carry-out | 20 spaces per 1,000 sq. ft. GFA for kitchen area, serving counter and waiting area, plus 0.5 spaces per seat + | One with indoor seating area; none with no seating area provided |
| Restaurants, Excluding Dancing & Entertainment | 10.80 spaces per 1,000 sq. ft. GFA | 1 space per 40,000 sq. ft. |
| Restaurants, With Dancing & Entertainment | 20 spaces per 1,000 sq. ft. GFA plus banquet room and meeting rooms + | 1 space per 40,000 sq. ft. |

*Food and Beverage Service Uses within the Central Business District added by Ordinance No. 55-01, adopted 9/24/01

+ Amended by Ordinance No. 30-09, J. 35, p. 88-95, passed 4/27/09

**~ Amended by Ordinance No.18-10, J. 36, p. 022-028, passed 2/8/10**

FOOD AND BEVERAGE SERVICE USES
Outside the Central Business District *

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Catering Service Facilities | 4 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| ~~Delicatessens~~ | ~~20 spaces per 1,000 sq. ft. GLA~~ | ~~One with indoor seating area; none with no seating area provided~~ + |
| Frozen Dessert Stores~~,~~ ~~without Drive-in Facilities~~ ~ | 4 spaces per 1,000 sq. ft. GFA | 1 space per 40,000 sq. ft. |
| Outdoor Restaurants | 20 spaces per 1,000 sq. ft. GFA + | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| ~~Restaurants, Drive-in~~ ~ | ~~20 spaces per 1,000 sq. ft. GFA for kitchen area, serving counter and waiting area, plus 0.5 spaces per seat~~ + | ~~One with indoor seating area; none with no seating area provided~~ |

FOOD AND BEVERAGE SERVICE USES (Continued)
Outside the Central Business District *

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Restaurants, Fast-food or Carry-out | 20 spaces per 1,000 sq. ft. GFA for kitchen area, serving counter and waiting area, plus 0.5 spaces per seat + | One with indoor seating area; none with no seating area provided |
| Restaurants, Excluding Dancing & Entertainment | 15 spaces per 1,000 sq. ft. GFA + | One with indoor seating area; none with no seating area provided. |
| Restaurants, With Dancing & Entertainment | 20 spaces per 1,000 sq. ft. GFA plus banquet room and meeting rooms + | 1 space per 40,000 sq. ft. |

*Food and Beverage Service Uses outside the Central Business District added by Ordinance No. 55-01, adopted 9/24/01
+ Amended by Ordinance No. 30-09, J. 35, p. 88-95, passed 4/27/09
~ Amended by Ordinance No. 18-10, J. 36, p. 022-028, passed 2/8/10

FINANCIAL USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Accounting, Auditing, & Bookkeeping Services | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Automatic Teller Machine | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Banks~~, without Drive-in Facilities~~ ~ | 2.5 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| ~~Banks with Drive-in Facilities~~ ~ | ~~2.5 spaces per 1,000 sq. ft. GFA~~ | ~~None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter~~ |
| Collection Service Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Commodity Broker, Dealer, & Exchange Offices (including Wholesale) | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Credit Reporting Service Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Credit Union Offices | 2.5 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft. GFA; then 1 space per 50,000 sq. ft. up to 110,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Currency Exchanges | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |

FINANCIAL USES (Continued)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Financial Counseling Service Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Holding & Investment Service Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Income Tax Services | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Insurance Carriers, Agents, Brokers, & Service Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| ~~Savings & Loan Institutions, with Drive-in Facilities~~ ~ | ~~2.5 spaces per 1,000 sq. ft. GFA~~ | ~~None for the first 10,000 sq. ft. GFA; then 1 space per 50,000 sq. ft. up to 110,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter~~ |
| ~~Savings & Loan Institutions, without Drive-in Facilities~~ ~ | ~~2.5 spaces per 1,000 sq. ft. GFA~~ | ~~None for the first 10,000 sq. ft. GFA; then 1 space per 50,000 sq. ft. up to 110,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter~~ |
| Security Broker, Dealer, & Exchange Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 5,000 sq. ft. plus 1 space for the next 50,000 sq. ft. plus 1 space per 100,000 sq. ft. thereafter |
| Loan Company Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |

~ Amended by Ordinance No. 18-10, J. 36, p. 022-028, passed 2/8/10

BUSINESS SERVICE USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Advertising Agency Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Printing Shop including Blueprinting & Photocopying Shops | 2.5 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Building Maintenance Service Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |

BUSINESS SERVICE USES (Continued)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Consumer Protection Organization Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Data Processing Centers | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Detective & Protective Service Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Direct Mail Advertising Service Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Disinfecting & Exterminating Service Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Employment Agency Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Express Mailing Services | 2.5 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Research & Survey Firms | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Stenographic & Other Temporary Office Employment Service Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Window Cleaning Service Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |

OFFICE AND PROFESSIONAL USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Business & Management Consulting Service Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Business Association Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| General Business Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Interior Decorating Service Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Newspaper Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Professional Offices including Architect, Attorney, Engineer, Landscape Architect, Urban Planner | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Publishing Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 5,000 sq. ft. plus 1 space for the next 50,000 sq. ft. plus 1 space per 100,000 sq. ft. thereafter |
| Real Estate Broker, Salesperson, & Service Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Telephone Business Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Title Abstracting Company Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 5,000 sq. ft. plus 1 space for the next 50,000 sq. ft. plus 1 space per 100,000 sq. ft. thereafter |

MEDICAL AND RELATED USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Acupuncture Services | 1 space per 365 sq. ft. GFA | None for the first 5,000 sq. ft. plus 1 space for the next 50,000 sq. ft. plus 1 space per 100,000 sq. ft. thereafter |
| Chiropractor's Offices * | 4.11 spaces per 1,000 sq. ft. GFA | None for the first 5,000 sq. ft. plus 1 space for the next 50,000 sq. ft. plus 1 space per 100,000 sq. ft. thereafter |
| Dental Laboratories | One | None for the first 5,000 sq. ft. plus 1 space for the next 50,000 sq. ft. plus 1 space per 100,000 sq. ft. thereafter |
| Dental Offices * | 4.11 spaces per 1,000 sq. ft. GFA | None for the first 5,000 sq. ft. plus 1 space for the next 50,000 sq. ft. plus 1 space per 100,000 sq. ft. thereafter |
| Drug Stores | 4 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Health Care Campus | Based on individual land uses | As determined by Zoning Administrator |
| Home Health Care Provider's Offices | 1 space per 365 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Medical Appliances & Supply Stores | 3.3 spaces per 1,000 sq. ft. of GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Medical Clinics/Surgical Centers | 1 space per 3 beds; plus 1 space per five average daily outpatient visits; plus 1 space per 10 daily emergency room visits | None for the first 5,000 sq. ft. plus 1 space for the next 50,000 sq. ft. plus 1 space per 100,000 sq. ft. thereafter |
| Medical Laboratories | One | None for the first 5,000 sq. ft. plus 1 space for the next 50,000 sq. ft. plus 1 space per 100,000 sq. ft. thereafter |
| Medical Offices * | 4.11 spaces per 1,000 sq. ft. GFA | None for the first 5,000 sq. ft. plus 1 space for the next 50,000 sq. ft. plus 1 space per 100,000 sq. ft. thereafter |
| Offices for the Fitting & Repair of Hearing Aids, Prosthetic Appliances & the like | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Optical Goods Stores | 3.3 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Optometrist's & Ophthalmologist's Offices * | 4.11 spaces per 1,000 sq. ft. GFA | None for the first 5,000 sq. ft. plus 1 space for the next 50,000 sq. ft. plus 1 space per 100,000 sq. ft. thereafter |
| Pharmacies | 4 spaces per 1,000 sq. ft. GFA | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |

MEDICAL AND RELATED USES - (Continued)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Psychiatrist's & Psychologist's Offices * | 4.11 spaces per 1,000 sq. ft. GFA | None for the first 5,000 sq. ft. plus 1 space for the next 50,000 sq. ft. plus 1 space per 100,000 sq. ft. thereafter |

Amended by Ordinance No. 55-01, adopted 9/24/01

TRANSPORTATION AND RELATED USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Bus Terminals | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Freight & Parcel Terminals | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Garage, public | None | None |
| Gasoline &/or Diesel Fuel Stations | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of external display (does not include stock areas closed to the public) plus 3 spaces per service bay | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Heliports | As determined by Zoning Administrator | None |
| Marine Craft & Accessories Sales & Service Facilities | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of external display (does not include stock areas closed to the public) plus 3 spaces per service bay | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Motorcycle & Accessories Sales & Service Store | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of external display (does not include stock areas closed to the public) plus 3 spaces per service bay | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Motor Vehicle Detailing Shops | 2.5 spaces per 1,000 sq. ft. of GFA plus 3 spaces per service bay | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Motor Vehicle Engine Repair Shops | 2.5 spaces per 1,000 sq. ft. of GFA plus 3 spaces per service bay | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Motor Vehicle Glass Shops | 2.5 spaces per 1,000 sq. ft. of GFA plus 3 spaces per service bay | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Motor Vehicle Muffler Shops | 2.5 spaces per 1,000 sq. ft. of GFA plus 3 spaces per service bay | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Motor Vehicle Painting or Body Rebuilding Shops | 2.5 spaces per 1,000 sq. ft. of GFA plus 3 spaces per service bay | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |

TRANSPORTATION AND RELATED USES – (Continued)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Motor Vehicle Parts & Accessories Sales | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of external display (does not include stock areas closed to the public) plus 3 spaces per service bay | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Motor Vehicle Rental Agencies | 2.5 spaces per 1,000 sq. ft. of GFA | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Motor Vehicle Repair, Major | 2.5 spaces per 1,000 sq. ft. of GFA plus 3 spaces per service bay | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Motor Vehicle Repair, Minor | 2.5 spaces per 1,000 sq. ft. of GFA plus 3 spaces per service bay | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Motor Vehicle Salesrooms | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of external display (does not include stock areas closed to the public) plus 3 spaces per service bay | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Motor Vehicle Tire Sales & Installation Stores | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of external display (does not include stock areas closed to the public) plus 3 spaces per service bay | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Motor Vehicle Upholstery Shops | 2.5 spaces per 1,000 sq. ft. of GFA plus 3 spaces per service bay | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Motor Vehicle Washing Facility | 2.5 spaces per 1,000 sq. ft. of GFA plus 3 spaces per service bay | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Motor Vehicle Wrecking & Salvage Yards | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| New or Used Motor Vehicle Sales &/or Storage Lots, freestanding | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of external display (does not include stock areas closed to the public) plus 3 spaces per service bay | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Off-Street Parking Lot, freestanding | None | None |
| Parking Decks | None | None |
| Railroad Stations | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Recreational & Sports Vehicle Sales & Service Facilities | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of external display (does not include stock areas closed to the public) plus 3 spaces per service bay | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |

TRANSPORTATION AND RELATED USES – (Continued)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Taxicab Office, Dispatching | As determined by Zoning Administrator | None |
| Taxicab Storage | None | None |
| Truck Terminals | As determined by Zoning Administrator | As determined by Zoning Administrator |

STORAGE, PROCESSING, AND WHOLESALING USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| General Warehouses & Storage Facilities, Enclosed | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Metal Salvage Yards & Operations | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Mini-warehouses or Self-storage Facilities | 3 spaces at the office | None |
| Open Storage Yards | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Refrigerated Warehouses | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Wholesale Trade Offices & Storage Facilities | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |

MATERIALS SUPPLY AND CONSTRUCTION USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Construction Hauling Companies | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Excavation Companies | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| General Construction Companies | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Glass Sales & Installation Facilities | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Glass Sales & Installation Facilities with Retail Sales Component | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Heating & Air Conditioning Equipment | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Landscape Contractors and Yard Maintenance Services | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |

MATERIALS SUPPLY AND CONSTRUCTION USES (Continued)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Lighting & Electrical Equipment Store | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Lighting & Electrical Equipment Store with Retail Sales Component | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Lumber & Building Material Yard & Storage Facilities | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Masonry, Stonework & Tilesetting Shops | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Millwork & Cabinet Fabricating Shops | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Plumbing Shop, Sales & Service | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Plumbing Shop, Sales & Service with Retail Sales Service | 2.5 spaces per 1,000 sq. ft. of GFA interior sales space plus 1.5 spaces per 1,000 sq. ft. of interior storage and/or exterior display/storage | None for the first 10,000 sq. ft., then 1 per 30,000 sq. ft. up to 70,000 sq. ft. plus 1 per 80,000 sq. ft. thereafter |
| Ready-mix Concrete Yards | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Road Paving Companies | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Rock & Stone Supply Yards | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Roofing Companies | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Sand, Gravel, & Earth Sales & Storage Facilities | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Sewer Companies | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Sheetmetal & Gutter Service Shop | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Swimming Pool Companies | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Water Well Drilling Companies | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Welding Equipment & Supply Shop | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |

INDUSTRIAL AND MANUFACTURING USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Facilities for the Bottling & canning of Liquids | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Facilities for Manufacturing, Processing, Assembly, & Packaging of: Articles of Merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, metal, paper, plastics, stone, tobacco, wood, yarns & paint, not employing a boiling process | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Facilities for Manufacturing, Processing, Assembly, & Packaging of: Bakery goods, candy, cosmetics, dairy products (including milk), drugs, grains, perfumes, pharmaceuticals, toiletries & food products, except the following uses: fish, meat products, sauerkraut, vinegar, yeast, & the rendering or refining of fats or oils | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Facilities for Manufacturing, Processing, Assembly, & Packaging of: Biological & botanical products, except manure | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Facilities for Manufacturing, Processing, Assembly, & Packaging of: Electrical Devices, appliances, apparatus, & instruments | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Facilities for Manufacturing, Processing, Assembly, & Packaging of: Mechanical Devices, machines & parts such as toys, novelties, & other light or small mechanical products | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Facilities for Manufacturing, Processing, Assembly, & Packaging of: Plastics, chemicals, & drugs, except poisons & insecticides | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Facilities for Manufacturing, Processing, Assembly, & Packaging of: Pottery, figurines, & similar ceramic products using only previously pulverized clay | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |

INDUSTRIAL AND MANUFACTURING USES (Continued)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Metal Fabrication Shops, including cold rolled sheet, strip, & bars | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Manufacturing Laboratories & Testing Facilities | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Recycling Centers, Materials Reclamation | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Wholesale Job Printing, with Bookbinding | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |
| Wholesale Laundry, Cleaning, & Dyeing Plants | 2 spaces per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space per 25,000 sq. ft. up to 50,000 sq. ft. plus 1 for the next 50,000 sq. ft. plus 1 per 100,000 sq. ft. thereafter |

COMMUNICATION AND PUBLIC UTILITY USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Antennas | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Cellular Telephone Facilities without Towers | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Electrical Receiving or Transforming Stations | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Newspaper Distribution Services | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| News Syndication Services | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Radio & Television Broadcasting Station | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Radio, Radar, Television, & Cellular Telephone Towers | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Recording Studios | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |

COMMUNICATION AND PUBLIC UTILITY USES (Continued)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Telephone Relay Facilities | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Utility Maintenance Garages | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Utility Substations | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |
| Utility Yards | 0.5 space per 1,000 sq. ft. GFA plus any required spaces for offices, sales, etc. | 1 space for the first 50,000 sq. ft. GFA plus 1 space per 100,000 sq. ft. thereafter |

GOVERNMENTAL USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| City Facilities & Services | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Civil Defense Stations | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Executive Offices, public; Judicial Quarters, public, Legislative Quarters, public; Offices of Federal, State, County or Local Governments | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Governmental Marinas | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Postal Service, Pick-up Stations | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Postal Service, Distribution Service | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Sewage Pumping Stations | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Sewage Treatment Facilities | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Waterworks Treatment & Distribution Facilities | As determined by Zoning Administrator | As determined by Zoning Administrator |

CULTURAL, RECREATIONAL, AND ENTERTAINMENT USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Art Galleries, public | 0.25 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Auditoriums | 0.25 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Bowling Alleys | 0.33 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Club or Lodge, private | 0.33 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Community & Recreation Centers | 0.25 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |

CULTURAL, RECREATIONAL, AND ENTERTAINMENT USES (Continued)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Country Clubs & Golf Courses | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Dinner Theaters | As determined by Zoning Administrator | None |
| Gymnasiums | 0.33 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Health Clubs | 0.33 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Health Clubs (Minor) * | 0.33 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Libraries | 0.25 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Miniature Golf Courses | 0.33 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Movie & Drama Theaters | 0.25 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Museums | 0.25 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Outdoor Theaters, festival-drama | 0.25 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Parks & Playgrounds | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Riding Academies | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Roller & Ice Skating Rinks | 0.33 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Tennis, Racquetball, Handball, Swimming & Other Private Recreational Clubs | 0.33 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |

* Health Clubs (Minor) Added by Ord. 49-04, J. 30, p. 200-202, passed 7/12/04

EDUCATIONAL AND SUPPORT SERVICE USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Adult Day Care Service + | 1 space per employee plus 0.1 space per person in licensed capacity | One |
| Barber & Beauty Schools | As determined by Zoning Administrator | None |
| Business & Technical Schools | As determined by Zoning Administrator | None |
| Colleges, Junior Colleges & Universities | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Child Care Facility | 1 space per employee plus 0.1 space per person in licensed capacity | One |
| Community Living Facility + | 1 space per employee plus 0.1 space per person in licensed capacity | One |

EDUCATIONAL AND SUPPORT SERVICE USES (Continued)

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Community Residential Alternative + | 1 space per employee plus 0.1 space per person in licensed capacity | One |
| Convents, Monasteries or Seminaries | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Dancing or Music Academies | As determined by Zoning Administrator | None |
| Day Care Homes | 1 space per employee plus 0.1 space per person in licensed capacity | None |
| Driving Schools | As determined by Zoning Administrator | None |
| Elementary & High Schools, Public, Private & Parochial including Kindergartens | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Institutions for Special Education | As determined by Zoning Administrator | As determined by Zoning Administrator |
| ~~Nurseries, Day~~ + | ~~1 space per employee plus 0.1 space per person in licensed capacity~~ | ~~None~~ |
| Personnel Training Centers | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Sports Training Schools | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Studios for Art, Ceramics, Drama, Speech, and similar skills | As determined by Zoning Administrator | As determined by Zoning Administrator |

+ Amended by Ordinance No. 44-10, J. 36, p. 179-187, passed 5/10/10

MISCELLANEOUS USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Cemeteries, Mausoleums, & Memorial Parks | As determined by Zoning Administrator | As determined by Zoning Administrator |
| Churches, Synagogues & Temples | 0.25 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Civic, Social, & Fraternal Association Meeting Places | 0.25 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Funeral Homes, Mortuaries & Crematoria | 0.25 space per person in permitted occupancy | 1 space per 100,000 sq. ft. GFA |
| Labor Union & Similar Labor Organization Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |

MISCELLANEOUS USES

| | PARKING SPACES | LOADING SPACES |
|---|---|---|
| Office of Institution of Religious, Charitable, or Philanthropic Nature | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |
| Professional Membership Organization Offices | 4 spaces per 1,000 sq. ft. GFA for GFA up to 30,000 sq. ft., 3.3 spaces per 1,000 sq. ft. GFA for buildings with GFA over 30,000 sq. ft. | None for the first 30,000 sq. ft.; then 1 space per 100,000 sq. ft. thereafter |

## TABLE OF GUEST PARKING REQUIREMENTS *

RESIDENTIAL USES *

| | GUEST PARKING SPACES |
|---|---|
| Multiple Family Dwellings | Market Rate Units in the following quantities: 0.25 spaces per dwelling unit if ≥ 5 units; 0.5 spaces per dwelling unit if ≤ 4 units |
| Dwellings as Part of a Planned Unit Development | Market Rate Units in the following quantities:<br><br>Detached Single Family Units: 0 if development includes new parking on a newly dedicated public street or 0.4 spaces per unit if development includes no new parking on a newly dedicated public street;<br><br>Attached Single Family Units: 0.4 spaces per unit;<br><br>Multi-family 0.25 spaces per dwelling unit if ≥ 5 units in entire development or 0.5 spaces per dwelling unit if ≤ 4 units in entire development; or<br><br>Multifamily Units: 0.25 spaces per dwelling unit if ≥ 5 units; 0.5 spaces per dwelling unit if ≤ 4 units<br><br>Notwithstanding anything in this Table to the contrary, no guest parking spaces shall be required for any property that is developed as a Planned Unit Development and for which a public hearing of the Plan Commission regarding the Planned Unit Development was opened on or before April 26, 2009 |
| Single Family Dwellings | Market Rate Units in the following quantities (if not a Planned Development): 0 if development or subdivision includes new parking spaces on a newly dedicated public street; or, if development includes no new parking on a newly dedicated public street parking, no less than 1 space per unit. |
| Two Family Dwellings | Market Rate Units: 0.5 spaces per dwelling unit" |

*Table of Guest Parking Requirements – Residential Uses added by Ordinance No. 30-09, J. 35, p. 088-095, passed 4/27/09

# ARTICLE IX. NON-CONFORMING STRUCTURES AND USES

SECTION

150.901 General Provisions
150.902 Nonconforming Uses of Land and Nonconforming Uses in Structures
150.903 Nonconforming Structures other than Signs

Sec. 150.901 General Provisions.

(A) Purposes. This Article regulates and limits the continued existence of uses and structures established prior to the effective date of this Code that do not conform to the applicable regulations of this Code.

(B) General Scope and Scheme of Regulation. Separate restrictions are established for nonconforming uses of land and nonconforming uses of structures, and nonconforming structures. Nonconforming signs are regulated separately, pursuant to Chapter 110, Article VI of the Highland Park Code of 1968, as amended. The degree of restriction made applicable to each category of nonconformity is generally related to the degree of incompatibility with permitted uses and the amount of investment typically associated with nonconformities of that type.

(C) Exception for Repairs Pursuant to Public Order. Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided such restoration is not otherwise in violation of the various provisions of this Article prohibiting the repair or restoration of partially damaged or destroyed structures or signs.

(D) Nonconforming Accessory Uses and Structures. No use or structure that is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have been terminated, unless it shall thereafter conform to all the regulations of the zoning district in which it is located.

Sec. 150.902 Nonconforming Uses of Land and Nonconforming Uses in Structures.

(A) Authority to Continue. Except as provided in Subsection I of this Section, any lawfully existing nonconforming use, whether or not it involves the use of a principal or accessory structure, may be continued so long as it remains otherwise lawful, subject to the regulations contained in Subsections B through H of this Section and Subsection D of Section 150.901. No change to any structure or building accessory to a nonconforming use of land or that is devoted in whole or in part to a nonconforming use shall be authorized, including, without limitation, any structural alteration, improvement, enlargement, or restoration of such structure or building, that would create any new bulk regulation nonconformity or increase the degree of any existing bulk regulation nonconformity.

(B) Ordinary Repair and Maintenance. Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring, or plumbing may be performed on any structure that is accessory to a nonconforming use of land or that is devoted in whole or in part to a nonconforming use; provided, however, that this Subsection shall not be deemed to

authorize any violation of Subsections C through I of this Section.

(C) Structural Alterations. A structure that is accessory to a nonconforming use of land or that is devoted in whole or in part to a nonconforming use may be structurally altered, including interior and exterior improvements to such structure; provided, however, that this Subsection shall not be deemed to authorize any violation of Subsection D through I of this Section.

(D) Enlargement of Structure. No structure that is accessory to a nonconforming use of land or that is devoted in whole or in part to a nonconforming use shall be enlarged or added to beyond the exterior limits of the existing structure in any manner unless the use of such structure shall thereafter conform to the use regulations of the district in which it is located.

(E) Extension of Use. A nonconforming use of land or of a structure that is accessory to a nonconforming use of land or a nonconforming use in any other structure shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activity shall include, without limitation, an extension of such use, including its accessory uses, to any structure or land area other than that occupied by such nonconforming use on the effective date of this Code or any amendment hereto that causes such use or land area to become nonconforming, except that a nonconforming use may be extended, expanded, or enlarged within a building or other structure to any portion of the floor area that is vacant, otherwise not occupied by a legal conforming use, or newly created within the existing building or structure.

(F) Moving. No structure that is accessory to a nonconforming use of land or that is devoted in whole or in part to a nonconforming use shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. No nonconforming use of land shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

(G) Change in Use. A nonconforming use of land not involving a structure or involving only a structure that is accessory to a nonconforming use of land or a nonconforming use in a structure shall not be changed to any use other than a use permitted in the zoning district in which the use or structure is located, except that a nonconforming use may be replaced by an equal or less intense nonconforming use as may be authorized by a special use permit issued pursuant to the standards set forth in Subsections (1), (4) and (9) of Section 150.1404 (A) of Article XIV of this Code. When such a nonconforming use has been changed to a permitted use, it shall not thereafter be changed back to any non-permitted use. For purposes of this Subsection, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a permitted use shall have commenced and continued for a period of five days. Any change of use in violation of this Subsection shall be deemed to be an abandonment of the lawfully existing nonconforming use. (**Ord. 77-07, J. 33, p. 649-651, passed 10/22/07**)

(H) Damage or Destruction. Any structure that is accessory to a nonconforming use of land or that is devoted in whole or in part to a nonconforming use and that is

damaged or destroyed to any extent, by any means not within the control of the owner thereof, may be repaired or restored to its original condition and the nonconforming use may continue subject to the regulations of this Title IX. Notwithstanding the foregoing, all such repairs and restorations shall be in strict conformity with the applicable zoning district regulations unless a building permit is fully applied for within six months after the date of such damage or destruction and restoration is actually begun within one year after the date of such damage or destruction and is diligently pursued to completion within a maximum of two years from the time restoration is initiated.

(I) Termination by Abandonment.

(1) When a nonconforming use of land not involving a structure or involving only a structure that is accessory to the nonconforming use of land or when a nonconforming use of a principal structure is discontinued for a period of two years, regardless of any intent to resume or not to terminate such use, such use shall be deemed abandoned and shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structure shall comply with the use regulations of the zoning district in which such land or structure is located.

(2) Any period of such discontinuance caused by government action, strikes, material shortages, or acts of God, and without any contributing fault or action by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this Subsection.

Sec. 150.903 Nonconforming Structures other than Signs.

(A) Authority to Continue. Any nonconforming structure, other than a sign, that is devoted to a use that is permitted in the zoning district in which it is located may be maintained and replaced so long as it remains otherwise lawful, subject to the restrictions in Subsections B through D of this Section and Subsection D of Section 150.901 of this Code. No change to any nonconforming structure or building shall be authorized, including, without limitation, any structural alteration, improvement, enlargement, or restoration of such structure or building, that would create any new bulk regulation nonconformity or increase the degree of any existing bulk regulation nonconformity.

(B) Repair, Maintenance, Alterations, and Enlargement. Any nonconforming structure, other than a sign, may be repaired, maintained, altered, or enlarged; provided, however, that no such repair, maintenance, alteration, or enlargement shall either create any new bulk regulation nonconformity or increase the degree of the existing bulk regulation nonconformity of all or any part of such structure.

(C) Moving. No nonconforming structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being so moved.

(D) Damage or Destruction. Any nonconforming structure, other than a sign, that is damaged or destroyed to any extent, by any means not within the control of the owner thereof, may be repaired or restored to its original condition. Notwithstanding the foregoing, all such repairs and restorations shall be in strict conformity with the applicable zoning district regulations unless a building permit is fully applied for within six months

after the date of such damage or destruction and restoration is actually begun within one year after the date of such damage or destruction and is diligently pursued to completion within a maximum of two years from the time restoration is initiated. (Article IX amended in toto by Ord. 78-2000, adopted 11/13/00)

# ARTICLE X. OCCUPANCY CERTIFICATES

SECTION

150.1001 Occupancy Certificate Required
150.1002 Application for an Occupancy Certificate
150.1003 Issuance of Occupancy Certificate
150.1004 Posting of Occupancy Certificates

Sec. 150.1001 Occupancy Certificate Required.

(A) After the effective date of this Chapter it shall be unlawful for any person, firm or corporation to occupy or use in whole or in part for any purpose any building or structure (including any presently non-conforming building or structure) or addition to any such building or structure or any land unless and until an Occupancy Certificate shall first have been issued by the Zoning Administrator. However, this Section shall not apply to any building or structure for which an Occupancy Certificate has been issued as such building or structure is currently constructed or to any use of land for which an Occupancy Certificate has been issued by the Zoning Administrator or his predecessor.

(B) It shall be unlawful for any person, firm, or corporation to commence to erect or construct any type of building or structure or addition thereto unless a building permit has been issued by the Zoning Administrator. Furthermore, it shall be unlawful for any such person, firm or corporation to occupy such building or structure or addition thereto for which such building permit has been issued without first securing an Occupancy Certificate from the Zoning Administrator certifying that such building or structure conforms to all the applicable provisions and requirements of the City's Building Code and Zoning Ordinance.

Sec. 150.1002 Application for an Occupancy Certificate.

(A) Every application for a building permit shall be deemed an application for an Occupancy Certificate.

(B) Every application for an Occupancy Certificate for a new or changed use of land or structure shall be filed with the Zoning Administrator and, in addition to fulfilling the requirements set forth herein, shall be in such form and shall contain such information as the Zoning Administrator shall provide by general rule in order to carry out the requirements of this Chapter and enable the Zoning Administrator to determine that there is compliance with all of the applicable standards of this Chapter. At the request of the Zoning Administrator, the application shall provide such information as is specified in this Chapter.

(C) In the case of new construction or the introduction of other new structures on the land, every application for an Occupancy Certificate shall be accompanied by the following drawings:

(1) A survey or plat prepared by a land surveyor registered in the State of Illinois, drawn to scale, showing the actual dimensions of the lot which is the subject of the application, the size, shape and location of any existing structures, areas for parking, and such other information as may be necessary to provide for the enforcement of this

ordinance. [All dimensions shall be shown on the survey or plat and no dimensions shall have to be calculated or scaled by the City.]; and

(2) Six copies of a Site Plan reflecting the size, shape, and location of such structures, drawn to the same scale as the survey or plat.

Sec. 150.1003 Issuance of Occupancy Certificate.

No Occupancy Certificate for vacant land or a new use or structure or addition to an existing structure shall be issued until the premises have been inspected by the Zoning Administrator and determined to be in full and complete compliance with all of the applicable regulations for the zoning district in which it is located and, for a structure or addition to an existing structure, the plans and specifications upon which the issuance of the Building Permit was based. However, when construction has been completed in accord with such plans and specifications, upon request a Partial Occupancy Certificate may be issued pursuant to the following schedule:

(A) Single Family Dwelling Building Permits. A Partial Occupancy Certificate may be issued when the entire residence or residential structure or addition thereto is completed and only exterior weather-sensitive construction and/or landscaping remains to be completed.

(B) Multiple Family Dwelling and Commercial and Industrial Building Permits. A Partial Occupancy Certificate may be issued when any dwelling unit or units or an entire floor of such building or addition thereto, shown by the plans and specifications of the permittee as an "area" or "suite", shall have been completed and adequate safety precautions taken in accordance with the following: Safety Precautions: In each instance where a Partial Occupancy Certificate is requested for other than an entire building or addition to an existing building, the permittee first shall have provided and, after issuance of the Partial Occupancy Certificate, shall continue to maintain during the remaining construction to be done on said premises and until an Occupancy Certificate has been issued for the entire of such building upon completion thereof in accordance with all of the plans and specifications upon which the Building Permit was based:

(1) Fully completed ingress to and egress from the area or suite or entire floor for which the Partial Occupancy Certificate is sought in order not to jeopardize the lives or property of the general public or any resident of such building; and

(2) Complete and total quarantine and isolation of all uncompleted areas in the said building or addition for which a Partial Occupancy Certificate has not been issued, which shall include but not be limited to separate ingress to and egress from areas under construction so as to keep workmen and building materials outside of the completed units of areas or entire floors, as the case may be, of such building or addition.

Sec. 150.1004 Posting of Occupancy Certificates.

(A) A record of all Occupancy Certificates shall be kept on file in the Office of the Zoning Administrator, and copies or duplicate Occupancy Certificates shall be furnished on request to any persons having a proprietary or possessory interest in the land or structure affected by such Occupancy Certificate.

(B) The Zoning Administrator shall keep a record file of all surveys, plats, and site plans associated with Occupancy Certificates which have been issued.

# ARTICLE XI. THE ZONING BOARD OF APPEALS

SECTION


| | |
|---|---|
| 150.1101 | All Provisions Governing the Membership, Organization, Officers, and Meetings of the Zoning Board of Appeals |
| 150.1102 | Hearings |
| 150.1103 | Jurisdiction |
| 150.1104 | Limitation |
| 150.1105 | Administrative Review |


Sec. 150.1101 All Provisions Governing the Membership, Organization, Officers, and Meetings of the Zoning Board of Appeals

All provisions governing the membership, organization, officers, and meetings of the Zoning Board of Appeals are contained in Article XVIII, entitled "Zoning Board of Appeals" of Chapter 33, entitled "Boards and Commissions." (Ord. 74-07, J. 33, p. 603-609, passed 9/24/07)

Sec. 150.1102 Hearings

(A) Decisions and recommendations of the Zoning Board of Appeals shall be reached only after a public hearing and no evidence shall be presented and no witnesses heard on any appeal or application for variation except at a properly convened hearing of the Zoning Board of Appeals, which hearing may be conducted during a meeting of the Zoning Board of Appeals. (Ord. 74-07, J. 33, p. 603-609, passed 9/24/07)

(B) All testimony before the Zoning Board of Appeals shall be given publicly under oath or affirmation before a court reporter paid for by the petitioner therein for each case so heard and the Chairman, or in his absence the Vice Chairman, shall administer or authorize the administration of oaths and may compel the attendance of witnesses.

(1) The Board may take judicial notice of facts to the same extent and in the same manner as courts of record and may consider any relevant facts within the personal knowledge of any member of the Board which are stated into the records by such member.

(2) The petitioner or appellant, as the case may be, shall bear the burden of establishing conclusively that the requested relief will conform to all applicable laws and regulations other than that for which relief is sought.

(3) All exhibits containing plans and specifications for the proposed use shall remain part of the permanent records of the Zoning Board of Appeals.

(C) Pursuant to Section 150.306 of this Chapter, the petitioner or appellant, as the case may be, shall pay the costs of the recording and two (2) certified copies of the transcript of the record of such hearing(s), made by the official court reporter retained by the City, which transcript shall thereafter be maintained by the Secretary and the City Clerk as part of the official record of each case. (Ord. 46-02, J. 28, p. 348-351, passed 7/22/02; Ord. 74-07, J. 33, p. 603-609, passed 9/24/07)

(D) The Zoning Board of Appeals may adopt Rules of Procedure which include the following: Two (2) members of the Zoning Board of Appeals may, at the Petitioner's request, constitute a hearing panel qualified to represent the Zoning Board of Appeals and conduct a public hearing on its behalf. In such event, however, the hearing shall not constitute a meeting of the Zoning Board of Appeals

unless a majority of a full quorum of the Board (three members) is present. (Ord. 74-07, J. 33, p. 603-609, passed 9/24/07)

(E) The Zoning Board of Appeals shall make its decision or its recommendation, as the case may be, on all matters heard by it within a reasonable time following the hearing. All decisions or recommendations will be made during the Zoning Board of Appeals' regularly scheduled meeting or at special meetings held at the call of the Chairman. (Ord. 74-07, J. 33, p. 603-609, passed 9/24/07)

(1) No member of the Zoning Board of Appeals shall cast his vote on any subject for which a hearing was conducted unless he was present for the hearing or certifies that he has read the official court reporter's transcript of the hearing prior to casting his vote.

(2) The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or grant any authorized variation.

(3) The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to recommend or grant a variation from the terms of this Chapter, or to recommend and/or decide in favor of the petitioner on any other matter upon which the Zoning Board of Appeals is required to pass, under this Chapter or any other ordinance of the City.

(4) In all instances where the decision of the Zoning Board of Appeals is final, such decision shall be a final administrative determination and shall be subject to administrative review by a court of law in the manner provided by applicable Illinois statutes.

(F) Every ruling of the Board shall be evidenced by a Final Order signed by the Chairman or Acting Chairman.

(1) Final Orders of the Zoning Board of Appeals that are decisive of cases shall be deemed "entered" when an original thereof has been served upon all Parties of Record to the underlying hearing. Service shall be deemed to have been made when an original Final Order has been either: (a) personally delivered to each Party of Record; or (b) placed in the U.S. Mail, certified, to each Party of Record. (**Ord. 2-09, J. 35, p. 004-006, passed 1/12/09**)

(2) All Final Orders that have been entered pursuant to this Section 150.1102(F) shall be public records. The thirty-five (35) day statutory period within which administrative review of a Final Order must be commenced shall not be stayed because a rehearing is pending or in process. (**Ord. 2-09, J. 35, p. 004-006, passed 1/12/09**)

(G) Any exhibits containing plans and specifications for the proposed use shall remain part of the permanent records of the Zoning Board of Appeals. (Ord. 74-07, J. 33, p. 603-609, passed 9/24/07)

Sec. 150.1103 Jurisdiction.

(A) The Zoning Board of Appeals is vested hereby with the following jurisdiction and authority and it shall be its duty:

(1) To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the administration and enforcement of this Chapter.

(2) To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the administration or enforcement of any other ordinances of the City upon which the Zoning Board of Appeals is required to pass.

(3) To hear and decide applications for variations from the regulations and restrictions contained in this Chapter in harmony with its general purpose and intent, only in the specific instances set forth in Article XII of this Chapter, and only where the Zoning Board of Appeals makes findings of fact based upon the standards prescribed in this Chapter that there is particular hardship in the way of carrying out the strict letter of the regulations of this Chapter.

(4) To hold public hearings and make final decisions or to make findings of fact and recommendations to the City Council, as directed by the City Council, on any matters referred to it by the City Council.

(B) While the zoning regulations contained in this Chapter affect and regulate the land and territory within Fort Sheridan, the JPC shall have jurisdiction and exercise its powers on matters related to Fort Sheridan and referred as conferred upon the JPC pursuant to the terms of the Highwood/Highland Park Intergovernmental Planning Agreement of 1996, as it may be amended from time to time hereafter. (Ord. 74-07, J. 33, p. 603-609, passed 9/24/07)

Sec. 150.1104 Limitation.

Nothing contained in this Chapter shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change the Official Zoning Map, such power and authority being reserved to the Council of the City of Highland Park in the manner provided in this Chapter. (Ord. 74-07, J. 33, p. 603-609, passed 9/24/07)

Sec. 150.1105 Administrative Review.

All final decisions of the Zoning Board of Appeals shall be subject to the provisions of the Administrative Review Law and all amendments and modifications thereof and the rules adopted pursuant thereto in the manner provided by law. (Ord. 74-07, J. 33, p. 603-609, passed 9/24/07)

# ARTICLE XII. VARIATIONS

SECTION


150.1201 Authorization
150.1202 Application for Variation
150.1203 Processing, Notice, and Hearing
150.1204 Authorized Variations
150.1205 Standards
150.1206 Variation by Final Order of the Zoning Board of Appeals
150.1207 Variations by Ordinance
150.1208 Duration of Variation


Sec. 150.1201 Authorization.

The Zoning Board of Appeals, after a public hearing, may determine and vary the regulations of this Chapter in a manner consistent with the general purpose and intent of the Zoning Ordinance so that such variances as may be granted will not be contrary to the public interest. Furthermore, such variations may be authorized only in those specific instances enumerated in Section 150.1204 of this Article, and then only after the Zoning Board of Appeals has made findings of fact based upon the standards set forth in Section 150.1205, which findings indicate that, because of specific conditions, a literal enforcement of the provisions of this Chapter will, in such an individual case, produce practical difficulties or a particular hardship for the petitioner.

Sec. 150.1202 Application for Variation.

(A) The petitioner shall file an application for a variation with the Zoning Administrator on forms provided by the Zoning Administrator, who shall forward a copy without delay to the City Clerk for processing of payment and preparation and publication of legal notice.

(B) The application for a variation shall contain the following information, as well as such additional information as may be prescribed by rule of the Zoning Board of Appeals:

(1) The present zoning of the subject property;

(2) The present use of the subject property;

(3) The particular requirements of this Chapter which prevent the proposed use or construction;

(4) The characteristics of the subject property which prevent compliance with the requirements of this Chapter;

(5) The minimum variations which would be necessary to permit the proposed use or construction;

(6) The practical difficulty or particular hardship which would result if the requirements of this Chapter were applied to the subject property and/or to the proposed use or construction thereon;

(7) A legal description of the subject property;

(8) The commonly known location (address) of the subject property;

(9) The name and address of the legal owner of the subject property;

(10) The name and address of the petitioner and his attorney, if any; and

(11) Plans, photographs of existing conditions of the subject property, and other data.

(C) All applications shall be verified by the applicant.

(1) In the event application is made by the trustee or beneficiary of any land trust, the application shall identify each beneficiary of such land trust by name and address and define and identify such beneficiary's interest therein.

(2) Each application shall be governed by additional administrative procedures as may be prescribed by the Zoning Board of Appeals.

(D) In addition to the requirements of an application for variation pursuant to Subsections (A), (B), and (C) of this Section, an application for variation from a subdivision setback line shall also contain evidence of the following:

(1) Notification of the request for relief to all property owners of any lot that is (i) within the same subdivision as the subject property, and (ii) immediately adjacent to the subject property on which the proposed variation from the Subdivision Setback Line is sought; and

(2) Written consent expressly stating no objection to the proposed variation from all property owners of any lot that is (i) within the same subdivision as the subject property, and (ii) immediately adjacent to the subject property on which the proposed variation from the Subdivision Setback Line is sought; and

(3) A fully executed and recordable hold harmless agreement, on a form approved by the City's Corporation Counsel, releasing the City from any liability that may in any way be related to the City's decision, if any, to permit variation from the Subdivision Setback Line. (Ord. 15-05, J. 31, p. 028-029, passed 2/28/05)

(E) At the time of filing, the application for a variation shall be accompanied by:

(1) Proof of ownership or current contract to purchase or lease the subject property, accompanied by proof of authority to file the application of behalf of the owner, since only persons owning or having interest in the subject property may file an application for a variation;

(a) Each application shall be signed by the owner of record of the subject property; and

(b) If the application is made by the trustee or beneficiary of a land trust, the application shall identify each beneficiary of such land trust by name and address and identify such beneficiary's interest therein.

(2) Payment of filing fees:

(a) An application fee equal to the amount established from time to time by resolution adopted by the City Council and maintained in the office of the Zoning Administrator; and

(b) (Repealed by Ord. 46-02, J. 28, p. 348-351, passed 7/22/02)

Sec. 150.1203 Processing, Notice, and Hearing.

(A) Upon receipt by the Zoning Administrator of a complete application for variation that has been duly filed, the Zoning Administrator shall assign a case and/or docket number to the application, shall schedule the matter for hearing before the Zoning Board of Appeals, and shall maintain a file for such application, which file shall be open to the public for inspection during regular business hours. All documents pertinent to the case (including but not limited to the application, legal notice, evidence, transcript of proceedings, etc.) shall be placed in the file.

(B) Not more than ninety (90) days after the filing of an application, a hearing shall be held on the application.

(C) Not more than thirty (30) days nor less than fifteen (15) days before the hearing date on which the application for variation is to be considered, the City Clerk shall cause notice thereof to be published in one or more newspapers published in the City, or, if no newspaper is published within the City, then in one or more newspapers with a general circulation within the City. In addition to such published notice, not more than thirty (30) days nor less than fifteen (15) days before the hearing, the applicant, his agent or attorney must notify either in person or by certified mail (return receipt requested) the owners of all property adjoining and/or across a public right-of-way from the legal boundaries of the subject property. Proof of such notification must be presented at the hearing. The notices required in this Section shall contain:

(1) The legal description of the subject property;

(2) The address of the subject property;

(3) A brief statement of the nature of the requested variation;

(4) The name(s) and address(es) of the legal and/or beneficial owner(s) of the subject property;

(5) The name(s) and address(es) of the petitioner(s);

(6) The name of the legal representative of the petitioner(s), if any; and

(7) A statement of the date, time, and place of the hearing for which the notice is being given.

(D) Prior to the hearing, the Zoning Administrator shall also cause one or more signs to be posted on the subject property.

(1) The number and location of signs shall be determined by the Zoning Administrator.

(2) Each sign must be a minimum of 24 x 24 in size, have letters a minimum of 3/8" wide stroke by 2-1/2" high, and contain the following information:

(a) The fact that a public hearing will be held regarding the subject property, with direction to interested members of the general public to call the office of the Zoning Administrator for further information concerning date, time, and place and subject matter of the public hearing; and

(b) The telephone number of the Zoning Administrator.

(3) Within ten (10) days after the commencement of the public hearing regarding the proposed variation, the City shall cause the removal of the sign or signs from the subject property and return same to the office of the Zoning Administrator.

(E) Any Interested Party may appear in person, by agent, or by attorney, and be heard at the hearing held pursuant to any such application for variation.

Sec. 150.1204 Authorized Variations.

(A) In accord with its jurisdiction as set forth in Article XI of this Chapter, the Zoning Board of Appeals, if at all, shall grant or shall recommend the granting of variations from the regulations of this Chapter only in accordance with the standards set forth in Section 150.1205, and then only in the following instances and in no others:

(1) To permit a yard smaller than the yard required by the applicable regulations.

(2) To permit the multiple-family use of a Legal Lot of Record located in a Multiple Family Residential District where such use otherwise would be prohibited solely because of insufficient area of the lot or insufficient average lot width provided, however, that no such variation shall be granted except upon the finding by the Zoning Board of Appeals that, in addition to all other required findings: (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

(a) The proposed use of the lot will not overburden public utilities; (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

(b) The strict application of the minimum lot area or minimum average width requirements of this Chapter to the lot will have a discriminatory effect upon the lot as compared to permissible lot sizes and permissible average lot widths in the vicinity of the lot; (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

(c) The proposed use of the lot will comply with the parking requirements set forth in Article VIII of this Chapter; and (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

(d) For a lot of a size that is less than 90 percent of the Minimum Lot Area for Multiple-Family Use, as set forth in Section 150.704(A) of this Chapter: (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

(i) The proposed use of the lot will not require additional relief from any of the other bulk regulations set forth in Article VII of this Chapter; and (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

(ii) The proposed density for the lot does not exceed the greater of (y) two dwelling units, and (z) the number of legally created dwelling units previously existing on the lot. (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

(3) In the RM1, RM1A, RM2, and RO districts, to reduce the off-street parking requirements by not more than two (2) parking spaces or twenty percent (20%), whichever is greater, in the case of a dwelling which existed on the effective date of this ordinance and which subsequently is lawfully converted into a multiple family dwelling. (Ord. 57-02, J. 28, p. 410-473, passed 9/9/02)

(4) For existing structures only, to grant relief from the applicable Floor Area Ratio provisions of this Chapter.

(5) To permit greater lot coverage than authorized by this Chapter.

(6) To permit the extension of a district where the boundary line of such district divides a lot in single ownership as shown of record, consistent with the provisions of Section 150.107 of this Chapter.

(7) To interpret the intent of the Official Zoning Map where the street layout actually on the ground varies from the street layout shown on the map, consistent with the provisions of Section 150.107 of this Chapter.

(8) To permit the reconstruction of a non-conforming building which has been destroyed or damaged by fire or other casualty, or act of God or the public enemy, to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the cost of construction of the entire building new, where the Board shall find that a continuation of the non-conforming use will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire, or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City. (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

(9) To authorize the substitution of a non-conforming use in a non-conforming structure (all or substantially all of which structure is designed or intended for a use not permitted in the district in which it is located) where such new use is, or was, permitted in the same district or a more restricted district, as the non-conforming use which presently occupies the structure, but no such substitution shall extend or otherwise modify the provisions for the elimination of such non-conforming structure and no substitution or structural alteration shall be made unless such change or structural alteration and the use thereof conforms to all the regulations of the district in which the structure is located.

(10) To authorize the construction of a permanent porte-cochere, covered walkway, or canopy in the required front yard in the RM1, RM1A, RM2, RO, and B3 districts, provided such structure is rectilinear in shape, does not exceed twenty-five (25) feet in width at the building line and when, in the opinion of the Board, such structure will not adversely affect neighboring property. (Ord. 57-02, J. 28, p. 410-473, passed 9/9/02)

(11) To grant variations from the regulations herein contained for building setbacks and the requirements of steep slope regulations; provided, however, that with respect to special setbacks and other steep slope regulations, in addition to the general standards for variations set forth herein, the request meets the following conditions:

(a) The applicant shall demonstrate that geotechnical characteristics, hydrological controls, and plans for vegetation will comport with the regulations contained herein for required plans and development standards;

(b) The proposed development is a single family residence or involves enhancement of a lot upon which a single family residence exists. (amended by Ord. 94-99, adopted 11/8/99)

(12) To grant variations from the regulations herein contained for garage door openings.

(13) To recommend or grant other variations provided hearings therefor have been held as authorized by the City Council; except that (i) no variation shall be granted for the sole purpose of enabling the utilization of Bonus FAR for a building addition pursuant to Section 150.703.3 and (ii) no variation shall be granted to Article XX of this Chapter except pursuant to Section 150.2031. (Ord. 46-04, J. 30, p. 175-180, passed 6/28/04, Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(14) To permit an encroachment into a yard or setback that is specifically required by a Subdivision Setback Line, but only if all requirements of Subsection 150.1202(D) have been satisfied. (Ord. 15-05, J. 31, p. 028-029, passed 2/28/05)

Sec. 150.1205 Standards.

(A) The Zoning Board of Appeals or the City Council, as the case may be, shall not vary the regulations of this Chapter unless it shall make findings of fact based upon evidence presented at the hearing in each specific case that:

(1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the zoning district in which it is located; however, the purpose of the variation is not based exclusively upon a desire to make more money from the property;

(2) The plight of the petitioner is due to unique circumstances and the proposed variation will not merely serve as a convenience to the petitioner, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations of this Chapter were carried out and which particular hardship or practical difficulty is not generally applicable to other property within the same zoning district;

(3) The particular physical surroundings, shape, or topographical condition of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out, or the application of this Chapter to the subject property has a discriminatory effect thereon;

(4) The alleged hardship has not been created by any person presently having a proprietary interest in the subject property;

(5) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood;

(6) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety or substantially diminish or impair property values in the neighborhood;

(7) The proposed variation will not alter the essential character of the neighborhood; and

(8) The proposed variation is in harmony with the spirit and intent of this Chapter.

(B) The Zoning Board of Appeals or the City Council, as the case may be, may impose such conditions and restrictions upon the subject property, the location, the construction, design, and use of the property benefited by such a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property values.

Sec. 150.1206 Variation by Final Order of the Zoning Board of Appeals.

Unless granted by ordinance, the terms of the relief granted by variation shall be specifically set forth in a final order issued by the Zoning Board of Appeals which is supported by the findings of fact made by the Zoning Board of Appeals. The subject property for which relief has been granted shall not be used in violation of the specific terms and the findings of fact of the final order unless such use is allowed by further findings of fact or additional orders, pursuant to additional hearings on requests therefore.

Sec. 150.1207 Variations by Ordinance.

(A) In those instances when the Zoning Board of Appeals is to make its recommendation to the City Council, the Zoning Board of Appeals shall, within 30 days after the final hearing, recommend the granting or denial of requests for variances, unless within such period of time the Zoning Board of Appeals shall make request to and receive permission from the City Council for an additional 15 days in which to make its recommendation. The failure of the Zoning Board of Appeals to provide a recommendation, within such 30 day period (or any extension thereof granted by the City Council), or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the variance. (Ord. 18-04, J. 30, p. 49-54, passed 3/8/04).

(B) Whenever a variation is to be made by ordinance, upon receiving the report of the Zoning Board of Appeals, the City Council, without further public hearing, may grant or deny the requested variation or may return it to the Zoning Board of Appeals for further consideration.

(C) (Repealed by Ord. 18-04, J. 30, p. 49-54, passed 3/8/04)

Sec. 150.1208 Duration of Variation.

No final order of the Zoning Board of Appeals and no ordinance adopted by the City Council granting a variation shall be valid for a period of longer than twelve (12) months from the date of such order or ordinance, as the case may be, unless the action that precipitated the request for the variation (subdivision of land, construction, change in use, etc.) is pursued to completion without unnecessary delay on the part of the person holding title or beneficial interest in the property for which the variation was granted. In the event any structure or characteristic of use permitted by variation is moved, removed or discontinued, the final order or ordinance, as the case may be, granting the variation shall be null and void.

(A) Neither the Zoning Board of Appeals nor the City Council shall grant any extension of the aforesaid twelve (12) month period unless an application for such extension has been filed, public notice has been given, and a public hearing has been held, all in accord with the regulations contained in this Article.

(B) As a condition of granting a variation, the Zoning Board of Appeals or the City Council, as the case may be, may provide that the period of validity shall be less than twelve (12) months and may include date for completion of the project for which the variation is granted.

# ARTICLE XIII. APPEALS

SECTION

150.1301 Scope of Appeals
150.1302 Notice of Appeal
150.1303 Processing, Notice, and Hearing
150.1304 Action on Appeal

Sec. 150.1301 Scope of Appeals.

An appeal from any decision or ruling of the Zoning Administrator made in interpreting, applying and/or enforcing the regulations contained in this Chapter may be taken within forty-five (45) days of the decision or ruling to the Zoning Board of Appeals by any person, firm, or corporation aggrieved by the decision or ruling or by any other officer, department, board or commission of the City.

Sec. 150.1302 Notice of Appeal.

(A) An appellant shall file notice of such appeal with the Zoning Administrator on forms provided by the Zoning Administrator, who shall forward a copy without delay to the City Clerk for processing of payment, and preparation and publication of notice.

(B) An appeal shall be governed by additional administrative procedures as may be prescribed by rule of the Zoning Board of Appeals and the Notice of Appeal shall contain the following information, as well as such additional information as the Zoning Board of Appeals may require:

(1) A statement of the particular requirements of this Chapter which are in contention;

(2) A statement specifying the grounds for appeal;

(3) A legal description of the subject property;

(4) The commonly known location (address) of the subject property;

(5) The present zoning classification of the subject property;

(6) The name and address of the legal or beneficial owner of the subject property; and

(7) The name and address of the petitioner and the attorney of the applicant, if any.

(C) At the time of filing, the Notice of Appeal shall be accompanied by:

(1) Such plats and exhibits as may be reasonably necessary for a proper determination of the question presented for review; and

(2) Payment of filing fees:

(a) An application fee equal to the amount established by resolution adopted by the City Council from time to time and maintained in the office of the Zoning Administrator; and

(b) One Hundred Fifty Dollars ($150) as a deposit to cover costs of the transcript of the public hearing prepared by a certified court reporter, with the understanding that any amount over and above the $150 will be paid the City by the petitioner within ten (10) days of receipt of an invoice therefore. The City will refund any difference between the $150 and any lower cost of the transcript. (Repealed by Ord. 46-02, J. 28, p. 348-351, passed 7/22/02)

Sec. 150.1303 Processing, Notice and Hearing.

(A) Upon receipt by the Zoning Administrator of a copy of the Notice of Appeal that has been duly filed, the Zoning Administrator shall assign a case or docket number to the notice of appeal, shall schedule a hearing thereon before the Zoning Board of Appeals, and shall maintain a file for such appeal, which file shall be open to the public for inspection during regular business hours.

(1) All documents pertinent to the case (application, legal notice, evidence, exhibits, transcript or record of proceedings, etc.) shall be placed in such file.

(2) When notice of appeal has been filed, the Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record regarding the appeal. During the hearing, the Zoning Administrator shall have the right to submit supplementary written and oral testimony to explain the appealed action.

(B) Not more than thirty (30) days nor less than fifteen (15) days before the hearing on which the Notice of Appeal is to be considered, the City Clerk shall cause notice thereof to be published in one or more newspapers published in the City, or, if no newspaper is published within the City, then in one or more newspapers with a general circulation within the City. The notice herein required shall contain:

(1) The legal description of the subject property;

(2) The address of the subject property;

(3) A brief statement of the nature of the requested appeal;

(4) The name(s) and address(es) of the legal and/or beneficial owner(s) of the subject property;

(5) The name(s) and address(es) of the petitioner(s);

(6) The name of the legal representative of the petitioner, if any; and

(7) A statement of the date, time, and place of the hearing for which the notice is being given.

(C) Any party in interest may appear and be heard at the hearing held pursuant to any such appeal, and such appearance may be made in person, by agent, or by attorney.

(D) In the hearing on such appeal, the Zoning Board of Appeals shall consider all matters de novo.

Sec. 150.1304 Action on Appeal.

(A) Within fifteen (15) days after the final hearing, the Zoning Board of Appeals shall decide the appeal, unless within such period of time the Zoning Board of Appeals shall meet and extend the time within which a decision may be made for an additional fifteen (15) days.

(1) The Zoning Board of Appeals may reverse or confirm, wholly or partly modify, or amend any order, requirement, decision or determination appealed from to the extent and in the manner the Zoning Board of Appeals may determine to be fitting and proper, subject to the provisions contained in this Chapter or in the applicable statutes of the State of Illinois.

(2) If, at the expiration of such fifteen (15) days (or additional fifteen (15) day extension, as the case may be), the Zoning Board of Appeals does not make its decision, it shall be concluded that the Zoning Board of Appeals decided against the petitioner.

(B) With respect to any given real property, no permit shall be issued during the pendency of an appeal regarding such property before the Zoning Board of Appeals, nor while any litigation affecting such property is pending in any court challenging the City's actions, nor while any appeal is pending from any court's action overriding or reversing the City's actions regarding such property, nor during the time within which such appeal from a court's actions can lawfully be taken.

(1) An appeal shall stay all proceedings in furtherance of the action appealed from unless after the notice of appeal has been filed the Zoning Administrator certifies to the Zoning Board of Appeals that a stay would, in his opinion, cause imminent peril to life or property. In this event the proceedings shall not be stayed except by a restraining order, which may be granted by the Zoning Board of Appeals or by a court of record for cause shown.

(2) Nothing in this Section shall be construed as abolishing any other regulation restricting the issuance of permits or the construction or alteration of buildings, but is in addition thereto and declared to be necessary for the immediate preservation of the public peace, health, safety, and general welfare.

(C) While a majority of a quorum of the Zoning Board of Appeals is necessary to deny an appeal, a concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator. Findings of fact shall be included in final orders entered in each appeal, and the reasons for granting or denying the relief sought shall be specified.

# ARTICLE XIV. SPECIAL USES

SECTION

150.1401 Purpose and Authorization
150.1402 Application for Special Use
150.1403 Processing, Notice, and Hearing
150.1404 Standards
150.1405 Plan Commission Recommendation
150.1406 Action by City Council

Sec. 150.1401 Purpose and Authorization.

(A) The development and execution of the Zoning Ordinance is based upon the division of the City into zoning districts, within which the use of land and buildings, and the bulk and location of buildings and structures in relation to land, and the regulation thereof, are substantially uniform.

(1) Because of their unique characteristics, it is recognized that there are special uses which cannot be properly classified in any particular district or districts without consideration in each individual case of the impact of those special uses on neighboring land and of the public need for a particular special use at a particular location.

(2) While specific regulations for specific zoning districts in this Chapter may recognize particular uses that may be allowable in such zoning district as a special use, all such special uses fall, nevertheless, into two broad categories:

(a) Uses publicly operated or traditionally affiliated with the public interest; and

(b) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities; such uses include but are not limited to Planned Unit Developments meeting the standards and requirements of this Chapter.

(B) Pursuant to the provisions of this Chapter, the location, construction, extension, or structural alteration of any use for which a special use permit is required may be authorized by a permit issued pursuant to a specific ordinance therefore adopted by the City Council, subject to the standards set forth in this Chapter and subject to such other conditions as may be imposed pursuant thereto. Prior to such authorization, a public hearing shall be held and notice given in the manner prescribed in this Article.

(C) Special uses shall be permitted only upon the issuance of one (1) of the following types of permits, each of which is elaborated upon in a subsequent Article of this Chapter:

(1) Conditional Use; and

(2) Planned Unit Development.

Sec. 150.1402 Application for Special Use.

(A) The petitioner shall file an application for a special use with the Zoning Administrator on forms provided by the Zoning Administrator, who shall forward a copy of such application without delay to the City Clerk for processing of payment, and preparation and publication of legal notice.

(B) The application for a special use shall contain the following information, as well as such additional information as may be prescribed by rule of the Plan Commission:

(1) The particular zoning district within this Chapter which will allow the proposed special use;

(2) The present zoning of the subject property;

(3) The present use of the subject property;

(4) Whether the proposed special use will be a conditional use or a planned unit development;

(5) The legal description of the subject property;

(6) The commonly known location (address) of the subject property: and

(7) Plans and other data.

(C) All applications shall be verified by the Applicant.

(D) At the time of filing, the application for a special use shall be accompanied by:

(1) Except for applications filed by the City of Highland Park, proof of ownership or current contract to purchase or lease the subject property, accompanied by proof of authority to file the application on behalf of the owner since only persons owning or having interest in the subject property may file an application to use such land for one or more of the special uses allowable in this Chapter in the zoning district in which the subject property is situated (except in other instances as set forth in this Chapter: and

(a) Each application shall be signed by the owner of record of the subject property; and

(b) If the application is made by the trustee or beneficiary of a land trust, the application shall identify each beneficiary of such land trust by name and address and identify such beneficiary's interest therein.

(2) Payment of an application fee equal to the amount established from time to time by resolution adopted by the City Council and maintained in the office of the Zoning Administrator.

(E) Applications shall be governed by additional administrative procedures prescribed by the Plan Commission.

(F) Applications for special use permits may be proposed by the City Council, the City Manager, the Plan Commission, or any person having an ownership interest in any property proposed for the special use. (Sec. 150.1402 amended by Ord. 14-98, passed 2/9/98)

Sec. 150.1403 Processing, Notice, and Hearing.

(A) Upon receipt by the Zoning Administrator of a complete application for special use that has been duly filed, the Zoning Administrator shall assign a case and/or docket number to the application, shall schedule the matter for hearing before the Plan Commission, and shall maintain a file for such application, which file shall be open to the public for inspection during regular business hours. All documents that are pertinent to the case, including but not limited to the application, legal notice, evidence, and transcript of proceedings, if any, shall be placed in the file.

(B) Not more than ninety (90) days after the filing of an application, a hearing shall be held on the application.

(C) Not more than thirty (30) days nor less than fifteen (15) days before the hearing date on which the application for a special use is to be considered, the City Clerk shall cause notice thereof to be published in one or more newspapers published in the City, or, if no newspaper is published within the City, then in one or more newspapers with a general circulation within the City. In addition to such published notice, not more than thirty (30) days nor less than fifteen (15) days before the hearing, the applicant, his agent, or his attorney must notify either in person or by certified mail (return receipt requested) the owners of all property within two hundred fifty (250) feet (exclusive of dedicated rights-of-way) of the legal boundaries of the subject property. Proof of such notification must be presented at the hearing. The notices in required in this Section shall contain:

(1) The legal description of the subject property;

(2) The address of the subject property;

(3) A brief statement of the nature of the requested special use;

(4) The name(s) and address(es) of the legal and/or beneficial owner(s) of the subject property;

(5) The name(s) and address(es) of the petitioner(s);

(6) The name of the legal representative of the petitioner, if any; and

(7) A statement of the date, time, and place of the hearing for which the notice is being given.

(D) Prior to the hearing, the Zoning Administrator shall also cause one or more signs to be posted on the subject property.

(1) The number and location of signs shall be determined by the Zoning Administrator.

(2) Each sign must be a minimum of 24" x 24" in size, have letters a minimum of 3/8" wide stroke by 2-1/2" high, and contain the following information:

(a) The fact that a public hearing will be held regarding the subject property, with direction to interested members of the general public to call the office of the Zoning Administrator for further information concerning date, time, and place and subject matter of the public hearing; and

(b) The telephone number of the Zoning Administrator.

(E) Within ten (10) days after the commencement of the public hearing regarding the special use, the City shall cause the removal of the sign or signs from the subject property and return same to the office of the Zoning Administrator.

(F) Any party may appear in person, by agent, or by attorney and be heard at the hearing held pursuant to any such application for special use.

Sec. 150.1404 Standards.

(A) The Plan Commission or the City Council, as the case may be, shall not recommend or grant a special use permit be issued unless it shall make findings of fact based upon evidence presented at the hearing in any given case that:

(1) The special use will serve the public convenience at the location of the subject property; or the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

(2) The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with the special use, the size of the subject property in relation to such special use, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate, orderly development of the zoning district in which it is located;

(3) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property for the purposes already permitted in such zoning district, nor substantially diminish and impair the value of other property in the neighborhood;

(4) The nature, location, and size of the buildings or structures involved with the establishment of the special use will not impede, substantially hinder, or discourage the development and use of adjacent land and buildings in accord with the regulations of the zoning district within which they are located;

(5) Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;

(6) Parking areas of adequate size for the special use shall be properly located and suitably screened from adjoining residential uses, and the entrance and exit driveways to and from these parking areas shall be designed to prevent traffic hazards, eliminate nuisance, and minimize traffic congestion in the public streets;

(7) The special use shall in all other respects conform to the applicable regulations of the zoning district in which it is located, except as such regulations may, in each instance, be modified as provided in this Chapter;

(8) There is reasonable assurance that the special use will be completed and maintained as and if authorized; and

(9) The special use shall comply with all applicable requirements set forth in this Chapter.

(B) In order to comply with the foregoing standards and to protect adjacent property and property values, the Plan Commission or the City Council, as the case may be, may impose conditions and restrictions upon the subject property; and the location, construction, and design of buildings.

(C) The terms of the special use so granted shall be specifically set forth in a statement which is supported by the findings of fact of the Plan Commission. The subject property shall not be used in violation of the ordinance, unless such usage is allowed by additional ordinance, pursuant to additional hearings on appeals therefor.

Sec. 150.1405 Plan Commission Recommendation.

(A) Within forty-five (45) days of the close of the public hearing on any matter requiring a special use permit by ordinance, the Plan Commission shall forward its recommendation to the City Council, as well as to the City Clerk and the Zoning Administrator.

(1) The Plan Commission may recommend, and the City Council may require, such additional conditions or restrictions upon the construction, location, and operation of a special use as shall be deemed necessary to satisfy the applicable standards found in this Chapter.

(2) Such conditions or restrictions may include, but not be limited to: the stipulated expiration date of the special use permit; bonds or other cash guarantees of satisfactory completion; controls on signs more restrictive than the Sign Code; ensurance of adequate fire fighting and emergency access; controls on environmental factors such as noise, light, litter, and other similar aspects of the proposed special use; and routing of construction vehicles.

(B) The failure of the Plan Commission to provide a recommendation within such 45 day period, or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the issuance of the special use. (Ord. 18-04, J. 30, p. 49-54, passed 3/8/04)

Sec. 150.1406 Action by City Council.

(A) After receiving the report of the Plan Commission, the City Council shall review the report and may accept the findings and recommendation in whole or in part, or may reject them in whole or in part, or may refer the matter back to the Plan Commission for further consideration.

(B) After reviewing the report of the Plan Commission, by ordinance the City Council may authorize the issuance of a special use permit. (Ord. 18-04, J. 30, p. 49-54, passed 3/8/04)

(C) No application for a special use permit which has been denied wholly or partly by the City Council shall be resubmitted for a period of one (1) year from the date of such denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Plan Commission.

(D) No modification, alteration, or expansion of a special use authorized by a special use permit shall be permitted without reapplication in the same manner as required for an original special use permit.

(1) In the case of a proposed amendment providing for the modification, alteration or expansion of an existing special use, if requested, the City Council may (but need not) waive the requirement for a formal public hearing and act upon the proposed modification, alteration, or expansion provided that:

(a) Notice of a proposed public hearing has been duly published and served in the manner required by this Chapter, provided such notice contains the following statement: IF NO WRITTEN REQUEST FOR A PUBLIC HEARING OR NO OBJECTION TO THE PROPOSED AMENDMENT IS FILED WITH THE CITY CLERK AT LEAST SEVEN DAYS PRIOR TO THE AFORESAID DATE SET FOR SUCH PUBLIC HEARING, NO PUBLIC HEARING WILL BE HELD AND THE PLAN COMMISSION WILL CONSIDER THE PROPOSED AMENDMENT AT A MEETING IN THE CITY HALL ON THE DATE SET FOR THE PUBLIC HEARING;

(b) No objection to the proposed amendment, or request for a public hearing on the proposed amendment is filed;

(c) The Plan Commission has considered the proposed amendment and submitted its report and recommendations thereon to the City Council, including in such report and recommendations the finding whether or not the proposed modification, alteration, or expansion constitutes a change in the essential character of the use and will not materially change the impact of the special use on adjacent properties or the community as a whole; and

(d) The City Council determines that the proposed amendment does not constitute a change in the essential character of the use and will not materially change the impact of the use on adjacent properties or the community as a whole.

(2) The waiver of public hearing does not relieve the applicant of the obligation to serve formal notice on adjoining property owners, nor does it relieve the Plan

Commission of the obligation to review the application, take judicial notice of the earlier public hearing, and report its findings and make its recommendation to the City Council.

(E) A special use permit may be revoked by the City Council after a finding of the existence of any one of the following conditions or of the occurrence of any of the following events:

(1) Authorized construction is not initiated within twelve (12) months of the granting of the special use permit, or construction is not completed within twenty-four (24) months of the granting of such a permit, except that the twenty-four (24) month completion requirement shall not apply to Planned Unit Developments.

(2) The operation of the use for which a special use permit was granted is not begun within three (3) months of the completion of construction permitted under the permit, or within three (3) months of the issuance thereof where no construction has been permitted.

(3) The operation of the use for which a special use permit has been issued ceases for a continuous period of six (6) months.

(4) The landscaping or buffer facilities (fences, walls, earth berms, etc.) required by a special use permit are not being maintained in a healthy, attractive, and effective manner.

(5) The special use and related property are not kept in good repair, free of refuse, or are not operated and maintained in a manner so that they will not become a public nuisance and will not be detrimental to the public health, safety and welfare.

(6) Any of the provisions of this Chapter or any conditions specifically designated for the special use are violated.

(F) Upon request by the applicant to whom a special use permit has been granted, the City Council may extend the time for the commencement of construction as follows:

(1) If a delay, or anticipated delay, is caused by governmental action without fault on the part of the applicant, an extension may be granted for a period not longer than the period of the governmental delay; and

(2) For good cause shown, an extension may be granted for such period of time as the Council deems appropriate but not to exceed twelve (12) months exclusive of extensions authorized under subparagraph (1) hereinabove.

(G) If revoked, a special use permit may be reinstated by the City Council upon petition of the applicant made to the City Council within ninety (90) days of the revocation, provided that the condition(s) which were the cause of the revocation have been eliminated and the special use is in total compliance with this Chapter and the ordinance granting the special use permit.

(H) Unless otherwise provided in the special use permit, or unless the permit is revoked by the City Council for one of the conditions listed above, special use permits shall remain valid for a specific special use on a specific piece of property, even though that use or the property may change ownership, manager, occupancy, or operator, provided that the special use continues to comply with the requirements and regulations of the special use permit.

(1) The owner of a parcel of property which is the subject of a special use permit shall supply all successive owners, managers, occupants, and operators of the special use on the property or of the property itself with a copy of the ordinance authorizing the special use permit and all related requirements and regulations; and

(2) Such successive owners, managers, occupants, and operators shall forward to the Zoning Administrator an acknowledgement that they have read the ordinance and related requirements and regulations and agree to comply therewith.

# ARTICLE XV. AMENDMENTS

SECTION

150.1501 Authorization
150.1502 Initiation of Amendments
150.1503 Application for Amendment
150.1504 Processing, Notice, and Hearing
150.1505 Standards
150.1506 Plan Commission Recommendation
150.1507 Action by City Council

Sec. 150.1501 Authorization.

The regulations imposed and the zoning districts created by this Chapter may be amended from time to time by ordinance adopted by the City Council, pursuant to the procedures set forth in this Article.

Sec. 150.1502 Initiation of Amendments.

Amendments to this Chapter may be proposed by the City Council, the City Manager, the Plan Commission, or any person having an ownership interest in any property proposed to be rezoned located in the City. In the event an amendment is initiated by the City Council, City Manager, or Plan Commission, the provisions of Section 150.1503(C) and the notice by mail required under 150.1504(B) shall not apply.

Sec. 150.1503 Application for Amendment.

(A) The petitioner shall file an application for an amendment with the Zoning Administrator on forms provided by the Zoning Administrator, who shall forward a copy without delay to the City Clerk for processing of payment, and preparation and publication of legal notice.

(B) The application for an amendment shall contain the following information, as well as such additional information as may be prescribed by rule of the Plan Commission:

(1) In the event such requested amendment will constitute a change in the text of this Chapter, or any part thereof, such application shall contain the following:

(a) The particular Article, Section, or part thereof, to be amended;

(b) A brief statement of the amendatory language sought; or

(2) In the event such requested amendment will constitute a map amendment rezoning certain land and territory, the application shall contain the following:

(a) The present zoning of the subject property;

(b) A brief statement of the amendment that is sought;

(c) The legal description of the subject property;

(d) The commonly known location (address) of the subject property; and

(e) The name and address of the petitioner and the attorney of the petitioner, if any:

(i) In the event the petitioner has any ownership interest in the subject property, a description of that interest;

(ii) In the event the petitioner is a trustee or beneficiary of any land trust, the application shall identify each beneficiary of such land trust by name and address and define and identify such beneficiary's interest therein.

(C) At the time of filing, any applicant having an ownership or leasehold interest in the subject property shall provide the Zoning Administrator with:

(1) Proof of ownership, or current contract to purchase or lease the subject property, and proof of authority to act on behalf of the owner, since only persons owning or having interest in the subject property may file an application to amend the zoning classification of such land;

(a) Each application shall be signed by the owner of record of the subject property; and

(b) If the application is made by the trustee or beneficiary of a land trust, the application shall identify each beneficiary of such land trust by name and address and identify such beneficiary's interest therein.

(2) A current survey; and

(3) Payment of an application fee equal to the amount established from time to time by resolution adopted by the City Council and maintained in the office of the Zoning Administrator.

Sec. 150.1504 Processing, Notice, and Hearing.

(A) Upon receipt by the Zoning Administrator of a complete application for an amendment, the Zoning Administrator shall assign a case and/or docket number to the application, shall schedule the matter for hearing before the Plan Commission, and shall maintain a file for such application, which file shall be open to the public for inspection during regular business hours. All documents pertinent to the case (including but not limited to the application, legal notice, evidence, and transcript of proceedings, if any) shall be placed in the file.

(B) Not more than thirty (30) days nor less than fifteen (15) days before the hearing date at which the application for an amendment is to be considered, the City Clerk shall cause notice thereof to be published in one or more newspapers published in the City, or, if no newspaper is published within the City, then in one or more newspapers with a general circulation within the City. In addition to such published notice, not more than thirty (30) days nor less than fifteen (15) days before the hearing the applicant, his agent,

or his attorney, must notify either in person or by certified mail (return receipt requested), the owners of all property within two hundred fifty (250) feet (exclusive of public right-of-way) of the subject property. Proof of such notification must be presented at the hearing. The notices required in this Section shall contain:

(1) The legal description of the subject property;

(2) The address of the subject property;

(3) A brief statement of the nature of the requested amendment;

(4) The name(s) and address(es) of the legal and/or beneficial owner(s) of the subject property;

(5) The name(s) and address(es) of the petitioner(s);

(6) The name of the legal representative of the petitioner, if any; and

(7) A statement of the date, time, and place of the hearing for which the notice is being given.

(C) Prior to the hearing, the Zoning Administrator shall also cause one or more signs to be posted on the subject property.

(1) The number and location of signs shall be determined by the Zoning Administrator.

(2) Each sign must be a minimum of 24" x 24" in size, have letters a minimum of 3/8" wide stroke by 2-1/2" high, and contain the following information:

(a) The fact that a public hearing will be held regarding the subject property, with direction to interested members of the general public to call the office of the Zoning Administrator for further information concerning date, time, and place and subject matter of the public hearing; and

(b) The telephone number of the Zoning Administrator.

(D) Within ten (10) days after the commencement of the public hearing regarding the proposed amendment, the City shall cause the removal of the sign or signs from the subject property and return same to the office of the Zoning Administrator.

(E) Any interested party may appear in person, by agent, or by attorney, and be heard at the hearing held pursuant to any such application for amendment.

Sec. 150.1505 Standards.

(A) In making its recommendations to grant or its recommendations to deny any specific application for an amendment rezoning any given parcel of land, the Plan Commission shall consider:

(1) The existing uses and zoning of nearby properties;

(2) The extent to which property values are diminished by the existing zoning;

(3) The extent to which the existing zoning and/or proposed zoning promotes the general health, safety, and welfare of the citizenry of the City;

(4) The relative gain to the public as compared to the hardship imposed upon the petitioner;

(5) The suitability of the subject property for the purposes for which it is presently zoned;

(6) The length of time that the subject property has been vacant, as presently zoned, considered in the context of the land development in the area in which the property is located;

(7) The compatibility of existing zoning as compared to the compatibility of the proposed zoning with the existing Master Plan; and

(8) The evidence or lack of evidence of community need for the use proposed by the petitioner which would require the zoning amendment.

(B) No amendment to this Chapter shall be recommended by the Plan Commission for approval by the City Council unless the Commission shall make findings of fact based upon the evidence presented to it in each specific case with respect to the following matters:

(1) Zoning Code. The consistency of the proposed amendment with the intent and general regulations of this Chapter;

(2) Master Plan. The consistency of the proposed amendment with the intent and actual text and drawings of the Master Plan;

(3) Type of Change. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy;

(4) Implementation. Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this Chapter and the Master Plan; and

(5) Persons Benefited. That the proposed amendment will benefit the residents of the whole City, not just the petitioner, property owner(s), neighbors of any property under consideration, or other special interest groups.

(6) Development Trend. The trend of development, if any, for the general area of the subject property, including changes, if any, which have taken place in its present zoning classification.

(7) Zoning. The zoning classification of property within the general area of the subject property.

(8) Public Facilities. Whether adequate public facilities including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines exist or are reasonably capable of being provided prior to the development of the uses which would be permitted on the subject property if the amendment were adopted.

Sec. 150.1506 Plan Commission Recommendation.

Within forty-five (45) days following the last session of the public hearing on a proposed amendment, the Plan Commission shall prepare findings of fact and recommendations with respect to the proposed amendment and transmit same to the City Council, as well as to the City Clerk and the Zoning Administrator.

(A) The Plan Commission may recommend the adoption of an amendment changing the zoning classification of any property in question to a higher classification than that requested by the applicant.

(B) The failure of the Plan Commission to provide a recommendation within such 45 day period, or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the approval of the proposed amendment. (Ord. 18-04, J. 30, p. 49-54, passed 3/8/04).

Sec. 150.1507 Action by City Council.

(A) An application for a proposed amendment shall be acted upon by the City Council following the date upon which the findings and recommendations of the Plan Commission are made.

(1) In case of a written protest against any proposed amendment, signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjacent or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, is filed with the City Clerk, the proposed amendment shall not be passed except by a favorable vote of two-thirds (2/3) of all the members of the City Council then holding office.

(2) If the City Council authorizes an amendment, such amendment shall not be effective until the effective date of the adoption of a suitable ordinance amending this Chapter.

(B) No application for an amendment which has been denied by the City Council shall be resubmitted for a period of one (1) year from the date of such denial, except on grounds of new evidence or proof of changed conditions found to be valid by the Plan Commission.

(C) As a condition precedent to the rezoning of any premises, whether or not the Plan Commission so recommends, pursuant to its authority as a home rule unit under the Illinois Constitution of 1970, the City Council may require an applicant to execute a

restrictive covenant dealing with such matters as traffic flow, subdivision or resubdivision, density, maximum height, yards, open space, or other similar matters whenever in the sole discretion of the City Council the public health, safety, comfort, morals, or welfare will be thereby advanced or protected.

# ARTICLE XVI. SPECIAL EXCEPTIONS

SECTIONS

150.1601 Purpose
150.1602 Authority to Grant Special Exceptions
150.1603 Application for Special Exceptions
150.1604 Processing, Notice, and Hearing
150.1605 Authorized Special Exceptions
150.1606 Standards for Special Exceptions
150.1607 Alternative Review by Plan Commission
150.1608 Conditions and Restrictions
150.1609 Action on Special Exceptions
150.1610 Duration of Special Exceptions
150.1611 Notice of Special Exceptions

Sec. 150.1601 Purpose.

In those specific instances enumerated in this Article in which the authorization of an exception from the otherwise applicable zoning restrictions will be consistent with the Master Plan and planning policies and objectives of the City, will promote the welfare of the City (or a part thereof) and its residents, and will not adversely affect the value, use, or enjoyment of any adjacent or nearby property, special exceptions from the particular provisions of this Chapter may be allowed in order to permit the construction or reconstruction of a structure, or a waiver or reduction of applicable zoning restrictions with respect to any use of a structure, or a change in use of an existing structure.

Sec. 150.1602 Authority to Grant Special Exceptions.

The City Council shall have authority to grant special exceptions, but only after the Zoning Board of Appeals (and/or the Plan Commission in those instances specified in Section 150.1607 and/or Section 150.1608) shall have held a hearing on the proposed special exception and prepared and submitted to the City Council its written findings of fact, conclusions, and recommendations with respect thereto.

Sec. 150.1603 Application for Special Exceptions.

(A) The petitioner shall file an application for a special exception with the Zoning Administrator on forms provided by the Zoning Administrator, who shall forward a copy without delay to the City Clerk for processing of payment and preparation and publication of legal notice.

(B) The application for a special exception shall contain the following information, as well as such additional information may be prescribed by rule of the Zoning Board of Appeals and/or the Plan Commission, as the case may be:

(1) The present zoning of the subject property;

(2) The present use of the subject property;

(3) A survey of the subject property, including its dimensions, and showing all improvements located thereon;

(4) A site plan showing the dimensions and location of any proposed new structure, or addition, and/or enlargement to an existing structure together with a statement of the total area of the proposed structure, including any addition and/or enlargement;

(5) A statement of the special exception requested;

(6) A legal description of the subject property;

(7) The commonly known location (address) of the subject property;

(8) The name and address of the petitioner and the attorney of the petitioner, if any;

(9) The name and address of the legal owner of the subject property; and

(10) Plans and other data.

(C) All applications shall be verified by the applicant.

(1) In the event application is made by the trustee or beneficiary of any land trust, the application shall identify each beneficiary of such land trust by name and address and define and identify such beneficiary's interest therein.

(2) Each application shall be governed by additional administrative procedures as may be prescribed by the Zoning Board of Appeals and/or Plan Commission, as the case may be.

(D) At the time of filing, the application for a special exception shall be accompanied by:

(1) Proof of ownership or current contract to purchase or lease the subject property, accompanied by proof of authority to file the application of behalf of the owner, since only persons owning or having interest in the subject property may file an application for a special exception; and

(a) Each application shall be signed by the owner of record of the subject property; and

(b) If the application is made by the trustee or beneficiary of a land trust, the application shall identify each beneficiary of such land trust by name and address and identify such beneficiary's interest therein.

(2) Payment of an application fee equal to the amount established from time to time by resolution adopted by the City Council and maintained in the office of the Zoning Administrator.

Sec. 150.1604 Processing, Notice, and Hearing.

(A) Upon receipt by the Zoning Administrator of a complete application for special exception that has been duly filed, the Zoning Administrator shall assign a case and/or docket number to the application, shall schedule the matter for hearing before the Zoning Board of Appeals or the Plan Commission, as the case may be, and shall maintain a file for such application, which file shall be open to the public for inspection during regular business hours. All pertinent documents, including but not limited to the application, legal notice, evidence, and transcript of proceedings, if any, shall be placed in the file.

(B) No more than ninety (90) days after the filing of an application, a hearing shall be held on the application.

(C) Not more than thirty (30) days nor less than fifteen (15) days before the hearing date on which the application for special exception is to be considered, the City Clerk shall cause notice thereof to be published in one or more newspapers published in the City, or, if no newspaper is published within the City, then in one or more newspapers with a general circulation within the City. In addition to such published notice, not more than thirty (30) days nor less than fifteen (15) days before the hearing, the applicant or his attorney must notify in person or by certified mail (return receipt requested) the owners of all property within two hundred fifty (250) feet (exclusive of rights-of-way) of the legal boundaries of the subject property. Proof of such notification must be presented at the hearing.

Each of the notices required in this Section shall contain:

(1) The legal description of the subject property;

(2) The address of the subject property;

(3) A brief statement of the nature of the requested special exception;

(4) The name(s) and address(es) of the legal and/or beneficial owner(s) of the subject property;

(5) The name(s) and address(es) of the petitioner(s);

(6) The name of the legal representative of the petitioner, if any; and

(7) A statement of the date, time, and place of the hearing for which the notice is being given.

(D) Prior to the hearing, the Zoning Administrator shall also cause one or more signs to be posted on the subject property.

(1) The number and location of signs shall be determined by the Zoning Administrator.

(2) Each sign must be a minimum of 24" x 24" in size, have letters a minimum of 3/8" stroke wide by 2-1/2" high, and contain the following information:

(a) The fact that a public hearing will be held regarding the subject property, with direction to interested members of the general public to call the office of the Zoning Administrator for further information concerning date, time, and place and subject matter of the public hearing; and

(b) The telephone number of the Zoning Administrator.

(E) Within ten (10) days after the commencement of the public hearing regarding the proposed special exception, the City shall cause the removal of the sign or signs from the subject property and return same to the office of the Zoning Administrator.

(F) Any interested party may appear in person, by agent, or by attorney, and be heard at the hearing held pursuant to any such application for special exception.

Sec. 150.1605 Authorized Special Exceptions.

Provided findings have been made pursuant to the standards contained in Section 150.1606, the following special exceptions, and no others, may be authorized by the City Council:

(A) A reduction in the amount of required accessory off-street parking for any new structure; and

(B) A waiver or reduction of the accessory off-street parking requirements for an existing structure or use or for a change in use of an existing structure.

Sec. 150.1606 Standards for Special Exceptions.

No special exception shall be recommended unless the recommendation is accompanied by findings of fact that support the applicable standards set out in this Section.

(A) With respect to each recommendation to grant a request for a special exception, affirmative findings of fact shall be made that the special exception meets each of the following standards:

(1) That the proposed special exception will be consistent with the Highland Park Comprehensive Plan and the planning policies of the City, and further that the proposed special exception will promote or implement achievement of the Comprehensive Plan, and the planning policies and objectives of the City; and

(2) That the proposed special exception will not occasion or aggravate parking or traffic congestion on streets adjacent to or in the vicinity of the real estate to which the special exception is proposed to apply (hereinafter referred to in this Article as "Subject Property"); and

(3) That the proposed special exception will not have a substantial adverse effect upon the value, use, or enjoyment of property in the vicinity of the Subject Property.

(B) With respect to a recommendation to grant a request for a special exception entailing the reduction of off-street parking spaces otherwise required for new structures other than additions to or alterations of existing structures, in addition to affirmative findings of fact that the proposed special exception meets the general standards contained in Subparagraph (A) hereinabove, affirmative findings of fact shall be made that the proposed special exception meets with the following standards as well:

(1) That, pursuant to a demonstration thereof (by accepted standards or studies of parking demand), the proposed use of the Subject Property will not in fact utilize as much off-street parking as required by the off-street parking provisions of this Chapter as applied to other real property lying within the same zoning district as that of the Subject Property; and

(2) That strict enforcement of the off-street parking requirements of this Chapter would likely prohibit development of the Subject Property with a use that is consistent with the Comprehensive Plan and planning policies of the City as well as the zoning of the Subject Property.

(C) With respect to a recommendation to grant a request for a special exception entailing the waiver or the reduction of off-street parking spaces otherwise required for an existing structure including additions and/or alterations thereto, in addition to affirmative findings of fact that the proposed special exception meets the general standards contained in Subparagraph (A) hereinabove, affirmative findings of fact shall be made that the proposed special exception meets the following standards as well:

(1) That, when constructed, the existing structure must have been lawful and conforming with respect to the number of off-street parking spaces provided, and is now either conforming or lawfully non-conforming with respect to the number of off-street parking spaces provided; and

(2) That, either:

(a) The proposed alteration of the existing structure or change in use thereof will not increase or expand the extent to which the existing structure or existing use does not conform to the off-street parking requirements of this Chapter as applied to other real property lying within the same zoning district as that of the Subject Property; or

(b) In the event the proposed alteration of the existing structure or proposed change in use thereof will either increase the number of required off-street parking spaces and/or increase the extent to which the existing structure or use does not conform to the off-street parking requirements of this Chapter as applied to other real property lying within the same zoning district as that of the Subject Property, a demonstration (by accepted standards or studies of parking demand) that the proposed use of the Subject Property will not in fact utilize as much off-street parking as required by the off-street parking provisions of this Chapter.

Sec. 150.1607 Alternative Review by Plan Commission.

(A) Upon the filing of any given application for a special exception, the Zoning Administrator shall review the application and if he determines: 1) that the request for a

special exception raises planning issues of particular significance or importance, or 2) that the application relates to an existing or proposed Planned Unit Development, the Zoning Administrator shall refer the request to the Plan Commission (in lieu of the Zoning Board of Appeals) to hold a public hearing on the request and submit its findings and recommendations with respect thereto to the City Council.

(B) In the event that, during the course of a hearing before the Zoning Board of Appeals on a request for a special exception, it appears to the said Board that the request involves planning issues of particular significance or importance, the Zoning Board of Appeals may redirect the request for such given special exception to the Plan Commission which shall assume jurisdiction and proceed as though the request for a special exception had been directed to it in the first instance.

(C) In the case of any application for a special exception that is referred to the Plan Commission by the Zoning Administrator, the Plan Commission shall:

(1) Give notice and conduct a public hearing in accordance with Section 150.1604;

(2) Apply the standards set forth in Section 150.1606; and

(3) Have the same authority as is conferred upon the Zoning Board of Appeals by Section 150.1608 to recommend conditions and restrictions of the proposed special exception.

Sec. 150.1608 Conditions and Restrictions.

Within 45 days of the last session of the public hearing on a proposed special exception, the Zoning Board of Appeals (and/or the Plan Commission, as the case may be) may recommend, and thereafter the City Council, in granting any given special exception, may impose, additional conditions and restrictions. The failure of the Zoning Board of Appeals or the Plan Commission to provide a recommendation within such 45 day period, or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the approval of the special exception. Notwithstanding the foregoing, each special exception shall expire upon a change in use of the Subject Property or upon demolition, removal, or major structural alteration of any structure located upon the Subject Property (except for any change in use, or demolition, removal, or structural alteration contemplated by the special exception). (Ord. 18-04, J. 30, p. 49-54, passed 3/8/04)

(A) In the event the City Council authorizes the requested special exception, in lieu of providing the normally required automobile parking spaces, the applicant shall pay a fee for each such parking space not so provided pursuant to such special exception, which payment, pursuant to the provisions of this Section, shall be placed into a City fund to be used by the City for the acquisition and maintenance of public off-street parking and loading facilities to serve the zoning district wherein the Subject Property is located. Upon payment of the fee to the City, the owner of the Subject Property shall be credited (for so long as the special exception exists) by ordinance with the number of spaces for which payment has been received by the City, which ordinance shall be recorded at the expense of the owner with the Lake County Recorder of Deeds.

(B) Based upon the availability and/or scarcity of land in the several zoning districts, as the case for each such district may be, the fee for each such parking space not so provided pursuant to such special exception shall be established from time to time by resolution of the City Council.

Sec. 150.1609 Action on Special Exceptions.

The concurring vote of four (4) members of the Zoning Board of Appeals or five (5) members of the Plan Commission, as the case may be, shall be necessary to recommend approval of a request for a special exception.

Sec. 150.1610 Duration of Special Exceptions.

Unless construction, alteration, or change of use of the building is commenced within a one year period pursuant to such special exception, no grant of a special exception shall be effective for more than one year . Upon a request to the Zoning Board of Appeals made by the original applicant for such special exception prior to the expiration of such initial one year period the Zoning Board of Appeals may recommend, and the City Council may approve, for good cause shown, an extension of the one year period as may appear reasonable to the City Council, but not to exceed an additional one year period.

Sec. 150.1611 Notice of Special Exception.

At the sole cost of the applicant for such given special exception, a copy of the text of the ordinance adopted by the City Council granting the special exception shall be recorded by the Department of Community Development with the Recorder of Deeds of Lake County, Illinois.

ARTICLE XVII:

(Article XVII placed on "Reserved Status by Ord. 11-2000, passed 2/28/00)

# ARTICLE XVIII. STORMWATER MANAGEMENT, WETLANDS PROTECTION, AND FLOOD PLAIN REGULATION

SECTION

150.1801 Purpose
150.1802 Administration
150.1803 Enforcement
150.1804 Watershed Development Permits
150.1805 Waivers
150.1806 Inspections and Access
150.1807 Penalties and Legal Action
150.1808 Disclaimer of Liability
150.1809 Amendments to Article XVIII
150.1810 Severability

Sec. 150.1801 Purpose.

This Article is enacted pursuant to the police powers granted to the City of Highland Park by the Illinois Constitution. The purpose of this Article is to establish reasonable rules and regulations for development in order to:

(A) Meet the requirements of The Rivers, Lakes and Streams Act, 615 ILCS 5/18g effective November 18, 1987.

(B) Prevent additional harm due to periodic flooding including loss of life and property and threats and inconveniences to public health, safety and welfare;

(C) Assure that development does not increase flood and drainage hazards to others, or create unstable conditions susceptible to erosion;

(D) Create no new financial burden on the taxpayer for flood control projects, repairs to flood damaged public facilities and utilities, and for flood rescue and relief operations;

(E) Protect, conserve and promote the orderly development of land and water resources;

(F) Protect buildings and improvements to buildings from flood damage to the greatest extent possible;

(G) Conserve the natural hydrologic, hydraulic, water quality and other beneficial functions of flood-prone areas and Regulatory Floodplains; (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(H) Prevent additional disruption of the economy and governmental services due to stormwater and flood drainage;

(I) Maintain eligibility for the City of Highland Park in the National Flood Insurance Program by equaling or exceeding its requirements and thus make federally

subsidized flood insurance available at reduced rates and complying with the rules and regulations of the National Flood Insurance Program codified as 44 CFR 59-79, as amended; and (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**

(J) Conserve the natural hydrologic, hydraulic, water quality and other beneficial functions of wetlands by having, at a minimum, no net loss of wetlands in Lake County, and further these beneficial functions of wetlands by having an objective of 'net gain' of wetland function as specified in the Wetland Preservation and Restoration Plan component of the Lake County Comprehensive Stormwater Management Plan. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**

Sec. 150.1802 Administration.

The Enforcement Officer shall be responsible for fulfilling all of the duties listed in Section 150.1803.

(A) To fulfill those duties, the Enforcement Officer should first use the criteria listed in Section 150.1804 of this Article to determine whether the development site is located within a floodplain.

(B) In addition, the general requirements of Section 150.1804 shall be met for all developments meeting the requirements of this Article. The Enforcement Officer shall assure that all subdivision proposals meet the general requirements of this Article.

(C) If a waiver is to be granted for a proposal, the Enforcement Officer shall review the requirements of this Article to make sure they are met. In addition, the Enforcement Officer shall complete all notification requirements.

(D) In order to assure that property owners obtain permits as required in this Article, the Enforcement Officer may take any and all actions as outlined in Section 150.1807.

Sec. 150.1803 Enforcement.

The Enforcement Officer shall be responsible for the general administration and enforcement of this Article, which shall include but not be limited to the following:

(A) Review all Watershed Development Applications and issue permits for those projects that are in compliance with the provisions of this Article.

(B) Professional Engineer Review. The application for development or building permit shall be referred to a registered professional engineer under the employ of the City of Highland Park for review to ensure the development meets the requirements of this Article whenever the development site:

(1) Is located in a Regulatory Floodplain; or

(2) Is located in a flood-prone area with 100 acres of tributary drainage area or more; or

(3) Is located in a depressional storage area with a storage volume of 0.75 acre-feet or more for the base flood; or

(4) Creates an impact within an area defined as Waters of the United States and having a cumulative total of one-fourth (1/4) or more acres of wetlands, including lakes, ponds and wetlands, and then the applicant must obtain a permit from the U.S. Corps of Engineers or a letter stating that no permit is required ; or

(5) Modifies the flood-prone area of a channel where the tributary drainage area is twenty (20) or more acres; or

(6) Includes the total land area of an ownership parcel that consists of the following:

(a) More than one acre of impervious surface area; or

(b) More than three (3) acres or hydrologically disturbed area, unless the total new impervious surface area is less than 0.5 acres; or

(c) An impervious surface area ratio of 50 percent or greater, unless the total new impervious surface is less than 16,000 square feet; or

Redevelopment of previously developed sites shall maintain existing storage volume and shall not increase the rate of runoff from the site. The applicant shall provide supporting data and calculations to the satisfaction of the Enforcement Officer to ensure the site design either provides a watershed benefit or meets the requirements of Subsection (B)(1)(c)3 of Section 150.1804. New development on partially developed sites shall meet the release rate criteria in Subsection (B)(1)(c)1 of Section 150.1804 for the new development, if the new development exceeds the thresholds in Subsections (f) 1, 2, or 3 hereinabove; or

(7) Any public road development resulting in more than one and one-half (1.5) acres of additional impervious surface per mile for linear or nonlinear projects; or

(8) Any development which hydrologically disturbs 5,000 square feet or more. This development activity shall at a minimum meet the erosion and sediment control performance standards of this Article with associated application requirements. Public road developments are required to meet the erosion and sediment control standards only for those projects which require permits hereunder.

(C) Determine for each development if it is in a Special Flood Hazard Area ("SFHA"), using the criteria specified in Subsection (C)(1) of Section 150.1804, and, if a site is in a SFHA, determine whether it is in a Regulatory Floodway, or a Regulatory Floodplain on which a detailed study has not been conducted, or a flood-prone area with a tributary drainage area equal to or greater than 640 acres, greater than 100 acres, or greater than 20 acres.

(D) If the development includes a dam, ensure that an IDNR/OWR Dam Safety permit, or a letter stating that no Dam Safety permit is required, is obtained before the issuance of a Watershed Development Permit. For IDNR/OWR Dam Safety permitting

guidelines, reference Appendix G of the Lake County Watershed Development Ordinance, "IDNR/OWR Dam Safety Permitted Guidelines," last amended January 10, 2006. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**

(E) Adopted Basin Plans and Floodplain Studies may be the basis for more specific regulations. These additional or more specific regulations will apply only in the specific study area of the Basin Plan or Floodplain Study and supersede those of this Article only upon amendment to the Watershed Development Ordinance and formal adoption of the basin plan or floodplain study by SMC, or upon amendment to this Article and formal adoption of the basin or floodplain study by the City.

(F) The Enforcement Officer may require deed restrictions, performance bonds or sureties, as-built certification or maintenance guarantees as stipulated in this Article to assure projects are built according to permitted plans. If such performance bond or sureties or other such adequate security as the Enforcement Officer may approve is required, the amount shall be equal to 115% of the estimated cost to complete construction of the stormwater management system required by the Watershed Development Permit, which estimated probable cost shall be approved by the Enforcement Officer. If a performance bond or surety is required by another community, that includes the cost of the stormwater management system of the development, additional performance bonding or surety shall not be required.

(G) Prior to the issuance of a Watershed Development Permit, and based on the reliance that the application requirements of Subsection (B)(2) of this Section have been met, ensure that the applicant has obtained and provided copies of any and all required federal, state and local permits for all development in the Regulatory Floodplain. Reference Appendix H of the Lake County Watershed Development Ordinance, "Partial List of Permits Required (When Applicable) for Development in Lake County," last amended January 10, 2006, for a partial list of permits that may be applicable. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**

(H) Inspect all development projects before, during, and upon completion of construction to assure proper elevation of the structure and to ensure they comply with the provisions of this Article. The Enforcement Officer may require a pre-construction meeting as a condition of issuing a permit.

(J) Submit the data required to SMC, IDNR/OWR, and FEMA for proposed revisions to the Base Flood Elevation of a Regulatory Floodplain study or the relocation of a Regulatory Floodway boundary; and submit reports as required for the National Flood Insurance Program.

(K) Maintain for public inspection and furnish copies upon request of base flood data and maps, waiver documentation, Conditional Letter of Map Revision, Letters of Map Revision, Letters of Map Amendment, elevation and floodproofing certificates, other Watershed Development permit-related materials, elevation and flood-proofing record drawings for all buildings requiring flood-proofing or constructed subject to this elevation criteria provisions of this Article, and record drawings of the stormwater management system required by this Article for each development.

(L) Maintain records of every Watershed Development Permit application, permit, waiver, hydrologic and hydraulic data, and enforcement action and shall allow periodic inspections of the records by SMC, FEMA, or IDNR/OWR personnel.

(M) Maintain elevation and flood-proofing certificatefile to certify the elevation of the lowest floor (including basement) of a residential or non-residential building or the elevation to which a non-residential building has been flood-proofed, for all buildings in the regulatory floodplain.

(N) Copy to SMC, at agreed upon intervals, but no later than a five (5) year period, copies of the Watershed Development Permit records.

(O) Notify adjacent upstream and downstream communities, the SMC, and IDNR/OWR in writing 30 days prior to the issuance of a permit for the alteration or relocation of a channel in a Regulatory Floodplain.

(P) IDNR/OWR shall retain permit review and approval authority over the following: (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**

(1) Illinois Department of Natural Resources projects, dams or impoundment structures as defined in Article II of this Chapter and that meet the 'permit required criteria for dams in Appendix G of the Lake County Watershed Development Ordinance, "IDNR/OWR Dam Safety Permitting Guidelines," last amended January 10, 2006; (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**

(2) All other state, federal, and SMC development located in the Regulatory Floodplain; (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**

(3) An analysis of flood profile as indicated in Subsection (C)(4) of Section 150.1804;

(4) Determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, per Subsection (C)(4) of Section 150.1804;

(5) Alternative transition sections and hydraulically equivalent compensatory storage as indicated in Subsection (C)(3)(d) of Section 150.1804;

(6) Permit issuance for development within or over Public Bodies of Water; and

(7) Changes to the Regulatory Floodway boundaries; (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**

(Q) For the following types of regulatory approvals or permit authority, SMC has jurisdiction within depressional flood-prone areas with greater than 20 acres of tributary area and riverine flood-prone areas with greater than 100 acres of tributary area, IDNR/OWR has jurisdiction within all Regulatory Floodways or floodplains with greater

than 640 acres (one square mile) of tributary area. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**

(1) Base Flood Elevation determinations where none now exist;

(2) Any changes in the base Flood Elevations; and (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(3) Determination that the development is a public flood control project.

(R) SMC has regulatory approval or permit authority for the following types of development;

(1) Non-certified community development;

(2) Public Road Development;

(3) Determination that an existing bridge or culvert crossing proposed to be modified is not a source of flood damage and the analysis indicating the proposed flood profile, per Subsection (C)(4) of this Section.

(4) Alternative transition sections and hydraulically equivalent compensatory storage as indicated in Subsection (C)(3)(d) of this Section;

(5) Lake County Forest Preserve District Development;

(6) Community and local unit of government development in the regulatory floodplain;

(7) Other development as specified within intergovernmental agreements with the SMC; and

(8) Wetland services and issuance of watershed development permits for regulated development in wetlands, isolated wetlands and wetland buffers. (**Subsection R added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(S) The Enforcement Officer has the authority and responsibility to suspend a Designated Erosion Control Inspector's listing status for repeated or recurring non-compliance with Subsection (B)(1)(k) of Section 150.1804 and Section 150.1806 of this Article. A notification of suspension from listing shall be issued to the Designated Erosion Control Inspector and copied to the applicant and SMC a minimum of 30 days prior to suspension from listing. Revocation of listing status shall be the responsibility of the SMC per SMC-adopted procedure. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

Sec. 150.1804 Watershed Development Permits.

(A) General.

(1) Regulated Development. No person, firm, corporation or governmental agency shall commence any development regulated by this Article on any lot

or parcel of land without first obtaining a Watershed Development Permit from the City. A permit shall be issued if the proposed development meets the requirements of this Article. A Watershed Development Permit is required for any development, including finalization of a plat, re-plat, or Planned Unit Development (PUD) site plan: (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(a) Is located in a Regulatory Floodplain; or

(b) Is located in a flood-prone area with 100 acres of tributary drainage area or more; or

(c) Is located in a depressional storage area with a storage volume of 0.75 acre-feet or more for the base flood; or

(d) Creates an impact within an area defined as Waters of the United States having a cumulative total of one-fourth (1/4) or more acres of wetlands, including isolated lakes, ponds and wetlands, and then the applicant must obtain a permit from the U.S. Corps of Engineers or a letter stating that no permit is required; or

(e) Modifies the flood-prone area of a channel where the tributary drainage area is twenty (20) or more acres; or

(f) Includes the total land area of an ownership parcel that consists of the following:

1. More than one acre of impervious surface area; or

2. More than three (3) acres of hydrologically disturbed area, unless the total impervious surface area is less than 0.5 acre; or

3. An impervious surface area ratio of 50 percent or greater, unless the total impervious surface is less than 16,000 square feet;

Redevelopment of previously developed sites shall maintain existing storage volume and shall not increase the rate of runoff from the site. The applicant shall provide supporting data and calculations to the satisfaction of the Enforcement Officer to ensure the site design either provides a watershed benefit or meets the requirements of Subsection (B)(1)(c)3 of this Section. New development on partially developed sites shall meet the release rate criteria in Subsection (B)(1)(c)1 of this Section for the new development, if the new development exceeds the thresholds in Subsections (f) 1, 2, or 3 hereinabove; or

(g) Any public road development resulting in one and one-half (1.5) acres or more of additional impervious surface per mile for linear or nonlinear projects; or

(h) Any development which hydrologically disturbs 5,000 square feet or more. This development activity shall at a minimum meet the erosion and sediment control performance standards of Subsection (B)(1)(k) of this Section with associated application requirements. Public road developments are required to meet the erosion and sediment control standards only for those projects which require permits hereunder.

(2) Development Classification. All activities requiring a Watershed Development Permit shall be classified as a minor, major, or public road development. The definition for each classification follows:

(a) Minor Development. A minor development is defined as any development that:

1. Is not located in a depressional storage area larger than 0.75 acre-feet or is not located in any other portion of a Regulatory Floodplain; and

2. Does not create a wetland impact of one-quarter (1/4) or more acre of Waters of the United States or Isolated Waters of Lake County, and (Ord. 12-02, J. 28, p. 28-43, 2/25/02)

3. Modifies a channel where the tributary drainage area is less than one hundred (100) acres; or

4. Consists of:

a. Single family detached residential development of less than ten (10) acres; or

b. Single family detached residential development of ten (10) acres or more with a gross density of less than 0.5 unit per acre, and an impervious cover area of less than fifteen (15) percent; or

c. Multi family, non-residential and other developments of less than three (3) acres requiring a Watershed Development Permit.

(b) Public Road Development. Any development activity which takes place in a public right-of-way or part thereof that is administered and funded, in whole or in part, by a public agency under its respective roadway jurisdiction. Rehabilitative maintenance and in-kind replacement are considered to be a public road development if located in a Regulatory Floodplain. A public road development located within a Regulatory Floodway and which has been approved by the Illinois Department of Public Transportation Division of Highways (IDOT/DOH), Bureau of Local Roads and Streets is exempt from the hydraulic analysis requirements of this Article. Individual recreation trail systems being constructed that are not part of another development project and linear railroad development projects shall be considered public road developments with respect to the requirements of this Article, (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(c) Major Development. A major development is defined as all developments other than minor developments and public road developments.

(3) Approvals Prior to Permitting. Prior to the issuance of a Watershed Development Permit, the applicant may request a Conditional Approval or an Earth Change Approval.

(a) Conditional Approval. Conditional approval for a development may be granted by the Enforcement Officer. The Conditional Approval will be based on conformance with applicable performance standards and submittal requirements of this Article. A letter will be sent to the applicant stating the results of the review and the conditions placed on any approvals. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(b) Earth Change Approval. If all the performance standards and application requirements in Subsections (B), (C), (D), (E), and (F) of this Section have been met, except for obtaining all the required local, state and federal approvals, a request for the commencement of grading activities may be made on a site prior to the issuance of a Watershed Development Permit. The proposed grading activity may commence with written approval from the Enforcement Officer of the earth change approval plan that delineates the activities specifically allowed. The written approval will state the conditions and limitations of the proposed grading activities. No development activity may occur in those portions of the site for which state and federal permits are required, except for IEPA sewer and water extension permits. No earth moving permit shall be issued for any development within a Regulatory Floodplain.

(4) Permit Fees and Application Review Times. A separate City of Highland Park fee schedule has been established by resolution and which may be amended hereafter from time to time by the City Council. Permit applications shall be reviewed within thirty (30) days of receipt. Amended permit applications will be reviewed within sixty (60) days of receipt. The Enforcement Officer shall approve, deny or provide remedial recommendations within sixty (60) days. If no action has been taken by the Enforcement Officer within ninety (90) days after receipt of an application, or within a longer time period if requested in writing by the applicant, the application shall be deemed denied.

(5) Contiguous Property. In order to preclude inappropriate phasing of developments to circumvent the intent of this Article, when a proposed development activity will occur on a lot or parcel of land that has contiguous lots or parcels of lands owned in whole or in part by the same property owner, then the criteria as defined in this Section will be applied to the total land area compiled from aggregate ownership parcels. If this aggregate ownership land area is greater than the minimum area requirements defined in Subsection (A) of this Section, then a Watershed Development Permit will be required. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(6) Permit Extensions and Terminations. Causes for terminating a permit during its term or for denying a permit extension include, but are not limited to the following:

(a) Noncompliance with any condition of the permit; or

(b) The permittee's failure to disclose fully all relevant facts in the application process or the permittee's misrepresentation of any relevant facts at any time; or

(c) If the authorized work is not commenced within three (3) years after issuance of the permit, or if the authorized work is suspended or abandoned for a period of twelve (12) months after the time of commencing the work, unless an extension

has been granted in writing by the Enforcement Officer. The extension should be requested of the Enforcement Officer in writing no sooner than ninety (90) days prior to the termination of the permit.

(7) Countywide and General Permits. Under its authority and jurisdiction, the SMC Chief Engineer may, by issuance of a countywide or general permit, grant approval for specific types of development, which comply with all applicable standards and purpose stated in Sec. 150.1801. The specific types of development eligible for a Countywide ordinance or general permit (e.g. Countywide Permit #1 and General Permit #2) may be authorized only after discussion at the Technical Advisory Committee, a minimum thirty (30) day public notice and approval by the SMC in conjunction with a regularly scheduled SMC meeting. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(8) Exempted Development. All development shall meet the minimum state, federal and local regulations. No development is exempt from the floodplain, floodway, wetland and soil erosion and sediment control provisions of this Ordinance. (Ord. 12-02, J. 28, p. 28-43, 2/25/02)

(B) All Development. The following performance standards, application requirements and other provisions apply to all development requiring a permit. Subsequent Sections include additional provisions for development in a Regulatory Floodplain, wetlands and public roads.

(1) Performance Standards.

(a) Plats and Site Plans.

1. The performance standards for all development (Section 150.1804) shall be considered in site planning and appropriately addressed in the drainage plan component of subdivisions, annexation agreements, preliminary plats, final plats, re-plats and Planned Unit Developments. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

2. In addressing Subsection (B)(1)(d) "Runoff Volume Reduction Hierarchy" of this Section, streets, blocks, lots, deed or plat-restricted areas, parks and other public grounds shall be located and lined out in such a manner as to preserve and utilize natural streams, wetlands, and flood-prone areas whenever possible. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

3. Subdivisions, annexation agreements, plats, re-plats, and Planned Unit Developments shall show the Base Flood Elevation (BFE) and Regulatory Floodway limits. The plats, re-plats, Planned Unit Developments, or engineering plans and studies shall include a signed statement by a Registered Professional Engineer that accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2). (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

4. All plats and subdivisions which border on or include public bodies of water as defined by IDNR/OWR shall be submitted to IDNR/OWR for review and approval.

5. Stormwater management systems shall be functional before building permits are issued for residential and non-residential developments.

6. Soil erosion and sediment control measures and stormwater management facilities shall be functional before general construction begins. Where development of a site is to proceed in phases, the soil erosion and sediment control measures and the stormwater management facilities needed for each phase shall be functional before the construction of that phase begins.

7. The City of Highland Park shall not approve any preliminary or final Planned Unit Development or plat of subdivision located inside or outside its corporate limits unless such Planned Unit Development or plat meets the minimum performance standards of this Article. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

8. Pursuant to State law, the property owner of a parcel being subdivided adjacent to a state or county road right-of-way shall notify the proper highway authority in writing of the proposed subdivision, and request that the proper highway authority provide, at the cost of the highway authority or otherwise provided by law, the amount of additional capacity in any stormwater detention facility to be constructed in the subdivision for the future availability of the highway authority for meeting stormwater detention requirements of any future public construction on the highway.

9. All stormwater management systems shall be located and described within a deed or plat restriction. Stormwater management systems that service a single parcel (or two parcels) of property may be excused from this requirement upon approval of the Enforcement Officer.

10. No modification may be made to a deed or plat without the prior written approval of the Enforcement Officer.

(b) Runoff Calculations.

1. For tributary drainage areas one hundred (100) acres or greater, and for the determination of detention and depressional storage requirements, an SMC-approved hydrograph-producing runoff calculation method shall be used. When appropriate and with the prior written approval of the Enforcement Officer, Appendix K of the Lake County Watershed Development Ordinance, "Detention Volume Versus Percent Impervious," last amended January 10, 2006, may also be used for determination of detention storage volumes. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

2. The Rational Method may be used to calculate discharges for areas of less than one hundred (100) acres. The Rational Method shall not be used to determine detention or depressional storage requirements.

3. Rainfall data as presented in Appendix I of the Lake County Watershed Development Ordinance, "Rainfall Depth Duration Frequency Tables for

Lake County," last amended January 10, 2006, shall be used for rainfall volume, storm distribution, return frequency, and event duration. (Ord. 68-2000, adopted 10/23/00; **Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

4. Runoff calculations for all off-site drainage areas may be based on anticipated future land use conditions or existing land use conditions. Anticipated future land use conditions will be based on future land use and existing storage facilities. Future detention facilities may be used for anticipated future land use conditions if approved by the SMC Chief Engineer or for tributary drainage areas less than one hundred (100) acres if approved by the Enforcement Officer. Existing land use conditions will be based on existing land use and existing storage facilities. For each frequency storm event, runoff calculations will be based on the critical duration, for all durations presented in Appendix I of the Lake County Watershed Development Ordinance, "Rainfall Depth Duration Frequency Tables for Lake County," last amended January 10, 2006. (Ord. 68-2000, adopted 10/23/00; **Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

5. Existing depressional storage volume will be maintained, and the volume of detention storage provided to meet the requirements of this Article shall be in addition to the existing storage.

6. For determination of soil runoff characteristics, areas of the development that are hydrologically disturbed and compacted shall be changed to that soil types' highest runoff potential/soil group classification. Conversely, soil groups that are not hydrologically disturbed will retain their current runoff characteristics, and areas that are deed or plat restricted for native planting areas may be determined to have lower runoff characteristics. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(c) Release Rates and Discharges.

1. Unless otherwise specified in (a) Appendix J of the Lake County Watershed Development Ordinance, "Watershed Specific Release Rates," last amended January 10, 2006, (b) an SMC-adopted Basin Plan, or (c) an SMC-adopted floodplain study, the detention volume required shall be calculated suing a rating curve based on maximum release rates of 0.04 cubic feet per second per acre for the 2-year, 24-hour storm event and 0.15 cubic feet per second per acre for the 100-year, 24-hour storm event. The release rate requirement shall apply to the hydrologically disturbed area of the ownership parcel unless the Enforcement Officer determines that specific locations of the development site have unique circumstances such that the release rate shall apply to a broader or smaller area. The release rate requirements shall only apply to developments listed in Subsections (A)(1)(f) and (g) of this Section. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

2. Watershed specific release rates are tabulated in Appendix J of the Lake County Watershed Development Ordinance, "Watershed Specific Release Rates," last amended January 10, 2006. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

3. All concentrated stormwater discharges must be conveyed into an existing channel, storm sewer, or overland flow path with adequate

downstream stormwater capacity (as defined in this Article) and will not result in increased flood and drainage hazard. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

4. The design of stormwater management systems shall not result in the inter-basin transfer of drainage, unless no reasonable alternative exists. The Enforcement Officer may also allow inter-basin transfer if the transfer relieves a known drainage hazard and there is adequate downstream stormwater capacity. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

5. The combined release from the detention facility outlet and the outlet designed to meet wetland hydrology requirements of Subsection (E)(7) of this Section shall not exceed either the 2 or 100 year allowable release rates, respectively. The wetland hydrology requirements or minimum outlet restrictor size may take precedence over the allowable release rate, provided there is adequate downstream capacity as determined by the Enforcement Officer. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

6. The applicant shall prohibit illicit discharges generated during the development process from entering into the stormwater management system. Discharges of stormwater from a development site shall be in conformance with the Soil Erosion and Sediment Control practices contained in Subsection (B)(1)(k) of this Section. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(d) Runoff Volume Reduction Hierarchy. An applicant shall choose a strategy to meet the release rate requirements that minimizes the increase in runoff volumes and rates from the development and addresses the water quality treatment requirements in Subsection (B)(1)(h) of this Section. The applicant shall use appropriate best management practices as presented in the Technical Reference Manual and the following hierarchy in preparing a drainage plan:

1. Preservation of natural resource features of the development site (e.g. floodplains, wetlands, Isolated Waters of Lake County, prairies and woodlands); (Ord. 12-02, J. 28, p. 28-43, 2/25/02)

2. Preservation of the existing natural streams, channels and drainageways;

3. Minimization of impervious surfaces created at the site (e.g. narrowing road width, minimizing driveway length and width, clustering homes and shared driveways);

4. Use of open vegetated channels to convey stormwater runoff;

5. Preservation of the natural infiltration and storage characteristics of the site (e.g. disconnection on impervious cover and on-lot bioretention facilities;

6. Use of structural measures that provide water quality and quality control; and

7. Use of structural measures that provide only quantity control and conveyance.

(e) Detention Facilities.

1. All stormwater facilities, when determined applicable by the Enforcement Officer, shall be provided with: (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

a. An emergency overflow structure capable of passing the base flood inflow rate without damages to downstream structures or property; (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

b. the top of the impounding structure shall be a minimum of one (1.0) foot above the design high water level within the emergency overflow structure based on a. above; (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

c. a minimum 8-foot wide safety shelf with a maximum depth of three (3.0) feet below normal water level sloped back towards the shoreline; and (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

d. features for maintenance of emergency ingress and egress capability. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

2. Single pipe outlets shall have a minimum inside diameter of twelve (12) inches. If design release rates call for smaller outlet, a design that minimizes the possibility of clogging shall be used. Minimum outlet restrictor size shall be four (4) inches in diameter provided there is adequate downstream capacity. Detention volume and corresponding high water level required for a development shall be determined by using the appropriate release rates specified in Subsection (B)(1)(c) of this Section, regardless of minimum outlet restrictor size. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

3. Stormwater infiltration, retention and detention facilities required to meet a development's discharge requirements shall be designed to bypass offsite tributary flow from streams and channels unless approved by the Enforcement Officer.

4. Any development involving the construction, modification or removal of a dam as defined in Article II of this Chapter per 17 III. Adm. Code 3702 (Rules for Construction of Dams) shall obtain an Illinois Division of Water Resources Dam Safety permit or a letter stating no permit is required prior to the start of such activity. Reference Appendix G of the Lake County Watershed Development Ordinance, "IDNR/OWR Dam Safety Permitting Guidelines," last amended January 10, 2006, for IDNR/OWR Dam Safety permitting guidelines. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

5. Stormwater retention and detention facilities shall not be constructed in a Regulatory Floodplain unless approved by the Enforcement Officer. If a retention or detention facility is constructed in a Regulatory Floodplain, the development must meet the requirements of this Subsection (C) of this Section.

6. On-Stream Detention.

a. All on-stream detention shall provide a Detention Volume Safety Factor as follows:

(i) The Detention Volume Safety Factor applied to the volume of on-stream detention necessary to meet this Article's site requirements.

(ii) The Detention Volume Safety Factor is equal to one (1) plus 0.05 times the ratio of offsite tributary drainage area to on-site tributary drainage area.

(iii) The maximum Detention Volume Safety Factor shall be 1.5.

b. No on-stream detention shall be allowed with an off-site to on-site tributary drainage area ratio greater than 10:1 except for development providing a watershed benefit.

c. On-stream detention shall not be permissible if the tributary drainage area is greater than 640 acres, except for detention that provides a watershed benefit.

d. The release rate shall be 0.04 cubic feet per second per acre of the total tributary drainage area (on-site and off-site) at the elevation created by impoundment of the on-site two-year storm volume plus the Detention Volume Safety Factor, and 0.15 cubic feet per second per acre of the total tributary drainage area (on-site and off-site) at the elevation created by impoundment of the on-site 100-year storm volume plus the Detention Volume Safety Factor and the required compensatory storage. The release rate and on-site detention volume shall be calculated using the 24-hour storm event. This release rate calculation shall be used unless other site conditions warrant further analysis and modification from this standard or unless watershed specific release rates have been adopted.

e. On-stream detention shall provide water quality treatment. One of the following two methods shall be used:

(i) A wet detention facility with a minimum permanent pool volume equal to the calculated sediment volume accumulated over a one-year period for the entire upstream watershed and an average normal water depth of at least four feet. The facility shall also have a live storage volume that, at a minimum,

equals the Water Quality treatment standards of Subsection (B)(1)(h) of this Section for the development site.

(ii) A separate off-line sediment basin with a volume meeting the Water Quality treatment standards of Subsection (B)(1)(h) of this Section for the tributary drainage area to the sediment basin.

f. Impoundment of the stream as part of on-stream detention shall be designed to allow the migration and movement of present or potentially present indigenous species, which require access to upstream areas as part of their life cycle. The impoundment shall not cause or contribute to the degradation of water quality or stream aquatic habitat. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

g. Compensatory storage requirements shall be satisfied and shall be in addition to detention volume requirements.

h. No on-stream detention shall be allowed in areas designated as an exceptional functional value wetland.

i. Intentionally omitted. (Ord. 68-2000, adopted 10/23/00)

j. Impounding berms or walls for stormwater retention and detention facilities shall be designed and constructed to withstand all expected forces, including but not limited to, erosion, pressure and uplift. The applicant shall submit material and compaction design specifications for earthen impoundments and provide as-built information verifying that the constructed condition meets the design requirements. Impounding berms or walls shall be represented on the design plans and signed and sealed by a Registered Professional or Structural Engineer. (Ord. 68-2000, adopted 10/23/00; **Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

7. The design of detention facilities shall , at a minimum, include side slopes no steeper than three horizontal units to one vertical unit, and having safety ledges at a depth of three feet below the normal and high water levels.

8. The placement of a detention basin in a floodplain area shall require compensatory storage per Subsection (C)(2)(d) of this Section. The volume of detention storage required to meet the standards of this Article shall be in addition to the floodplain compensatory storage required for the development.

(f) Intentionally Omitted.

(g) Stormwater Conveyance System

1. Storm Sewer and Swales

a. The 10-year design storm shall be used as a minimum for the design of storm sewers, swales, and appurtenances. Stormsewers shall have a minimum diameter of 12 inches with the exception that stormsewers servicing a

single parcel may be excused from this requirement upon approval of the Enforcement Officer. Storm sewer design analysis shall be calculated under full flow conditions, unless prior approval from the Enforcement Officer is received for an alternate flow condition (e.g. pressure flow). (Ord. 68-2000, adopted 10/23/00; **Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

b. Connections to sanitary sewers as an outflow for the stormwater management system will not be permitted for developments. (Ord. 68-2000, adopted 10/23/00; **Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

c. For agricultural drain tiles, the following provisions shall apply:

(i) Field tile systems disturbed during the process of development shall be reconnected by those responsible for their disturbance unless the approved drainage plan includes provisions for these. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(ii) Where the tiles are being connected at points of ingress or egress from the development site, observation structures or similar maintenance and inspection access structures shall be installed and parties responsible for those tasks shall be identified in the maintenance plan. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(iii) The applicant shall notify adjoining downstream property owners in writing of any proposed stormwater facility outlet location and design. The development design shall utilize where practical and approved by the Enforcement Officer, outflow locations that have an existing tile leaving the development site. A subsurface connection to the tile shall be constructed as a low flow outlet. A surface outlet shall be designed for the development site outflows based on the assumption the downstream tile will cease to function. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

d. All storm sewers shall be located in a public road right-of-way or maintenance easement of sufficient size to maintain or reconstruct the sewer.

e. All on-site stormwater conveyance systems shall be designed and constructed to withstand the expected velocity of flow from all events up to the base flood without erosion. Stabilization adequate to prevent erosion shall be provided at the inlets and outlets for all pipes, transitions, and paved channels.

f. Swales being used as part of the stormwater management system for a development shall be located within a deed or plat-restricted area of sufficient size to maintain or reconstruct the swale.

g. Surface outflows onto adjoining properties shall be designed to release as sheet flow using level spreader trenches unless alternative designs are approved by the Enforcement Officer. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

2. Streams and Channels. The following items are general performance standards for streams and channels and do not excuse development from meeting all other requirements of this Article.

a. Natural streams and channels are to be conserved.

b. Removal of streamside (riparian) vegetation shall be limited to one side of the channel

c. .Clearing of channel vegetation shall be limited to that which is essential for construction of the channel.

d. If a stream or channel meeting the definition of Waters of the United States or Isolated Waters of Lake County is modified, a stream or channel mitigation plan shall be submitted for review and approval to the Enforcement Officer. The plan shall show how the physical characteristics of the modified channel shall meet the existing channel length, cross-section, slope, sinuousity, and carrying the capacity of the original channel. The plan shall also re-establish vegetation within the channel modification using the Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois, NRCS, et al., (as amended) as a minimum standard for the re-vegetation plan. (Ord. 12-02, J. 28, p. 28-43, 2/25/02)

e. All disturbed areas associated with a channel modification shall be immediately seeded or otherwise stabilized according to this Article

f. . If channels are modified, an approved and effective means to reduce sedimentation and degradation of downstream water quality must be installed before excavation begins and must be maintained throughout the construction period.

g. New or relocated channels shall be built in the dry and all items of construction, including vegetation, shall be completed prior to diversion of water into the new channel.

h. Streams and channels shall be expected to withstand all events up to the base flood without increased erosion. The use of armoring of banks using bulkheads, rip-rap and other materials shall be avoided. Armoring shall only be used where erosion cannot be prevented in any other way such as use of vegetation or gradual slopes. Such armoring shall have minimal impact on other properties, watercourses, and the existing land configuration.

j. A minimum maintenance easement of twelve (12) feet from top of bank is required along one side of all channels draining twenty (20) or more acres. All drainage easements shall be accessible to vehicular equipment; however, linear accessibility for vehicular equipment is not required.

k. Construction vehicles shall cross streams by the means of existing bridges or culverts. Where an existing crossing is not available, a temporary crossing shall be constructed in which:

(i) The approach roads will be 0.5 feet or less above natural grade;

(ii) The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall;

(iii) The top of the roadway fill in the channel will be at least two (2) feet below the top of the lowest bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel;

(iv) All disturbed stream banks will be seeded or otherwise stabilized as soon as possible in accordance with Subsection (B)(1)(k)1.d. of this Section upon installation and again upon removal of construction crossings; and

(v) The access road and temporary crossings will be removed within one (1) year after installation, unless an extension of time is granted by the Enforcement Officer.

3. Overland Flow Paths. The following items are general performance standards for overland flow paths and do not excuse development from meeting all other requirements of this Article.

a. All areas of development must be provided an overland flow path that will pass the base flood flow without damage to structures or property. If the upstream drainage area is less than twenty (20) acres, the storm sewer pipe and inlet systems sized for the base flood can be constructed in lieu of providing an overland flow path.

b. The flow rate for a base flood shall be used to establish overland flow path limits, and it shall include all on-site and off-site tributary areas in accordance with this Subsection (B)(1)(b) of this Section.

c. The overland flow path shall be protected from any activity, such as fencing, landscaping, or storage shed placement, which could impair its function. This protection shall be established through a deed or plat restriction.

d. For overland flow paths with less than 20 acres tributary drainage area, all structure in parcels containing or adjoining an overland flow path or other high water level designation shall have a lowest adjacent grade a minimum of one-half (0.5) foot above the design high water elevation.

e. For overland flow paths with greater than or equal to 20 acres tributary drainage area but less than 100 acres, all structures in parcels

containing or adjoining an overland flow path shall have a lowest adjacent grade a minimum of one (1.0) foot above the design high water elevation.

(h) Water Quality Treatment.

1. The water treatment requirement of this Article shall apply to the total land area of the ownership parcel that results in creating more than 0.5 acres of new impervious surface.

2. Prior to discharging the Waters of the United States, Isolated Waters of Lake County or adjoining property, all development shall divert and detain at least the first 0.01 inches of runoff for every 1% of impervious surface for the development with a minimum volume equal to 0.2 inches of runoff (e.g. 20% or less impervious = 0.2, 50% impervious = 0.5, 90% impervious = 0.9); or provide a similar level of treatment of runoff as approved by the Enforcement Officer and consistent with the Best Management Practices guidance contained in the Technical Reference Manual. (Ord. 68-2000, adopted 10/23/00; Ord. 12-02, J. 28, p. 28-43, 2/25/02)

3. A buffer shall be established between design normal and high water levels around stormwater management facilities constructed for water quality treatment to enhance treatment effectiveness. The buffer area planting plan shall use the Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois, NRCS, et. al., (as amended) as a minimum standard. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

4. In addition to the requirements above, hydrocarbon (e.g. oil and grease) removal technology shall be required using a volume of 0.5 inches of runoff for the impervious surface tributary area to each treatment device and meeting a minimum 70% removal rate for all development classified as follows: (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(i) vehicle fueling and service facilities; (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(ii) parking lots with more than 25 stalls. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(i) Intentionally omitted.

(j) Buffer Areas.

1. Buffer areas shall be required for all areas defined as either Waters of the United States or Isolated Waters of Lake County. Buffer areas are divided into two types, linear buffers and water body buffers.

Waters of the United States is a defined term in Section 150.202 of this Code and refers to areas that are under the jurisdictional authority and regulated by the United States Army Corps of Engineers. Isolated Waters of Lake County are defined in Section 150.202 of this Code and are within the jurisdictional authority of this Article.

a. Linear buffers shall be designated along both sides of all channels meeting the definition of Waters of the United States or Isolated Waters of Lake County. The buffer width shall be determined as follows:

(i) When the channel has a watershed greater than 20 acres but less than one square mile, the minimum buffer shall be 50 feet on each side of the channel.

(ii) When the channel has a watershed greater than one square mile, the minimum buffer shall be 30 feet on each side of the channel.

(iii) Linear exceptional functional value wetlands and streams with an Index of Biotic Integrity (IBI) greater than 40 shall have a minimum buffer width of 100 feet on each side of the channel. (Initial IBI based on IEPA Illinois Water Quality Report, biannual. A site-specific IBI assessment may override this report.)

b. Water body buffers shall encompass all non-linear bodies of water meeting the definition of either Waters of the United States or Isolated Waters of Lake County. The buffer width shall be determined as follows:

(i) For all water bodies or wetlands with a total surface area greater than or equal to one quarter (1/3) acre but less than one (1) acre, a minimum buffer width of thirty (30) feet shall be established. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(ii) For all water bodies or wetlands with a total surface area greater than or equal to one (1) acre but less than two and one-half (2 ½) acres, a minimum buffer width of forty (40) feet shall be established. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(iii) For all water bodies or wetlands with a total surface area greater than two and one half (2 ½) acres, a minimum buffer width of fifty (50) feet shall be established.

2. Non-linear high quality aquatic resources shall have a minimum buffer width of one hundred (100) feet.

3. In areas where state or federal threatened and endangered species are present or for Illinois Natural Area Inventory Sites, buffer widths may be modified upon approval of the Enforcement Officer following consultation with the Illinois Department of Natural Resources or Untied States Fish and Wildlife Service.

4. Buffer area for water bodies meeting the definition of Water of the United States or Isolated Waters of Lake County shall extend from the ordinary high water mark. Buffer areas for wetland shall extend from the edge of the

delineated wetland. A property may contain a buffer area that originates from Waters of the United States or Isolated Waters of Lake County on another property.

5. Features of the stormwater management system approved by SMC or certified community may be within the buffer area of a development.

6. Access through buffer areas shall be provided, when necessary, for maintenance purposes.

7. All roadside drainage ditches, existing excavated detention facilities (as of the amended date of this Ordinance, August 10, 1999), borrow pits, quarries and improvements to existing public road developments or alignments are exempt from buffer requirements.

8 Stormwater discharges that enter the buffer shall have appropriate energy dissipation measures to prevent erosion and scour.

9. All buffer areas shall be maintained free from development including disturbance of the soil, dumping or filling, erection of structures and placement of impervious surfaces except as follows:

a. A buffer area may be used for passive recreation (e.g., birdwatching, walking, jogging, bicycling, horseback riding and picnicking) and it may contain pedestrian, bicycle or equestrian trails.

b. Structures and impervious surfaces (including trails, paths) may occupy a maximum of twenty (20) percent of the buffer surface provided the runoff from such facilities is diverted away from the Waters of the United States or Isolated Wetlands of Lake County or such runoff is directed to enter the buffer area as unconcentrated flow.

c. Utility maintenance, construction of stormwater facilities and maintenance of stormwater facilities shall be allowed.

d. Boat docks, boathouses and piers shall be allowed and the provisions of (9)(b) above shall apply.

e. Buffer areas hydrologically disturbed by allowing construction or as part of a re-vegetation plan shall be re-vegetated using the Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois, NRCS, et al., (as amended) as a minimum standard.

10. A minimum of one-foot temporary construction buffer from the limits of the WOUS or IWLC shall be required unless the adjacent wetland is considered impacted or enhanced. The one-foot temporary construction buffer shall be marked by the construction fencing (IDOT Standard) and installed prior to the start of all other construction activities. All other construction activities, including soil erosion and sediment control features, shall take place on the on-wetland side of the construction fencing. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

11. Buffer Averaging: The buffer width for a development site may be varied to a minimum of ½ of the buffer width required, upon approval of the Enforcement Officer, provided that the total buffer area required is achieved adjacent to the Waters of the United States or Isolated Waters of Lake County being buffered. The consultation process of the IDNR of U.S. Fish & Wildlife Service may override the ability to average buffer areas upon approval of the Enforcement Officer.

12. Preservation of buffer areas shall be provided by deed or plat restrictions.

13. The buffer area of a development site may be subtracted from the water quality volume required. (Ord. 12-02, J. 28, p. 28-43, 2/25/02; **Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**))

(k) Soil Erosion and Sediment Control.

1. Soil erosion and sediment control related measures are required to be constructed and maintained for any land disturbance activity permitted under Section 150.1804. The following requirements shall be met: (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

a. Soil disturbance shall be conducted in such a manner as to minimize erosion. Areas of the development site that are not to be graded shall be protected from construction traffic or other disturbance until final seeding is performed. Soil stabilization measures shall consider the time of year, site conditions and the use of temporary or permanent measures.

b. Properties and channels adjoining development sites shall be protected from erosion and sedimentation. At points where concentrated flow leaves a development site energy dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the structure to the watercourse so that the natural physical and biological characteristics and functions are maintained and protected.

c. Soil erosion and sediment control features shall be constructed prior to the commencement of hydrological disturbance of upland areas.

d. Temporary or permanent soil stabilization shall be applied to disturbed areas within fourteen (14) calendar days following the end of active hydrologic disturbance or redisturbance consistent with the following criteria or using an appropriate measure as approved by the Enforcement Officer.

(i) Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding, and/or non-vegetative measures.

“ (ii) Areas or embankments having slopes greater than or equal to 3H:1V shall be stabilized with staked in place sod, mat or blanket in combination with seeding. (Ord. 68-2000, adopted 10/23/00)

(iii) Erosion control blanket shall be required on all interior detention basin side slopes between normal water level and high water level.

(iv) The fourteen (14) day stabilization requirement may be precluded by snow cover or where construction activity will resume within 21 days from when the active hydrologic disturbance ceased, then stabilization measures do not have to be initiated on that portion of the site by the 14th day after construction activity temporarily ceased given that portion of the site has appropriate soil erosion and sediment controls.

e. Land disturbance activities in streams shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:

(i) Where stream construction crossings are necessary, temporary crossings shall be constructed of non-erosive material.

(ii) The time and area of disturbance of a stream shall be kept to a minimum. The stream, including bed and banks, shall be restabilized within 48 hours after channel disturbance is completed or interrupted.

f. Soil erosion and sediment control measures shall be appropriate with regard to the amount of tributary drainage area as follows:

(i) Disturbed areas draining greater than 5,000 sq. ft. but less than one (1) acre shall, at minimum, be protected by a filter barrier (including filter fences, which at a minimum, meet the applicable sections of the ASSHTO Standard Specification 288-00 or equivalent control measures) to control all off-site runoff. Vegetated filter strips, with a minimum width of twenty-five (25) feet, in the direction of flow, may be used as an alternative only where runoff in sheet flow is expected. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(ii) Disturbed areas draining more than one (1) but fewer than five (5) acres shall, at a minimum, be protected by a sediment trap or equivalent control measure at a point downslope of the disturbed area.

(iii) Disturbed areas draining more than five (5) acres shall, at a minimum, be protected by a sediment basin or equivalent control measure at a point downslope of the disturbed area.

(iv) Sediment basins shall have both a permanent pool (dead storage) and additional volume (live storage) with each volume equal to the runoff amount of a 2-year, 24-hour event over the on-site hydrologically disturbed tributary drainage area to the sediment basin. 2-year storm runoff volumes versus site runoff curve numbers are shown in Appendix K of the Lake County Watershed Development Ordinance, "Detention Volume Versus Percent Impervious," last amended January 10, 2006. The available sediment volume below normal water level, in addition to the dead storage volume shall be sized to store the estimated sediment load generated from the site over the duration of the construction period. For construction periods exceeding 1-year, the 1-year sediment load and a sediment removal schedule may be submitted. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

If the detention basin for the proposed development condition of the site is used for sediment basin, the above volume requirements will be explicitly met. Until the site is finally stabilized, the basin permanent pool of water shall meet the above volume requirements and have a filtered perforated riser protecting the outflow pipe.

g. All storm sewer facilities that are or will be functioning during construction shall be protected by an appropriate sediment control measure.

h If dewatering services are used, adjoining properties and discharge locations shall be protected from erosion. Discharges shall be routed through an effective sediment control measure (e.g., sediment trap, sediment basin or other appropriate measure).

i. All temporary erosion and sediment control measures shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed. Trapped sediment and other disturbed soil areas shall be permanently stabilized.

j. A stabilized mat of aggregate underlain with filter cloth (or other appropriate measure) shall be located at any point where traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley or parking area. Any sediment or soil reaching an improved public right-of-way, street, alley or parking area shall be removed by scraping or street cleaning as accumulations warrant and transported to a controlled sediment disposal area. Additional stabilized construction entrance methods may be required by the Enforcement Officer.

k. Earthen embankments shall be constructed with side slopes no steeper than 3H:1V. Steeper slopes may be constructed with appropriate stabilization as approved by the Enforcement Officer.

l. Stormwater conveyance channels, including ditches, swales, and diversions, and the outlet of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from the 10-year frequency storm without erosion. All constructed or modified channels shall be stabilized within 48-hours.

m. Temporary diversions shall be constructed as necessary to direct all runoff from hydrologically disturbed areas to the appropriate sediment trap or basin.

n. Soil stockpiles shall not be located in a flood-prone area or a designated buffer protecting Waters of the United States or Isolated Waters of Lake County. Soil stockpiles are defined as having greater than 100 yards of soil and will remain in place for more than seven days. Soil stockpile locations shall be shown on the soil erosion and sediment control plan and shall have the appropriate measures to prevent erosion of the stockpile. (Ord. 12-02, J. 28, p. 28-43, 2/25/02)

o. Handbooks: Standards and specifications contained in The Illinois Urban Manual, as amended, and the planning procedures sections of the Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control, as amended, are referenced in this Article as guidelines for presenting soil erosion and sediment control plan specifications and delineating procedures and methods of operation under site development for soil erosion and sediment control. In the event of conflict between provisions of said manuals and this Article, this Article shall govern.

p. Construction Site Maintenance: The applicant shall provide adequate receptacles for the deposition of all construction material debris generated during the development process. The applicant shall not cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of construction material

debris upon or into any development site, channel, Waters of the U.S. or Isolated Waters of Lake County. The applicant shall maintain the development site free of construction material debris. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

2. Designated Erosion Control Program Standards.

a. Formal adoption of the Designated Erosion Control Inspector Exam shall include the determination of a stating date for the Designated Erosion Control Inspection Program requirements of this Article. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

b. A Designated Erosion Control Inspector, hired or employed by the applicant, is required for all development that exceeds ten (10) acres of hydrologic disturbance or exceeds one (1) acre of hydrologic disturbance and has a regulatory floodplain, Isolated Waters of Lake County or Waters of the United States on-site or on adjoining property, (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

c. This Article contains inspection requirements for development meeting the above threshold for program inclusion and Designated Erosion Control Inspector requirements. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

d. The applicant shall submit the name of the Designated Erosion Control Inspector to the Enforcement Officer at or before the pre-construction meeting or commencement of hydrologic disturbance for the development. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(2) Application Requirements. All the following application requirements shall be submitted when applicable to the development as determined by the Enforcement Officer.

(a) Application Requirements for Minor Developments.

1. A completed Watershed Development Permit application signed by the applicant or applicant's agent and when required a Professional Engineer and Certified Wetland Specialist. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

2. A general description of the existing and proposed stormwater management system including all discharge points, collection, conveyance, and storage facilities.

3. A grading plan showing proposed and existing contours.

4. A site drainage plan which depicts drainage features, overland flow paths, stormwater management system components, Regulatory Floodplains, wetlands boundaries, buffer areas, existing or proposed septic systems and wells. A capacity analysis of the above stormwater system components may be required by the

Enforcement Officer. (Ord. 68-2000, adopted 10/23/00; **Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

5. An area drainage plan locating the proposed development in the watershed.

6. A description and depiction of measures to be taken to control erosion (soil erosion and sediment control plan).

7. A description of the anticipated dates of initiation and completion of activity.

8. An exhibit(s) for review which displays all deed or plat restrictions of record or to be recorded for the stormwater management system.

9. The federal, state and local permit requirements of Subsections 150.1804(B)(2)(b)13 and 14 are required when applicable to the development site and Subsections 150.1804(B)(2)(b)9 and 10 when requested by the Enforcement Officer. (Ord. 68-2000, adopted 10/23/00)

10. A wetland submittal if required under paragraph (E)(1) of this Section. (Ord. 12-02, J. 28, p. 28-43, 2/25/02)

(b) Application Requirements for Major Developments. In addition to the requirements for minor developments, major development applications require the following information:

1. Name and legal address of the applicant, and common address of the location where the development will take place, mailing address of the property owner and the signature of the applicant or applicant's agent.

2. A topographic map of the existing conditions of the development site showing the location of all roads, all drainageways, the boundaries of the predominant soil types, the boundaries of predominant vegetation, and the location of any drainage easements, detention or retention basins, including their inflow and outflow structures, if any. The map shall also include the location, size and flowline elevations of all existing storm or combined sewers and other utility lines within the site. The map shall be prepared using a minimum two (2) foot contour interval and shall be prepared at an appropriate scale for the type of project and shall include specifications and dimensions of any proposed channel modifications, location and orientation of cross-sections, if any, north arrow, and a graphic or numerical scale. All elevations shall be referenced to National Geodetic Vertical Datum ("NGVD") (1929 adjusted).

3. Include cross-section views for the stormwater management system showing existing and proposed conditions including principal dimensions of the work, and existing and proposed elevations, normal water and calculated base flood elevations, and overland flow depth and path. The elevations of lowest floor or lowest adjacent grade for structures shall be included on the development plan as

applicable. Refer to Subsections (B)(1)(g)3, (C)(2)(f), and (G) of this Section for elevation requirements of structures within or adjacent to floodprone areas. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

4. A vicinity map shall be included along with the parcel identification numbers of all parcels comprising the proposed development.

5. A report describing the hydrologic and hydraulic analyses performed for the project. The report shall include the name of stream or body of water affected, a statement of purpose of proposed activity, and a detailed determination of the runoff for the project site under existing and developed conditions. This includes documentation of the design volumes and rates of the proposed runoff for each portion of the watershed tributary to the stormwater management system and the effects the improvements will have upon the receiving channel and high water elevations. Runoff calculations shall include all discharges entering the site from upstream areas.

6. A section in the hydrologic and hydraulic analysis report describing how the Runoff Volume Reduction Hierarchy [as described in Subsection (B)(1)(d) of this Section] was used in evaluating the stormwater management needs of the site.

7. For detention facilities, a section in the hydrologic and hydraulic analysis report that includes a plot or tabulation of storage volumes and water surface areas with corresponding water surface elevations, stage-discharge or outlet rating curves, and design hydrographs of inflow and outflow for the 2-year, 24-hour and the 100-year, 24-hour storm events under existing and developed conditions.

8. A soil erosion and sediment control plan showing all measures appropriate for the development as approved by the Enforcement Officer, to meet the objectives of this Article throughout all phases of construction and permanently after completion of development of the site, including::

a. Location and description, including standard details, of all sediment control measures and design specifics of sediment basins and traps, including outlet details. The drainage area tributary to each sediment control measure shall be delineated on the soil erosion and sediment control plan.

b. Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures.

c. Location and description of all runoff control measures, including diversions, waterways, and outlets.

d. Location and description of methods to prevent tracking of sediment off-site, including construction entrance details, as appropriate.

e. Description of dust and traffic control measures.

f Locations of stockpiles and description of stabilization methods.

g Description of off-site fill or borrow volumes, locations, and methods of stabilization.

h Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance.

i Identification (name, address, and telephone) of the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures during development and after development is completed.

j A written narrative description of the proposed phasing (construction sequencing) of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of temporary soil stabilization measures, installation of storm drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the Enforcement Officer of any significant changes which occur in the site development schedule after the initial soil erosion and sediment control plan has been approved.

k Bonds: The applicant may be required to file with the Enforcement Officer a faithful performance bond or bonds, letter of credit, or other improvement security satisfactory to the Enforcement Officer in an amount deemed sufficient by the Enforcement Officer to cover all costs of improvement, landscaping, maintenance of improvements and landscaping, and soil erosion and sediment control measures for such period as specified by the Enforcement Officer, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

9. A maintenance plan for the ongoing maintenance of all stormwater management system components including wetlands is required prior to plan approval. The plan shall include:

a. Maintenance tasks.

b. The party responsible for performing the maintenance tasks.

c. A description of all permanent public or private access deed or plat restricted areas for all stormwater management system components for the development. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

d. A description of dedicated sources of funding for the required maintenance.

e. Measures to prohibit dumping, depositing, dropping, throwing, discarding or leaving of construction material debris and all other illicit discharges into the stormwater management system and measures to be in continued compliance with IEPA NPDES Permit No. ILR40. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

10. The application form, development plans, and stormwater reports shall meet the requirements of this Article and shall be signed and sealed by a Registered Professional Engineer. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

11. Public trail and park facility projects which do not involve the placement of structures or fill can be submitted without the certification of seal of a Registered Professional Engineer.

12. A description of the anticipated dates of initiation and completion of activity.

13. A copy of the Natural Resources Inventory ("NRI") shall be submitted by the applicant to the Enforcement Officer, for development that is required to obtain a NRI performed by the Lake County Soil and Water Conservation District pursuant to 70 ILCS 405/22/02a.

14. For all development sites requiring a National Pollutant Discharge Elimination System ("NPDES") Permit, the applicant shall submit a Notice of Intent to the IEPA to comply with the NPDES Permit. The approved soil erosion and sediment control plan created pursuant to the requirements of this Article shall fulfill the plan requirements in the NPDES permit.

15. If the soil mapping submitted for the development indicates the presence of the soils listed below, then the applicant shall provide site specific soil mapping performed by a certified soil classifier for the development. No buildings shall be constructed on these soils unless appropriate building methods, such as pilings, caissons or removal and replacement of unsuitable soils, as approved by the Enforcement Officer, are used to provide and protect a suitable building foundation.

a. Soils classified as a hydric soil (USDA/NRCS Soil Classification) in its very poorly drained condition or the following three soil classification in any condition;

(i) Houghton Muck (W103)
(ii) Houghton Peat (W97)
(iii) Peotone Silty Clay Loam (W330)

Development that is exempted from this requirement is any development activity not resulting in the construction of a building.

16. A copy of the consultation application to the Illinois Department of Natural Resources shall be submitted by the applicant to the Enforcement Officer for development that is required to comply with the consultation process of the Illinois Endangered Species Protection Act [520 ILCS 10/11] and the Illinois Natural Areas Preservation Act [525 ILCS 30/17]. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

17. Subsurface Drainage (Drain Tiles): The applicant shall submit a subsurface drainage inventory. The inventory shall include locations of existing farm and storm drainage tiles by means of slit trenching and other appropriate methods performed by a qualified subsurface drainage consultant. All existing drain tile lines damaged during the investigation shall be repaired to its previous working status. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**).

a. The applicant shall provide a topographical map of the development site showing: (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**))

(i) Location and depth of each slit trench and identified to correspond with the tile investigation report and surveyed points where the tile was field staked at approximately 50 foot intervals; (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(ii) Location of each drain tile with a flow direction arrow, tile size and any connection to adjoining properties;

(iii) A summary of the tile investigation report showing trench identification number, tile size, material and quality, percentage of the tile filled with water, percentage of restrictions caused by silting, depth of ground cover, and working status; and (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(iv) Name, address and phone number of person or firm conducting tile location investigation.

b. Information collected during the drainage investigation shall be used to design and construct a stormwater management system that meets the requirements of this Article, including the connecting tile lines on adjoining properties. Tiles discovered during construction that were not identified during the investigation shall be incorporated into the development stormwater system design and

recorded on the development as-built documents. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

18. A wetland submittal if required under paragraph (E)(1) of this Section. (Ord. 12-02, J. 28, p. 28-43, 2/25/02)

(c) The applicant shall obtain and provide a copy of an IDNR/OWR Dam Safety Permit or a letter stating that a Dam Safety Permit is not required if the development includes a dam before the applicant requests or obtains a watershed development permit. Reference Appendix G of the Lake County Watershed Development Ordinance, "IDNR/OWR Dam Safety permitting Guidelines," last amended January 10, 2006, for IDNR/OWR Dam Safety permitting guidelines. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(d) The applicant shall obtain and provide copies of any and all required federal, state and local permits for development in the Regulatory Floodplain before the applicant requests or obtains a Watershed Development Permit. Reference Appendix E of the Lake County Watershed Development Ordinance, "Partial List of Permits Required (When Applicable) for Development in Lake County," last amended January 10, 2006, for a partial list of permits that may be applicable. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**).

(e) The applicant shall submit the data required to SMC, IDNR/OWR, and FEMA for proposed revisions to the base flood elevation of a Regulatory Floodplain study or relocation of a Regulatory Floodplain boundary.

(f) The applicant shall provide, when applicable to the development: an affidavit or documentation to prove where the development was above the BFE prior to the effective date of the first Regulatory Floodplain map; certification that the ground elevation existed prior to the effective date of the first Regulatory Floodplain map.

(C) <u>Regulatory Floodplains and Floodways</u>.

(1) <u>Location of Regulatory Floodplain, Base Flood Elevation ("BFE") and Regulatory Floodway</u>.

(a) The Regulatory Floodplain is delineated within a development by projecting the BFE onto the existing site topography.

(b) The BFE shall be as delineated on the 100-year flood profiles, as indicated on the floodplain studies noted below:

1. City Regulatory Floodplain profiles, approved by the City for regulatory use are established by: (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**);

a. The Skokie River 100-year Flood Elevation, as established by Epstein Engineer Inc. and adopted by Ordinance 57-90 on December 10, 1990, and: (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

b. The Middle Fork North Branch Chicago River 100-year Floodplain Report from Hydrocomp International, titled "Simulation of Discharge and Stage Frequency for Floodplain Mapping in the North Branch of the Chicago River," dated February 1971 and approved by P. Dittmar on December 7, 1973. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

2. Should no City-approved Regulatory Floodplain profile exist for the site, SMC Regulatory Floodplain profiles, approved by the SMC for regulatory use after a sixty (60) day public review and comment period and accepted by IDNR/OWR and FEMA for SMC regulatory use, as listed on the SMC website; (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

3. Should no SMC-approved Regulatory Floodplain profile exist for the site, the FEMA Flood Insurance Study and profiles, as listed in Appendix C of the Lake County Watershed Development Ordinance, "FEMA Flood Insurance Study Maps and Profiles," last amended January 10, 2006 and thereafter; (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

4. In the case of FEMA delineated "AH Zones" the elevation noted on the map shall be the BFE. In the case of FEMA delineated "AO Zones" the BFE shall be the depth number shown on the map added to the highest adjacent grade, or at least two (2) feet above the highest adjacent grade if no depth number is provided; or

5. When no base flood elevation information exists, the BFE shall be determined by a Registered Professional Engineer using an appropriate model or technique as approved by the SMC or IDNR/OWR. For riverine flood-prone areas with greater than one hundred (100) acres of tributary drainage area, non-riverine flood-prone areas with greater than twenty (20) acres tributary drainage area, and all mapped Special Flood Hazard Areas regardless of drainage area, the BFE determination shall be submitted to SMC for approval prior to issuance of a Watershed Development Permit. The BFE determination for non-riverine depressional floodplains with less than twenty (20) acres of tributary drainage area shall be reviewed and approved by the Enforcement Officer. BFE determinations shall be based on the critical duration event.

a. Where a channel has a tributary drainage area of 640 acres or more, the above analyses shall be submitted to SMC for approval by IDNR/OWR.

b. For a non-riverine Regulatory Floodplain, the historic flood of record (as determined by the Enforcement Officer according to Subsection (C)(1)b.4. of this Section) plus three feet may be used for the BFE instead of performing a detailed hydrologic and hydraulic study.

(c) The location of the Regulatory Floodway shall be as delineated on the maps referenced in Appendix B of the Lake County Watershed Development Ordinance, "SMC Regulatory Floodplain Maps and Profiles," last amended January 10, 2006. Where interpretation is needed to determine the exact location of the Regulatory Floodway boundary, IDNR/OWR should be contacted. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(d) Nothing contained herein shall prohibit the application of these regulations to land that can be demonstrated by engineering survey to lie within any Regulatory Floodplain. Conversely, any lands (except for those located in a Regulatory Floodway) that can be demonstrated by a topographic survey certified by a Registered Professional Engineer or Registered Professional Land Surveyor to lie beyond the Regulatory Floodplain, and show, to the satisfaction of the Enforcement Officer, to have been higher than the BFE as of the effective date of the first floodplain mapping denoting the site to be in a Special Flood Hazard Area, shall not be subject to the regulations of this Section.

In the case of a site located in the Regulatory Floodway that is higher than the BFE, it is subject to the regulations of this Section until such time as a letter of map revision is received from the IDNR/OWR and FEMA.

(2) Performance Standards Applicable to all Regulatory Floodplain Development. The standards of this Subsection apply to all Regulatory Floodplain development except when superseded by more stringent requirements in the subsequent Sections.

(a) Modification and disturbance of natural riverine Regulatory Floodplains shall be avoided to protect existing hydrologic and environmental functions. Such disturbances shall be minimized and all negative impacts mitigated as described in a mitigation plan.

(b) No development shall be allowed in the Regulatory Floodplain that shall singularly or cumulatively create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety and welfare or impair the natural hydrologic functions of the Regulatory Floodplain or channel.

(c) For all projects involving channel modification, fill, stream maintenance, or levees, the flood carrying capacity of the Regulatory Floodplain shall be maintained.

(d) Compensatory storage is required for all storage lost or displaced in a Regulatory Floodplain due to development.

1. Hydraulically equivalent compensatory storage requirements for fill or structures in a riverine Regulatory Floodplain shall be at least equal to 1.2 times the volume of Regulatory Floodplain storage lost or displaced. Such compensation areas shall be designed to drain freely and openly to the channel and located opposite or adjacent to fill areas. A deed or plat restriction is required to prohibit any modification to the compensation area. The Regulatory Floodplain volume lost below the existing 10-year frequency flood elevation must be replaced below the proposed 10-year frequency flood elevation. The Regulatory Floodplain volume lost above the 10-year existing frequency flood elevation must be replaced above the proposed 10-year frequency elevation. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

2. Hydraulically equivalent compensatory storage requirements for fill or structures in a non-riverine floodplain shall be at least equal to 1.2 times the volume of Regulatory Floodplain storage lost or displaced. Non-riverine floodplain storage may be replaced at or below the existing elevation but not below the Normal Water Level.

3. Upon approval of the Enforcement Officer, shorelines or streambanks that have experienced erosion may be restored to their condition as of the effective date of the first FIRM Map in that community without the need to provide compensatory storage for the fill used to restore the eroded area according to the following criteria:

a. The restoration fill shall meet existing grades and within riverine areas the current effective Regulatory Floodplain and Regulatory Floodway conveyances shall be maintained; and

b. The amount of erosion being restored shall be documented and submitted by the applicant as part of the permit process. Proper documentation shall be either field survey information or photo documentation of the erosion that has occurred for the property being restored. (Ord. 68-2000, adopted 10/23/00)

c. For rivers, lakes and streams where no floodway has been designated, no documentation of past shoreline erosion is required if the applicant does not exceed 1 cubic yard of fill per lineal foot for a maximum of 200 feet. In this case, the placing of the fill shall not significantly alter the alignment of the shoreline with adjoining properties as determined by the Enforcement Officer. Non-documentable fills are a one-time allowance on a per property basis and all fills exceeding 200 cubic yards shall be regulated as specified in Subsection (C)(2)(d) of this Section. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

4. Top dressing is the placement of not more than four (4) inches of topsoil within the regulatory floodplain for the purposes of stabilizing an existing erosion control problem or establishing vegetative cover. Top dressing shall be allowed by permit on a per-parcel, one-time only allowance, and not impact adjoining property drainage patterns. Upon approval of the Enforcement Officer, floodplain compensatory storage shall not be required. Top dressing fill shall comply with the Soil Erosion and Sediment Control standards and Wetland Provisions of this Article (Subsections (B)(1)(k) and (E) of this Section). This provision shall not be applicable to the design process for new development. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(e) Public Health Protection Standards.

1. For property within the Regulatory Floodplain, no chemicals, explosives, buoyant materials, animal waste, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials shall be placed or stored below the Flood Protection Elevation. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

2. New and replacement water supply systems, wells, and sanitary sewer lines may be permitted providing all manholes or other above-ground openings located below the FPE are watertight.

3. On-site waste disposal systems shall be designed to avoid inundation by the base flood.

(f) Building Protection Requirements.

1. The lowest floor, including basements of all new and existing residential structures with a substantial improvement shall be elevated up to at least the Flood Protection Elevation (FPE). An attached garage for a new structure must be elevated up to at least 1/2 of one foot above the base flood elevation (BFE). The lowest floor, including the basements of all substantially improved non-residential buildings shall be elevated or structurally dry flood-proofed, per Subsection (C)(2)(f)3 of this Section, to a minimum or one foot above the BFE. The structural design requirements in Subsection (C)(2)(f)1.a. and b. of this Section shall also apply. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

a. If placed on fill, the top of the fill for the residential structure shall be above the Flood Protection Elevation (FPE). The top of the fill for an attached garage shall be 1/2 of one foot above the BFE. The fill pad shall be placed at the appropriate elevation and designed to extend ten (10) feet out from the building's designed footprint unless the building design is certified by a Registered Structural Engineer to be protected from damages due to hydrostatic pressures. Additionally, the fill pad shall meet 95% of Standard Proctor Density in order to be demonstrated not to settle below the FPE for the residential structure and not below 1/2 of one foot above the BFE for an attached garage, and to be adequately protected against erosion, scour and differential settlement. Foundation excavations shall not exceed more that five (5) feet beyond the foundation footprint. Backfill for the over excavated area does not need to meet the compaction requirements.

b. If elevated by means of walls, pilings, or other foundation, the building's supporting structure must be permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood. The permanent openings shall be no more than one (1) foot above lowest adjacent grade, and below the BFE, and consist of a minimum of two (2) openings. The openings must have a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the BFE. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris. All areas below the FPE shall be constructed of materials resistant to flood damage. The lowest floor (including basement) for the residential structure and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPE. An attached garage must be elevated to at least 1/2 of one foot above the BFE. Water and sewer pipes, electrical and telephone lines, submersible pumps and other waterproofed service facilities may be located below the FPE. No area less than one foot above the BFE shall be used for storage of items or materials.

2. The lowest floor, including basements, of an existing structure with a substantial improvement shall be elevated in order to be not less than one (1) foot above the BFE. The requirements of Subsection (C)(2)(f)1.a. and b. shall also apply.

3. The lowest floor including the basement of all new non-residential buildings shall be elevated at least to the Flood Protection Elevation in accordance with Subsection (C)(2)(f)1.a. and b. of this Section, or be structurally dry flood-proofed to at least the FPE. A non-residential building may be structurally dry flood-proofed (in lieu of elevation) provided that a Registered Professional Engineer or Registered Structural Engineer shall certify that the building has been structurally dry flood-proofed below the FPE and the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy and impacts from debris or ice. Flood-proofing measures shall be operable without human intervention and without an outside source of electricity. (Levees, berms, floodwalls and similar works are not considered flood-proofing for the purpose of this Subsection). (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

4. Recreational vehicles to be installed on a site for more than one hundred eighty (180) days, shall be elevated to or above the FPE and shall be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code 870. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

5. Tool sheds, detached garages, and attached garages which are not substantial improvements on an existing single-family platted lot, may be constructed with the lowest floor below the FPE in accordance with the following:

a. The building shall not be used for human habitation.

b. All areas below the BFE shall be constructed with waterproof material. Structures located in a Regulatory Floodway shall be constructed and placed on a building site so as not to block the flow of flood waters and shall also meet the Appropriate Use Criteria of Subsection (C)(3) of this Article. In addition, all other requirements of this Article must be met.

c. The structure shall be anchored to prevent flotation.

d. Service facilities such as electrical and heating equipment shall be elevated or flood-proofed to the FPE.

e. The building shall be valued at less than Twelve Thousand Five Hundred Dollars ($12,500) (1998 costs) or be no greater than five hundred seventy-six (576) square feet in floor size.

f. The building shall be used only for the storage of vehicles or tools and may not contain other rooms, workshops, greenhouses or similar uses.

6. A non-conforming structure damaged by flood, fire, wind or other natural or man-made disaster may be restored unless the damage meets or exceeds fifty (50) percent of its market value before it was damaged, in which case it shall conform to the above provisions of Subsection (C)(2)(f)2 of this Article.

7. No structure other than a fence shall be built within one hundred twenty-five (125) feet of the center line of the channel of the East Fork (Skokie River) and/or the Middle Fork of the North Branch of the Chicago River, or the Regulatory Floodway, whichever is greater. Said fence shall not be located in the floodway nor be constructed to restrict the passage of water.

(g) If the proposed development would result in a change in the mapped Regulatory Floodplain or BFE on a site, the applicant shall submit sufficient data to FEMA and SMC obtain a Letter of Map Revision (LOMR) from FEMA. Proposed changes to Regulatory Floodplain and Regulatory Floodway delineation and BFE should be submitted to SMC. IDNR/OWR concurrence is required for changes to the BFE and floodway delineation.

(h) If the development is located in a public body of water, as defined by IDNR/OWR, a permit must also be received from IDNR/OWR.

(j) Any work involving construction or modification or removal of a dam or an on-stream structure to impound water shall obtain an Illinois Division of Water Resources Dam Safety Permit or letter indicating a permit is not required prior to the start of development activity. Reference Appendix G of the Lake County Watershed Development Ordinance, "IDNR/OWR Dam Safety Permitting Guidelines," last amended January 10, 2006, for IDNR/OWR Dam Safety Permitting guidelines. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(k) If flood-proofing construction is required beyond the outside dimensions of an existing habitable, residential or commercial building, the outside perimeter of the flood-proofing construction shall be placed no further than 10-feet from the outside of the building. Compensation of lost storage and conveyance will not be required for flood-proofing activities. (Ord. 12-02, J. 28, p. 28-43, 2/25/02)

(l) For public flood control projects, the permitting requirements of Subsection (C) of this Section will be considered met if the applicant can demonstrate to IDNR/OWR through hydraulic and hydrologic calculation that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the base flood event. (Ord. 12-02, J. 28, p. 28-43, 2/25/02)

(3) <u>Additional Performance Standards for the Regulatory Floodway (IDNR/OWR Regulations)</u>. The only development in a Regulatory Floodway which will be allowed are Appropriate Uses which will not cause an increase in flood heights for all flood events up to and including the base flood. Only those Appropriate Uses listed below and in 17 Ill. Adm. Code Part 3708 will be allowed in the Regulatory Floodway. Appropriate Uses do not include the construction or placement of any new structures, fill, building additions,

buildings on stilts, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically defined below as an Appropriate Use. If the development is proposed for the Regulatory Floodway portion of the Regulatory Floodplain the following standards apply in addition to the previously stated standards for the Regulatory Floodplain:

(a) Only the construction, modification, repair or replacement of the following Appropriate Uses will be allowed in the Regulatory Floodway:

1. Public flood control projects and private improvements relating to the control of drainage, flooding of existing buildings, erosion, water quality or habitat for fish and wildlife; (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

2. Structures or facilities relating to functionally water dependent uses such as facilities and improvements relating to recreational boating;

3. Storm sewer outfalls;

4. Underground and overhead utilities if sufficiently flood-proofed;

5. Recreational facilities such as playing fields and trail systems including any related fencing (at least 50% open when viewed from any one direction) built parallel to the direction of flood flows, and including open air pavilions;

6. Bridges, culverts and associated roadways, sidewalks and railways, necessary for crossing over the Regulatory Floodway or for providing access to other Appropriate Uses in the Regulatory Floodway and any modification thereto;

7. Regulatory Floodway regrading, without fill, to create a positive non-erosive slope toward a channel;

8. Flood-proofing activities to protect previously existing lawful structures including the construction of watertight window wells, elevating structures, or the construction of flood walls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten (10) feet away from the exterior wall of the existing structure, and which are not considered to be substantial improvements to the structure;

9. The replacement, reconstruction or repair of a damaged building, provided that the outside dimensions of the building are not increased, and provided that, the building is not damaged to fifty (50) percent or more of the building's market value before it was damaged. When damage is 50% or more, the activity shall conform to Subsection (C)(2)(f) of this Section.

10. Modifications to an existing building, which are not substantial improvements, that would not increase the enclosed floor area of the building below the BFE, and which will not block flood flows including but not limited to, fireplaces,

bay windows, decks, patios, and second story additions. No enclosed floor areas may be built on stilts.

(b) Additions to the above list of Appropriate Uses are not allowed.

(c) All Appropriate Uses shall require a permit from the City and must be in accordance with all provisions of this Article.

(d) Construction of an Appropriate Use will be considered permissible provided that the proposed project meets the following engineering and mitigation criteria and that of Subsections (C)(1) and (C)(2) of this Section and is so stated in writing with supporting plans, calculations and data prepared by a Registered Professional Engineer.

1. All effective Regulatory Floodway conveyance lost due to the development of Appropriate Uses, other than bridge or culvert crossings or on-stream structures or dams, shall be replaced for all flood events up to and including the base flood. In calculating effective Regulatory Floodway conveyance, the following factors shall be taken into consideration:

a. Regulatory Floodway conveyance,

$$K = \frac{1.486}{n} A(R)^{2/3}$$

where "n" is Manning's roughness coefficient, "A" is the effective area of the cross-section, and "R" is the ratio of the area to the wetted perimeter.

b. The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state, or local unit of government can ensure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.

2. Transition sections shall be provided and used in calculations of effective Regulatory Floodway conveyance, in the design of excavations in the Regulatory Floodway, between cross-sections with rapid expansions and contractions, and when meeting the Regulatory Floodway delineation on adjoining properties. The following expansion and contraction ratios shall be used: (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

a. Water will expand no faster than at a rate of one (1) foot horizontal for every four (4) feet of the flooded stream's length.

b. Water will contract no faster than at a rate of one (1) foot horizontal for every one (1) foot of the flooded stream's length.

c. Water will not expand or contract faster than one (1) foot vertical for every ten (10) feet of flooded stream length.

d. All cross-sections used in the calculations shall be located perpendicular to flood flows.

e. In the design of excavations in the Regulatory Floodway, erosion/scour protection shall be provided on land upstream and downstream of proposed transition sections.

3. The development of all Appropriate Uses shall not result in an increase in the average channel or Regulatory Floodway velocities or stage, for all flood events up to and including the BFE. However, in the case of bridges or culverts or on-stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.

4. In the case of on-stream structures built for the purpose of backing up water, an increase in upstream stage when compared to existing conditions for all flood events up to and including the base flood event shall be contained within recorded easements. A permit or letter indicating a permit is not required must be obtained from IDNR/OWR, Dam Safety Section for a Dam Safety permit or waiver for any structure built for the purpose of backing up water in the stream during normal or flood flow.

5. If flood proofing construction is required beyond the outside dimensions of an existing habitable, residential or commercial building, the outside perimeter of the flood-proofing construction shall be placed no further than ten (10) feet from the outside of the building. Compensation of lost storage and conveyance will not be required for flood-proofing activities.

6. For public flood control projects, the permitting requirements of this Subsection (C) of this Section will be considered met if the applicant can demonstrate to IDNR/OWR through hydraulic and hydrologic calculation that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the BFE.

7. General criteria for analysis of flood elevations.

a. The flood profiles, flows and Regulatory Floodway data in the Regulatory Floodway study, referenced in Subsection (C)(1) of this Section, must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, IDNR/OWR shall be contacted for approval and concurrence on the appropriate base conditions data to use.

b. If the BFE at the site of the proposed development is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed development shall be shown to meet the requirements of this Section for the base flood elevations of the Regulatory Floodway conditions and conditions with the receiving stream at normal water elevations.

c. If the applicant is informed by IDNR/OWR, units of local government, or a private owner that a downstream or upstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a regional flood control project is scheduled to be built, removed, constructed, or modified within the next five (5) years, the proposed development shall be analyzed and shown to meet the requirements of this Section for both the existing conditions and the expected flood profile conditions when the bridge, culvert, or flood control project is built.

8. If the appropriate use will result in a change in the Regulatory Floodway location or a change in the BFE, the applicant shall submit to SMC the information required to be issued a Conditional Letter of Map Revision ("CLOMR") from IDNR/OWR and FEMA~. A public notice inviting public comment on the proposed change in the BFE or location in the Regulatory Floodway will be issued by IDNR/OWR or its designee before a CLOMR is issued. The application will not be considered complete until the CLOMR is received. No filling, grading, dredging or excavating shall take place until a conditional approval is issued by the Enforcement Officer. The construction or placement of structures within the currently effective floodway boundary shall not take place until a final Letter of Map Revision ("LOMR") is issued by IDNR/OWR and FEMA, which revises the floodway boundary. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(e) For those circumstances listed below and located in a Regulatory Floodway, the following information shall be submitted to IDNR/OWR or SMC.

1. Analysis of the flood profile due to a proposed bridge, culvert crossings and roadway approaches.

2. An engineer's determination that an existing bridge or culvert crossing or approach road is not a source of flood damage and the analysis indicating the proposed flood profile.

3. Alternative transition sections and hydraulically equivalent storage.

4. IDNR/OWR will retain permit authority for any IDNR/OWR projects, dams, etc., all other state, federal or SMC projects.

5. SMC will issue permits to units of local government for Regulatory Floodway development.

(4) <u>Special Considerations for the Construction of New Bridges or Culvert Crossings and Roadway Approaches or the Reconstruction or Modification of Existing Bridges, Culvert Crossings or Roadway Approaches</u>.

(a) A proposed new structure shall not result in an increase of upstream flood stages greater than 0.1 feet when compared to the existing conditions for all flood events up to and including the BFE unless contained within the channel banks, or recorded easements. The evaluation must be submitted to the SMC for review and concurrence before a permit is issued.

(b) If the proposed development will increase upstream flood stages greater than 0.1feet, the applicant must contact IDNR/OWR, Dam Safety Section for a Dam Safety permit or waiver.

(c) Lost Regulatory Floodway storage must be compensated for per the Regulatory Floodplain performance standards of this Article except that artificially created storage that is lost or displaced due to a reduction in upstream head loss caused by a bridge, culvert, storm sewer or constructed embankment shall not be required to be replaced, provided no damage will be incurred downstream. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(d) Velocity increases must be mitigated per the Regulatory Floodway performance section of this Article except that in the case of bridges or culverts or on-stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of appropriate measures.

(e) For modification or replacement of existing structures, the existing structure must first be evaluated in accordance with Department of Transportation Rules 92 Ill. Adm. Code Part 708 to determine if the existing structure is a source of flood damage. If the structure is a source of flood damage, the applicant's engineer shall submit justification to allow the damage to continue and evaluate the feasibility of relieving the structure's impact. Modifications or replacement structures shall not increase flood stages compared to the existing condition for all flood events up to and including the base flood event. The evaluation must be submitted to IDNR/OWR or its designee for review and concurrence before a permit is issued.

(f) If the crossing is proposed over a public body of water, an IDNR/OWR permit must be obtained.

(g) The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to IDNR/OWR for concurrence that a CLOMR is not required.

(5) Regulatory Floodplains Without Regulatory Floodways. The Applicant, through SMC, shall obtain approval from IDNR/OWR for all development with a tributary drainage area of 640 acres or more located within the Regulatory Floodplain without a delineated Regulatory Floodway. The development shall not singularly or cumulatively result in an obstruction of flood flows or potential flood damages outside the development due to increased flood heights, velocities, or loss of floodplain storage. The applicant shall meet the requirements of Subsection (C) of this Article according to the following criteria:

(a) Submit to SMC an engineering study performed by a Registered Professional Engineer which will determine a floodway which meets the definition of a Regulatory Floodway and show that the proposed development will meet the requirements of Subsection (C) of this Article; or

(b) Submit to SMC an engineering study performed by a Registered Professional Engineer which will determine a BFE and demonstrate that the proposed development will maintain the existing conditions conveyance, will not increase flood velocities, will not increase flood profiles, and will compensate for all lost flood storage at a ratio of 1:2:1 in a manner that is hydraulically equivalent; or

(c) Submit to SMC an engineering study performed by a Registered Professional Engineer which will demonstrate that for a range of flood elevations (which would conservatively exceed the expected 100-year flood elevation) that the proposed development will maintain the existing conditions conveyance, will not increase flood velocities, will not increase flood profiles, and will compensate for all lost flood storage at a ratio of 1.2:1 in a manner that is hydraulically equivalent.

(6) Application for Development in the Regulatory Floodplain. If the development is located in a Regulatory Floodplain, the applicant shall provide the following additional information:

(a) Site location of the property, drawn to scale on the Regulatory Floodway map;

(b) A plan view of the project showing:

1. The Regulatory Floodway limit, Regulatory Floodplain limit and, for work in public bodies of water as defined by IDNR/OWR, the navigation channels.

2. Cross-section views of the project for the impacted reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical).

3. A copy of the Regulatory Floodway map with the project site delineated and marked to reflect any proposed change in the Regulatory Floodway location.

(c) A listing of all local, state and federal permits or approval letters that may be required for this type of development. The applicant shall obtain and provide copies of any and all required local, state and federal permits for development in the Regulatory Floodplain before the applicant requests or obtains a Watershed Development Permit. Reference Appendix H of the Lake County Watershed Development Ordinance, "Partial List of Permits Required (When Applicable) for Development in Lake County," last amended January 10, 2006, for a partial list of permits that may be applicable. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(d) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the performance standards of this Article.

(e) All changes in grade resulting from any proposed excavation or filling; existing and proposed Regulatory Floodplain and Regulatory Floodway limits; the location and dimension of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of this Article.

(f) Elevation certificates of the lowest floor elevation (including basements and attached garages) or the elevation to which a non-residential building has been flood-proofed using a flood-proofing certificate for all buildings in the Regulatory Floodplain.

(D) Flood-Prone Areas. The standards of this Section apply to development located in flood-prone areas with drainage areas less than 640 acres or in depressional storage areas, as specified.

(1) Flood-carrying Capacity. The flood-carrying capacity shall be maintained for channels with flood-prone areas draining a tributary area of 20 acres or more. (Subsection (B)(1)(g) of this Section.)

(2) Flood-prone Area Conveyance, Velocities, Flood Profiles, and Flood Storage. For all development within a flood-prone area where the tributary drainage area is 100 acres or more, the applicant shall meet the requirements of Subsections (C)(2)(e) and (C)(2)(e) of this Article according to the following criteria:

(a) Submit to SMC an engineering study performed by a Registered Professional Engineer which will determine a floodway which meets the definition of a Regulatory Floodway and show that the proposed development will meet the requirements of Subsection (C) of this Article; or

(b) Submit to SMC an engineering study performed by a Registered Professional Engineer which will determine a BFE and demonstrate that the proposed development will maintain the existing conditions conveyance, will not increase flood velocities, will not increase flood profiles, and will compensate for all lost flood storage at a ratio of 1.2:1 in a manner that is hydraulically equivalent; or

(c) Submit to SMC an engineering study performed by a Registered Professional Engineer which will demonstrate that for a range of flood elevations (which would conservatively exceed the expected 100-year flood elevation) that the proposed development will maintain the existing conditions conveyance, will not increase flood velocities, will not increase flood profiles, and will compensate for all lost flood storage at a ratio of 1.2:1 in a manner that is hydraulically equivalent.

(E) Wetland Provisions.

(1) Applicability. A Watershed Development Permit is required for any regulated development as defined in paragraph (A)(1) of this Section, that:

(a) Creates a wetland impact within an area defined as a Water of the U.S.; or

(b) Creates a wetland impact within an area defined as Isolated Waters of Lake County; or

(c) Occurs in buffer areas adjoining to Waters of the U.S. or Isolated Waters of Lake County.

(2) Wetland Submittal Requirements. In addition to all other WDO provisions, wetland submittal requirements depend upon whether the development is within Water of the U.S. or Isolated Waters of Lake County as provided below. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(a) The applicant shall obtain a written jurisdictional determination as to which wetlands of the development site are Isolated Waters of Lake County or Waters of the U.S. A copy of the jurisdictional determination shall be included with the wetland submittal. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(b) If the permit would impact Waters of the U.S., the following information is required:

1. Wetland delineation and wetland determination report as specified in paragraph (E)(3) of this Section.

2. A U.S. Army Corps permit for the proposed development or a letter from the Corps stating that the proposed development does not require Corps authorization.

3. Buffer Area requirements as specified in subparagraph (B)(1)(j) of this Section.

4. All wetland impacts occurring in Lake County that exceed the mitigation threshold of the Corps regulatory program shall be mitigated for in Lake County at the mitigation ratio specified by the Corps for that development impact.

(c) If the permit would impact Isolated Waters of Lake County, the following information is required:

1. A cover letter signed by a Certified Wetland Specialist that provides a clear project purpose and need statement, a description of the proposed activity, area (in acres) of wetland impact and a statement on the category to be used as follows: (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

a. Category-I: Wetland impacts less than or equal to 1 acre and does not impact high quality aquatic resources;

b. Category-II: Wetland impacts greater than 1 acre and less than 2 acres and does not impact high quality aquatic resources;

c. Category-III: Wetland impacts greater than or equal to 2 acres or impacts high quality aquatic resources; and

d. Category-IV: Wetland impacts for the restoration, creation and enhancement of wetland provided that there are net gains in aquatic resource function. Category-IV activities include shoreline and streambank erosion restoration in subparagraph (C)(2)(d)(3) of this Section.

2. A completed Watershed Development Permit Application form signed by a Certified Wetland Specialist: (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

3. A delineation of the wetlands consistent with the requirements provided in paragraph (E)(3) of this Section;

4. A statement on the occurrence of any high quality aquatic resource on or adjoining the development;

5. Documentation that the development is in compliance with the Illinois Department of Natural Resource's Endangered Species Consultation Program and the Illinois Natural Areas Preservation Act [520 ILCS 10/11 and 525 ILCS 30/17];

6. For developments involving State of Illinois funding or pass-through funding, documentation that the development is in compliance with the Interagency Wetland Policy Act of 1989 [20 ILCS 830] as administered by the Illinois Department of Natural Resources; (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

7. Documentation that the development is in compliance with the U.S. Fish and Wildlife Service's consultation program under the Endangered Species Act;

8. A mitigation plan meeting the requirements of paragraph (E)(4) of this Section;

9. A copy of the Natural Resources Information Report (NRI) for development that is required to obtain a NRI performed by the Lake County Soil and Water Conservation District pursuant to state statute 70 ILCS 405/22.02a;

10. A narrative of the alternative measures taken to avoid, minimize, or mitigate for wetland impact to Isolated Waters of Lake County (Category-II requirement only);

11. Category-III Wetland Impacts:

a. A narrative of the measures taken, in sequence, to avoid and minimize wetland impacts to Isolated Waters of Lake County before mitigation is considered.

b. Upon concurrence of the Enforcement Officer and the Certified Wetland Specialist that a watershed development permit application meets the wetland submittal requirements of this ordinance, the Enforcement Officer shall issue a Technical Notification to USACE, IDNR, IEPA, USFWS and the SMC requesting comments with respect to the proposed wetland impacts and request comments with 15 working days. The Enforcement Officer shall receive the comments and copies of the comments shall be forwarded to the applicant for response. Full consideration of the comments and applicant's response shall be evaluated by the Enforcement Officer prior to permit issuance. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

c. The SMC shall review and issue Category III wetland authorizations for development sites occurring in more than one local unit of government jurisdiction. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

12. Category-IV Wetland Impacts:

a. A narrative on the benefits to the aquatic environment of the proposed development.

b. Shoreline and streambank erosion restoration that meet the requirements contained in subparagraph (C)(2)(d)(3) of this Section are exempt from the submittal requirements contained in this Section.

c. Isolated Waters of Lake County that are used for detention and not for mitigation credit per Subsection (E)(6) of this Section shall be exempt from the submittal requirements of Subsection (E)(2)(c)7 of this Section. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(3) Requirements for Wetland Delineation.

(a) Applicant shall identify the boundaries, extent, function, and quality of all wetland areas on the development site and prepare a Wetland Determination Report. The presence and extent of wetland areas shall be determined by, or under supervision of, a Certified Wetland Specialist using an on-site wetland procedure within 3 years of the initial permit application date in accordance with the methodology contained in the 1987 Corps of Engineers wetland delineation manual or as otherwise noted below. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(b) Wetland Determination Report. The following are minimum requirements for the Wetland Determination Report:

1. A plan showing the location of wetlands within the development site and the approximate boundaries of offsite wetlands per Subsection (b)6 below. The wetland boundary within the development site shall be flagged in the field and surveyed; (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

2. An aerial photograph delineating the wetland and the development boundary;

3. A copy of the following maps (most recent) delineating the development boundary:

a. U.S.G.S. quadrangle map;
b. Lake County Wetland Inventory map;
c. FEMA floodplain map;
d. Lake County soil survey; and
e. Hydrologic Atlas.

4. U.S. Army Corps of Engineers data sheets (March 1992 or most recent version) with color photographs provided for representative upland and wetland data points; (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

5. A written description of the wetland(s) that includes a Floristic Quality Assessment as determined by methodology contained in Swink, F. and G. Wilhelm's Plants of the Chicago Region (1994, 4th Edition, The Morton Arboretum, Lisle, Illinois). Floristic quality assessments shall generally be conducted between May 15 and October 1, which approximates the growing season. Non-growing season assessments may require additional sampling during the growing season to satisfy this requirement; (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

6. The approximate location, extent, and relative quality of off-site wetlands on properties within the maximum buffer requirements adjoining the development shall be identified by using the first of the following documents or procedures pertaining at the time of development: (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

a. Site-specific delineation according to the 1987 Federal wetland delineation manual. If such delineation is not available, use subparagraph (ii) below.

b. Wetlands identified in Lake County Wetland Inventory maps (most current LCWI map).

7. A farmed wetland determination for development sites in accordance with the current U.S. Natural Resources Conservation Service methodology. The farmed wetland boundaries shall be shown on the plan and aerial photograph in Subsections (b)1 and (b)2 above. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(4) Isolated Waters of Lake County Mitigation Requirements. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(a) Mitigation is required within Lake County for: (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

1. Wetland impacts greater than or equal to one-tenth (0.1) acre of Isolated Waters of Lake County that are high quality aquatic r4esources (HQAR). (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

2. Wetland impacts greater than or equal to ¼ (0.25) acres of Isolated Waters of Lake County that are not high quality aquatic resources. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(b) Mitigation shall provide for the replacement of the wetland environment lost to development at the following proportional rates (i.e., creations acreage to wetland impact acreage):

1. For wetland impacts to areas that are not high quality aquatic resources under Categories I, II and III, a minimum of 1.5:1 mitigation ratio shall be required or a minimum 1:1 mitigation ratio for fully certified wetland mitigation bank credits. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

2. A minimum of 3:1 for wetland impacts that are high quality aquatic resources;

3. A minimum of 6:1 for wetland impacts that are high quality forested wetlands as defined in Appendix L of the Lake County Watershed Development Ordinance, "High Quality Aquatic Resources," last amended January 10, 2006. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

4. For wetland impacts to open waters that are not high quality aquatic resources under Categories I, II and III, a minimum of 1:1 mitigation ratio shall be required. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(c) Mitigated Isolated Waters of Lake County shall be designed to duplicate or improve the hydrologic and biologic features of the original wetland impact area. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(d) A Project Mitigation Document (PMD) shall be submitted for all mitigation projects in conformance with Appendix N of the Lake County Watershed Development Ordinance, "WDO Mitigation Requirements and Guidelines for Isolated Waters of Lake County Impacts," last amended January 10, 2006. Appendix N contains requirements for performance standards, monitoring, and completion standards. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(e) Creation of wetlands for the mitigation of wetland impacts shall not take place within detention facilities. Enhancement of farmed wetlands meeting the size criterion in subparagraph (5)(a) of this Subsection may be used for up to 80% of the mitigation requirement. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(f) Enhancement of existing non-farmed wetlands may be credited at up to 25% of the enhanced wetland acreage completed, provided that the wetland impact acreage created is at a minimum 1:1 ratio and the mitigation hierarchy in Subsection (E)(5) of this Section is followed. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(g) A five-year wetland mitigation surety for 110% of mitigation cost shall be submitted prior to obtaining a permit. The mitigation surety shall include the

costs for construction, monitoring and management activities during the 5-year performance period. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(h) A wetland mitigation management and monitoring plan indicating the legally responsible parties for long-term operation and maintenance and dedicated funding sources.

(i) The developer shall provide annual monitoring reports on the status of the constructed mitigation measures. The developer shall undertake all necessary remedial action to bring the area into compliance with the wetland mitigation plan.

(j) Wetland impacts occurring prior to the issuance of a WDO permit shall presume the wetland disturbed was a high quality aquatic resource requiring mitigation at a minimum rate of 3:1, except 6:1 for wetland impacts that are forested wetlands as defined in Appendix L of the Lake County Watershed Development Ordinance, "High Quality Aquatic Resources," last amended January 10, 2006. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(k) Mitigation areas shall be protected by a deed or plat restriction for that purpose. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(5) Mitigation Hierarchy.

(a) Size Requirements.

1. If the required mitigation acreage is less than 1.5 acres, mitigation requirements shall follow the mitigation hierarchy 2 through 4 below. If on-site mitigation increases an existing on-site wetland size greater than or equal to 1.5 acres, the applicant may use mitigation hierarchy 1.

2. If the required mitigation acreage is 1.5 acres or greater, mitigation requirements shall follow mitigation hierarchy 1 through 4.

(b) Hierarchy – All mitigation shall occur in Lake County. Mitigation shall use the following hierarchy. Allowance to the next lower step is permitted only when justified through sequencing specified in subparagraph (2)(c)(9) or (10) of this Subsection or when the higher step is not available, or as specified in (4) below: (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

1. On-site wetland mitigation meeting the requirements of the project mitigation document.

2. In the same watershed as wetland impact: a U.S. Army Corps Approved Wetland Mitigation Bank; or a SMC Approved Wetland Mitigation Bank; or Off-site wetland mitigation meeting the requirements of the project mitigation document.

3. Outside of the watershed (at double the required mitigation acreage): A U.S. Army Corps Approved Wetland Mitigation Bank; or a SMC

Approved Wetland Mitigation Bank; or Off-site wetland mitigation meeting the requirements of the project mitigation document.

4. SMC Wetland Restoration Fund. This mitigation option may only be used for wetland impacts where there are no available mitigation credits within the watershed and the corresponding fees and mitigation rations shall be charged at the 'in-watershed' rate. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(6) Detention in Isolated Waters of Lake County.

(a) Detention shall only be allowed in the following Isolated Waters of Lake County and are not considered a wetland impact: (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

1. Farmed Wetlands; (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

2. Non-farmed wetlands when the existing vegetated wetland acreage (not including open water area) are covered by a minimum of 85% of one or more of the following species: (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(i) reed canary grass (Phalaris arundinacea)
(ii) purple loosestrife (Lythrum salicaria)
(iii) common reed (Phragmites australis) or
(iv) buckthorn (Rhamnus spp.)

3. An IWLC comprised of open water that is not an HQAR. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(b) When using a IWLC for detention and not for wetland mitigation enhancement credit, the applicant shall use a 'wetland' detention design as provided in the TRM, and shall re-establish vegetation within the detention basin using the Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois, NRCS, et al., (as amended) as a minimum standard for the re-vegetation plan. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(c) If the wetland detention basin is also used as wetland mitigation enhancement credit, then the mitigation requirements of Subsection (E)(6) of this Section and the wetland hydrology thresholds of Subsection (E)(7) of this Section shall apply. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(d) Enhancement of existing wetland areas within the proposed detention basin will be permitted as a Category IV impact. Fill or loss of existing wetland area will be permitted under the appropriate impact Category I, II or III. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(e) For all wetlands used for detention, the requirements for water quality treatment of Subsection (B)(1)(h) of this Section shall apply upstream of the detention facility. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(f) The wetland hydrology thresholds of Subsection (E)(7) of this Section shall apply for the IWLC used for detention meeting the criteria of (a)1. above. The wetland hydrology thresholds of Subsection (E)(7) shall not apply for IWLC used for detention meeting the criteria of (a)2 and (a)3 above. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(7) Wetland Hydrology Requirement. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(a) The following hydrology requirement applies to Isolated Waters of Lake County located wholly or partially within the development site: 9 **Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

1. The development design shall maintain between 80% and 150% of the existing condition storm event runoff volume to the wetland up through the 2 year-24 hour storm event runoff volumes from the onsite tributary drainage area to the preserved Isolated Waters of Lake County. The following minimum information shall be submitted to address this provision: (Ord. 68-2000, adopted 10/23/00; Ord. 12-02, J. 28, p. 28-43, 2/25/02; **Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**)

(i) An exhibit illustrating the existing condition and with-project drainage areas; and (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(ii) Existing condition and with-project runoff volume calculations (including land use and soil type documentation); and (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(iii) Existing condition and with-project runoff volume determination. For proposed development that will change the size of an Isolated Waters of Lake County: the proposed to existing conditions runoff volume ration shall be adjusted according to the change in wetland size, to determine if the hydrology threshold has been met; and (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(iv) The development shall include a design for the stormwater management system that maintains or replicates the existing hydrologic condition of the wetland, unless changes are proposed to enhance the wetland function. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

2. A wetland impact to Isolated Waters of Lake County shall be assumed and the mitigation requirements of Subsection (E)(4) of this Section shall apply if the development does not meet provisions of (a)1. above. The hydrologic wetland impact shall be in addition to other wetland impacts to Isolated Waters of Lake County (e.g., filling, excavation, drainage, etc.). The amount of wetland impact shall be determined as follows: (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(i) For Isolated Waters of Lake County wholly onsite: the total area of the impacted Isolated Waters of Lake County not meeting the above provisions; and (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(ii) For Isolated Waters of Lake County located partially on-site: the ratio of onsite tributary drainage area to total tributary drainage area multiplied by the with-project area of the impacted Isolated Waters of Lake County. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(F) Public Roadway Development Permit.

(1) Authority and Enforcement.

(a) The SMC shall be responsible for the review and enforcement of all Public Road Developments Permits.

(b) The performance standards of this Article shall apply to all Public Road Developments. The release rate performance standard of Subsection (B)(1)(c) of this Section shall apply only to additional impervious surface areas or, in the case of new road construction, the hydrologically disturbed areas. This release rate requirement shall be used unless watershed specific rates have been adopted, or it is determined by the Enforcement Officer that other site conditions, including analysis of downstream capacity, warrant further analysis and modification from this standard. Detention requirements

shall be applied only to those projects described in Subsection (A)(1)(d)3) of this Section. (Ord. 68-2000, adopted 10/23/00)

(c) The fee-in-lieu of on-site detention option shall be authorized for all public road developments on existing alignments provided the downstream drainage system has adequate stormwater capacity and that it will not result in negative impacts to the drainage system.

(2) Application Requirements.

(a) A copy of any applicable Illinois Department of Transportation/Division of Water Resources IDNR/OWR permit application.

(b) A copy of any applicable U.S. Army Corps of Engineers permit application.

(c) A copy of the proposed Stormwater Management System, including the location and size of all existing and proposed drainage improvements including plan, section, and profile views of storm sewers, field tiles, culverts, channels, and detention areas.

(d) A copy of all calculations supporting the stormwater management system. Material should be consistent with the requirements of Subsection (B)(2)(b)5 of this Section and the engineering requirements of Subsection (B)(1) of this Section.

(e) A Soil Erosion and Sediment Control Plan consistent with Subsection (B)(1)(k) of this Section.

(f) A Wetland Determination Report and Mitigation Plan consistent with Subsection (E) of this Section, if applicable.

(G) Performance Standards for Flood Table Land Development. For all development within the flood table lands, the applicant shall meet the requirements of Subsections (C)(2)(e) and (f)1, (f)3, (f)4, and (f)5 of this Section.

Sec. 150.1805 Waivers.

(A) The Enforcement Officer, upon application, after hearing, and subject to the process and standards that follow, may waive provisions of this Article as will not cause detriment to the public good, safety or welfare nor be contrary to the spirit, purpose, and intent of this Article where, by reason of unique and exceptional physical circumstances or condition of a particular property, the literal enforcement of the provisions of this Article would result in an unreasonable hardship.

(1) The Enforcement Officer shall administer the waiver provisions.

(2) For development requiring a Watershed Development Permit from the SMC, the SMC Chief Engineer shall administer the waiver provisions. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07**)

(3) A public notice will be issued inviting public comment on all proposed waivers for major developments. A copy of the public notice will be sent a minimum of thirty (30) days before the ruling to the SMC Chief Engineer to allow for SMC comment on the waiver being applied for. For variances under the administration of the SMC, the SMC shall send a copy of the public notice to the community a minimum of thirty (30) days before the ruling to allow for community comment. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(4) Waivers shall be granted only upon:

(a) Showing of good and sufficient cause; and

(b) A determination that the waiver is the minimum necessary to afford relief, considering the flood hazard and water quality; and

(c) A finding that failure to grant the waiver would result in exceptional hardship to the applicant; and

(d) A finding that the granting of a waiver would not result in increased flood heights, additional threats to public safety, or extraordinary public expense, nor create nuisances, cause fraud or victimization of the public, nor conflict with existing local laws or ordinances and that all buildings will be protected by methods that minimize flood damage during the BFE; and

(e) A finding that the development activity cannot be located outside the floodplain; and

(f) A determination that the activity is not in a Regulatory Floodway. No waiver shall be granted pertaining to Subsections (C)(3), (C)(4), or (C)(5) of Section 150.1804; and

(g) The applicant's circumstances are unique and do not represent a general problem; and

(h) The granting of the waiver will not alter the essential character of the area involved including existing stream uses.

(5) Upon consideration of the factors noted above and the intent of this Article, the Enforcement Officer may attach such conditions to the granting of a waiver deemed necessary to further the purposes and objectives herein.

(6) Waivers requested in connection with restoration of a historic site or historic structure or building listed on the National Register of Historic Places or documented as worthy of preservation by the Illinois Historic Preservation Agency, may be granted using criteria more permissive than the requirements contained in this Section.

(7) The Enforcement Officer shall notify an applicant in writing that a waiver from the requirements of Subsection (C)(2)(f) of Section 150.1804 that would lessen

the degree of protection to a building will result in increased premium rates for flood insurance up to amounts as high as Twenty-five Dollars ($25) for One Hundred Dollars ($100) of insurance coverage, increase the risks to life and property, and require that the applicant will acknowledge in a signed exception to title the assumption of the risks and liability and will pay upon approval of the waiver a recording fee above and beyond the usual permit review fee.

(8) In a Regulatory Floodplain without a Regulatory Floodway where the tributary drainage area is greater than 640 acres or more, a waiver may not be granted that will result in a loss of the Regulatory Floodplain storage of greater than ten (10) percent of the existing Regulatory Floodplain storage on the site.

(9) Waivers requested in connection with the redevelopment of previously developed sites, that will further the public policy goals of downtown redevelopment and neighborhood revitalization, may be granted provided the waiver would not result in an increase in the pre-redevelopment runoff rate or volume and there will exist adequate downstream stormwater capacity. No waiver shall be granted pertaining to Subsection (C) of Section 150.1804

(10) Due to the unique nature of Public Road Developments occurring in narrow rights-of-way instead of an expansive tract of land, waivers requested in connection with Public Road Developments that will further the public policy of minimizing the condemnation of private or public property may be granted using criteria more permissive than the requirements of Subsection (A)(4) of Section 150.1804 to the minimum extent necessary to achieve the minimal amount of condemnation. No waivers shall be granted pertaining to Subsections (C)(3), (C)(4), and (C)(5) of Section 150.1804.

(B) The above and foregoing notwithstanding, in the event the request for waiver is limited to a reduction of the FPE to a lesser elevation and provided the conditions set forth in Subsection (A)(3) hereinabove are met, then, upon recommendation of the Enforcement Officer, the City Manager may grant such waiver without a hearing being held before the City Council.

(C) Appeals.

(1) Any permit applicant aggrieved by the denial or conditions of a Watershed Development Permit, Earth Change Removal, Conditional Approval or Variance by the Enforcement Officer may request review thereof by the City Council within thirty (30) days of the disputed act or actions. **(Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(2) Any permit applicant aggrieved by the denial or conditions of a Watershed Development Permit, Earth Change Approval, Conditional Approval or Variance by the SMC Chief Engineer may request review thereof by the SMC Director within thirty (30) days of the disputed act or actions. **(Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(3) Any permit applicant aggrieved by the denial or conditions of a Watershed Development Permit, Earth Change Approval, Conditional Approval or Variance by the SMC Director may appeal it to the SMC by written notice filed with the

SMC Director within thirty (30) days of the disputed act or actions. (Ord. 68-2000, adopted 10/23/00; **Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**)

Sec. 150.1806 Inspections and Access.

Representatives of the SMC and of any federal, state and the City of Highland Park are authorized to enter upon any land or water to inspect development activity and to verify the existing conditions of a development site that is currently under permit review. The City of Highland Park shall maintain a listing of all detention facilities and shall periodically, at least every five (5) years, inspect all such facilities, and shall cause notice to be served to restore, repair or maintain detention facilities whenever necessary. This Section shall apply to existing as well as future detention facilities.

(A) Inspection: The Enforcement Officer may inspect site development at any stage in the construction process. Recommended inspection intervals are listed below. For major developments, the Enforcement Officer shall conduct site inspections, at a minimum, at the end of the construction stages (1) and (7) listed below. Construction plans approved by the Enforcement Officer shall be maintained at the site during progress of the work. The Designated Erosion Control Inspector shall conduct inspections and document as described below, at a minimum, at the Intervals in (1) and (6) listed below, for those developments that require a Designated Erosion Control Inspector. **(Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(1) Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading,

(2) After stripping and clearing,

(3) After rough grading,

(4) After final grading,

(5) After seeding and landscaping deadlines,

(6) After every seven (7) calendar days or storm event with greater then 0.5-inches of rainfall,

(7) After final stabilization and landscaping, prior to removal of sediment controls.

If a wetland mitigation area is constructed as part of the watershed development permit, it is recommended that a Certified Wetland Specialist or Provisional Wetland Specialist at a minimum perform the following inspections:

(8) Inspection by a Certified Wetland Specialist or Provisional Wetland Specialist after mitigation areas have been final graded and before seeding or plant installation.

(9) Inspection by a Certified Wetland Specialist or Provisional Wetland Specialist after plant installation.

(10) At a minimum, annual inspections by a Certified Wetland Specialist or a Provisional Wetland Specialist during the 5-year monitoring period for wetland mitigation areas.

If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the permittee shall plan for appropriate erosion control measures to be in place after each stage listed above and for each phase of construction. (Ord. 12-02, J. 28, p. 28-43, 2/25/02**)**

(B) Special Precautions

(1) If at any stage of the grading of any development site the Enforcement Officer determines that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the Enforcement Officer may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. Special Precautions may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control, and recommendations of a licensed soils engineer and/or engineering geologist which may be made requirements for further work.

(2) Where the Enforcement Officer determines that storm damage may result or has resulted because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large developments or where unusual site conditions prevail, the Enforcement Officer may require that the operations be conducted in specific stages so as to insure completion of protective measures or devices prior to the advent of seasonal rains.

(3) The Enforcement Officer may set turbidity or total suspended solids limits for development sites that discharge to Waters of the United States, Isolated Waters of Lake County or their buffers or that are in close proximity to the above, as determined by the Enforcement Officer. These standards shall apply to development site construction up to the point of permanent site stabilization as determined by the Enforcement Officer. **(Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(a) Turbidity or total suspended solids limits shall apply only to development requiring both a Stormwater Pollution Prevention Plan as part of their General NPDES Permit No. ILR10 and a detention pond or similar stormwater storage system in order to use that stormwater facility for additional treatment measures needed to meet the standards in this Section. **(Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(b) If a singular storm even exceeds the 100-year design-storm storage volume of the development site stormwater management system, water quality

readings taken during that event will not be considered a violation of this ordinance. **(Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(c) As applicable to the development site described in (a) above, one of the following limits shall apply to each discharge location: **(Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

1. For all development sites adjacent to lakes with total suspended solids background levels established in Appendix D, "Total Suspended Solids Background Levels for Lake County Water Bodies" of the Lake County Watershed Development Ordinance, last amended January 10, 2006, the discharge limit standard shall be no more than 120% of the maximum values. **(Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

2. A maximum Nephelometric Turbidity Unit reading of fifty (50) NTU may be used. **(Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

3. The Enforcement Officer may determine an individual NTU limit for discharge from the development based on site-specific discharge sampling. **(Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

4. Upon approval of the Enforcement Officer, the applicant may determine an individual site limit based on site-specific discharge sampling. **(Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(d) The developer should conduct site runoff sampling during storm events exceeding ½ inch of rainfall and include the results in the weekly inspection reports required by the Stormwater Pollution Prevention Plan described in (a) above. **(Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(e) Exceptions to these limits shall be allowed for dredging or development activities with a Waters of the United States or Isolated Waters of Lake County. In these cases, specific permit conditions may be set with regard to time allowed for the activity to be completed and additional erosion control measures to be implemented. **(Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(C) Designated Erosion Control Inspector: The Designated Erosion Control Inspector shall inspect the development site as specified above and, at a minimum, perform the following: **(Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(1) Keep a copy of the Enforcement Officer-approved soil erosion and sediment control plans at the development site at all times. **(Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(2) Keep a written log of all inspections that shall contain, at a minimum, conditions of the soil erosion and sediment control measures and any corrective actions that need to be taken. The Designated Erosion Control Inspector log shall be kept at the development site at all times and shall be made available for inspection upon request of the Enforcement Officer. **(Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(3) Notify the Enforcement Officer within 24-hours when the development site is determined to be not in compliance with this ordinance or the approved soil erosion and sediment control plans and the proposed corrective measures to be taken. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(4) Recommend to the applicant additional soil erosion and sediment control prevention measures, if necessary, to reduce sediment leaving a development. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(5) For development requiring conformance with (B)(3) above, the Designated Erosion Control Inspector is responsible for site runoff sampling and reporting requirements. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

Sec. 150.1807 Penalties and Legal Action.

(A) Whenever the Enforcement Officer finds a violation of this Article, or of any permit or order issued pursuant thereto, within his jurisdiction, the Enforcement Officer may issue a stop work order on all development activity on the subject property or on the portion of the activity in direct violation of this Article. In every case, the Enforcement Officer shall issue an order that (1) describes the violation; (2) specifies the time period for remediation; and (3) requires compliance with this Article prior to the completion of the activity in violation.

(B) Failure to comply with any of the requirements of this Article shall constitute a violation of this Article. Any violation thereof shall be subject to a fine of not more than one thousand dollars ($1000) for each violation. Each day the violation continues shall be considered a separate offense. (**Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

(C) The SMC or the City of Highland Park may also take any other legal action necessary to prevent or remedy any violation including appropriate equitable or injunctive relief and, if applicable, an assessment to the violator for the removal, correction, or termination of any adverse effects upon any property resulting from any unauthorized activity for which legal action under this Section may have been brought.

(D) The SMC or the City of Highland Park may record a notice of violation on the title to the property.

(E) The Enforcement Officer shall inform the owner that any such violation is considered a willful act to increase flood damages and, therefore, may cause coverage by a Standard Flood Insurance Policy to be suspended.

Sec. 150.1808 Disclaimer of Liability.

It is recognized that although the degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations, on occasions greater floods can and will occur, and flood heights may be increased by man-made or natural causes. These provisions do not imply that land outside the floodplain areas or that uses permitted within such areas will be free from flooding or flood damages. These provisions shall not create liability on the part of the Stormwater Management Commission nor the City of Highland Park nor any officer or employee or

independent contractor thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

Sec. 150.1809 Amendments to Article XVIII.

Notwithstanding any other provision of this Code, including specifically, but without limitation, the provisions governing amendments to the Zoning Code set forth in Article XV of this Chapter, the City Council may consider and approve the amendment of any provision of Article XVIII without a prior public hearing, consideration, or recommendation by the Plan Commission. Before exercising its powers under this Section, the City Council shall set, notice, and conduct a public hearing. No other procedure shall be required. Any amendment to this Article XVIII shall be evidenced by an ordinance duly adopted. The concurrence of four members of the City Council shall be sufficient to approve any ordinance adopted pursuant to the authority and power granted by this Section. (**Added by Ord. 19-07, J. 33, p. 073-151, passed 2/12/07)**

Sec. 150.1810 Severability.

The provisions of this Article shall be deemed separable and the invalidity of any portion of this Article shall not affect the validity of the remainder. Furthermore, the text of this Article, as amended, shall not act to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. Where this Article and any other ordinance, easement, covenant, or deed restriction conflict or overlap, the more stringent restrictions shall control. This Article shall not affect the resolution heretofore adopted by the City of Highland Park in order to establish initial eligibility for the National Flood Insurance Program.

# ARTICLE XIX. STEEP SLOPE ZONE

SECTION


150.1901 Introduction
150.1902 Statement of Purpose
150.1903 Aesthetic and Safety Control of Steep Slopes
150.1904 Special Setbacks
150.1905 Maintenance of the Steep Slope Zone
150.1906 Exemptions
150.1907 Required Plans – Review Required
150.1908 Development Standards
150.1909 Removal or Damage of Trees in the Steep Slope Zone
150.1910 Permits
150.1911 Appeals
150.1912 Variations
150.1913 Enforcement and Penalties
150.1914 Corrective Measures
150.1915 Amendments to Article XIX


## Sec. 150.1901 Introduction

The topography of the City of Highland Park is occupied by an abundance of ravines and bluffs. These areas exhibit steep slopes which may contain unstable sediment, rock and soils. Development on potentially unstable soils or other rock can be hazardous to life and property. Development in these areas should utilize construction methods which minimize the impact upon or removal of vegetation, including Trees, and ensure slope stabilization and minimize erosion.

The City's ravines and bluffs are valuable scenic resources which should be preserved and the steep slopes associated with these areas should be protected in order to preserve the City's unique visual setting, promote its economic well-being, and encourage architectural splendor.

Regulating the intensity of development according to the natural characteristics of steep slope terrain, such as degree of sloping, significant vegetation, and soil stability and existing drainage patterns, will allow for suitable development while minimizing the physical impact of such development on sensitive ravine and bluff steep slope areas. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

## Sec. 150.1902 Statement of Purpose.

The ravine and coastal steep slopes are an inherent natural resource which imparts a unique and substantial character to the City of Highland Park. This unique character has a direct relationship to property values, not only for Lots containing or adjacent to ravine and bluff steep slopes, but for Lots throughout the City. It is vital to understand that these steep sloped areas are interdependent throughout their reaches. Erosion, slope failures, and loss of vegetation along one portion of a slope can have an adverse impact upon adjacent sloped areas. Because these areas may be abused (intentionally or unintentionally) so as to create conditions which jeopardize property values and the natural

ecosystem, appropriate controls are necessary. Thus, it is the intent of this Article to ensure that all land use and development controlled by this Article: (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) Protects people and property from the potentially hazardous geological and hydrological conditions characteristic of ravine and bluff areas;

(2) Recognizes and furthers maintenance of stable ecological relationships and minimizes environmental degradation of the land and Lake Michigan;

(3) Recognizes that construction should not contribute to erosion or slope destabilization; and (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(4) Utilizes building techniques that adhere to the criteria stipulated in this Article. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(B) The regulations set forth in this Article provide for the reasonable use of steep slope areas and related lands while protecting the public health, safety, and welfare by: (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) Requiring analysis to determine whether certain types of soil conditions exist (such as loose or easily eroded or rocky soils) and ensuring the utilization of appropriate engineering technology to result in stable slopes during and subsequent to development; (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) Reducing storm water runoff, soil erosion, and mud slides by minimizing grading, encouraging the preservation of Trees and other vegetation and, where necessary, requiring revegetation ; (Ord. 38-01, J.27, p. 146-167, passed 6/25/01)

(3) Permitting intensity of development compatible with the natural characteristics of steep slope terrain, such as degree of sloping, soil suitability and existing natural and man-made drainage patterns;

(4) Preserving the scenic quality of the ravine and bluff environment through the retention of dominant steep slopes and ridges in their natural state;

(5) Reducing the physical impact of top of slope and bluff development by encouraging innovative site and architectural design, minimizing grading and requiring restoration of graded areas; and

(6) Discouraging development in steeply sloped terrain. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

Sec. 150.1903 Aesthetic and Safety Control of Steep Slopes

As set forth above, this Article has as its purpose protection of public health and safety by attempting to prevent erosion and protecting the aesthetics of ravines and bluffs through the regulation and management of the Steep Slope Zone. It is not the intent of this Article to remove areas of use nor is it the purpose of this Article to increase development costs. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(A) Earth Moving and Construction in the Steep Slope Zone. Except as set forth in this Article, no earth moving shall occur in a Steep Slope Zone, including earth moving associated with permitted construction outside of the Steep Slope Zone, and no structures shall be constructed in a Steep Slope Zone. In addition, whenever there is construction upon property abutting a Steep Slope Zone, a fence must be erected temporarily along the edge of the Steep Slope Zone, during any construction and/or demolition activity upon such property. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(B) Geotechnical Characteristics. All proposed structures shall be designed in a manner consistent with sound engineering and geological principles. In the design of the stability of all proposed structures, consideration shall be given to the effect of undercutting at the base of steep slopes or bluffs caused by wave action, storm water flow, erosion and/or channel changes. The design of all proposed structures shall comply with the applicable provisions of this Code, including, without limitation, Chapter 170 of this Code. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(C) Basic Technical Standards. All land use and development controlled by this Article shall be judged by the application of the following basic standards of landscape planning, soil mechanics engineering, hydrology, geology, environmental design and architecture. These standards are supplemented elsewhere in this Article.

(1) Planning development to recognize and fit the natural topography, soils, geology, hydrology and other existing conditions on the proposed sites.

(2) Orienting development so that earth moving, landscaping and other site preparation is kept to an absolute minimum.

(3) Preserving and enhancing the landscape through minimized disruption of natural terrain and existing vegetation.

(4) Minimizing disruption or alteration of natural drainage ways.

(5) Minimizing the time in which areas are bare and exposed.

(6) Minimizing the amount of impervious surface to be placed on the tableland adjacent to steep slopes.

(7) Designing and properly locating structures so that structure weight does not jeopardize slope stability. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

Sec. 150.1904 Special Setbacks.

Swimming pools are prohibited within ten (10) feet of the Steep Slope Zone. However, at or above grade pool decks and patios may extend into this special setback; but in no case shall these structures encroach upon or extend into the Steep Slope Zone, except to the extent permitted under the terms of Section 150.1906 of this Article.

Sec. 150.1905 Maintenance of the Steep Slope Zone.

(A) General.

(1) Owners of ravine or bluff steep slope real estate shall have and properly maintain storm drainage lines conveying storm water runoff either to a public storm sewer or to the ravine channel. Owners of steep slope real estate shall, within 30 days after receipt of notice from the City, repair private drainage lines which leak water onto the surface of a steep slope. Owners of steep slope real estate shall also remove dumped lawn waste or other natural or man-made debris which may damage underlying vegetation or impede the free flow of water through channels. However, naturally fallen Trees which are not impeding the free flow of water need not be removed. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) No Tree shall be Removed from within the Steep Slope Zone except in accordance with Section 150.1909 of this Article. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(3) Swimming pool discharge (emptying) shall be in compliance with the provisions of Chapter 171 of this Code. (Ord. 43-98, J. 24, p. ___, passed 6/9/98; Ord. 38-01, J.27, p. 146-167, passed 6/25/01; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(B) Restoration. All governmental entities, private property owners, and all other private entities having authorized access to ravine or bluff steep slopes and engaged in the maintenance, repair, or construction of utilities or other structures within a Steep Slope Zone, or engaged in any modifications to a steep slope, shall adhere to the applicable provisions of this Chapter, including, without limitation, this Article. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(C) Protection. Prior to the recordation of a plat of subdivision, the City Council may require covenants placed upon such plat as may be necessary to ensure the long-term maintenance of the above-described slope control measures.

Sec. 150.1906 Exemptions.

Within the Steep Slope Zone, the following structures may be constructed and rebuilt and the following activities are permitted:

(A) Provided a building permit has been issued by the Director in accord with the terms of this Article, retaining walls and other structures which are necessary for slope stabilization may be constructed in the Steep Slope Zone in the manner approved by the Director, and in accordance with the following: (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) Structures that exceed 60 inches in height shall be constructed of concrete block, reinforced concrete, or steel pilings. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) The design of all retaining walls and structures shall be certified by a licensed professional civil or structural engineer. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(B) Legal non-conforming structures may be remodeled or rebuilt in the Steep Slope Zone if (i) the rebuilt or remodeled structure does not extend beyond the previously-existing footprint of the structure within the Steep Slope Zone, (ii) the applicant can provide proof satisfactory to the Director of the location of the previous legal non-conforming structure, and (iii) the applicant has been issued a building permit within one year after the date on which the structure was damaged or demolished. All such remodeling or rebuilding shall comply with the following: (Ord. 11-03, J. 29, p. 38-40, passed 1/27/03; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) Any retaining wall must be constructed of concrete block, reinforced concrete or steel pilings if it (a) is located in the Steep Slope Zone, (b) is greater than 60 inches in height, and (c) has 30% or more of its face area replaced as a result of routine maintenance or incidental repair; and (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) The design of all rebuilt or remodeled structures shall be certified by a licensed professional civil or structural engineer. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(C) The installation of mechanical or electrical lifts, bridges, walkways, steps, and/or fences which do not obstruct the flow of light and water, and utility service lines, in the manner approved by the Director and subject to conformance with the standards and policies of this Chapter. Stairs constructed in the Steep Slope Zone shall be no greater than five feet in width. Landings constructed in the Steep Slope Zone shall be no wider than five feet and of a total area no greater than 50 square feet. No fence shall be constructed across the channel of a ravine and, when constructed within a ravine, such fence shall be set back at least 10 feet from the bottom or toe of the ravine slope. (Ord. 11-03, J. 29, p. 38-40, passed 1/27/03; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) The height and profile of such structures shall be minimized to the maximum extent possible. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) A landing, for purposes of this Article, is defined as an intermediate platform on a flight of stairs, greater than 10 square feet, constructed for the purpose of allowing a change in stair direction down the Steep Slope Zone and/or to break up a sequence of 10 or more stair steps. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(D) Immediate action may be taken to remediate an unstable or insecure slope that poses an imminent menace to an authorized structure or to the health, safety, or welfare of the public or nearby property if, in the opinion of the Director, an emergency situation exists and the Director has issued a permit to remedy the emergency situation. Any remedial action undertaken pursuant to this Section 150.1906(D) shall involve the least possible disruption of the natural features of the site and shall be in conformance with the standards and policies of this Chapter, including this Article, to the maximum extent possible. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(E) Normal landscape maintenance or routine arboreal activities, including small scale planting of ornamental flowers or shrubs, and/or the removal of diseased, dead or damaged Trees, provided such activities shall be carried out in conformance with the standards of vegetation or revegetation set forth in this Article, including, without limitation, the processes set forth in Section 150.1909 of this Article. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(F) Upon the issuance of all permits required pursuant to this Code, decks and patios having a total ground cover area not exceeding 150 square feet may be located within the Steep Slope Zone between the top edge and the ten foot Steep Slope Zone setback line for ravines and between the top edge and the forty foot Steep Slope Zone setback for bluffs. In no event shall the total area of such decks and patios in the Steep Slope Zone upon any Lot of Record exceed 300 square feet. Accessory structures other than decks and patios may not be located in the Steep Slope Zone except upon the granting of a variation therefor, in accordance with and pursuant to Article XII and Section 150.1912 of this Chapter (Ord 94-99, adopted 11/8/99; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

Sec. 150.1907 Required Plans - Review Required.

Every application for a building permit or for a variation from the provisions of this Article shall be accompanied by the following plans and reports which must be submitted to and approved by the Director prior to issuance of any permit for construction, demolition, or earth moving within the Steep Slope Zone and/or within ten (10) feet of the Steep Slope Zone. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(A) Means and Methods of Construction. Because work to be performed in the Steep Slope Zone may have adverse impacts on steep slopes, all permit applications shall contain a written description of the proposed means and methods of accomplishing such work, which means and methods shall be carefully selected to minimize slope damage. Upon approval of the building permit by the Director, such written description shall be the enforceable means and method of construction.

(B) Report and Subsoil Investigation. Every application for a building permit for construction or earth moving in the Steep Slope Zone and/or within ten (10) feet of the Steep Slope Zone shall be accompanied by a report, prepared by a licensed professional civil engineer or structural engineer, trained and experienced in the practice of geotechnical engineering, which report shall include the following:

(1) Soil Types and Subsurface Materials. A description (the result of a thorough subsurface investigation using techniques such as borings, test pits, in situ tests, laboratory tests or other procedures performed to a depth sufficient to determine foundation conditions for the proposed construction) of the soil and subsurface materials found on the subject site to a depth extending below any proposed excavation, as well as the engineering properties of the subsurface soil materials.

(2) Stability. A description of the stability of surface patterns of water flow, as well as indication of the presence or absence of permeable zones in underlying soils.

(3) External Influences. A description of any existing or anticipated problems from undercutting at the base of steep slopes caused by wave action, ravine flows, erosion or channel changes. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(4) Absence of Special Hazards. An opinion that the soil types, soil stability, subsurface hydrology, and external influences affecting the site will not cause any significant hazards for the proposed use; or if they may cause such hazards, an opinion that such hazards can be overcome, together with a reasonably detailed description of the method proposed to overcome such hazards. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(C) Earth Moving Plan. In addition to the requirements for an earth moving permit as set forth in this Code, each application for a building permit pursuant to this Article shall be accompanied by an earth moving plan, which plan shall include the following: (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) A topographic survey, showing property contours at one foot intervals for tableland and five (5) foot intervals for steep slopes, including special notes and details of the existing terrain;

(2) Proposed earth moving details, including the dimensions, elevations, and contours of any proposed earth moving;

(3) A description of the methods to be employed in disposing of soil and other material removed, including the location of the disposal site;

(4) A time-table of when each stage of the project will be completed, including the estimated starting and completion dates; and

(5) A provision requiring the placement of a temporary snow fence on the tableland at the top edge of the Steep Slope Zone until construction is completed.

(D) Hydrological Control Plan. Construction documents shall include a plan for intercepting and containing drainage at the site and from the structure.

(E) Vegetation Plan. A vegetation plan, subject to the provisions of Section 150.1909 of this Article, prepared or approved in writing by a landscape professional trained and experienced in both the characteristics of plant material and proper procedures for installation, shall be submitted with each application for a building permit, which plan shall include the following:

(1) An inventory describing the existing floral and Tree cover of the site, including identification of Undesirable Species and Protected Trees, as these terms are defined in Article II of this Chapter, showing those areas where the vegetation will be removed as part of the proposed development; (Ord. 38-01, J.27, p. 146-167, passed 6/25/01)

(2) A description of proposed revegetation of disturbed areas, specifying the materials to be used;

(3) A written description detailing methods of slope stabilization and revegetation, together with the rationale for selecting the plant materials and planting techniques proposed to be used; and

(4) A maintenance guideline, instructing steep slope owners of necessary actions to be taken following construction and/or earth moving in order to maintain plantings in good and serviceable health.

Sec. 150.1908 Development Standards.

During construction and/or earth moving within the Steep Slope Zone, the permittee shall adhere to the following standards:

(A) Hydrological Controls.

(1) Natural Channels. Natural drainage ways shall be preserved to the maximum extent possible.

(2) Controlled Run-Off. Whenever stormwater is transported across a property for discharge into a Steep Slope Zone, the conveyance pipes shall be of a non-segmented (continuous), smooth walled material, to be installed below ground by directional boring whenever possible. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(a) No pipe shall be installed within a Steep Slope Zone by excavating a trench unless approved by the City Engineer or Director. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(b) Flexible corrugated pipes shall not be used in the Steep Slope Zone unless directional boring is found to be infeasible in the sole determination of the Director, in which case an alternate method must be approved by the Director. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(3) Interceptor Ditches. When sound professional engineering practice dictates and when required by the Director, interceptor ditches shall be established above steep slopes in order that soil shall not become saturated and the intercepted water shall be conveyed in a pipe or other approved manner to a municipal storm sewer system, if available, or to the bottom of ravine or bluff slopes in a manner designed to prevent erosion.

(4) Discharge Point Stabilization. Natural drainage ways shall be stabilized by landscape integration and rip-rap or other means consistent with sound professional engineering practice, to a distance below drainage and culvert discharge points sufficient to convey the discharge without channel erosion and in such a manner as to dissipate the energy of the discharge. Discharge must be into an energy dispersion device as approved by the Director. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(5) Early Completion. The overall drainage system shall be completed and made operational at the earliest possible time during construction.

(6) Impact on Adjacent Property. The natural or usual flow of surface or subsurface water shall not be altered or obstructed in any way by grade changes that may

adversely affect the property of another by either contributing to pooling or collection of waters or to the concentration or intensification of surface water discharge. However, construction which might otherwise be prohibited pursuant to this Section 150.1908(A)(6) may be allowed if such waters are properly drained by a pipe or other approved manner to a municipal storm sewer system, if available, or to the bottom of ravine or bluff slopes. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(B) Vegetation and Revegetation.

(1) Native Vegetation. Every effort shall be made to maintain native vegetation in the Steep Slope Zone. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) Smallest Area. At all times, the smallest practical area of raw soil shall be exposed for as short a duration of time as practical. When sound professional engineering practice dictates and when required by the Director, temporary vegetation, or other acceptable cover shall be used to protect areas of raw soil exposed during development and to prevent airborne or waterborne transportation of soil.

(3) Revegetation. A mixed planting of native perennial grasses and woody species with deep root systems shall be used to landscape steep slope areas disturbed by construction, demolition, and/or earth moving. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(C) Earth Moving.

(1) Minimum Alterations. Earth moving shall be limited to the minimum required for building foundations, driveways, drainage control structures, and immediate yard areas. With the exception of conservation or restoration efforts, substantial earth moving shall not be permitted and is prohibited.

(2) Erosion Control. All earth moving shall be accomplished in a manner which will create the lowest possible potential for airborne or waterborne transportation of soil.

(3) Soil Fill on Steep Sloped Land. All fill on steep sloped land is prohibited, other than back-fill which is determined by the Director to be necessary for slope stabilization.

(4) Soil Fill on Tableland. In conformance with generally accepted engineering standards, all fill on tableland shall be stabilized to at least ninety (90) percent of maximum density as determined in ASTM procedure D-1557 or equivalent.

(5) Prompt Completion. All earth moving shall be accomplished in the shortest practical period of time. All excavated material shall be removed from the Steep Slope Zone and no temporary or permanent material storage shall be permitted within the Zone. No existing natural vegetation shall be destroyed, removed or disturbed prior to the initiation of construction, demolition, or earth moving activities.

Sec. 150.1909 Removal or Damage of Trees in the Steep Slope Zone

(A) General. It shall be unlawful to Remove or perform any act that results in the death, likely death, loss in value, loss in aesthetic value or substantial destruction of any Tree, Undesirable Species, or Tree Stump in the Steep Slope Zone, including, without limitation, any actions that may cause a Tree to become diseased or hazardous to persons or property, as determined by the City Forester or his or her designee, without first obtaining a Tree Removal Permit issued by the City Forester. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(B) Application for a Tree Removal Permit. Any person wanting to Remove any Tree, Undesirable Species, or Tree Stump from the Steep Slope Zone shall prepare and submit an application for a Tree Removal Permit with the City Forester. All applications for a Tree Removal Permit shall comply with the following; (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) Trees. An application for the removal of any Tree shall include the applicable Tree Removal Permit fee, as set forth in Chapter 94 of this Code, and a vegetation plan prepared in accordance with Section 150.1907 of this Article. The City Forester shall issue a Tree Removal Permit upon a determination that: (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(a) Sufficient proof has been provided by a certified arborist or a landscape professional trained and experienced in steep slope vegetation management that the existing canopy in the Steep Slope Zone is too dense to permit the growth of understory vegetation on the slope; (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(b) The proposed removal of the Tree and vegetation plan are consistent with good forestry practices, including means and methods intended to improve the stability of steep slope terrain and remove invasive species, provided removal does not exceed 30% of the existing tree crown cover; and (Ord. 38-01, J.27, p. 146-167, passed 6/25/01; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(c) The proposed removal is, in the sole determination of the City Forester, consistent with the purpose and standards of this Article. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) Undesirable Species and Tree Stumps. An application for the removal of an Undesirable Species or Tree Stump shall include a description of procedures that will be used to prevent soil erosion in the area from which the Undesirable Species or Tree Stump is to be removed. Such procedures shall include replacement of soil and replanting of plant species that will secure the soil and prevent soil erosion. No Tree Removal Permit fee is required for the Removal of an Undesirable Species or Tree Stump. The City Forester shall issue the Tree Removal Permit if he determines that the procedures to be used will adequately prevent soil erosion in the area where the Undesirable Species or Tree Stump is to be removed. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(C) Replacement of Protected Trees Removed with a Permit.

(1) Except where the City Forester finds the existing Tree canopy to be too dense in the Steep Slope Zone, each Protected Tree authorized to be Removed, pursuant to this Article, shall be replaced with replacement Trees, the species of which shall be included in the vegetation plan previously approved by the City Forester, having a combined six (6) inch caliper and no individual replacement Tree being less than one and one-half inches (1-1/2") caliper. All such replacement Trees shall be planted on the same Lot from which the Protected Tree has been Removed in accordance with the vegetation plan. Such replacement shall be made within six (6) months of the date of issuance of the Tree Removal Permit. An extension of time may be granted by the City Council upon request, provided, however that no such extension shall exceed twelve (12) months from the date of issuance of the Tree Removal Permit. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) If the City Forester determines that the required replacement of Protected Trees would result in unreasonable crowding of Trees upon the Lot, affecting the growth and survivability of existing understory vegetation, the permittee shall pay the City a fee in lieu of making such replacement, as set forth in Section 94.403(C)(6) of the City Code. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08; **Ord. 28-10, J. 36, p. 105-109, passed 3/2/10**)

(D) Removal of any Tree, Undesirable Species, or Tree Stump Without a Tree Removal Permit. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) Any person found to have Removed any Tree, Undesirable Species, or Tree Stump without a Tree Removal Permit issued by the City Forester shall be required to: (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(a) prepare a vegetation plan, in accordance with Section 150.1907 of this Article; and

(b) pay a fee at the rate set forth in the Annual Fee Resolution for the review and approval of such Vegetation Plan. (Ord. 35-03, J. 29, p. 134, passed 05/27/03**)**

(2) Where a person has Removed a Protected Tree without a Tree Removal Permit, in addition to complying with Section 150.1909(D) (1) of this Article, such person shall be required to replace each Protected Tree so Removed with replacement Trees having a combined six (6) inch caliper and no individual replacement Tree being less than one and one-half inches (1-1/2") caliper. In addition, the following requirements shall apply: (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(a) Replacement Trees shall be planted in the Steep Slope Zone of the same Lot from which Protected Trees have been Removed.

(b) If the City Forester determines that the required replacement of Protected Trees would result in unreasonable crowding of Trees upon the Steep Slope

Zone of the Lot, affecting the growth and survivability of existing understory vegetation, such replacement Trees shall be planted elsewhere on the Lot from which the Protected Tree has been Removed.

(c) No fee in lieu of replacement shall be allowed for Trees Removed from the Steep Slope Zone without a Tree Removal Permit. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01)

(E) Tree and Tree Stump Removal, Replacement and Restoration.

(1) Any damage done to the Steep Slope Zone during Tree or Tree Stump Removal and replacement must be restored in accordance with the vegetation plan and the provisions of this Article.

(2) No machinery that cannot otherwise be carried by a person shall be used in the Steep Slope Zone for the removal or planting of any Trees, or in associated restoration activities. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01)

Sec. 150.1910 Permits.

(A) Each application for a building permit (which includes demolition and earth moving) shall be made in compliance with this Chapter, including this Article, and Chapter 170 of this Code. The seal of an Illinois licensed professional civil or structural engineer shall appear on all plans and specifications pursuant to which any building permit is issued for construction within the Steep Slope Zone and/or within ten (10) feet of such Steep Slope Zone. In addition, the following provisions shall be imprinted upon any building permit issued for any construction, demolition, or any earth moving activities authorized by the administration of this Article:

(1) Limited Obligation. Compliance with the procedures of this Article and the issuance of any related permits shall not be construed to impose any legal or moral obligation upon the City of Highland Park or its elected or appointed officials.

(2) Civil Claims. Compliance with the procedures of this Article and the issuance of related permits shall not relieve the permittee and the property owner from civil liability claims by other property owners.

(3) Endorsement. Compliance with the procedures of this Article and the issuance of related permits do not imply approval of the need for or the benefit or efficacy of the proposed construction; nor does it constitute any assertion that the proposed construction will not result in damage to the property in question or to adjoining property.

(B) Closing Certification and Report. A licensed professional civil or structural engineer must inspect all work in the Steep Slope Zone while in progress, and provide certification and a written report stating that all construction is in accordance with the approved plan and specifications for the project prior to the City's final inspection, acceptance and closing of the project. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

Sec. 150.1911 Appeals.

Any decision or ruling of the Zoning Administrator that is made in interpreting, applying, and/or enforcing the regulations contained in this Article may be appealed in accordance with and pursuant to Article XIII of this Chapter. The Zoning Board of Appeals, upon receipt of a notice of such an appeal, and prior to deciding the appeal, shall refer the matter to the Lakefront Commission for its review and report to the Zoning Board of Appeals. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

Sec. 150.1912 Variations.

It is the intent of this Article to encourage well designed buildings and accessory structures which do not interfere with the Steep Slope Zone. There may be instances where strict application of the provisions of this Article may deprive a person of the reasonable use of land. Variations from the required standards set forth in this Article may be granted by the Zoning Board of Appeals, which, upon receipt of an application for such variation, shall refer the matter to the Lakefront Commission for its review and report to the Zoning Board of Appeals regarding findings that the proposed variation meets the standards set forth in Section 150.1903(C) of this Article to preserve the Steep Slope Zone. (Ord. 94-99, adopted 11/8/99; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

Sec. 150.1913 Enforcement and Penalties.

(A) Both the developer and the property owner, their agents, employees, contractors, subcontractors, licensees, and invitees are responsible for compliance with the terms of this Article. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01)

(B) In the event any violation of any provision of this Article occurs, the property owner shall be responsible for correcting the violation and bringing the property into compliance with the terms of this Article. Such compliance may require restoration of the site as closely as possible to its original undisturbed condition, topography, and/or vegetation in order to eliminate the violation. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(C) The City shall have the right, but not the obligation, to issue a stop work order, in accordance with Chapter 170 of this Code, for any work that is performed in the Steep Slope Zone without all permits that are required pursuant to this Article. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(D) Whoever violates any provision of this Article, or who shall interfere with the enforcement of the same, shall be fined in accordance with Section 150.112 of this Code. Every day on which a violation of this Article occurs, or on which the enforcement of this Article is interfered with, until a work plan is approved and a permit is issued, shall be considered a separate and distinct offense. For purposes of this Article, each Tree Removal from the Steep Slope Zone without a Tree Removal Permit issued by the City Forester shall be considered a separate and distinct offense. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01, Ord. 11-03, J. 29, p. 38-40, passed 1/27/03; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

Sec. 150.1914 Corrective Measures.

In addition to the monetary penalties provided for herein, the City may apply to a court of competent jurisdiction for an order upon the parties responsible to re-establish or restore the grade, slope, stability, vegetation, and/or drainage systems of a steep slope

property in order to eliminate and/or prevent an adverse impact upon any adjacent or subservient property, and for such other and further relief as may be appropriate in the circumstances.

Sec. 150.1915 Amendments to Article XIX

Notwithstanding any other provision of this Code, including specifically, but without limitation, the provisions governing amendments to the Zoning Code set forth in Article XV of this Chapter, the City Council may consider and approve the amendment of any provision of Article XIX without a prior public hearing, consideration or recommendation by the Plan Commission. Before exercising its powers under this Section, the City Council shall set, notice and conduct public hearing. No other procedure shall be required. Any amendment to this Article XIX shall be evidenced by an ordinance duly adopted. The concurrence of four members of the City Council shall be sufficient to approve any ordinance adopted pursuant to the authority and power granted by this Section. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(Article XIX amended in toto by Ord. 38-01, J.27, p. 146-167, passed 6/25/01)

# ARTICLE XX. SIGNS

SECTION


| | |
|---|---|
| 150.2001 | Policy |
| 150.2002 | Intent |
| 150.2003 | Scope |
| 150.2004 | Application |
| 150.2005 | Sign Classifications |
| 150.2006 | General Standards |
| 150.2007 | Illumination |
| 150.2008 | Permitted Additional Information on Identification Signs |
| 150.2009 | Electrical Elements |
| 150.2010 | Structural Elements |
| 150.2011 | Obstruction of Access Ways |
| 150.2012 | Obstruction of Window Surface |
| 150.2013 | Traffic Safety |
| 150.2014 | Locational Restrictions |
| 150.2015 | Sign Maintenance |
| 150.2016 | Sign Measurement |
| 150.2017 | Method of Determination of Number of Signs |
| 150.2018 | Signs on Lots With Multiple Uses |
| 150.2019 | General Safety |
| 150.2020 | Sign Height |
| 150.2021 | Obscenity Prohibited |
| 150.2022 | District Regulations: Single Family Residential Districts and the Public Activity District |
| 150.2023 | District Regulations: Multiple Family Residential Districts |
| 150.2024 | District Regulations: B1, B1-A, B2, B2-RW, B4, and B5 Districts |
| 150.2025 | District Regulations: B3 and I Districts |
| 150.2026 | District Regulations: HC District |
| 150.2027 | Signs Specifically Prohibited in All Districts |
| 150.2028 | Signs that Require Sign Permit Approval |
| 150.2029 | Signs that Require Review by the Design Review Commission |
| 150.2030 | Sign Packages |
| 150.2031 | Variances |
| 150.2032 | Appeals |
| 150.2033 | Continuation of Legal Nonconforming Signs |
| 150.2034 | Compliance or Removal |
| 150.2035 | Violations |
| 150.2036 | Abatement |
| 150.2037 | Penalty |
| 150.2038 | Amendments to Article XX. |
| 150.2039 | Political Election Signs on Public Property |

Sec. 150.2001 Policy.

Except as expressly provided in this Chapter, all Signs within the City shall be located, erected, altered, and maintained in accordance with the provisions of this Article, as amended from time to time, and with the applicable provisions of this Chapter. (Ord. 19-67, J. 4, p. 473-492, passed 6/5/67; Ord. 37-84, J. 15, p. 632-653, passed 9/10/84, Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

Sec. 150.2002 Intent.

The Mayor and City Council recognize that the visual environment has an effect upon the welfare of the citizens of Highland Park and that the careful control of signage can preserve and enhance the public health, safety, and welfare of the City.

The intent of the regulation of Signs as set forth in this Article is as follows:

(A) To recognize that Signs are a necessary means of visual communication for the convenience of the general public as a whole, as opposed to the convenience of any individual Person;

(B) To acknowledge and ensure the appropriate identification of businesses and services and, at the same time, limit the proliferation of those Signs that are of an accessory or incidental nature;

(C) To protect the public from hazardous conditions that result from Signs that are structurally unsafe, obscure the vision of motorists, or compete or conflict with necessary traffic signals and warning Signs;

(D) To ensure that Signs are compatible with adjacent land uses and with the overall visual environment of the community; and

(E) To encourage Signs that are well designed and compatible with their surroundings and with the buildings to which they are appurtenant.

Sec. 150.2003 Scope.

The regulations of this Article shall govern and control the erection, use, display, enlargement, expansion, alteration, operation, maintenance, location, relocation, and removal of all Signs within the City visible from any public or private right-of-way, or any public or private common open space. The regulations of this Article relate to the location of Signs, by function and structural type, within zoning districts and shall be in addition to provisions of the Building Code applicable to the construction and maintenance of Signs as well as other provisions of this Article related to the issuance of Sign permits.

Sec. 150.2004 Application.

It shall be unlawful to erect, use, display, enlarge, expand, alter, operate, maintain, locate, relocate, or remove any Sign within the City except in conformance with the regulations of this Article. Any Sign not expressly permitted by the regulations of this Article shall be prohibited. Unless otherwise provided by ordinance, for any new zoning district created in the City, the applicable Sign regulations for the new zoning district created in the City, the applicable Sign regulations for the new zoning district shall be

those that apply to Signs in the Single Family Residential Districts and the Public Activity District. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

Sec. 150.2005 Sign Classifications.

For purposes of this Article, each Sign shall be classified both according to function and structure, as follows:

(A) Functional Sign Types.

(1) Banner Sign. A Sign consisting of cloth, canvas, fabric, paper or other light material that is secured or mounted so as to permit movement of the material, but not an Official Flag or Emblem.

(2) Civic Event Sign. A Sign that announces or identifies a civic use, purpose, event, or program.

(3) Construction Sign. A Sign that announces the subdivision, development, construction, or other improvement of a Lot and located on that Lot during the subdivision, development, construction, or improvement.

(4) Development Map or Directory Sign. A Sign that depicts some or all of the buildings and other prominent features of, or that lists, by address or other summary means, some or all of the locations within a multi-building development containing, and limited to, information to assist Persons coming on the Lot to locate destinations within the Lot.

(5) Governmental Sign. A Sign that is erected and maintained pursuant to, and in the discharge of, any governmental function, or required by any law, ordinance, or governmental regulation.

(6) Holiday Decorations. Signs that are in the nature of decorations, clearly incidental to, and customarily and commonly associated with, any national, local, or religious holiday.

(7) Home Occupation Sign. A Sign that identifies a home occupation permitted pursuant to Subsection 150.406(B) of this Chapter.

(8) Identification Sign. A Sign that is limited in content to the name, trademark, or other readily recognized symbol or address, or any combination thereof, of a building or development that advertises the name of a business, profession, or service being conducted on the Lot on which the Sign is located.

(9) Joint-Identification Sign. A Sign that serves as a common or collective Identification Sign for two or more business, professional, or service uses on the same Lot.

(10) Lawn Service Sign. A Sign that announces that lawn services are provided on a Lot.

(11) Memorial Sign. A Sign that memorializes a Person, place, event, or structure.

(12) Menu Board Sign: A sign that displays prices and products available for sale through a Drive-Through Facility that is accessory to a Restaurant, which Menu Board Sign may include, without limitation, an Order and Confirmation Sign. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(13) Nameplate Sign. A Sign that is limited in content to the name or address, or both, of the Owner or occupant of a building or Lot on which it is located.

(14) Off-Site Advertising Sign. Any Sign, including, without limitation, a billboard, that advertises or directs attention to a business, commodity, service, or activity conducted, sold, or offered on property other than the Lot on which the Sign is located.

(15) Official Flag or Emblem. A flag or emblem of a government, college, theological seminary, religious institution, or commercial enterprise.

(16) On-Site Directory Sign. A Sign, not readable from any public right-of-way, that lists the names and locations of some or all of the occupants or uses of a building or group of buildings, or both.

(17) On-Site Informational Sign. A Sign, other than a Development Map or Directory Sign, that is commonly associated with, and limited to, information and directions necessary or convenient for Persons coming on the Lot, including, without limitation, Ground Signs marking entrances and exits, parking areas, one-way drives, restrooms, and pick-up and delivery areas or Window Signs identifying, without limitation, entrances, exists, hours of operation, credit cards accepted, contact information, and services provided. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(18) Order and Confirmation Sign: A sign displaying only items, prices, and total cost of a single transaction or purchase made through a Drive-Through Facility that is accessory to a Restaurant. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(19) Personal Event Sign. A Sign that announces a personal event or occasion, such as a birth, graduation, or other celebration or event.

(20) Political Election Sign. A Sign that announces or supports political candidates or issues in connection with any national, state, or local election.

(21) Political Message Sign. A Sign, other than a Political Election Sign, that expresses a noncommercial message regarding an issue of political or public concern.

(22) Promotional Sign. A Sign that promotes a sale, seasonal product or activity, or community or civic event.

(23) Public Utility Sign. A Sign that is erected by public utility companies or construction companies to warn of danger or hazardous conditions, including, without

limitation, any Sign indicating the presence of underground cables, gas lines, and similar devices.

(24) Reader Board Sign. A Sign that has changeable copy for the purposes of advertising special events, sales, or information changed on a regular basis, but is not a Menu Board Sign. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(25) Real Estate Sign. A Sign that advertises the offering for sale, rent, or lease, as well as the status of the sale, rental, lease, or management, of the Lot upon which the Sign is located. (Ord. 9-96, J. 23, p. 021-022, passed 2/12/96, Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

(26) Security Sign. A Sign that announces that a security system is maintained on a Lot.

(B) Structural Sign Types.

(1) Awning, Canopy, or Marquee Sign. A Sign that is mounted or painted on or attached to an Awning, Canopy, or Marquee.

(2) Ground Sign. A Sign that is mounted to or part of an independent base affixed to the ground and designed as an integral part of that base, the height of which base is three feet or less.

(3) Mobile Sign. A Sign that is attached to, or carried by, a person or any Motor Vehicle, bicycle, or other similar apparatus.

(4) Moving or Animated Sign. Any Sign or part of a Sign that changes physical position by any movement or rotation or that gives the visual impression of movement or rotation.

(5) Portable Sign. A Sign that is not permanently affixed to a building, a structure, or the ground and is not a Temporary Sign.

(6) Projecting Sign. A Sign that is affixed to any building or structure that projects outward from the building or structure by more than 12 inches.

(7) Pole Sign. A Sign that is supported by one or more columns, uprights, poles, or braces that extend from the ground or from an object on or in the ground.

(8) Roof Sign. A Sign that is erected, constructed, or maintained on or above the roof of any building. (Ord. 51-93, J. 20, p. 171-172, passed 8/23/93)

(9) Temporary Sign. A Sign that is constructed of cloth, canvas, fabric, paper, plywood, or other light material and intended to be displayed for a short period of time. Without limitation of the foregoing, and without preclusion of any other functional Sign from being considered to be a Temporary Sign, the following Signs shall, for purposes of this Article, be deemed to be Temporary Signs:

(i) Civic Event Signs;
(ii) Construction Signs;
(iii) Holiday Decorations;
(iv) Personal Event Signs;
(v) Political Election Signs;
(vi) Promotional Signs; and
(vii) Real Estate Signs.

(10) Wall Sign. A Sign that is affixed directly to, or painted on, or otherwise inscribed on an exterior wall, including doors, of any building, retaining wall, or other structure. Supports or braces from a Wall Sign to the roof shall not cause a Wall Sign to be considered to be a Roof Sign under this Article. (Ord. 51-93, J. 20, p. 171-172, passed 8/23/93, Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

(11) Window Display. The display of actual merchandise, products, and goods sold, as well as the means or material necessary to display those items, including, without limitation, the following:

(i) stands;
(ii) mannequins;
(iii) platforms;
(iv) lighting; and
(v) backdrops, provided that (a) a backdrop shall be located behind the displayed items and (b) a backdrop that is not permanently constructed to fully enclose the window area shall not occupy more than 50 percent of the window area and (c) any sign that is part of a backdrop shall not exceed 50 percent of the window area. For purposes of this Section, a "backdrop" shall be defined as a temporary structure that has been suspended from a ceiling, set on the ground, or otherwise supported and does not fully enclose a window area. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

Window Displays shall not include words or messages on any board, banner, or other Sign face including, without limitation, a business name, a product name, price or discount information, or description of services provided by that business. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(12) Window Sign. A Sign that is painted on or applied or attached to a window, or that is located within the interior of a structure and that is plainly visible and is erected, constructed, or maintained for the primary purpose of being viewed from the exterior of that structure. A Window Display, as defined by this Chapter, shall not be considered to be a Window Sign. (Ord. 51-93, J. 20, p. 171-172, passed 8/23/93, Ord. 32-02, J. 28, p. 227-264, passed 5/13/02; Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

Sec. 150.2006 General Standards.

Unless expressly provided otherwise in this Article, the general standards contained in Sections 150.2006 through 150.2022 of this Chapter shall apply to all Signs. Any Sign not in compliance with these standards shall be immediately corrected or shall be deemed to be in violation of this Article, except as otherwise provided pursuant to Section 150.2033 of this Chapter. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

Sec. 150.2007 Illumination.

(A) Location and Design of Light Source.

(1) Whenever an external artificial light source is used for a Sign, that source shall be located, shielded, and directed so as to (a) restrict the extent of the lit area to the Sign face, and (b) not be directly visible from any public street or private residence. (Ord. 02-07, J. 33, p. 005-009, passed 1/8/07; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(2) No unshielded light or string or string of lights shall be permitted. (Ord. 02-07, J. 33, p. 005-009, passed 1/8/07; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(3) No Sign shall be internally illuminated, except that: (a) Signs in the B3, HC, and I Districts may be internally illuminated, provided that only the lettering or logo, or both, on the Sign is internally illuminated; (b) Ground Signs serving a motor vehicle salesroom or a new or used motor vehicle sales facility located in the B3 or I Districts may be fully internally illuminated; and (c) the lettering, logo, and pictorial representations of the prices and products displayed on Menu Board signs serving a Drive-Through Facility that is accessory to a Restaurant may be internally illuminated. (Ord. 02-07, J. 33, p. 005-009, passed 1/8/07; Ord. 27-08, J. 34, p. 069-097, passed 4/14/08; **Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(4) Ground-mounted light fixtures shall: (a) be no higher than 16 inches; (b) have a finish color of non-contrasting black, gray, brown, or other color which minimizes the visibility of the fixture; and (c) screened year-round by landscape plantings so as to not be directly visible from street rights-of-way or residential uses. (Ord. 27-08, J. 34, p. 069-097, passed 4/14/08)

(B) Level of Illumination. All artificial illumination shall be designed, located, shielded, and directed to illuminate only the Sign Face or Faces and to prevent the casting of glare or direct light upon adjacent property or streets. No artificial illumination shall exceed one-half foot candle at any residential Lot line.

(C) Restriction on Hours of Illumination. Signs that are located (i) in the B2, B4, and B5 Districts and (ii) on, adjacent, or contiguous to Broadview Avenue, Deerfield Road, Judson Avenue, Laurel Avenue, or that portion of Elm Place located east of St. Johns Avenue may be illuminated only until (i) 11:00 p.m. or (ii) the time that the activity to which the Sign pertains has closed for business, whichever is later (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(D) Flashing Lights Prohibited. No flashing, blinking, or intermittent lights, nor any illumination that has a change in light intensity, shall be permitted.

(E) Illumination of Temporary Signs Prohibited. No Temporary Sign shall be illuminated.

(F) Exposed Neon. The use of exposed neon shall be permitted only as a Window Sign that is intended to identify that a business is open for operation. Such signs shall not exceed a Sign Area of 2 square feet in the B3 and I zoning districts and 54 square inches in all other zoning districts. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

Sec. 150.2008 Permitted Additional Information on Identification Signs.

An Identification Sign may have additional information not otherwise defined by Section 150.2005(A.8), provided that such additional information shall not exceed the maximum permitted area permitted for a sign, and that, an Identification Sign in the B3 and I zoning districts shall not exceed five (5) words and an Identification Sign in the B1, B1-A, B2, B2-RW, B4, and B5 zoning districts shall not exceed 3 words. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

Sec. 150.2009 Electrical Elements.

All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated Signs shall be in accordance with the provisions of the Building Code and Electrical Code. An Underwriter's Laboratories label, or an equivalent certification, shall be affixed to every electrical component incorporated into a Sign. (Ord. 19-67, J. 4, p. 473-492, passed 6/5/67; Ord. 73-67, passed 11/27/67; Ord. 37-84, J. 15, p. 632-53, passed 9/10/84; Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

Sec. 150.2010 Structural Elements.

The construction and Structural Elements of all Signs shall be in accordance with the standards and regulations of the Building Code. All Signs other than Temporary Signs shall be constructed of fire-resistant materials and shall be capable of withstanding wind pressures of at least 30 pounds per square foot of surface area and of receiving dead loads based on the actual weight of the structure.

Sec. 150.2011 Obstruction of Access Ways.

No Sign shall obstruct ingress to or egress from a fire escape, door, window, or other required access way or prevent free passage from one part of a roof to another. No Sign shall be attached to any fire escape.

Sec. 150.2012 Obstruction of Window Surface.

No Sign shall project over, occupy, or obstruct any window or other opening required for light or ventilation by any applicable provision of the Building Code.

Sec. 150.2013 Traffic Safety.

No Sign shall be maintained at any location where, by reason of its position, size, shape, content, color, or illumination, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control Sign, signal, or device or where it may interfere with, mislead, or confuse pedestrian or vehicular traffic. With the exception of Governmental Signs, all Signs shall comply with the view triangle restrictions contained in Subsection 150.707(H) of this Chapter.

Sec. 150.2014 Locational Restrictions.

(A) No Sign shall be placed in or extend into or over any public property, including a public right-of-way, except as expressly provided in this Article. (Ord. 19-67, J. 4, p. 473-492, passed 6/5/67; Ord. 37-84, J. 15, p. 632-53, passed 9/10/84; Ord. 32-02, J. 28, p. 227-264, passed 5/13/02, Ord. 74-10, J. 36, p. 275-277, passed 9/13/10)

(B) No Sign shall be placed on any fence or utility pole, or in any location that would violate any regulation set forth in this Chapter. (Ord. 19-67, J. 4, p. 473-492, passed

6/5/67; Ord. 37-84, J. 15, p. 632-53, passed 9/10/84; Ord. 32-02, J. 28, p. 227-264, passed 5/13/02, Ord. 74-10, J. 36, p. 275-277, passed 9/13/10)

(C) Notwithstanding Section 150.2014(A) of this Article or any other provision of this Article to the contrary, upon approval by the City Council by resolution duly adopted, a Sign may be constructed on a City-owned right-of-way that is (1) not regularly used for public vehicular access, and (2) adjacent to a privately-owned parcel for which the City has approved a special use permit for conditional use of such parcel as an "outdoor theater, festival-drama." Notwithstanding Section 150.2027(C) of this Article to the contrary, a Sign approved pursuant to this Section 150.2014(C) may advertise or direct attention to an activity or activities performed or to be performed on the adjacent privately-owned parcel for which the special use permit was approved. Further, pursuant to a resolution approved pursuant to this Section 150.2014(C), the City Council may waive any otherwise-applicable provision of this Article with respect to the approved Sign. (Ord. 74-10, J. 36, p. 275-277, passed 9/13/10)

(D) The locational restrictions of this Section shall not apply to City-owned Signs or Governmental Signs. (Ord. 19-67, J. 4, p. 473-492, passed 6/5/67; Ord. 37-84, J. 15, p. 632-53, passed 9/10/84; Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

Sec. 150.2015 Sign Maintenance.

(A) Except as provided in Section 150.2015(B) of this Article, the owner of a Sign and the owner of the Lot on which the Sign is located shall be jointly and severally liable to maintain the Sign, including its illumination sources, in compliance with this Article and all applicable laws, in a safe, secure, neat, and orderly condition, and in good-working order, at all times, and to prevent the development of any rust, corrosion, rotting, or other deterioration in the physical appearance or safety of such Sign. (Ord. 19-67, J. 4, p. 473-492, passed 6/5/67; Ord. 37-84, J. 15, p. 632-53, passed 9/10/84; Ord. 32-02, J. 28, p. 227-264, passed 5/13/02; Ord. 75-09, J. 35, p. 291-301, passed 12/14/09)

(B) For all Signs located on City-owned property pursuant to Sections 150.2014(C) or 150.2038 of this Article, the City shall have no liability, and the owner of the Sign shall have sole liability, for maintaining the Sign as may be required pursuant to this Section 150.2015. (Ord. 75-09, J. 35, p. 291-301, passed 12/14/09; Ord. 74-10, J. 36, p. 275-277, passed 9/13/10)

(C) The area around any Ground Sign shall be kept clean and free of all rubbish and weeds.

Sec. 150.2016 Sign Measurement.

(A) Area to be Included. The Structural Elements shall not be included in measuring the Sign Area unless the Structural Elements are a part of the Sign's message or Sign Face. Where a Sign has more than one Sign Face, each Sign Face shall be included in determining the Sign Area, unless the Sign Faces are constructed back-to-back.

(B) Sign Area of Signs With Backing. The Sign Area of all Signs with backing shall be measured by computing the area of the Sign backing.

(C) Sign Area of Signs Without Backing. The Sign Area of all Signs without backing shall be measured by computing the area of an imaginary square or rectangle that can separately encompass all words, letters, figures, emblems, or other elements of the Sign's message.

(D) Sign Area of Signs With and Without Backing. The Sign Area of all Signs that have elements with and without backing shall be measured by counting the area of such elements pursuant to Subsections (A), (B), and (C) of this Section.

Sec. 150.2017 Method of Determination of Number of Signs.

For the purpose of determining the permitted number of Signs on a Lot, a Sign shall be considered to be a single display surface or display device containing elements clearly organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a separate Sign.

Sec. 150.2018 Signs on Lots With Multiple Uses.

When more than one principal use occupies a Lot, the Owner or Owners of the Lot shall be responsible for allocating permitted Signs among all uses.

Sec. 150.2019 General Safety.

Notwithstanding any other provision of this Article, no Sign shall be located in any location or in any manner that creates a nuisance or a threat to the public safety and welfare.

Sec. 150.2020 Sign Height.

Notwithstanding the definition of "height" in Section 150.202 of this Chapter, for purposes of defining the height of a Sign under this Article, the term "height" shall mean the vertical distance measured from the elevation of finished grade at the base of the Sign to the uppermost point of the Sign or any of its Structural Elements; provided, however, that if a Sign is located on a Berm, the "height" of that Sign shall be measured pursuant to the provisions contained in the definition of Height in Section 150.202 of this Chapter. For purposes of determining the height of a Ground Sign, the Structural Elements shall be included in the calculation of height.

Sec. 150.2021 Obscenity Prohibited.

No Sign shall be located or maintained on a Lot that contains any matter, in writing or in a depiction, that considered as a whole predominantly appeals to prurient interests.

Sec. 150.2022 District Regulations: Single Family Residential Districts and the Public Activity District.

(A) Signs Not Requiring a Sign Permit.

(1) Sign Table. The Signs set forth in the following table may be erected and maintained in a Single Family Residential District without a Sign permit. Footnote references are indicated in the table by superscript letters within parentheses, and the footnotes appear in Paragraph 150.2022(A)(2) following the table.

| PERMITTED SIGNS | NUMBER OF SIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| Construction Signs[(a)] | 1 per development ~ | 6 square feet | 6 feet |
| Governmental Signs | No limit | N/A | N/A |
| Holiday Decorations | No limit | N/A | N/A |
| Home Occupation Signs | 1 | 1 square foot | N/A |
| Lawn Service Signs | 1 | 2 square feet | 4 feet |
| Memorial Signs[(b)] | 1 | 3 square feet | If Ground Sign, then no more than 2 feet |
| Nameplate Signs[(c)] | 1 | 1 square foot per occupancy and 3 square feet per Lot | If Ground Sign, then no more than 2 feet |
| Official Flags and Emblems | 2 per Lot and 2 flag poles per Lot | 24 square feet total Sign Area per flag pole | N/A |
| On-Site Informational Signs[(d)] | No limit | If Ground Sign,2 square feet per Sign and<br><br>If Window Sign, 2 square feet total Sign Area per building entrance * | 4 feet<br><br>If Window Sign, then no more than 5 ½ feet.* |
| Open House Signs[(e)] | 2 | 6 square feet | 6 feet |
| Personal Event Signs[(f)] | 1 | 12 square feet | 6 feet |
| Political Election Signs[(g)] | No limit | 6 square feet | 6 feet |
| Political Message Signs[(h)] | No limit | 6 square feet | 6 feet |
| Real Estate Signs[(i)] | 1 | 6 square feet | 6 feet |
| Security Signs | 1 | 2 square feet | 4 feet |
| Temporary Window Signs[(j)] | No limit, subject to maximum Sign Area regulations | Per Occupancy: 10% of the total area of all windows located on the ground floor of that occupancy. * ~ | No higher than a window on the ground level of the building. ~ |
| Public Utility Signs | No limit | N/A | N/A |

*(Ord. 55-05, J. 31, p. 184-236, passed 9/12/05) ~ (Ord. 54-07, J. 33, p. 372-407, passed 6/25/07)

(2) Exceptions and Explanatory Notes.

(a) A Construction Sign shall be removed immediately upon issuance of a certificate of occupancy for the Lot upon which the Construction Sign is located. A Construction Sign may be increased in size by an additional six square feet, provided that the additional six square feet on the Construction Sign is used exclusively to display City notices approved by the City's Building Division.

(b) A Memorial Sign shall be a Wall or Ground Sign, shall be made of durable materials such as bronze, stone, or concrete, and shall not be illuminated. No Memorial Sign that is a Ground Sign shall be closer than six feet to any Lot line.

(c) A Nameplate Sign shall be a Wall or Ground Sign. No Nameplate Sign that is a Ground Sign shall be closer than five feet to any Lot line. (Ord. 02-07, J. 33, p. 005-009, passed 1/8/07)

(d) An On-Site Information Sign shall be illuminated only as necessary to accomplish its intended purpose.

(e) Open House Signs shall be subject to the following additional regulations:

(i) Both Open House Signs may be placed on a Lot, or one Open House Sign may be placed on the parkway of the public right-of-way of the closest major intersection to the Lot, provided that the Owner of the Lot abutting the proposed parkway location does not disapprove of the parkway location upon prior notice.

(ii) Open House Signs shall be allowed only between the hours of 9:00 a.m. and 5:00 p.m. (Ord. 38-87, J. 17, p. 251, passed 6/22/87)

(f) A Personal Event Sign shall be maintained on a Lot for a period not to exceed 30 days.

(g) A Political Election Sign shall be subject to the following additional regulations:

(i) Location on Private Property. A Political Election Sign may be installed or located at any location on private property so long as the Owner of the Lot on which the Political Election Sign is to be located has consented to the installation.

(ii) Location on Public Property. Except as provided in Section 150.2039 of this Article, no Political Election Sign shall be installed or located on public property in any location in the City. (Ord. 77-02, J. 28, p. 549-552, passed 11/25/02; Ord. 75-09, J. 35, p. 291-301, passed 12/14/09)

(iii) Attachments to Signs. A Political Election Sign may include two attachments located beneath the Political Election Sign, neither of which shall exceed 24 inches in width by six inches in height, which attachments shall not be counted toward the sign area and sign height limitations. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(iv) Proximity between Signs. For purposes of the sign area and sign height limitations set forth in Section 150.2022(A) of this Article, any two Political Election Signs that are located within 12 inches of each other shall be considered to be one Political Election Sign. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(h) A Political Message Sign shall be subject to the following additional regulations:

(i) Owner Consent Required. A Political Message Sign shall be located entirely on private property pursuant to the Owner's consent. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(ii) Attachments to Signs. A Political Message Sign may include two attachments located beneath the Political Message Sign, neither of which shall exceed 24 inches in width by six inches in height, which attachments shall not be counted toward the sign area and sign height limitations. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(iii) Proximity between Signs. For purposes of the sign area and sign height limitations set forth in Section 150.2022(A) of this Article, any two Political Message Signs that are located within 12 inches of each other shall be considered to be one Political Message Sign. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(i) A Real Estate Sign shall be removed as soon as a lease for the Lot has been signed or closing has occurred on the sale thereof. A Real Estate Sign may include two attachments, neither of which shall exceed 24 inches by six inches in size.

(j) Temporary Window Signs shall not block any window area required for light, ventilation, or emergency exit by any applicable code. No Temporary Window Sign shall be illuminated. A Temporary Window Sign shall be maintained on a Lot for a period not to exceed 30 days.

(B) Signs Requiring a Sign Permit.

(1) Sign Table. The Signs set forth in the following table may be erected and maintained in a Single Family Residential District and the Public Activity District with a Sign Permit pursuant to Section 150.2029. Footnote references are indicated in the table by superscript letters within parentheses, and the footnotes appear in Paragraph 150.2022(B)(2) following the table. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

| PERMITTED SIGNS | NUMBER OFSIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| Ground Signs shall be of the following functional types: [(a)]<br>• Identification Sign<br>• Reader Board Sign[(b)] | 1 in lieu of Wall Sign | 25 square feet per Sign Face and no more than 2 Sign Faces | 6 feet |

| PERMITTED SIGNS | NUMBER OFSIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| Wall Signs shall be of the following functional types:<br>• Identification Sign<br>• Reader Board Sign[b] | 1 for each use in lieu of Ground Sign[d] | 2 square feet, except that a Wall sign for a religious or educational institution, or for a legally nonconforming commercial or retail use, may be 25 square feet * | No higher than the bottom of the second story window or the top of the wall of a one story building |
| Awning, Canopy, and Marquee Signs shall be of the following functional types:[e]<br>• Identification Sign<br>• Reader Board Sign[b] * | 1 for each use in lieu of Ground Sign[d] * | 25 square feet [e] * | No higher than the bottom of the second story window or the top of the wall of a one story building * |
| Window Signs shall be of the following functional types:[e]<br>• Identification Sign<br>• Reader Board Sign[b] * | 1 for each use in lieu of Ground Sign[d] * | 10% of window area of all windows or 6 square feet, whichever is greater * + | No higher than a window on the lowest level of the building, excluding the basement * |
| Temporary Signs shall be of the following functional types[c]:<br>• Identification Sign<br>• Reader Board Sign[b]<br>• Promotional Sign [b] ~ | 1 | 3 square feet per Sign Face for Identification Signs and Reader Board Sign; 24 square feet per sign face for Promotional Signs ~ | 6 feet |

* Amended by Ord. 27-03, J. 29, p. 106-111, passed 3/10/03
+ +Amended by Ord. 55-05, J. 31, p. 184-236, passed 9/12/05
~ ~Amended by Ord. 54-07, J. 33, p. 372-407, passed 6/25/07

(2) Exceptions and Explanatory Notes.

(a) Ground Signs shall be permitted in a Single Family Residential District and the Public Activity District only for religious or educational institutions, homeowners associations, community-based services, or recreational clubs or facilities on sites consisting of more than three acres. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(b) Reader Board Signs and Promotional Signs shall be permitted in a Single Family Residential District and the Public Activity District only for religious or educational institutions. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05; Ord. 54-07, J. 33, p. 372-407, passed 6/25/07)

(c) Temporary Signs shall be subject to the Temporary Sign Permit restrictions contained in Paragraph 150.2028(F)(2) of this Chapter.

(d) Awning, Canopy, Marquee, and Window Signs shall be permitted in a Single Family Residential District and the Public Activity District only for legally nonconforming retail and commercial uses. One Wall, Awning, Canopy, Marquee, or Window Sign shall be permitted for each principal or accessory use with a separate building entrance on the Lot and, in the event the Lot has Frontage on more than one public street, an additional Wall, Awning, Canopy, Marquee, or Window Sign shall be allowed for each additional public street upon which any principal or accessory use has Frontage. For the purpose of this Paragraph, frontage on a parking area may be considered the same as Frontage provided there is direct access to the use from the parking area and that the access is the primary access to the use. (Ord. 27-03, J. 29, p. 106-111, passed 3/10/03, Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(e) The following special regulations shall apply:

A. No Sign shall be placed upon the roof of any Awning, Marquee, Canopy, or other architectural projection, nor shall any Sign extend above or below the Awning, Marquee, Canopy, or projection in any way.

B. Signs displayed on a Marquee, Canopy, or other architectural projection, may project beyond the Sign Face the distance necessary to accommodate the letter thickness, but no more than six inches.

C. Signs displayed on a Marquee, Canopy, or other architectural projection, may project beyond the Sign Face the distance necessary to accommodate the letter thickness, but no more than six inches. Signs displayed on Awnings or Canopies shall not project beyond the surface of the Awning or Canopy. Signs displayed on Awnings or Canopies shall be located on the Awning's or Canopy's valance, or if there is no valance, on the lower nine inches of the Awning. Lettering on an Awning or Canopy Sign shall not exceed six inch type. (Ord. 27-03, J. 29, p. 106-111, passed 3/10/03, Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

Sec. 150.2023 District Regulations: Multiple Family Residential Districts.

(A) Signs Not Requiring a Sign Permit.

(1) Sign Table. The Signs set forth in the following table may be erected and maintained in a Multiple Family Residential District without a Sign permit. Footnote references are indicated in the table by superscript letters within parentheses, and the footnotes appear in Paragraph 150.2023(A)(2) following the table.

| PERMITTED SIGNS | NUMBER OF SIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| Construction Signs[(a)] | 1 per development | 12 square feet ~ | 6 feet |
| Governmental Signs | No limit | N/A | N/A |
| Holiday Decorations | No limit | N/A | N/A |
| Home Occupation Signs | 1 | 1 square foot | N/A |
| Lawn Service Signs | 1 | 2 square feet | 4 feet |

| PERMITTED SIGNS | NUMBER OF SIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| | | | |
| Memorial Signs[b] | 1 | 3 square feet | If Ground Sign, then no more than 2 feet |
| Nameplate Signs[c] | 1 | 1 square foot per occupancy and 3 square feet per Lot | If Ground Sign, then no more than 2 feet |
| Official Flags and Emblems | 2 per Lot and 2 flag poles per Lot | 24 square feet total Sign Area per flag pole | N/A |
| On-Site Informational Signs[d] | No limit | If Ground Sign,2 square feet<br><br>If Window Sign, 2 square feet total Sign Area per building entrance * | 4 feet<br><br>If Window Sign, then no more than 5 ½ feet. * |
| Open House Signs[e] | 2 | 6 square feet | 6 feet |
| Personal Event Signs[f] | 1 | 12 square feet | 6 feet |
| Political Election Signs[g] | No limit | 6 square feet | 6 feet |
| Political Message Signs[h] | No limit | 6 square feet | 6 feet |
| Real Estate Signs[i] | 1 | 6 square feet | 6 feet |
| Security Signs | 1 | 2 square feet | 4 feet |
| Temporary Window Signs[j] | No limit, subject to maximum Sign Area regulations | Per Occupancy: 10% of the total area of all windows located on the ground floor of that occupancy* ~ | No higher than a window on the ground level of the building. ~ |
| Public Utility Signs | No limit | N/A | N/A |

* (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)
~ (Ord. 54-07, J. 33, p. 372-407, passed 6/25/07)

(2) Exceptions and Explanatory Notes.

(a) A Construction Sign shall be removed immediately upon issuance of a certificate of occupancy for the Lot upon which the Construction Sign is located. A Construction Sign may be increased in size by an additional six square feet, provided that the additional six square feet on the Construction Sign is used exclusively to display City notices approved by the City's Building Division.

(b) A Memorial Sign shall be a Wall or Ground Sign, shall be made of durable materials such as bronze, stone, or concrete, and shall not be illuminated. No Memorial Sign that is a Ground Sign shall be closer than six feet to any Lot line.

(c) A Nameplate Sign shall be a Wall or Ground Sign. No Nameplate Sign that is a Ground Sign shall be closer than five feet to any Lot line (Ord. 02-07, J. 33, p. 005-009, passed 1/8/07).

(d) An On-Site Information Sign shall be illuminated only as necessary to accomplish its intended purpose.

(e) Open House Signs shall be subject to the following additional regulations:

(i) Both Open House Signs may be placed on a Lot, or one Open House Sign may be placed on the parkway of the public right-of-way of the closest major intersection to the Lot, provided that the Owner of the Lot abutting the proposed parkway location does not disapprove of the parkway location upon prior notice.

(ii) Open House Signs shall be allowed only between the hours of 9:00 a.m. and 5:00 p.m.

(f) A Personal Event Sign shall be maintained on a Lot for a period not to exceed 30 days.

(g) A Political Election Sign shall be subject to the following additional regulations:

(i) Location on Private Property. A Political Election Sign may be installed or located at any location on private property so long as the Owner of the Lot on which the Political Election Sign is to be located has consented to the installation.

(ii) Location on Public Property. Except as provided in Section 150.2039 of this Article, no Political Election Sign shall be installed or located on public property in any location in the City. (Ord. 77-02, J. 28, p. 549-552, passed 11/25/02; Ord. 75-09, J. 35, p. 291-301, passed 12/14/09)

(iii) Attachments to Signs. A Political Election Sign may include two attachments located beneath the Political Election Sign, neither of which shall exceed 24 inches in width by six inches in height, which attachments shall not be counted toward the sign area and sign height limitations. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(iv) Proximity between Signs. For purposes of the sign area and sign height limitations set forth in Section 150.2023(A) of this Article, any two Political Election Signs that are located within 12 inches of each other shall be considered to be on Political Election Sign. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(h) A Political Message Sign shall be subject to the following additional regulations:

(i) Owner Consent Required. A Political Message Sign shall be located entirely on private property pursuant to the Owner's consent. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(ii) Attachments to Signs. A Political Message Sign may include two attachments located beneath the Political Message Sign, neither of which shall exceed 24 inches in width by six inches in height, which attachments shall not be counted toward the sign area and sign height limitations. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(iii) Proximity between Signs. For purposes of the sign area and sign height limitations set forth in Section 150.2023(A) of this Article, any two Political Message Signs that are located within 12 inches of each other shall be considered to be one Political Message Sign. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(i) A Real Estate Sign shall be removed as soon as a lease for the Lot has been signed or closing has occurred on the sale thereof. A Real Estate Sign may include two attachments, neither of which shall exceed 24 inches by six inches in size.

(j) Temporary Window Signs shall not block any window area required for light, ventilation, or emergency exit by any applicable code. No Temporary Window Sign shall be illuminated. A Temporary Window Sign shall be maintained on a Lot for a period not to exceed 30 days.

(B) Signs Requiring a Sign Permit.

(1) Sign Table. The Signs set forth in the following table may be erected and maintained in a Multiple Family Residential District with a Sign Permit pursuant to Section 150.2029. Footnote references are indicated in the table by superscript letters within parentheses, and the footnotes appear in Paragraph 150.2023(B)(2) following the table.

| PERMITTED SIGNS | NUMBER OF SIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| Ground Signs shall be of the following functional types:<br>• Identification Sign<br>• Reader Board Sign[(a)] | 1 in lieu of Wall Sign | 25 square feet per Sign Face and no more than 2 Sign Faces | 6 feet |
| Wall Signs shall be of the following functional types:<br>• Identification Sign<br>• Reader Board Sign[(a)] | 1 for each use in lieu of Ground Sign[(b)] | 25 square feet | No higher than the bottom of the second story window or the top of the wall of a one story building |

| PERMITTED SIGNS | NUMBER OF SIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| Awning, Canopy, and Marquee Signs shall be of the following functional types:[d]<br>• Identification Sign<br>• Reader Board Sign[a] * | 1 for each use in lieu of Ground Sign[b] * | 25 square feet [d] * | No higher than the bottom of the second story window or the top of the wall of a one story building * |
| Window Signs shall be of the following functional types:[d]<br>• Identification Sign<br>• Reader Board Sign[a] * | 1 for each use in lieu of Ground Sign[b] * | 10% of the total area of all windows or 6 square feet, whichever is greater * + | No higher than a window on the lowest level of the building, excluding the basement * |
| Temporary Signs shall be of the following functional types[c]:<br>• Identification Sign<br>• Reader Board Sign[a]<br>• Promotional Sign[a] | 1 | 3 square feet per Sign Face for Identification Signs and Reader Board Signs; 24 square feet per sign face for Promotional Signs ~ | 6 feet |

* Amended by Ord. 27-03, J. 29, p. 106-111, passed 3/10/03
\+ Amended by Ord. 55-05, J. 31, p. 184-236, passed 9/12/05
~ Amended by Ord. 54-07, J. 33, p. 372-407, passed 6/25/07

(2) Exceptions and Explanatory Notes.

(a) Reader Board Signs and Promotional Signs shall be permitted in a Multiple Family Residential District only for religious or educational institutions. (Ord. 54-07, J. 33, p. 372-407, passed 6/25/07)

(b) One Wall, Awning, Canopy, Marquee or Window Sign shall be permitted for each principal or accessory use with a separate building entrance on the Lot and, in the event the Lot has Frontage on more than one public street, an additional Wall, Awning, Canopy, Marquee or Window Sign shall be allowed for each additional public street upon which any principal or accessory use has Frontage. For the purpose of this Paragraph, frontage on a parking area may be considered the same as Frontage provided there is direct access to the use from the parking area and that the access is the primary access to the use. (Ord. 27-03, J. 29, p. 106-111, passed 03/10/03)

(c) Temporary Signs shall be subject to the Temporary Sign Permit restrictions contained in Paragraph 150.2028(F)(2) of this Chapter.

(d) The following special regulations shall apply:

A. No Sign shall be placed upon the roof of any Awning, Marquee, Canopy, or other architectural projection, nor shall any Sign extend above or below the Awning, Marquee, Canopy, or projection in any way.

B. Signs displayed on a Marquee, Canopy, or other architectural projection, may project beyond the Sign Face the distance necessary to accommodate the letter thickness, but no more than six inches.

C. Signs displayed a Marquee, Canopy, or other architectural projection, may project beyond the Sign Face the distance necessary to accommodate the letter thickness, but no more than six inches. Signs displayed on Awnings or Canopies shall not project beyond the surface of the Awning or Canopy. Signs displayed on Awnings or Canopies shall be located on the Awning's or Canopy's valance, or if there is no valance, on the lower nine inches of the Awning. Lettering on an Awning or Canopy Sign shall not exceed six inch type. (Ord. 27-03, J. 29, p. 106-111, passed 03/10/03, Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

Sec. 150.2024 District Regulations: B1, B1-A, B2, B2-RW, B4, and B5 Districts.

(A) Signs Not Requiring a Sign Permit.

(1) Sign Table. The Signs set forth in the following table may be erected and maintained in the B1, B1-A, B2, B2-RW, B4, and B5 Districts without a Sign permit. Footnote references are indicated in the table by superscript letters within parentheses, and the footnotes appear in Paragraph 150.2024(A)(2) following the table.

| PERMITTED SIGNS | NUMBER OF SIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| Construction Signs[a] | 1 per development ~ | 12 square feet ~ | 6 feet |
| Governmental Signs | No limit | N/A | N/A |
| Holiday Decorations | No limit | N/A | N/A |
| Lawn Service Signs | 1 | 2 square feet | 4 feet |
| Memorial Signs[b] | 1 | 3 square feet | If Ground Sign, then no more than 2 feet |
| Nameplate Signs[c] | 1 | 1 square foot per occupancy and 3 square feet per Lot | If Ground Sign, then no more than 2 feet |
| Official Flags and Emblems | 2 per Lot and 2 flag poles per Lot | 24 square feet total Sign Area per flag pole | N/A |
| On-Site Informational Signs[d] | No limit | If Ground Sign,2 square feet per Sign<br><br>If Window Sign, 2 square feet total Sign Area per building entrance * | 4 feet<br><br>If Window Sign, then no more than 5 ½ feet. * |
| Open House Signs[e] | 2 | 6 square feet | 6 feet |

| PERMITTED SIGNS | NUMBER OF SIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| Political Election Signs[f] | No limit | 6 square feet | 6 feet |
| Political Message Signs[g] | No limit | 6 square feet | 6 feet |
| Real Estate Signs[h] | 1 | 6 square feet | If not affixed to a building, 6 feet; if affixed to a building, no higher than the bottom of the second story window or the top of the wall of a one-story building ~ |
| Security Signs | 2[j] | 2 square feet | 4 feet |
| Temporary Window Signs[i] | No limit, subject to maximum Sign Area regulations | Per Occupancy: 20% of the total area of all windows located on the ground floor of that occupancy. * ~ | No higher than a window on the ground level of the building. ~ |
| Public Utility Signs | No limit | N/A | N/A |

* Amended by Ord. 55-05, J. 31, p. 184-236, passed 9/12/05
~ Amended by Ord. 54-07, J. 33, P. 372-407, passed 6/25/07

(2) Exceptions and Explanatory Notes.

(a) A Construction Sign shall be removed immediately upon issuance of a certificate of occupancy for the Lot upon which the Construction Sign is located. A Construction Sign may be increased in size by an additional six square feet, provided that the additional six square feet on the Construction Sign is used exclusively to display City notices approved by the City's Building Division.

(b) A Memorial Sign shall be a Wall or Ground Sign, shall be made of durable materials such as bronze, stone, or concrete, and shall not be illuminated. No Memorial Sign that is a Ground Sign shall be closer than six feet to any Lot line.

(c) A Nameplate Sign shall be a Wall or Ground Sign. No Nameplate Sign that is a Ground Sign shall be closer than five feet to any Lot line. (Ord. 02-07, J. 33, p. 005-009, passed 1/8/07)

(d) An On-Site Information Sign shall be illuminated only as necessary to accomplish its intended purpose.

(e) Open House Signs shall be subject to the following additional regulations:

(i) Both Open House Signs may be placed on a Lot, or one Open House Sign may be placed on the parkway of the public right-of-way of the closest major intersection to the Lot, provided that the Owner of the Lot abutting the proposed parkway location does not disapprove of the parkway location upon prior notice.

(ii) Open House Signs shall be allowed only between the hours of 9:00 a.m. and 5:00 p.m.

(f) A Political Election Sign shall be subject to the following additional regulations:

(i) Location on Private Property. A Political Election Sign may be installed or located at any location on private property so long as the Owner of the Lot on which the Political Election Sign is to be located has consented to the installation.

(ii) Location on Public Property. Except as provided in Section 150.2039 of this Article, no Political Election Sign shall be installed or located on public property in any location in the City. (Ord. 77-02, J. 28, p. 549-552, passed 11/25/02; Ord. 75-09, J. 35, p. 291-301, passed 12/14/09)

(iii) Attachments to Signs. A Political Election Sign may include two attachments located beneath the Political Election Sign, neither of which shall exceed 24 inches in width by six inches in height, which attachments shall not be counted toward the sign area and sign height limitations. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(iv) Proximity between Signs. For purposes of the sign area and sign height limitations set forth in Section 150.2024(A) of this Article, any two Political Election Signs that are located within 12 inches of each other shall be considered to be one Political Election Sign. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(g) A Political Message Sign shall be subject to the following additional regulations:

(i) Owner Consent Required. A Political Message Sign shall be located entirely on private property pursuant to the Owner's consent. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(ii) Attachments to Signs. A Political Message Sign may include two attachments located beneath the Political Message Sign, neither of which shall exceed 24 inches in width by six inches in height, which attachments shall not be counted toward the sign area and sign height limitations. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(iii) Proximity between Signs. For purposes of the sign area and sign height limitations set forth in Section 150.2024(A) of this Article, any two Political Message Signs that are located within 12 inches of each other shall be considered to be one Political Message Sign. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(h) A Real Estate Sign shall be removed as soon as a lease for the Lot has been signed or closing has occurred on the sale thereof. A Real Estate Sign may include two attachments, neither of which shall exceed 24 inches by six inches in size.

(i) Temporary Window Signs shall not block any window area required for light, ventilation, or emergency exit by any applicable code. No Temporary Window Sign shall be illuminated. A Temporary Window Sign shall be maintained on a Lot for a period not to exceed 30 days.

(j) If two Security Signs are erected on a Lot, one of the Security Signs shall be located in the rear of the Lot.

(B) Signs Requiring a Sign Permit.

(1) Sign Table. The Signs set forth in the following table may be erected and maintained in the B1, B1-A, B2, B2-RW, B4, and B5 Districts with a Sign permit pursuant to Section 150.2029. Footnote references are indicated in the table by superscript letters within parentheses, and the footnotes appear in Paragraph 150.2024(B)(2) following the table. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

| PERMITTED SIGNS | NUMBER OF SIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| Awning, Canopy, and Marquee Signs shall be of the following functional types:<br>• Identification Sign<br>• Joint Identification Sign | 1 in lieu of Wall Sign | (e) | No higher than the bottom of the second story window or the top of the wall of a one story building |
| Ground Signs shall be of the following functional types:<br>• Development Map or Directory Sign<br>• Identification Sign<br>• Joint Identification Sign<br>• Reader Board Sign(a) | 1 per street frontage(c) | 25 square feet per Sign Face | 6 feet |
| Wall Signs shall be of the following functional types:<br>• Development Map or Directory Sign<br>• Identification Sign<br>• Joint Identification Sign<br>• Reader Board Sign(a) | 1 for each use(d) | (f) | No higher than the bottom of the second story window or the top of the wall of a one story building |
| Window Signs shall be of the following functional types:<br>• Development Map or Directory Sign<br>• Identification Sign<br>• Joint Identification Sign<br>• Reader Board Sign(a) | 1 in lieu of wall sign* ~ | Sign Area shall not exceed 10% of the total area of all windows or 6 square feet, whichever is greater. * | No higher than a window on the ground level of the building, excluding the basement |

| PERMITTED SIGNS | NUMBER OF SIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| Temporary Signs shall be of the following functional types[b]:<br>• Development Map or Directory Sign<br>• Identification Sign<br>• Joint Identification Sign<br>• Promotional Sign<br>• Reader Board Sign[a] | 1 | Not to exceed 6 square feet per Sign Face or 24 square feet per Sign Face for religious or educational uses * ~ | If not affixed to a building, 6 feet; if affixed to a building, no higher than the bottom of the second story window or the top of the wall of a one-story building. ~ |
| On-Site Directory Signs | 1 | 10 square feet per Sign Face | 6 feet |
| Menu Board Signs shall be of the following structural types[g] :<br>• Ground Sign<br>• Wall Sign+ | 1 per Drive-Through Facility lane | 56 square feet | No higher than 8 feet above grade |
| Order and Confirmation Sign > | 1 per Drive-Through Facility lane | 2.5 square feet per sign face, and 6 square feet per sign | 4 feet |

* Amended by Ord. 55-05, J. 31, p. 184-236, passed 9/12/05
~ Amended by Ord. 54-07, J. 33, p. 372-407, passed 6/25/07
**+ Added by Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**
**> Added by Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**

(2) Exceptions and Explanatory Notes.

(a) Reader Board Signs shall be permitted in the B-1, B1-A, B2, B2-RW, B4, and B5 Districts only for religious or educational institutions, service stations limited to fuel prices, and movie theaters.

(b) Temporary Signs shall be subject to the Temporary Sign Permit restrictions contained in Paragraph 150.2028(F)(2) of this Chapter.

(c) One Ground Sign shall be permitted for each public street upon which the Lot has Frontage, provided that the horizontal distance between the Signs is at least 100 feet. A Ground Sign shall not exceed 16 feet in length.

(d) One Wall Sign shall be permitted for each principal and accessory use with a separate building entrance on the Lot and, in the event the Lot has Frontage on more than one public street, an additional Wall Sign shall be allowed for each additional public street upon which any principal and accessory use has Frontage. In a building with multiple uses, the Wall Sign must be located on that portion of the building in which the use for which the Wall Sign is maintained is located. For the purpose of this Subparagraph, frontage on a parking area may be considered the same as Frontage on a

street provided there is direct access to the use from the parking area and that the access is the primary access to the use.

(e) Maximum Sign Area for Awning, Canopy, and Marquee Signs:

(i) For one story structures, the maximum Sign Area shall not exceed the lesser amount of 100 square feet or 15 percent of the horizontal area of the façade that incorporates the main entrance of the building upon which the Awning, Canopy, or Marquee Sign is located; or

(ii) For structures of more than one story, the maximum Sign Area shall not exceed the lesser amount of 100 square feet or 15 percent of the horizontal area below any second story windows of the façade that incorporates the main entrance of the building upon which the Awning, Canopy, or Marquee Sign is located.

(iii) In determining the maximum Sign Area for Awning, Canopy, or Marquee Signs in the B1, B1-A, B2, B2-RW, B4, and B5 Districts, the following special regulations shall apply:

A. No Sign shall be placed upon the roof of any Marquee, Canopy, or other architectural projection, nor shall any Sign extend above or below the Awning, Marquee, Canopy, or projection in any way. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

B. Signs displayed on a Marquee, Canopy, or other architectural projection, may project beyond the Sign Face the distance necessary to accommodate the letter thickness, but no more than six inches.

C. Signs displayed on Canopies shall not project beyond the surface of the Canopy. Signs displayed on Canopies shall be located on the Canopy's valence, or if there is no valence, on the lower nine inches of the Canopy. Lettering on a Canopy Sign shall not exceed six inch type. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

D. Signs displayed on Awnings shall not exceed 15 percent of the Awning surface area, excluding sides. Signs may occupy up to 25 percent of an awnings surface area, excluding side, provided that, 10% of the area is occupied by a design or graphic that is not otherwise classified an Identification Sign as defined by Section 150.2005(A.8) or additional information as regulated by Section 150.2008. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(f) Maximum Sign Area for Wall Signs:

(i) For one story structures, the maximum Sign Area shall not exceed the lesser amount of 100 square feet or 15 percent of the horizontal area of the façade that incorporates the main entrance of the building upon which the Wall Sign is located; or

(ii) For structures of more than one story, the maximum Sign Area shall not exceed the lesser amount of 100 square feet or 15 percent of the

horizontal area below any second story windows of the façade that incorporates the main entrance of the building upon which the Wall Sign is located.

(g) Menu Board Signs:

(i) Menu Board Signs shall only be permitted in connection with uses authorized pursuant to Section 150.403(B) of this Chapter. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(ii) Menu Board Signs shall only be located in accordance with the plans approved for the Drive-Through Facility pursuant to Section 150.403(B) of this Chapter. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(iii) No Menu Board Sign shall be located on that portion of a lot between the principal structure on the lot and any public right-of-way, and the sign face of each Menu Board Sign shall be located so as to minimize its visibility from any public right-of-way. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(iv) Landscaping shall be installed at the base of each Menu Board Sign in accordance with the standards set forth in Section 150.2240 of this Chapter. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

Sec. 150.2025 District Regulations: B3 and I Districts.

(A) Signs Not Requiring a Sign Permit.

(1) Sign Table. The Signs set forth in the following table may be erected and maintained in the B3 and I Districts without a Sign permit. Footnote references are indicated in the table by superscript letters within parentheses, and the footnotes appear in Paragraph 150.2025(A) (2) following the table.

| PERMITTED SIGNS | NUMBER OF SIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| Construction Signs [j]~ | 1 per development ~ | 32 square feet ~ | 6 feet |
| Governmental | No limit | N/A | N/A |
| Holiday Decorations | No limit | N/A | N/A |
| Lawn Service Signs | 1 | 2 square feet | 4 feet |
| Memorial Signs | 1 | 3 square feet | If Ground Sign, then no more than 2 feet |
| Nameplate Signs [b] | 1 | 1 square foot per occupancy and 3 square feet per Lot | If Ground Sign, then no more than 2 feet |
| Official Flags and Emblems | 2 per Lot and 2 flag poles per Lot | 24 square feet total Sign Area per flag pole | N/A |
| On-Site Informational Signs [c] | No limit | If Ground Sign, 4 square feet per Sign<br><br>If Window Sign, 4 square feet total Sign Area per building entrance* | 4 feet.<br><br>If Window Sign, then no more than 5½ feet. |
| Open House Signs [d] | 2 | 6 square feet | 6 feet |
| Political Election Signs | No limit | 6 square feet | 6 feet |
| Political Message Signs | No limit | 6 square feet | 6 feet |
| Real Estate Signs [g] | 1 | 16 square feet | If not affixed to a building, 6 feet; if affixed to a building, no higher than the building parapet. ~ |
| Security Signs | 2 [i] | 2 square feet | 4 feet |
| Temporary Window Signs [h] | No limit, subject to maximum Sign Area regulations | Per Occupancy: 20% of the total area of all windows located on the ground floor of that occupancy, provided that no individual sign shall exceed 32 square feet. * ~ | No higher than a window on the ground level of the building |
| Public Utility Signs | No limit | N/A | N/A |

| PERMITTED SIGNS | NUMBER OF SIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| Construction Signs [j]~ | 1 per development ~ | 32 square feet ~ | 6 feet |
| Governmental | No limit | N/A | N/A |
| Holiday Decorations | No limit | N/A | N/A |
| Lawn Service Signs | 1 | 2 square feet | 4 feet |
| Memorial Signs | 1 | 3 square feet | If Ground Sign, then no more than 2 feet |
| Nameplate Signs [b] | 1 | 1 square foot per occupancy and 3 square feet per Lot | If Ground Sign, then no more than 2 feet |
| Official Flags and Emblems | 2 per Lot and 2 flag poles per Lot | 24 square feet total Sign Area per flag pole | N/A |
| On-Site Informational Signs [c] | No limit | If Ground Sign, 4 square feet per Sign<br><br>If Window Sign, 4 square feet total Sign Area per building entrance* | 4 feet.<br><br>If Window Sign, then no more than 5½ feet. |

* Amended by Ord. 55-05, J. 31, p. 184-236, passed 9/12/05
~ Amended by Ord. 54-07, J. 33, p. 372-407, passed 6/25/07

(2) Exceptions and Explanatory Notes.

(a) A Memorial Sign shall be a Wall or Ground Sign, shall be made of durable materials such as bronze, stone, or concrete, and shall not be illuminated. No Memorial Sign that is a Ground Sign shall be closer than six feet to any Lot line.

(b) A Nameplate Sign shall be a Wall or Ground Sign. No Nameplate Sign that is a Ground Sign shall be closer than five feet to any Lot line. (Ord. 02-07, J. 33, p. 005-009, passed 1/8/07)

(c) An On-Site Information Sign shall be illuminated only as necessary to accomplish its intended purpose.

(d) Open House Signs shall be subject to the following additional regulations:

(i) Both Open House Signs may be placed on a Lot, or one Open House Sign may be placed on the parkway of the public right-of-way of the closest

major intersection to the Lot, provided that the Owner of the Lot abutting the proposed parkway location does not disapprove of the parkway location upon prior notice.

(ii) Open House Signs shall be allowed only between the hours of 9:00 a.m. and 5:00 p.m.

(e) A Political Election Sign shall be subject to the following additional regulations:

(i) Location on Private Property. A Political Election Sign may be installed or located at any location on private property so long as the Owner of the Lot on which the Political Election Sign is to be located has consented to the installation.

(ii) Location on Public Property. Except as provided in Section 150.2039 of this Article, no Political Election Sign shall be installed or located on public property in any location in the City. (Ord. 77-02, J. 28, p. 549-552, passed 11/25/02; Ord. 75-09, J. 35, p. 291-301, passed 12/14/09)

(iii) Attachments to Signs. A Political Election Sign may include two attachments located beneath the Political Election Sign, neither of which shall exceed 24 inches in width by six inches in height, which attachments shall not be counted toward the sign area and sign height limitations. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(iv) Proximity between Signs. For purposes of the sign area and sign height limitations set forth in Section 150.2025(A) of this Article, any two Political Election Signs that are located within 12 inches of each other shall be considered to be one Political Election Sign. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(f) A Political Message Sign shall be subject to the following additional regulations:

(i) Owner Consent Required. A Political Message Sign shall be located entirely on private property pursuant to the Owner's consent. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(ii) Attachments to Signs. A Political Message Sign may include two attachments located beneath the Political Message Sign, neither of which shall exceed 24 inches in width by six inches in height, which attachments shall not be counted toward the sign area and sign height limitations. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(iii) Proximity between Signs. For purposes of the sign area and sign height limitations set forth in Section 150.2025(A) of this Article, any two Political Message Signs that are located within 12 inches of each other shall be considered to be one Political Message Sign. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(g) A Real Estate Sign shall be removed as soon as a lease for the Lot has been signed or closing has occurred on the sale thereof. A Real Estate Sign may include two attachments, neither of which shall exceed 24 inches by six inches in size.

(h) Temporary Window Signs shall not block any window area required for light, ventilation, or emergency exit by any applicable code. No Temporary Window Sign shall be illuminated. A Temporary Window Sign shall be maintained on a Lot for a period not to exceed 30 days.

(i) If two Security Signs are erected on a Lot, one of the Security Signs shall be located in the rear of the Lot. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(j) A Construction Sign shall be removed immediately upon issuance of a certificate of occupancy for the Lot upon which the Construction Sign is located. A Construction Sign may be increased in size by an additional six square feet, provided that the additional six square feet on the Construction Sign is used exclusively to display City notices approved by the City's Building Division. (Ord. 54-07, J. 33, p. 372-407, passed 6/25/07)

(B) Signs Requiring a Sign Permit.

(1) Sign Table. The Signs set forth in the following table may be erected and maintained in the B3 and I Districts with a Sign permit pursuant to Section 150.2029. Footnote references are indicated in the table by superscript letters within parentheses, and the footnotes appear in Paragraph 150.2025(B)(2) following the table.

| PERMITTED SIGNS | NUMBER OF SIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| Awning, Canopy, and Marquee Signs shall be of the following functional types:<br>• Identification Sign<br>• Joint Identification Sign | 1 in lieu of Wall Sign | (f) ~ | No higher than the bottom of the second story window or the top of the wall of a one story building |
| Ground Signs shall be of the following functional types:<br>• Development Map or Directory Sign<br>• Identification Sign<br>• Joint Identification Sign<br>• Reader Board Sign(a) | 1 per street frontage(c) ~ | 75 square feet per Sign and 50 square feet per Sign Face | 6 feet if a Development Map or Directory Sign<br><br>15 feet if an Identification or Joint Identification Sign |
| Wall Signs shall be of the following functional types:<br>• Development Map or Directory Sign<br>• Identification Sign<br>• Joint Identification Sign<br>• Reader Board Sign(a) | 1 for each use(d) | (g) | No higher than the bottom of the second story window or the top of the wall of a one story building |

| PERMITTED SIGNS | NUMBER OF SIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| Window Signs shall be of the following functional types:<br>• Development Map or Directory Sign<br>• Identification Sign<br>• Joint Identification Sign<br>• Reader Board Sign[(a)] | 1 | Sign Area shall not exceed 10% of the total area of all windows or 6 square feet, whichever is greater. * ~ | No higher than a window on the ground level of the building, excluding the basement ~ |
| Temporary Signs shall be of the following functional types[(b)]:<br>• Development Map or Directory Sign<br>• Identification Sign<br>• Joint Identification Sign<br>• Promotional Sign<br>• Reader Board Sign[(a)] | 1 | Not to exceed 24 square feet per Sign Face ~ | If not affixed to a building, 6 feet; if affixed to a building, no higher than the building parapet. ~ |
| On-Site Directory Signs | 1[(e)] ~ | 10 square feet per Sign Face | 6 feet |
| Menu Board Signs shall be of the following types[(h)]:<br>• Ground Sign<br>• Wall Sign+ | 1 per Drive-Through Facility lane | 56 square feet | No higher than 8 feet above grade |
| Order and Confirmation Sign > | 1 per Drive-Through Facility lane | 2.5 square feet per sign face, and 6 square feet per sign | 4 feet |

* Amended by Ord. 55-05, J. 31, p. 184-236, passed 9/12/05
~ Amended by Ord. 54-07, J. 33, p. 372-407, passed 6/25/07
**+Added by Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**
**> Added by Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**

(2) Exceptions and Explanatory Notes.

(a) Reader Board Signs shall be permitted in the B3 or I Districts only for religious or educational institutions, service stations limited to fuel prices, and movie theaters.

(b) Temporary Signs shall be subject to the Temporary Sign permit restrictions contained in Paragraph 150.2028(F)(2) of this Chapter.

(c) One Ground Sign shall be permitted for each public street upon which the Lot has Frontage, provided that the horizontal distance

between the Signs is at least 100 feet. A Ground Sign shall not exceed 16 feet in length.

(d) One Wall Sign for each principal and accessory use with a separate building entrance on the Lot and, in the event the Lot has Frontage on more than one public street, an additional Wall Sign shall be allowed for each additional public street upon which any principal and accessory use has Frontage. In a building with multiple uses, the Wall Sign must be located on that portion of the building in which the use for which the Wall Sign is maintained is located, which Wall Sign shall be located either (i) no higher than the bottom of the second story window of the building or the top of the wall of a one-story building or (ii) immediately below the top of the roof or parapet of the building. For the purpose of this Subparagraph, frontage on a parking area may be considered the same as Frontage provided there is direct access to the use from the parking area and that the access is the primary access to the use.

(e) One additional On-Site Directory Sign shall be permitted in the B-3 or I Districts for every five acres of a Lot.

(f) Maximum Sign Area for Awning, Canopy, and Marquee Signs:

(i) For one story structures, the maximum Sign Area shall not exceed the lesser amount of 125 square feet or 15 percent of the horizontal area of the façade that incorporates the main entrance of the building upon which the Awning, Canopy, or Marquee Sign is located; or

(ii) For structures of more than one story, the maximum Sign Area shall not exceed the lesser amount of 125 square feet or 15 percent of the horizontal area below any second story windows of the façade that incorporates the main entrance of the building upon which the Awning, Canopy, or Marquee Sign is located.

(iii) In determining the maximum Sign Area for Awning, Canopy, or Marquee Signs in the B3 and I Districts, the following special regulations shall apply:

A. No Sign shall be placed upon the roof of any Marquee, Canopy, or other architectural projection, nor shall any Sign extend above or below the Awning, Marquee, Canopy, or projection in any way.

B. Signs displayed on a Marquee, Canopy, or other architectural projection, may project beyond the Sign Face the distance necessary to accommodate the letter thickness, but no more than six inches.

C. Signs displayed on Canopies shall not project beyond the surface of the Canopy. Signs displayed on Canopies shall be located on the Canopy's valence, or if there is no valence, on the lower nine inches of the Canopy. Lettering on a Canopy Sign shall not exceed six inch type.

D. Signs displayed on Awnings shall not exceed 15 percent of the Awning surface area, excluding sides. Signs may occupy up to 25 percent of an awnings surface area, excluding side, provided that, 10% of the area is occupied by a design or graphic that is not otherwise classified an Identification Sign as defined by Section 150.2005(A.8) or additional information as regulated by Section 150.2008.

(g) Maximum Sign Area for Wall Signs:

(i) For one story structures, the maximum Sign Area shall not exceed the lesser amount of 125 square feet or 15 percent of the horizontal area of the façade that incorporates the main entrance of the building upon which the Wall Sign is located; or

(ii) For structures of more than one story, the maximum Sign Area shall not exceed the lesser amount of 125 square feet or 15 percent of the horizontal area below any second story windows of the façade that incorporates the main entrance of the building upon which the Wall Sign is located.

(h) Menu Board Signs:

(i) Menu Board Signs shall only be permitted in connection with uses authorized pursuant to Section 150.403(B) of this Chapter. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(ii) Menu Board Signs shall only be located in accordance with the plans approved for the Drive-Through Facility pursuant to Section 150.403(B) of this Chapter. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(iii) No Menu Board Sign shall be located on that portion of a lot between the principal structure on the lot and any public right-of-way, and the sign face of each Menu Board Sign shall be located so as to minimize its visibility from any public right-of-way. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(iv) Landscaping shall be installed at the base of each Menu Board Sign in accordance with the standards set forth in Section 150.2240 of this Chapter. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(Section 150.2025 amended in its entirety by Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

Sec. 150.2026 District Regulations: HC District.

(A) Signs Not Requiring a Sign Permit.

(1) Sign Table. The Signs set forth in the following table may be erected and maintained in the HC District without a Sign permit. Footnote references are indicated in the table by superscript letters within parentheses, and the footnotes appear in Paragraph 150.2026(A)(2) following the table.

| PERMITTED SIGNS | NUMBER OF SIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA | MAXIMUM PERMITTED SIGN HEIGHT |
|---|---|---|---|
| Construction Signs [j] ~ | 1 per development ~ | 12 square feet ~ | 6 feet ~ |
| Governmental Signs | No limit | N/A | N/A |
| Holiday Decorations | No limit | N/A | N/A |
| Lawn Service Signs | 1 | 2 square feet | 4 feet |
| Memorial Signs[a] | 1 | 3 square feet | If Ground Sign, then no more than 2 feet |
| Nameplate Signs[b] | 1 | 1 square foot per occupancy and 3 square feet per Lot | If Ground Sign, then no more than 2 feet |
| Official Flags and Emblems | 2 per Lot and 2 flag poles per Lot | 24 square feet total Sign Area per flag pole | N/A |
| On-Site Informational Signs[c] | No limit | If Ground Sign,4 square feet per Sign<br><br>If Window Sign, 4 square feet total Sign Area per building entrance * | 4 feet<br><br>If Window Sign, then no more than 5 ½ feet * |
| Open House Signs[d] | 2 | 6 square feet | 6 feet |
| Political Election Signs[e] | No limit | 6 square feet | 6 feet |
| Political Message Signs[f] | No limit | 6 square feet | 6 feet |
| Real Estate Signs[g] | 1 | 6 square feet | If not affixed to a building, 6 feet; if affixed to a building, no higher than the bottom of the second story window or the top of the wall of a one-story building. ~ |
| Security Signs | 2[i] | 2 square feet | 4 feet |
| Temporary Window Signs[h] | No limit, subject to maximum Sign Area regulations | Per Occupancy: 10% of the total area of all windows located on the ground floor of that occupancy * ~ | No higher than a window on the ground level of the building |
| Public Utility Signs | No limit | N/A | N/A |

* Amended by Ord. 55-05, J. 31, p. 184-236, passed 9/12/05
~ Amended by Ord. 54-07, J. 33, p. 372-407, passed 6/25/07

(2) Exceptions and Explanatory Notes.

(a) A Memorial Sign shall be a Wall or Ground Sign, shall be made of durable materials such as bronze, stone, or concrete, and shall not be illuminated. No Memorial Sign that is a Ground Sign shall be closer than six feet to any Lot line.

(b) A Nameplate Sign shall be a Wall or Ground Sign. No Nameplate Sign that is a Ground Sign shall be closer than five feet to any Lot line. (Ord. 02-07, J. 33, p. 005-009, passed 1/8/07)

(c) An On-Site Information Sign shall be illuminated only as necessary to accomplish its intended purpose.

(d) Open House Signs shall be subject to the following additional regulations:

(i) Both Open House Signs may be placed on a Lot, or one Open House Sign may be placed on the parkway of the public right-of-way of the closest major intersection to the Lot, provided that the Owner of the Lot abutting the proposed parkway location does not disapprove of the parkway location upon prior notice.

(ii) Open House Signs shall be allowed only between the hours of 9:00 a.m. and 5:00 p.m.

(e) A Political Election Sign shall be subject to the following additional regulations:

(i) Location on Private Property. A Political Election Sign may be installed or located at any location on private property so long as the Owner of the Lot on which the Political Election Sign is to be located has consented to the installation.

(ii) Location on Public Property. Except as provided in Section 150.2039 of this Article, no Political Election Sign shall be installed or located on public property in any location in the City. (Ord. 77-02, J. 28, p. 549-552, passed 11/25/02; Ord. 75-09, J. 35, p. 291-301, passed 12/14/09)

(iii) Attachments to Signs. A Political Election Sign may include two attachments located beneath the Political Election Sign, neither of which shall exceed 24 inches in width by six inches in height, which attachments shall not be counted toward the sign area and sign height limitations. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(iv) Proximity between Signs. For purposes of the sign area and sign height limitations set forth in Section 150.2026(A) of this Article, any two Political Election Signs that are located within 12 inches of each other shall be considered to be one Political Election Sign. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(f) A Political Message Sign shall be subject to the following additional regulations:

(i) Owner Consent Required. A Political Message Sign shall be located entirely on private property pursuant to the Owner's consent. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(ii) Attachments to Signs. A Political Message Sign may include two attachments located beneath the Political Message Sign, neither of which shall exceed 24 inches in width by six inches in height, which attachments shall not be counted toward the sign area and sign height limitations. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(iii) Proximity between Signs. For purposes of the sign area and sign height limitations set forth in Section 150.2026(A) of this Article, any two Political Message Signs that are located within 12 inches of each other shall be considered to be one Political Message Sign. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(g) A Real Estate Sign shall be removed as soon as a lease for the Lot has been signed or closing has occurred on the sale thereof. A Real Estate Sign may include two attachments, neither of which shall exceed 24 inches by six inches in size.

(h) Temporary Window Signs shall not block any window area required for light, ventilation, or emergency exit by any applicable code. No Temporary Window Sign shall be illuminated. A Temporary Window Sign shall be maintained on a Lot for a period not to exceed 30 days.

(i) If two Security Signs are erected on a Lot, one of the Security Signs shall be located in the rear of the Lot.

(j) A Construction Sign shall be removed immediately upon issuance of a certificate of occupancy for the Lot upon which the Construction Sign is located. A Construction Sign may be increased in size by an additional six square feet, provided that the additional six square feet on the Construction Sign is used exclusively to display City notices approved by the City's Building Division. (Ord. 54-07, J. 33, p. 372-407, passed 6/25/07)

(B) Signs Requiring a Sign Permit.

(1) Sign Table. The Signs set forth in the following table may be erected and maintained in the HC District with a Sign permit pursuant to Section 150.2029. Footnote references are indicated in the table by superscript letters within parentheses, and the footnotes appear in Paragraph 150.2026(B)(2) following the table. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

| PERMITTED SIGNS | NUMBER OF SIGNS PERMITTED ON A LOT | MAXIMUM PERMITTED SIGN AREA PER SIGN | MAXIMUM PERMITTED SIGN HEIGHT PER SIGN |
|---|---|---|---|
| Awning, Canopy, and Marquee Signs shall be of the following functional types:<br>• Identification Sign<br>• Joint Identification Sign | 1 in lieu of Wall Sign | (e) ~ | No higher than the bottom of the second story window or the top of the wall of a one story building |
| Ground Signs shall be of the following functional types:<br>• Development Map or Directory Sign<br>• Identification Sign<br>• Joint Identification Sign | 1 per street frontage(b) ~ | 50 square feet per Sign Face | 6 feet |
| Wall Signs shall be of the following functional types:<br>• Development Map or Directory Sign<br>• Identification Sign<br>• Joint Identification Sign | 1 for each use(c) ~ | (f) ~ | No higher than the bottom of the second story window or the top of the wall of a one story building |
| Window Signs shall be of the following functional types:<br>• Development Map or Directory Sign<br>• Identification Sign<br>• Joint Identification Sign | 1 | Sign Area shall not exceed 10% of total window area or 6 square feet, whichever is greater. * | No higher than a window on the lowest level of the building, excluding the basement |
| Temporary Signs shall be of the following functional types(a):<br>• Development Map or Directory Sign<br>• Identification Sign<br>• Joint Identification Sign<br>• Promotional Sign | 1 | Not to exceed 12 square feet per Sign Face or 24 square feet for religious or educational institutions * ~ | 6 feet |
| On-Site Directory Signs | 1(d) ~ | 10 square feet per Sign Face | 6 feet |

* Amended by Ord. 55-05, J. 31, p. 184-236, passed 9/12/05
~ Amended by Ord. 54-07, J. 33, p. 372-407, passed 6/25/07

(2) Exceptions and Explanatory Notes.

(a) Temporary Signs shall be subject to the Temporary Sign Permit restrictions contained in Paragraph 150.2028(F)(2) of this Chapter.

(b) One Ground Sign shall be permitted for each public street upon which the Lot has Frontage, provided that the horizontal distance between the Signs is at least 100 feet. A Ground Sign shall not exceed 16 feet in length.

(c) One Wall Sign for each principal and accessory use with a separate building entrance on the Lot and, in the event the Lot has Frontage on more than one public street, an additional Wall Sign shall be allowed for each additional public street upon which any principal and accessory use has Frontage. In a building with multiple uses, the Wall Sign must be located on that portion of the building in which the use for which the Wall Sign is maintained is located, which Wall Sign shall be located either (i) no higher than the bottom of the second story window of the building or the top of the wall of a one-story building or (ii) immediately below the top of the roof or parapet of the building. For the purpose of this Subparagraph, frontage on a parking area may be considered the same as Frontage provided there is direct access to the use from the parking area and that the access is the primary access to the use.

(d) One additional On-Site Directory Sign shall be permitted in the HC District for every five acres of a Lot.

(e) Maximum Sign Area for Awning, Canopy, and Marquee Signs:

(i) For one story structures, the maximum Sign Area shall not exceed the lesser amount of 125 square feet or 15 percent of the horizontal area of the façade that incorporates the main entrance of the building upon which the Awning, Canopy, or Marquee Sign is located; or

(ii) For structures of more than one story, the maximum Sign Area shall not exceed the lesser amount of 125 square feet or 15 percent of the horizontal area below any second story windows of the façade that incorporates the main entrance of the building upon which the Awning, Canopy, or Marquee Sign is located.

(iii) In determining the maximum Sign Area for Awning, Canopy, or Marquee Signs in the HC District, the following special regulations shall apply:

A. No Sign shall be placed upon the roof of any Awning, Marquee, Canopy, or other architectural projection, nor shall any Sign extend above or below the Awning, Marquee, Canopy, or projection in any way.

B. Signs displayed on a Marquee, Canopy, or other architectural projection, may project beyond the Sign Face the distance necessary to accommodate the letter thickness, but no more than six inches.

C. Signs displayed on a Marquee, Canopy or other architectural projection, may project beyond the Sign Face the distance necessary to accommodate the letter thickness, but no more than six inches. Signs displayed on Awnings or Canopies shall not project beyond the surface of the Awning or Canopy. Signs displayed on Awnings or Canopies shall be located on the Awning's or Canopy's valence, or if there is no valence, on the lower nine inches of the Awning. Lettering on an Awning or Canopy Sign shall not exceed six inch type. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(f) Maximum Sign Area for Wall Signs:

(i) For one story structures, the maximum Sign Area shall not exceed the lesser amount of 125 square feet or 15 percent of the horizontal area of the façade that incorporates the main entrance of the building upon which the Wall Sign is located; or

(ii) For structures of more than one story, the maximum Sign Area shall not exceed the lesser amount of 125 square feet or 15 percent of the horizontal area below any second story windows of the façade that incorporates the main entrance of the building upon which the Wall Sign is located.

Sec. 150.2027 Signs Specifically Prohibited in All Districts.

The following Signs shall be prohibited in all zoning districts and shall not be erected or maintained, except as may be permitted pursuant to Section 150.2033 of this Chapter: (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(A) Any Sign not expressly permitted pursuant to Sections 150.2023, 150.2024, 150.2025, 150.2026, and 150.2027 of this Chapter. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(B) Banner Signs, except as permitted in Paragraph 150.2031(B)(9) of this Chapter.

(C) Off-Site Advertising Signs.

(D) Real Estate "Sold By" Signs.

(E) Mobile Signs, except for incidental signs painted or affixed to vehicles in the customary manner of identifying the owner of a business. No vehicle containing a permitted incidental sign shall remain stationary or be parked on any lot solely for the purposes of advertising a business.

(F) Moving or Animated Signs.

(G) Any Sign that is installed or erected in, or projects into or over, any public right-of-way, except: (1) Governmental Signs, (2) Civic Event Signs; (3) Signs approved by resolution pursuant to Section 150.2014(C) of this Chapter; or (4) Political Election Signs installed pursuant to Section 150.2038 of this Chapter. (Ord. 75-09, J. 35, p. 291-301, passed 12/14/09; Ord. 74-10, J. 36, p. 275-277, passed 9/13/10)

(H) Pole Signs, except (i) as permitted in Paragraph 150.2031(C) (1)(h) of this Chapter and (ii) Signs that are allowed without a Sign permit pursuant to Subsections 150.2023(A), 150.2024(A), 150.2025(A), 150.2026(A), and 150.2027(A) of this Chapter, may be Pole Signs. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05). (Ord. 54-07, J. 33, p. 372-407, passed 6/25/07)

(I) Portable Signs, other than a Governmental Sign.

(J) Projecting Signs, except as permitted in Paragraph 150.2031(C)(1)(g) of this Chapter. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05). (Ord. 54-07, J. 33, p. 372-407, passed 6/25/07)

(K) Roof Signs. (Ord. 19-67, J. 4, p. 473-492, passed 6/5/67)

(L) Reader Board Signs, except as permitted in Subsections 150.2023(B), 150.2024(B), 150.2025(B), 150.2026(B), and 150.2027(B) of this Chapter. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(M) Any Sign that advertises, identifies, or pertains to a business no longer conducted, or a product no longer sold, on the Lot where the Sign is located. If the Sign or Sign structure is covered or the identifying symbols or letters removed, the Director of Community Development may, upon a showing of good cause, allow the Sign to remain for a period of time determined by the Director of Community Development. This Subsection shall not apply to Signs, other than Temporary Signs, that are accessory to businesses open on a seasonal basis, provided that there is clear intent to continue operation of the business.

(N) Any Sign on a tree or utility pole, whether on public or private property.

(O) Any Sign on public property, except: (1) Governmental Signs, (2) Civic Event Signs, (3) Signs approved by resolution pursuant to Section 150.2014(C) of this Chapter; (4) Political Election Signs installed pursuant to Section 150.2038 of this Chapter, or (5) such other signs as may be authorized to be erected or maintained at a specific location by resolution adopted by the City Council, subject to such restrictions and conditions as may be established by the City Council in the authorizing resolution. (Ord. 43-05, J. 31, p. 145, passed 6/27/05; Ord. 75-09, J. 35, p. 291-301, passed 12/14/09; Ord. 74-10, J. 36, p. 275-277, passed 9/13/10)

(P) Any Sign, other than a Governmental Sign, that uses reflective paint or tape.

(Q) Any Sign displaying the price of any goods or services or any interest rate, except for Temporary Window Signs authorized pursuant to Subsections 150.2023(A), 150.2024(A), 150.2025(A), 150.2026(A), and 150.2027(A) of this Chapter or Reader Board Signs for service stations, pursuant to Subsections 150.2025(B) and 150.2026(B) of this Chapter. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(R) Any Sign in the shape of any product, other than a Temporary Window Sign.

(S) Any Sign that, in the sole discretion of the Director of Community Development:

(1) Is structurally unsafe;

(2) Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;

(3) Is not kept in good repair;

(4) Obstructs the view of a Motor Vehicle operator entering a public roadway from any parking area, service drive, private driveway, alley, or other thoroughfare; or

(5) Creates any unsafe distraction for Motor Vehicle operators. (Ord. 19-67, J. 4, p. 473-492, passed 6/5/67; Ord. 6-73, J. 10, p. 673, passed 1/22/73; Ord. 37-84, J. 15, p. 632-53, passed 9/10/84; Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

(T) Any Sign erected in violation of this Article or any other City ordinance or Federal or State law or regulation.

Sec. 150.2028 Signs that Require Sign Permit Approval.

(A) Intent. Except as expressly provided in Subsections 150.2023(A), 150.2024(A), 150.2025(A), 150.2026(A), and 150.2027(A) of this Chapter, no Sign shall be erected, enlarged, expanded, altered, relocated, or maintained unless a Sign permit shall have first been issued in accordance with the provisions of this Section. Routine Sign maintenance, or changing of parts designed to be changed shall not, standing alone, be considered an alteration of the Sign requiring the issuance of a Sign permit. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(B) Authority. The Director of Community Development may, in accordance with the procedures and standards set forth in this Section, grant Sign permits authorizing the construction and maintenance of Signs subject to the regulations and standards contained in this Article.

(C) Procedure.

(1) Application. An application for a Sign permit shall be filed by the Owner of, or any Person having a contractual interest in, the Lot on which the Sign is proposed to be located. The Sign permit application shall be filed with the Director of Community Development, signed by the applicant, and shall contain or have attached the following information at a minimum:

(a) The name, address, and telephone number of the applicant, Owner, or Owner's representative, and the Person, firm, corporation, or association erecting the Sign;

(b) A plot or site plan, drawn to scale, depicting the location of the building, structure, and Lot upon which the proposed Sign is to be attached or erected;

(c) Photographs or drawings depicting the proposed Sign and its relationship to the building to which it is to be mounted or the surrounding area;

(d) Three drawings of the proposed Sign depicting the specifications and method of construction and attachment or erection, as the case may be, to the building or ground;

(e) One accurate color sketch or rendering depicting the proposed colors proposed to be used on the Sign and the existing surrounding materials;

(f) If required by the Director of Community Development, a master signage plan depicting all existing and proposed Signs on the building or the Lot or both;

(g) Written consent of the Owner, or the authority to act on behalf of the Owner, of the building, structure, and Lot on which the Sign is to be erected;

(h) If required by the Director of Community Development, a copy of an electrical permit;

(i) If required by the Director of Community Development, a copy of an insurance policy or bond;

(j) If required by the Director of Community Development, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this Article and all other laws and ordinances of the City;

(k) A survey indicating the Lot lines and a drawing that shows the mounting technique and the underground details of the Sign installation; and

(l) Any other information the Director of Community Development shall require to show full compliance with this Article and all other laws and ordinances of the City. (Ord. 19-67, J. 4, p. 472-493, passed 6/5/67, Ord. 37-84, J. 15, p. 632-653, passed 9/10/84, Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

(2) Fees. Sign permit Fees shall be in the amounts established by the Annual Fee Resolution. (Ord. 19-67, J. 4, p. 473-492, passed 6/5/67; Ord. 49-78, J. 13, p. 2097, passed 10/9/78; Ord. 7-87, J. 17, p. 84-86, passed 1/26/87; Ord. 13-90, J. 18, p. 222-229, passed 2/26/90, Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

(3) Action by the Director of Community Development. Within 60 days following the proper filing of a completed application, the Director of Community Development shall either grant the Sign permit or, by written notice stating the reasons therefor, grant the application with modifications or conditions, deny the application, or, where applicable, refer the application to the Design Review Commission for its review pursuant to Section 150.2030 of this Chapter. The failure of the Director of Community Development to act within 60 days, or such further time to which the applicant shall agree, shall be deemed to be a decision granting the Sign permit. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(D) Standards for Sign Permits. No Sign permit shall be granted pursuant to this Section unless the applicant shall establish, at a minimum, the following conditions:

(1) Visual Compatibility. The proposed Sign shall be visually compatible with the building or Lot on which the Sign is proposed to be located and surrounding buildings and structures in terms of height, size, proportion, scale, materials, texture, colors, and shapes.

(2) Quality of Design and Construction. The proposed Sign shall be constructed and maintained with a high quality design and materials and a good relationship with the design and character of the neighborhood.

(3) Appropriateness to Site. The proposed Sign shall be appropriate to its location in terms of design, landscaping, and orientation on the Lot, and will not create a hazard to pedestrian or vehicular traffic, or unduly increase the Number of Signs in the area. (Ord. 54-07, J. 33, p. 372-407, passed 6/25/07)

(4) Compliance with this Article. The proposed Sign shall comply with all applicable provisions of this Article.

(E) Conditions on Sign Permits. As part of a Sign Permit, the Director of Community Development may impose any conditions and limitations concerning the construction and maintenance of the Sign as may be necessary or appropriate to insure satisfaction of the standards set forth in this Section and the purposes and objectives of this Article and to minimize any adverse effects upon other property in the vicinity. These conditions shall be expressly set forth in the Sign permit. Violation of any condition or limitation shall be a violation of this Article and shall constitute grounds for revocation of the Sign Permit.

(F) Expiration of Permits.

(1) Permanent Signs. Sign permits for any Sign other than a Temporary Sign shall remain in effect until such time that the Sign Face, Sign copy, or Structural Elements are changed, modified, or altered so as to deviate from the terms or conditions of the Sign permit. Any such change, modification, or alteration shall require the issuance of a new Sign permit.

(2) Temporary Signs. Sign permits for Temporary Signs shall remain in effect for a period not to exceed 30 days. Temporary Signs shall be removed within seven days after the expiration of the Sign permit. Within any one year period, only four new Sign permits for a Temporary Sign shall be permitted to be issued for any Lot. No Temporary Sign permit for a lot may be issued within the 30 days following the expiration of a Temporary Sign permit previously issued for that lot. (Ord. 54-07, J. 33, p. 372-407, passed 6/25/07)

(G) Revocation of Permit. Any Sign permit issued pursuant to this Section may be revoked or suspended by the Director of Community Development if the holder of the Sign permit violates the terms of the Sign permit or any other provision of this Article.

(H) Effect of Issuance of a Sign Permit. The issuance of a Sign permit shall not authorize construction or maintenance of any Sign, but shall merely authorize the preparation, filing, and processing of applications for any other permits or approvals that may be required by the codes and ordinances of the City, including, without limitation, a building permit.

(I) Final Inspection. Within 14 days following the issuance of a Sign permit, the Owner shall schedule with the Director of Community Development a final inspection of the Sign. If the Owner fails to schedule a final inspection, or if Director of Community Development determines at the final inspection that the Sign fails to comply with this Article, the Director shall have the authority to revoke the Sign permit and require that the Sign be removed.

Sec. 150.2029 Signs that Require Review by the Design Review Commission.

(A) Signs Requiring Review. Prior to the issuance of a Sign permit by the Director of Community Development pursuant to Section 150.2029 of this Chapter, the following Signs require review at a duly noticed public meeting by, and approval of, the Design Review Commission, pursuant to the procedures contained in Subsection 150.2030(C) of this Chapter: (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(1) The erection, installation, or maintenance of any Sign that is contemplated to be part of, or in connection with, a planned unit development that is approved pursuant to the Zoning Code, except for those Signs that are consistent with a previously approved Sign package.

(2) The erection, installation, or maintenance of any Sign that is contemplated to be part of, or in connection with a use that requires a conditional or special use permit pursuant to the Zoning Code, except for those Signs that are consistent with a previously approved Sign package.

(3) The erection, installation, or maintenance of any Sign in the HC District, except for those Signs that that are consistent with a previously approved Sign package.

(B) Standards. No Sign permit application shall be approved by the Design Review Commission unless the Design Review Commission shall find that:

(1) The proposed Sign is not contrary to the intent of this Article;

(2) The proposed Sign shall be erected and maintained in accordance with the intent of this Article;

(3) The proposed Sign shall comply with all applicable provisions of this Article, unless otherwise provided in Subsection (A) of this Section;

(4) The proposed Sign shall comply with the standards for Sign permits set forth in Subsection 150.2029(D); (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(5) The proposed Sign is reasonably necessary, and the degree of the exception is the minimum necessary to accomplish the purpose of the Sign; and

(6) The Sign will not result in adverse effects upon the neighboring properties, or the health, safety, and general welfare of the public.

(C) Procedures for Design Review Commission Review.

(1) Application. If Design Review Commission approval is required pursuant to this Section 150.2030, upon submittal to the Director of Community Development of a completed Sign permit application as required pursuant to Section 150.2029 of this Chapter, the Director of Community Development shall refer the application and all other relevant documents to the Design Review Commission for its consideration and decision. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(2) Notice. Notice of the public meeting shall be provided in accordance with Subsection 176.045(D) of this Code.

(3) Meeting Before the Design Review Commission. The Design Review Commission shall consider the application at a public meeting commenced within 60 days after the completed Sign permit application is submitted to the Director of Community Development. At the meeting, the applicant and all interested parties shall have an opportunity to be heard and to present testimony and documentary evidence relating to the proposed Sign.

(4) Decision. The Design Review Commission shall either (i) approve the Sign permit application and direct the Director of Community Development to issue a Sign permit if, based on the application, the testimony, and other information presented at the meeting, and all other reliable and relevant evidence, documents, and information, the Design Review Commission determines that the proposed Sign, including illumination plans if applicable, complies and is consistent with the provisions of this Article or (ii) deny the Sign permit application if the Design Review Commission determines that the application and consideration of the testimony and other evidence presented at the meeting, as well as other reliable and relevant evidence, documents, and information reveal that the applicant has not satisfied the conditions of this Article. The Design Review Commission's decision shall be forwarded in writing to the applicant and the Building Department within 30 days of the decision.

(5) Conditions. The Design Review Commission may approve a Sign permit subject to any conditions the Design Review Commission shall deem necessary to protect the public welfare and to achieve the purposes of this Article.

Sec. 2030 Sign Packages.

(A) Intent. The intent of the regulation of Sign packages is to ensure that properties with multiple buildings, and buildings with multiple occupants or tenants, provide signage that is well designed and consistent throughout that building or property, while providing some flexibility in the design of the Signs that are approved through a Sign package. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(B) Process.

(1) Sign Package Review Required. A Sign package shall be submitted to the Design Review Commission for its review and approval in accordance with this Section, prior to issuance of any Sign permit for the building, for (i) any newly constructed building that contains multiple storefronts with ground floor entrances or (ii) any existing building that contains multiple storefronts with ground floor entrances for which a building permit application has been submitted requesting approval of exterior façade improvements relating to all of the multiple storefronts with ground floor entrances. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(2) Sign Package Review Voluntary. A Sign package may be submitted to the Design Review Commission for its review and approval in accordance with this Section for (i) any property containing more than one building for which an application has been submitted requesting approval of more than one sign on that property; (ii) any property that has frontage along two or more streets for which an application has been submitted requesting approval of more than one sign on that property; and (iii) any multiple tenant building for which an application has been submitted requesting approval of more than one sign on that building. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(C) Contents of Sign Package. An application for approval of a Sign package shall include details regarding the design and location of all proposed Signs for which a Sign permit is required. The Sign package shall clearly define the areas of the building or property for which approval of a Sign package is requested. At a minimum, the following details shall be provided in the application submittal for approval of a Sign package:

1. Sign design, material(s), anchorage, and support(s)

2. Sign location(s)

3. Sign color(s)

4. Sign dimensions

5. Method of illumination (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(D) Standards. No Sign package shall be approved by the Design Review Commission unless the Design Review Commission shall find that the Sign package incorporates Signage that is:

1. unified and consistent throughout the building or property; and

2. of a higher quality than would be otherwise required under the applicable Sign regulations; and

3. compatible with the design and materials of the building or buildings, and consistent with the area surrounding the building or property. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(E) Notwithstanding any other provision of this Article, an approved Sign package shall govern the installation and maintenance of all Signage requiring a Sign permit on the building or property, or portion thereof, for which the Sign package has been approved. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

Sec. 150.2031 Variances.

Notwithstanding any other provision of this Chapter, variances from any provision contained in this Article XX shall be granted only pursuant to the procedures contained in this Section 150.2031. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(A) Procedure.

(1) Application. If a variance is required pursuant to Section 150.2031, upon submittal of a completed Sign permit application as required pursuant to Section 150.2029 of this Chapter, the Director of Community Development shall refer the application and all other relevant documents to the Design Review Commission, or to the City Council, as the case may be, for its consideration and decision. The application shall include sketches, drawings, or photographs of the Lot and the proposed Sign and a written petition explaining in what manner the Sign varies from the provisions of this Article and why a variance is requested. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(2) Notice. Notice of the public meeting shall be provided in accordance with the provisions of Subsection 176.045(D) of this Code.

(3) Meeting Before the Design Review Commission. The Design Review Commission shall consider the variance application at a public meeting commenced within 30 days after the completed Sign permit application is submitted to the Director of Community Development.

(4) Decision. The Design Review Commission shall either (i) approve the variance as requested; (ii) approve the variance with modifications or conditions; or (iii) deny the variance. The Design Review Commission's decision shall be forwarded in writing to the applicant and the Building Department within 30 days of the Design Review Commission's decision.

(B) Standards. No variance from the requirements of this Article XX shall be granted unless the Design Review Commission or the City Council, as the case may be, determines that (i) the requested variance is appropriate due to a particular hardship or special unique circumstance, and (ii) the requested variance will not defeat the fundamental purposes and intent of this Article as expressed in Section 150.2002 of this Chapter, and (iii) the requested variation will not be detrimental to the public welfare or injurious to property in the vicinity of the Lot for which a variance is granted. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(C) Specific Authorized Variances.

(1) Design Review Commission. The Design Review Commission shall have the right to grant or deny a variance for the following specific purposes, but only in

accordance with the standards and procedures set forth in this Section 150.2031. Except as specifically authorized pursuant to Section 150.2031(C)(1)(k) of this Article, this Section 150.2031(C)(1) shall not apply to Temporary Signs (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05; Ord. 54-07, J. 33, p. 372-407, passed 6/25/07)

(a) To increase the Sign Area of a Sign by no more than 33 1/3 percent.

(b) To increase the height of a Sign by no more than 33 1/3 percent.

(c) To permit one additional Sign on any Lot, provided that no variation shall be granted to permit an additional Ground Sign.

(d) To permit two or more additional Wall, Window, or Awning Signs on a Lot, provided that the total Sign Area of all proposed additional Wall, Window, or Awning Signs does not exceed the Sign Area permitted in the applicable zoning district regulations for the respective Wall, Window, or Awning Signs. (Ord. 27-03, J. 29, p. 106-111, passed 3/10/03)

(e) To permit a variance from the Sign locational restrictions contained in Section 150.2015 of this Chapter, provided that no variance shall be granted from the right of way setback requirements or view triangle restrictions contained in this Chapter.

(f) To permit a variance from the Sign illumination restrictions contained in Section 150.2007 of this Chapter.

(g) To permit a Projecting Sign on a Lot, but only when that Sign is pedestrian-oriented, is of an artistic nature, and is part of a Sign package. The mounting brackets of the Projecting Sign shall be an integral part of the Sign and complementary to the design of the Sign.

(h) To permit a Pole Sign on a Lot located in the B3 or I Districts for an automobile dealership or as a Menu Board Sign, subject to the Ground Sign regulations of this Chapter. (**Ord. 01-11, J. 37, p. 01-12, passed 1/10/11**)

(i) To permit a Temporary Banner Sign on a Lot.

(j) To permit a variance from any provision of this Article for (i) any City-owned Sign, (ii) any Sign in the HC District, (iii) any Sign that is approved as part of a Sign package and that is reviewed by the Design Review Commission, or (iv) any Sign that is contemplated to be part of, or in connection with, a planned unit development that is required to be reviewed by the Design Review Commission pursuant to Section 150.2029(A)(1). (Ord. 27-03, J. 29, p. 106-111, passed 3/10/03, Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(k) To permit the installation of one additional Temporary Sign on a Lot in any instance in which the erection and maintenance of a second Wall Sign on the Lot would be permitted pursuant to this Article, which variation, if granted, shall expire upon the adoption by the City Council of any amendment to this Article that causes the

additional Temporary Sign to be in non-conformance with the provisions of this Article. (Ord. 54-07, J. 33, p. 372-407, passed 6/25/07)

(2) City Council. The City Council shall have the right to either (a) grant any variance to this Article XX or (b) authorize the Design Review Commission to consider and recommend to the City Council any variance to this Article XX; provided that the granting of any such variance shall be in accordance with the procedures set forth in Section 150.2031 (A) and the standards set forth in Section 150.2031 (B). (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

Sec. 150.2032 Appeals.

Notwithstanding any other provision of this Chapter, appeals from any decision under this Article XX shall be permitted only pursuant to the procedures contained in this Section 150.2032. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

(A) From Director of Community Development Decision. Appeals from any decision of the Director of Community Development issuing or denying a Sign permit application, or revoking a Sign permit, may be taken by the applicant, Sign permit holder, or any other Person adversely affected by any such decision within 30 days after a decision. If no appeal is filed within 30 days after a decision by the Director of Community Development, such decision shall be final. All such appeals shall be taken to the Design Review Commission by filing a written notice of appeal with the City Manager within five days following receipt or notice of the decision from which the appeal is taken. The Design Review Commission shall review the relevant Sign permit application and any other reliable and relevant evidence, documents, or information, and may receive and consider new evidence at a public meeting. Within 30 days after receipt of the written notice of appeal of the decision from which the appeal is taken, the Design Review Commission shall render its written decision at a regularly scheduled meeting.

(B) From Design Review Commission Decision. Appeals from any decision of the Design Review Commission (1) approving a Sign permit application pursuant to Section 150.2029 of this Chapter; (2) denying a Sign permit application pursuant to Section 150.2029 of this Chapter; (3) denying approval of a Sign package pursuant to Section 150.2030 of this Article; (4) granting or denying a variance pursuant to Section 150.2031 of this Chapter; or (5) denying an appeal pursuant to Subsection 150.2032(A) of this Chapter may be taken by the applicant or any other Person adversely affected by any such decision within 30 days after the decision. If no appeal is filed within 30 days after a decision by the Design Review Commission, such decision shall be final. All such appeals shall be taken to the City Council by filing a written notice of appeal with the Director of Community Development within five days following receipt or notice of the decision from which the appeal is taken. The City Council shall review the relevant Sign permit application and any other reliable and relevant evidence, documents, or information, and may receive and consider new evidence. Within 45 days after receipt of the written notice of appeal of the decision from which the appeal is taken, the City Council shall render its written decision at a regularly scheduled meeting. The action taken by the City Council shall be final. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

Sec. 150.2033 Continuation of Legal Nonconforming Signs.

(A) Authority to Continue. Any Nonconforming Sign may be continued so long as it otherwise remains lawful, and shall be maintained in good condition, subject to the regulations contained in Subsections (B) through (H) of this Section.

(B) Ordinary Repair and Maintenance. Normal maintenance and incidental repair, or replacement of non-load-bearing Sign elements and electrical wiring and fixtures, may be performed on any Nonconforming Sign; provided, however, that any repair or replacement shall, whenever possible, eliminate or reduce any nonconformity in the element being repaired or replaced; and, provided further that this Subsection (B) shall not be deemed to authorize any violation of Subsections (C) through (H) of this Section. Maintenance shall include the replacing, repairing, or repainting of any portion of a Sign or its Structural Elements, including, without limitation, the periodic changing of bulletin board panels or the renewing of copy that has been made unusable by ordinary wear and tear, weather, or accident. The replacing or repairing of a Sign or its Structural Elements that has been damaged to an extent exceeding 50 percent of the appraised replacement cost (as determined by the Director of Community Development) shall be considered maintenance only when the Sign conforms to all of the applicable provisions of this Article and when the damage has been caused by an act of God or violent accident.

(C) Alteration; Enlargement; Moving. No Nonconforming Sign shall be:

(1) changed or altered in any manner that would increase the degree of its nonconformity;

(2) enlarged or expanded;

(3) structurally altered to prolong its useful life;

(4) moved in whole or in part to any other location where it would remain nonconforming;

(5) changed to another Nonconforming Sign; or

(6) modified to change the content of the Sign.

(D) Change of Sign. A Nonconforming Sign that has been changed to eliminate its nonconformity, or any element of its nonconformity, shall not thereafter be changed to restore such nonconformity or nonconforming element.

(E) Damage or Destruction. Any Nonconforming Sign damaged or destroyed, by any means, to an extent of 50 percent or more of its replacement cost new shall not be restored but shall be removed or brought into conformity with the provisions of this Article.

(F) Termination of Temporary Signs. Any Nonconforming Temporary Sign erected or displayed for a period of more than 60 days prior to the effective date of this Article shall be removed immediately upon notice given by the Director of Community Development to the Owner of the Lot upon which the Temporary Sign is located.

(G) Termination by Abandonment. Any Nonconforming Sign, the use of which is discontinued for a period of 90 days, regardless of any intent to resume or not to abandon such use, shall be deemed to be abandoned and shall not be reestablished or resumed. Every such Sign shall be immediately removed or brought into conformity with the provisions of this Article.

(H) Termination by Change in Business or Activity. Any Nonconforming Sign advertising, identifying, or pertaining to a business or activity shall be terminated upon the cessation or change of the business or activity to which the Sign pertains.

Sec. 150.2034 Compliance or Removal.

Any Nonconforming Sign that loses its status as a legal Nonconforming Sign pursuant to Section 150.2033 shall be brought immediately into compliance with the provisions of this Article, or shall be immediately removed. (Ord. 55-05, J. 31, p. 184-236, passed 9/12/05)

Sec. 150.2035 Violations.

(A) It shall be unlawful and a violation of this Article for any Person to maintain any prohibited Sign, to perform or order the performance of any act prohibited by this Article, or to fail to perform any act which is required by the provisions of this Article.

(B) Any Sign erected, altered, or maintained in violation of any of the clauses or provisions of this Article, or in violation of any of the laws or ordinances of the City or the State of Illinois, or both, are declared to be a public nuisance and subject to treatment and abatement of the nuisance. Any Sign erected, altered, or maintained contrary to law shall be abated as a common nuisance by the Director of Community Development.

Sec. 150.2036 Abatement.

(A) If the Director of Community Development shall find that any Sign has been erected, altered, or is being maintained in violation of this Article, or is otherwise in an unsafe condition as to be a menace to the safety, health, or welfare of the public, then the Director of Community Development shall give written notice to the Person that owns the Sign or the Person entitled to possession of the Sign and the Owner of the Lot upon which the Sign is located.

(1) The notice shall notify the Person that owns the Sign, the Person entitled to possession of the Sign, and the Owner of the Lot of the specific violation or violations and direct that alterations, repairs, or removal, whichever may be applicable, be made to bring the violation in conformance with the terms and conditions of this Article within 15 days of the receipt of such notification.

(2) In the event the Person notified fails or neglects to comply with or conform to the requirements of the notice, the Director of Community Development may issue a Violation Notice in accordance with Chapter 38, entitled "City Administrative

Hearing System," file an appropriate complaint in an appropriate court of law, or take whatever other legal action may be necessary to cause the Sign to be altered or removed or brought into compliance with this Article.

(a) The cost of any action taken by the Director of Community Development, including attorney's fees, shall be borne by the Owner of the Lot upon which the Sign had been located.

(b) Upon the determination of such costs, the Director of Community Development shall certify the costs to the Director of Finance of the City.

(B) Upon receipt of the Director of Community Development's certificate that any given Sign violation has been abated, the Director of Finance shall notify the Owner of the Lot upon which the Sign had been located. In the event the Owner shall fail to pay the entire costs and expenses of the repair, alteration, or removal within 30 days after the date of the notification then those costs and expenses shall become a lien against the Lot upon which the Sign had been located.

(C) Notwithstanding the abatement procedures contained in this Section, any Sign unlawfully located or maintained on public property, including right of way, may immediately, and without notice, be removed by the Highland Park Police Department.

(Ord. 19-67, J. 4, p. 473-492, passed 6/5/67; Ord. 23-72, J. 9, p. 477, passed 4/24/72; Ord. 8-73, J. 10, p. 675, passed 2/12/73; Ord. 37-84, J. 15, p. 632-53, passed 9/10/84; Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

Sec. 150.2037 Penalty.

Any Person owning, maintaining, or in possession or control of any Sign located within the City or any Owner of the Lot upon which the Sign is located who neglects or refuses to comply with the provisions of this Article, or who erects, alters, or maintains any Sign that does not comply with the provisions of this Article shall be fined in the amount established by the Annual Fee Resolution. Each day on which any Person shall permit or allow any Sign owned, maintained, or controlled by him to be erected, altered, or maintained in violation of any of the provisions of this Article, shall constitute a separate and distinct offense. (Ord. 19-67, J. 4, p. 473-492, passed 6/5/67; Ord. 37-84, J. 15, p. 632-53, passed 9/10/84; Ord. 32-02, J. 28, p. 227-264, passed 5/13/02)

Sec. 150.2038 Amendments to Article XX.

Notwithstanding any other provision of this Code, including specifically, but without limitation, the provisions governing amendments to the Zoning Code set forth in Article 15 of this Chapter, the City Council may consider and approve the amendment of any provision of Article XX without a prior public hearing, consideration, or recommendation by the Plan Commission. Before exercising its powers under this Section, the City Council shall set, notice, and conduct a public hearing. No other procedure shall be required. Any amendment to this Article XX shall be evidenced by an ordinance duly adopted. The concurrence of four members of the City Council shall be sufficient to approve any ordinance adopted pursuant to the authority and power granted by this Section.

(Article XX added by Ord. 32-02, J. 28, p. 227-264, passed 5/13/02; Amended in toto by Ord. 55-05, J. 31, p. 184-236, passed 9/12/05 – effective November 1, 2005)

Sec. 150.2039 Political Election Signs on Public Property.

No Political Election Sign may be installed or located on any public property or right-of-way in the City, except as permitted pursuant to this Section 150.2039. (Ord. 75-09, J. 35, p. 291-301, passed 12/14/09

(A) Political Election Signs on City-Owned Property.

(1) The City Council declares that the erection of Political Election Signs pursuant to this Section 150.2039(A) shall not, and is not intended to, create a public forum on any City-owned property on which the Sign is located. This Section 150.2039 is intended merely to preserve the rights of persons to congregate and engage in electioneering beyond the campaign free zone during early voting periods only. (Ord. 75-09, J. 35, p. 291-301, passed 12/14/09**)**

(2) Political Election Signs may be installed on property owned by the City during any period in which early voting is permitted pursuant to Article 19A of the Illinois Election Code, 10 ILCS 5/19A-5 et seq., only in strict accordance with the following: (Ord. 75-09, J. 35, p. 291-301, passed 12/14/09**)**

(a) Political Election Signs may be installed only on property owned by the City that is contiguous to the property on which the early voting polling place is located. (Ord. 75-09, J. 35, p. 291-301, passed 12/14/09**)**

(b) Political Election Signs shall not be installed within the "campaign free zone" established pursuant to Section 17-29 of the Illinois Election Code, 10 ILCS 5/17-29. (Ord. 75-09, J. 35, p. 291-301, passed 12/14/09**)**

(c) Political Election Signs may be installed only within the first 60 feet beyond the "campaign free zone" established pursuant to Section 17-29 of the Illinois Election Code, 10 ILCS 5/17-29, but in no event within any building located within the 60-foot area. (Ord. 75-09, J. 35, p. 291-301, passed 12/14/09**)**

(d) Political Election Signs shall not be installed within five feet of any vehicular public right-of-way, vehicular accessway, or parking lot. (Ord. 75-09, J. 35, p. 291-301, passed 12/14/09**)**

(e) Political Election Signs installed pursuant to this Section 150.2039(A) shall not be installed prior to the opening of the polling place on the first day of the early voting period, and shall be removed within 24 hours after the closing of the polling place on the last day of the early voting period. (Ord. 75-09, J. 35, p. 291-301, passed 12/14/09**)**

(B) Political Election Signs on Public Rights-of-Way. A Political Election Sign may be located on a public right-of-way, adjacent to a Lot that is zoned in a Residential District or occupied by a Residential Structure, only if all three of the

following conditions have been satisfied: (Ord. 75-09, J. 35, p. 291-301, passed 12/14/09**)**

(1) There is no sidewalk immediately adjacent to that portion of the public right-of-way on which the Political Election Sign is to be located; (Ord. 75-09, J. 35, p. 291-301, passed 12/14/09**)**

(2) The Owner of the Lot whose Front Lot Line abuts, and is on the same side of, that portion of the public right-of-way on which the Political Election Sign is to be located has consented to the installation; and (Ord. 75-09, J. 35, p. 291-301, passed 12/14/09)

(3) The Political Election Sign is located no closer than five feet from the paved portion of the public right-of-way. (Ord. 75-09, J. 35, p. 291-301, passed 12/14/09)

(C) Compliance with Applicable Regulations. All Signs installed on public property or rights-of-way pursuant to this Section 150.2039 shall be installed and maintained in compliance with all applicable regulations of this Article and this Code, including, without limitation, the provisions applicable to the zoning district in which the Sign is located. (Ord. 75-09, J. 35, p. 291-301, passed 12/14/09)

# ARTICLE XXI. INCLUSIONARY HOUSING

SECTION


| | |
|---|---|
| 150.2100 | Policy |
| 150.2101 | Covered Development Projects |
| 150.2102 | Percentage of Affordable Housing Units Required |
| 150.2103 | Application and Inclusionary Housing Plan |
| 150.2104 | Development Agreement and Other Documents |
| 150.2105 | Development Cost Off-Sets |
| 150.2106 | Density Bonuses |
| 150.2107 | Integration of Affordable Housing Units |
| 150.2108 | Alternative to On-Site Affordable Housing Units |
| 150.2109 | Target Income Levels for Affordable Housing Units |
| 150.2110 | Eligibility of Households |
| 150.2111 | Marketing of the Affordable Housing Units |
| 150.2112 | Period of Affordability |
| 150.2113 | Affordability Controls |
| 150.2114 | Departures from Requirements |
| 150.2115 | Administrative Guidelines |


Sec. 150.2100 Policy.

The purpose of this Article is to promote the public health, safety, and welfare by promoting housing of high quality located in neighborhoods throughout the community for households of all income levels, ages and sizes in order to meet the City's goal of preserving and promoting a culturally and economically diverse population in the City. Based upon the review and consideration of reports and analyses of the housing situation in the City, it is apparent that the diversity of the City's housing stock has declined as a result of increasing property values and housing costs and a reduction in the availability of affordable housing; that demolition of certain existing dwellings has led to a reduction in the diversity of the City's housing stock and affordable housing opportunities, and that subsequent redevelopment has in many cases contributed to property value increases that further the difficulty of providing affordable housing in the City; and that, with the exception of housing developed in partnership with the City or its Housing Commission, the privately developed new residential housing that is being built in the City generally is not affordable to low- and moderate-income households. The City recognizes the need to provide affordable housing to low- and moderate-income households in order to maintain a diverse population and to provide housing for those who live or work in the City. Without intervention, the trend toward increasing housing prices will result in an inadequate supply of affordable housing for City residents and local employees, which will have a negative impact upon the ability of local employers to maintain an adequate local work force and will otherwise be detrimental to the public health, safety, and welfare of the City and its residents. Since the remaining land appropriate for new residential development within the City is limited, it is essential that a reasonable proportion of such land be developed into housing units affordable to low- and moderate-income households and working families.

While this Article provides specific alternatives to the production of on-site affordable housing units, the intent and preference of this Article is for the provision of permanently affordable housing units constructed on-site and privately produced, owned, and managed.

The provisions of this Article may be supplemented by a set of Administrative Guidelines adopted pursuant to Section 150.2115 of this Article. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

Sec. 150.2101 Covered Development Projects.

(A) General. The provisions of this Article shall apply to all developments that result in or contain five or more residential dwelling units. The types of development subject to the provisions of this Article include, but are not limited to, the following:

(1) A development that is new residential construction or new mixed-use construction with a residential component.

(2) A development that is the renovation or reconstruction of an existing multiple family residential structure that increases the number of residential units from the number of units in the original structure.

(3) A development that will change the use of an existing building from non-residential to residential or that will change the type of residential use. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(4) A development that includes the conversion of rental property to private ownership of individual housing units. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(B) Development on Multiple Parcels. For purposes of this Article, a development that occurs on adjacent parcels under common ownership shall be considered one development. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

Sec. 150.2102 Percentage of Affordable Housing Units Required.

(A) General Requirement. Except as otherwise specifically provided in Subsection (C) below and Section 150.2108 of this Article, 20 percent of the total number of residential units within any covered development shall be affordable housing units and shall be located on the site of the covered development.

(B) Calculation. To calculate the number of affordable housing units required in a covered development, the total number of proposed units shall be multiplied by 20 percent. If the product includes a fraction, a fraction of .5 or more shall be rounded up, and a fraction of less than .5 shall be rounded down.

(C) Cash Payment In-Lieu of Housing Units.

(1) General Applicability. The applicant may make a cash payment in lieu of constructing some or all of the required affordable housing units if, and only if, the covered development is a single-family detached development that has no more than nineteen units.

(2) Amount and Use of Cash in Lieu. The per unit payment amount shall be determined by the City Council and set forth in the City's annual fee resolution. The per unit amount shall be based on an estimate of the cost of providing an affordable housing unit and shall be reviewed and modified periodically by the City Council. All cash payments received pursuant to this Article shall be deposited directly into the Affordable Housing Trust Fund for purposes authorized under Section 33.1133 of this Code.

(3) Calculation. For purposes of determining the total in lieu payment amount, the per unit amount established by the City pursuant to Paragraph (C)(2) of this Section shall be multiplied by 20 percent of the number of units proposed in the covered development. For purposes of such calculation, if 20 percent of the number of proposed units results in a fraction, the fraction shall not be rounded up or down. If the cash payment is in lieu of providing one or more but not all of the required units, the calculation shall be prorated as appropriate.

Sec. 150.2103 Application and Inclusionary Housing Plan.

(A) Application. For all covered development projects, the Applicant shall file an application for approval thereof on a form provided and required by the City. The application shall require, and the Applicant shall provide, among other things, general information about the nature and scope of the covered development, as well as such other documents and information as the Director of the City's Department of Community Development, or his or her designee (***"Director"***), may require. The Director shall also have the authority to require, as part of the application submittal, such portions of the inclusionary housing plan required under Subsection (B) of this Section as the Director shall deem necessary to properly evaluate the proposed covered development under the requirements and provisions of this Article.

(B) Inclusionary Housing Plan. As part of the approval of a covered development project, the Applicant shall present to the Housing Commission and the City Council an inclusionary housing plan that outlines and specifies the covered development's compliance with each of the applicable requirements of this Article, in accordance with the following: (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(1) Required Submittals for Inclusionary Housing Plan. The plan shall specifically contain, at a minimum, the following information regarding the covered development project;

(a) Preliminary Plan.

(i) A general description of the development, including whether the development will contain rental units or individually owned units, or both;

(ii) The total number of market rate units and affordable units in the development;

(iii) The total number of attached and detached residential units; (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(iv) The number of bedrooms in each market rate unit and each affordable unit;

(v) The square footage of each market rate unit and each affordable unit;

(vi) The location within any multiple-family residential structure and any single-family residential development of each market rate unit and each affordable unit.

(vii) Floor plans for each affordable unit; (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(viii) The amenities that will be provided to and within each market rate unit and affordable unit; and (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(ix) The pricing for each market rate unit and each affordable housing unit.

(b) Final Plan.

(i) All of the information required for the preliminary Inclusionary Housing Plan pursuant to Section 150.2103(B)(1)(a) of this Article; (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(ii) The phasing and construction schedule for each market rate unit and each affordable unit;

(iii) Documentation and plans regarding the exterior and interior appearances, materials, and finishes of the development and each of its individual units;

(iv) A description of the marketing plan that the applicant proposes to utilize and implement to promote the sale or rental of the affordable units within the development; and

(v) A description of the specific efforts that the applicant will undertake to provide affordable housing units to households pursuant to the priorities set forth in Section 150.2110 of this Article.

(2) Review Procedure.

(a) Preliminary Plan.

(i) Housing Commission Review. Within 60 days after the filing of a complete preliminary Inclusionary Housing Plan, the Housing Commission shall review the Inclusionary Housing Plan, and shall recommend either the approval (with or without modifications) or the rejection of the Inclusionary Housing Plan. The Housing Commission shall transmit its findings of fact and recommendation to the City Council. The failure of the Housing Commission to provide a recommendation within such 60 day period, or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the approval of the Inclusionary Housing Plan. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(ii) City Council Consideration.

(A) Upon receipt of the Housing Commission recommendation pursuant to Section 150.2103(B)(2)(a)(i) of this Article, the City Council may, by resolution duly adopted, approve or reject the Preliminary Inclusionary Housing Plan. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(B) Approval of the preliminary Inclusionary Housing Plan by the City Council shall neither: (1) be deemed or interpreted as obligating the City Council to approve a final Inclusionary Housing Plan; nor (2) vest any right to the applicant other than the right to submit a final Inclusionary Housing Plan for the proposed Covered Development Project. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(b) Final Plan.

(i) Housing Commission Review. Within 60 days after the filing of a complete final Inclusionary Housing Plan, the Housing Commission shall review the Inclusionary Housing Plan, and shall recommend either the approval (with or without modifications) or the rejection of the Inclusionary Housing Plan. The Housing Commission shall transmit its findings of fact and recommendation to the City Council. The failure of the Housing Commission to provide a recommendation within such 60 day period, or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the approval of the Inclusionary Housing Plan. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(ii) City Council Consideration. Upon receipt of the Housing Commission recommendation pursuant to Section 150.2103(B)(2)(b)(i) of this Article, the City Council may, by ordinance duly adopted, approve or reject the Inclusionary Housing Plan. Any ordinance approving a final Inclusionary Housing Plan shall include, without limitation, the following: (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(A) All standards, conditions, or restrictions deemed necessary or applicable by the City Council to effectuate the proposed development and protect the public interest, health, safety and welfare; and (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(B) A provisions requiring the execution and recordation by the applicant of a development agreement, as required pursuant to Section 150.2104 of this Article. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(c) Concurrent Review of Preliminary and Final Plans. Notwithstanding any provision of this Article to the contrary, the Housing Commission and City Council shall review the preliminary and final Inclusionary Housing Plans concurrently for all Covered Development Projects that are not Planned Developments, pursuant to the final Inclusionary Housing Plan review procedure set forth in Section 150.2103(B)(2)(b) of this Article. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(3) Standards of Review. The Housing Commission shall not recommend the approval of a preliminary or final Inclusionary Housing Plan, and the City Council shall not approve a preliminary or final Inclusionary Housing Plan, except upon making the following findings: (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(a) That the applicant has demonstrated that the proposed affordable housing units are designed to accommodate the needs of the target households; (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(b) That the location, floor plan, fixtures and finishes, and amenities of each proposed affordable housing unit satisfy the applicable provisions of this Article and are suitable for the needs of the target households; (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(c) That each affordable housing unit is designed to accommodate family living needs for common space and dining areas; and (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(d) That the proposed affordable housing units, and the development as a whole, conform to the applicable standards and requirements of this Chapter. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

Sec. 150.2104 Development Agreement and Other Documents.

Prior to issuance of a building permit for any covered development, the applicant shall have entered into a development agreement with the City regarding the specific requirements and restrictions regarding affordable housing and the covered development. The applicant shall execute any and all documents deemed necessary by the City, including without limitation, restrictive covenants and other related instruments, to ensure the continued affordability of the affordable housing units in accordance with this Article. The development agreement shall set forth the commitments and obligations of the City and the applicant and shall incorporate, among other things, the inclusionary housing plan. The development agreement shall also contain the agreements and decisions regarding the applicability of any one or more of the alternatives to the provision of on-site affordable housing units as set forth in Section 150.2108 of this Article.

Sec. 150.2105 Development Cost Off-Sets.

An applicant that fully complies with the requirements of this Article shall, upon written request, receive from the City, with regard to the affordable housing units in the covered development, a waiver of all of the otherwise applicable application fees, building permit fees, plan review fees, inspection fees, sewer and water tap-on fees, demolition permit fees, the demolition tax, and such other development fees and costs which may be imposed by the City; provided, however, that this waiver shall not apply to third-party legal, engineering, and other consulting or administrative fees, costs, and expenses incurred or accrued by the City in connection with the review and processing of plans for the covered development. The waiver of fees and costs under this Section shall only apply to the affordable units. All applicable fees and costs under this Code shall apply to all market rate units. To the extent that there are impact fees

attributable to the affordable housing units, those impact fees shall be paid from funds in the Affordable Housing Trust Fund. (Ord. 45-07, J. 33, p. 251-253, passed 6/11/07)

Sec. 150.2106 Density Bonuses.

(A) Bonus Units for Affordable Housing Provided. For all covered developments under this Article, a density bonus shall be provided equal to one market rate unit for each affordable housing unit that is required and provided under this Article. The density bonus set forth in this Section 150.2106(A) shall be provided regardless of whether the affordable housing unit or units are provided on-site pursuant to Section 150.2102 of this Article, or off-site pursuant to Section 150.2108(B)(3) of this Article. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(B) PUD Discretionary Bonus. If an applicant is required or chooses to utilize the Planned Unit Development process as outlined in Article V of this Chapter and provides affordable housing units on the site of the covered development in accordance with this Article, then the applicant may, as part of the Planned Unit Development process, seek a density bonus in addition to the density bonus authorized under Subsection (A) of this Section. The additional density bonus under this Subsection may be authorized up to 0.5 market rate units for each affordable housing unit required under this Article that is provided within the Development, but only upon the recommendation of the Plan Commission and the approval of the City Council, in accordance with and pursuant to the standards and procedures for Planned Developments, as set forth in Article V of this Chapter. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(C) No Density Bonuses with Payment of Fee-In-Lieu. No density bonus shall be provided pursuant to this Section 150.2106 for any development for which a cash payment in lieu of construction of the required affordable units is made pursuant to Section 150.2103 of this Article. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

Sec. 150.2107 Integration of Affordable Housing Units.

(A) Location of Affordable Housing Units. Affordable housing units shall be dispersed among the market rate units throughout the covered development.

(B) Phasing of Construction. The inclusionary housing plan and the development agreement shall include a phasing plan that provides for the timely and integrated development of the affordable housing units as the covered development project is built out. The phasing plan shall provide for the development of the affordable housing units concurrently with the market rate units. Building permits shall be issued for the covered development project based upon the phasing plan. The phasing plan may be adjusted by the Director when necessary in order to account for the different financing and funding environments, economies of scale, and infrastructure needs applicable to development of the market rate and the affordable housing units. The phasing plan shall also provide that the affordable housing units shall not be the last units to be built in any covered development.

(C) Exterior Appearance. The exterior appearance of the affordable housing units in any covered development shall be visually compatible with the market rate units in the development. External building materials and finishes shall be substantially the same in type and quality for affordable housing units as for market rate units.

(D) Unit Amenities: Amenities that are provided with a market rate unit shall also be provided, with the affordable units. For purposes of this Subsection (D), “amenities” shall include, without limitation, basements, front porches, storage lockers, balconies, roof decks,

outdoor patios, off-street parking, enclosed parking, appliances, and similar unit features and additions. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(E) Interior Appearance and Finishes. Affordable housing units may differ from market rate units with regard to interior finishes and gross floor area, provided that:

(1) The bedroom mix of affordable units shall be in equal proportion to the bedroom mix of the market rate units.

(2) The differences between the affordable housing units and the market rate units shall not include improvements related to energy efficiency, including mechanical equipment and plumbing, insulation, windows, and heating and cooling systems.

(3) The interior gross floor area for the affordable housing units shall be no less than the lesser of (a) 75 percent of the gross floor area of market rate units with a comparable number of bedrooms, or (b) the minimum size requirements outlined in the table below; provided, however, that interior gross floor area shall not include areas devoted to vertical circulation, basements, off-street parking, lockers and similar storage areas, and mechanical rooms. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

| | **Unit Type** | |
|---|---|---|
| **Number of Bedrooms** | **Single Story Dwelling Units** | **Multi-Story Dwelling Units** |
| Studio | 450 square feet | -- |
| 1 | 750 square feet | -- |
| 2 | 950 square feet | 1,000 square feet |
| 3 | 1,175 square feet | 1,350 square feet |
| 4 | 1,350 square feet | 1,600 square feet |

(**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

Sec. 150.2108 Alternatives to On-Site Affordable Housing Units.

(A) Applicability. In lieu of the provision of affordable housing on the site of the covered development as otherwise required by Section 150.2102 of this Article, the City Council, following consideration by and a recommendation from the Housing Commission, may approve one or more of the three alternatives for affordable housing as set forth in Subsection B of this Section. Utilization and the requirements of the provisions of this Section shall be specifically set forth in the affordable housing development agreement for the covered development. This Section shall not be utilized unless the applicant demonstrates to the satisfaction of the City Council that the alternate means of compliance will further affordable housing opportunities in the City to an equal or greater extent than compliance with the otherwise applicable on site requirements of this Article.

(B) Available Alternatives. Any one or more of the following affordable housing alternatives may be utilized in lieu of all or part of the otherwise applicable on site requirements set forth in Section 150.2102 of this Article: (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(1) A cash payment to be deposited directly into the Affordable Housing Trust Fund for purposes authorized under Section 33.1133 of this Code in an amount not less than the per unit payment established pursuant to Section 150.2102(C)(2) of this Article; (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(2) A dedication of land to the Highland Park Housing Commission or the Commission's not-for-profit designee; or

(3) The provision of affordable housing units at another site within the City.

Sec. 150.2109 Target Income Levels for Affordable Housing Units.

(A) For-Sale Affordable Housing Units. In covered development projects that contain for-sale units, at least one affordable housing unit and no less than 50 percent of the affordable housing units shall be sold to low-income households at a price, as determined pursuant to Subsection (C) of this Section, that, on average, is affordable to a household with an annual income that is 65 percent of area median income. Any remaining affordable units shall be sold to moderate-income households at a price, as determined pursuant to Subsection (C) of this Section, that, on average, is affordable to a household with an annual income that is 100 percent of area median income. The owner shall execute and record any documents required by Section 150.2104 of this Article to ensure compliance with this Subsection.

(B) Rental of Affordable Housing Units. In covered development projects that contain rental units: (i) no less than 33 percent of the affordable housing units shall be rented or leased to households with gross incomes from zero percent to 50 percent of the Chicago area median income at a price, as determined pursuant to Subsection (C) of this Section, that, on average, is affordable to a household with an annual income that is 45 percent of area median income; (ii) no less than 33 percent of the affordable housing units shall be rented or leased to households with gross incomes between 51 percent and 80 percent of the Chicago area median income at a price, as determined pursuant to Subsection (C) of this Section, that, on average, is affordable to a household with an annual income that is 65 percent of area median income; and (iii) no more than 33 percent of the affordable housing units shall be rented or leased to households with gross incomes between 81 percent and 120 percent of the Chicago area median income at a price, as determined pursuant to Subsection (C) of this Section, that, on average, is affordable to a household with an annual income that is 100 percent of area median income. If fewer than three affordable units will be provided, such units shall be rented or leased to low-income households at a price, as determined pursuant to Subsection (C) of this Section, that does not exceed what is affordable to a household with an annual income that is 65 percent of area median income.

(C) Pricing Schedule. The City, through the Director of Community Development, shall publish a pricing schedule of rental and sales prices for affordable housing units ("Pricing Schedule"), which Pricing Schedule shall be updated at least once every 12 months. The Director of Community Development may, in his or her discretion, include the Pricing Schedule within administrative guidelines adopted pursuant to Section 150.2115 of this Article. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

Sec. 150.2110 Eligibility of Households.

(A) For-Sale Affordable Housing Units. Only eligible households shall be permitted to purchase an affordable housing unit for purposes of this Article. Priority will be given first to households who live in Highland Park or households in which the head of the household or the spouse or domestic partner works in Highland Park as part of employment by the City of Highland Park, the Highland Park Library District, the Park District of Highland Park, the Lake County Forest Preserve District, the County of Lake, Moraine Township, West Deerfield Township, School Districts 112 or 113, the Northern Suburban Special Education District, the North Shore Sanitary District, or the South Lake County Mosquito Abatement District, and then to households in which the head of the household or the spouse or domestic partner works in

Highland Park for any other employer. At the applicant's request, the City or its not-for-profit designee shall select eligible households for the affordable housing units at an additional charge to the applicant at an amount to be determined by the City. If, during possession, the gross income of the eligible household increases above the eligible income levels, set forth in Section 150.2109 of this Article, the eligible household may continue to own the affordable housing unit. The owner shall execute and record any documents required by Section 150.2104 of this Article to ensure compliance with this Subsection. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(B) Rental Affordable Housing Units. Only eligible households shall be permitted to rent an affordable housing unit for purpose of this Article. Priority will be given first to households who live in Highland Park or households in which the head of the household or the spouse or domestic partner works in Highland Park as part of employment by the City of Highland Park, the Highland Park Library District, the Park District of Highland Park, the Lake County Forest Preserve District, the County of Lake, Moraine Township, West Deerfield Township, School Districts 112 or 113, the Northern Suburban Special Education District, or the South Lake County Mosquito Abatement District, and then to households in which the head of the household or the spouse or domestic partner works in Highland Park for any other employer. At the applicant's request, the City or its not-for-profit designee shall select eligible households for the affordable housing units at an additional charge to the applicant at an amount to be determined by the City. If, during possession, the gross income of the eligible household increases above the eligible income levels, set forth in Section 150.2109 of this Article, the eligible household may continue to lease the unit and may renew the lease as well. The owner shall execute and record any documents required by Section 150.2104 of this Article to ensure compliance with this Subsection. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

Sec. 150.2111 Marketing of the Affordable Housing Units.

(A) Good Faith Marketing Required. All sellers and lessors of affordable units are responsible for marketing the affordable units, and shall engage in good faith marketing efforts to inform members of the public who are qualified to purchase or rent affordable units of the availability of such units for sale or rent. Prior to the initiation of public marketing efforts to sell or lease an affordable housing unit, the seller or lessor thereof shall submit to the Director of Community Development a description of the marketing plan that the applicant proposes to utilize and implement to promote the sale or rental of the affordable units within the development to the appropriate income groups. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(B) City Assistance with Marketing. At the applicant's request, the City or its designee shall assist the applicant in marketing the affordable housing units to eligible households, for an additional charge to be determined by the City. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

Sec. 150.2112 Period of Affordability.

(A) Sale of Affordable Housing Units. In covered developments that contain for-sale units, affordable housing units shall be resold to low and moderate income households in perpetuity or as long as permissible by law. The owner shall execute and record any documents required by Section 150.2104 of this Article to ensure compliance with this Subsection.

(B) Rental of Affordable Housing Units. In developments that contain rental units, affordable housing units shall be rented to low and moderate income households in accordance with Section 150.2110 of this Article for 25 years from the date of the issuance of the certificate of occupancy for the respective unit. The owner shall execute and record any documents required by Section 150.2104 of this Article to ensure compliance with this Subsection.

(1) In the event that the owner of a covered rental development sells the development before the end of the 25-year affordability period, the new owner shall be required to continue to provide the affordable housing units in accordance with Section 150.2110 of this Article for the remainder of the 25-year period.

(2) If the owner of a covered rental development converts the development to condominiums or other form of individual unit ownership, the development shall be subject to the for-sale development requirements set forth in Subsection 150.2109(A) of this Article. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(3) The Housing Commission or its designee shall have the right, but not the obligation, to purchase any for-sale affordable housing units in the development pursuant to Section 150.2113 of this Article.

Sec. 150. 2113 Affordability Controls.

(A) For-Sale Affordable Housing Units.

(1) Housing Commission Purchases. The Housing Commission, or a not-for-profit agency designated by the Housing Commission, shall have the pre-emptive option and right, but not an obligation, to purchase each of the for-sale affordable housing units prior to any sale of any such unit. If the City, or the designated not-for-profit, exercises the option and purchases the affordable housing unit, the affordable housing unit shall be subject to such documents deemed necessary by the City, including, without limitation, restrictive covenants and other related instruments, to ensure the continued affordability of the affordable housing units in accordance with this Article. Such documentation shall include the provisions of this Article and shall provide, at a minimum, each of the following: (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(a) The calculated maximum resale price is an upper limit, but shall not be construed as a guarantee that the unit will be resold at that price. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(b) Market conditions, and characteristics of the affordable housing unit, may result in the sale of an affordable housing unit at a price lower than the calculated maximum resale price. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(2) Private Party Purchases. In all other sales of for-sale affordable housing units, the parties to the transaction shall execute and record such documentation as required by Section 150.2104 of this Article to ensure the provision and continuous maintenance of the affordable housing units. Such documentation shall include the provisions of this Article and shall provide, at a minimum, each of the following:

(a) The affordable housing unit shall be sold to and occupied by an eligible household.

(b) The affordable housing unit shall be conveyed subject to restrictions that shall permanently maintain the affordability of such affordable housing units for eligible households.

(c) Preference for the affordable housing units shall be given to eligible households pursuant to the priorities set forth in Section 150.2110 of this Article. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(d) The calculated maximum resale price is an upper limit, but shall not be construed as a guarantee that the unit will be resold at that price. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(e) Market conditions, and characteristics of the affordable housing unit, may result in the sale of an affordable housing unit at a price lower than the calculated maximum resale price. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(B) Rental Affordable Housing Units. For covered rental developments that contain affordable housing units, the owner of the development shall execute and record such documentation as required by Section 150.2104 of this Article to ensure the provision and continuous maintenance of the affordable housing units. Such documentation shall include the provisions of this Article and shall provide, at a minimum, each of the following:

(1) The affordable housing units must be leased and occupied by eligible households.

(2) The affordable housing units must be leased at rent levels affordable to eligible households for a period of 25 years from the date of the initial certificate of occupancy.

(3) Preference for the affordable housing units shall be given to eligible households pursuant to the priorities set forth in Section 150.2110 of this Article.

(4) The calculated maximum rental price is an upper limit, but shall not be construed as a guarantee that the unit will be rented at that price. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(5) Market conditions, and characteristics of the affordable housing unit, may result in the rental of an affordable housing unit at a price lower than the calculated maximum rental price. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(C) Subleasing Prohibited. Subleasing of affordable units shall not be permitted without the express written consent of the Director. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

Section 150.2114 Departures from Requirements.

The Housing Commission may recommend, and the City Council may approve, departures from any of the standards set forth in this Article, upon making each of the following findings: (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(A) Due to specific and unique circumstances, undue hardship would be caused by the literal enforcement of the standards and requirements set forth in this Article; (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(B) By virtue of excellence in design, the proposed departure from the standards does not result in a diminished or lower quality affordable dwelling unit, but provides a functionally equivalent dwelling unit; and (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(C) The proposed affordable housing units otherwise meet the purpose and intent of this Article. (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

Section 150.2115 Administrative Guidelines.

The City Director of Community Development shall have the right, but not the obligation, to adopt, and to amend from time to time, administrative guidelines to assist in the effective implementation of this Article by participants in the Inclusionary Housing Program; provided, however, that any administrative guidelines adopted or amended pursuant to this Section 150.2115 shall not be inconsistent with this Article, and that in the event of a conflict between the administrative guidelines and this Article, this Article shall control (**Ord. 16-09, J. 35, p. 32-48, passed 2/9/09**)

(Article 21 added by Ord. 52-03, J. 29, p. 174-185, passed 8/25/03)

# ARTICLE XXII. LANDSCAPE PLANTING AND SCREENING

SECTION


150.2201 Intent
150.2202 Scope
150.2205 Approval Required
150.2210 Landscaping Planting and Screening Application
150.2215 Review of Application
150.2220 Vehicular Use Area Landscaping
150.2225 Foundation Landscaping
150.2230 Landscape Planting Quantities
150.2235 Natural Landscape Buffering
150.2240 Ground Sign Planting
150.2245 Refuse Container Screening
150.2250 Ground-Mounted Mechanical or Utility Screening
150.2255 Non-Supportive Landscape Areas
150.2260 Variations
150.2265 Appeals
150.2270 Follow-up by Director of Community Development


## Sec. 150.2201 Intent.

The Mayor and City Council recognize that the visual and environmental setting of the City has an effect upon the welfare of the citizens of Highland Park and that the promotion and control of landscaping can preserve and enhance the public health, safety and welfare of the City by: conserving natural resources; minimizing noise, air, water, wind, heat and visual pollution; preventing soil erosion; providing shade and pervious surface and other environmental benefits; promoting the pedestrian environment; improving the appearance of off-street parking and other vehicular use areas; minimizing the impact of dissimilar uses on adjacent or nearby properties; regulating the appearance of property abutting public right-of-ways; and protecting and preserving the appearance, character, and property values of the community. The standards set forth in this Article are not intended to inhibit or discourage innovative design proposals that may be beyond the scope of this Article. As the standards provide the minimal framework for landscape proposals, it is anticipated that they will foster and encourage creativity, innovation, and add to the natural beauty of Highland Park.

## Sec. 150.2202 Scope.

The regulations of this Article shall govern the landscape planting and screening requirements for new construction, building expansions, vehicular use areas, perimeter landscape design, areas adjacent to waterways and Planned Unit Development detention and retention facilities, ground-mounted mechanical or utility equipment, refuse containers and ground signs, all in the manner as more specifically set forth in this Article. The regulations of this Article shall be in addition to the provisions of the City Code applicable to the exterior design of building sites and structures, including, without limitation, Article VIII of this Chapter and Chapters 93, 94, 173, and 176 of the City Code.

Sec. 150.2205 Approval Required.

(A) Exterior Building Construction and Expansions. All new construction, and all expansions of existing buildings or structures, that require Design Review Commission approval pursuant to Chapter 176 of the Code, shall also require approval of a Landscape Planting and Screening Plan in accordance with this Article, which Plan must, at a minimum, comply with the foundation landscaping requirements set forth in Section 150.2225 of this Article.

(B) New or Expanded Off-Street Parking and Loading Facilities. All new and expanded off-street parking and loading facilities, except those facilities that serve lots improved exclusively with single-family residential structures, shall require approval of a Landscape Planting and Screening Plan in accordance with this Article, which Plan must, at a minimum, comply with the Vehicular Use Area landscaping requirements set forth in Section 150.2220 of this Article.

(C) Above-Ground Stormwater Detention And Retention Facilities; Waterways. Above-ground stormwater detention and retention facilities required pursuant to Article XVIII of this Chapter, and improvements to a lot that contains a waterway, shall require approval of a Landscape Planting and Screening Plan in accordance with this Article, which Plan must, at a minimum, comply with the buffering requirements set forth in Section 150.2235 of this Article.

(D) Ground Signs. The installation or relocation of a Ground Sign, as that term is defined in Article XX of this Chapter, shall require approval of a Landscape Planting and Screening Plan in accordance with this Article, which Plan must, at a minimum, comply with the landscape plantings requirements set forth in Section 150.2240 of this Article.

(E) Refuse Containers. The installation of refuse containers or enclosures, other than those permitted for use by single-family dwellings or placed and maintained for use of the general public to avoid littering, shall require approval of a Landscape Planting and Screening Plan in accordance with this Article, which Plan must, at a minimum, comply with the screening requirements set forth in Section 150.2245 of this Article.

(F) Ground-Mounted Mechanical or Utility Equipment. Installation of ground-mounted mechanical or utility equipment shall require approval of a Landscape Planting and Screening Plan in accordance with this Article, which Plan must, at a minimum, comply with the screening requirements set forth in Section 150.2250 of this Article.

Sec. 150.2210 Landscaping Planting and Screening Application.

(A) Application. An applicant for Landscape Planting and Screening Plan approval shall file an application therefor on a form provided by the City, which application shall include, without limitation, the following:

(1) A plat of survey or site plan, not smaller than 11" x 17"; and including, without limitation:

(a) The location of existing and proposed buildings and structures;

(b) All adjacent roadways, labeled with their commonly known names;

(c) The location and type of all existing vegetation to be preserved;

(d) The location of all trees to be removed; and

(e) The location and materials of all site improvements, including, without limitation, berms (showing contours at one foot), walls, fences, screens, sculptures, fountains, outdoor furniture, lights, and paving areas and materials;

(2) A plant schedule, containing the botanical and common names, the quantity (required by this Article, and proposed by the applicant), and the size and time of planting of all proposed landscape materials; and

(3) Such other information as may be required by the Director of Community Development in his sole discretion.

(B) Landscape Planting and Screening Plan Specifications. All materials submitted pursuant to Section 150.2210(A) of this Article shall be dimensioned, drawn to scale, and shall include a north arrow.

Sec. 150.2215 Review of Application.

Within 30 days of receipt of a complete application for Landscape Planting and Screening Plan approval, in accordance with Section 150.2210 of this Article, the Director of Community Development shall either approve or reject the application, or shall refer it to the Design Review Commission, in accordance with this Section 150.2215.

(A) Approval. Upon his determination that the application satisfies the standards and conditions set forth in this Article, the Director of Community Development shall issue a Certificate of Approval for the Landscape Planting and Screening Plan to the applicant.

(B) Referral for Variation. The Director of Community Development shall refer the application to the Design Review Commission in accordance with Section 150.2260(A)(1) of this Article upon his determination that:

(1) The application fails to satisfy the standards and conditions set forth in this Article; and

(2) The Design Review Commission is authorized pursuant to Section 150.2260 of this Article to grant all variations necessary for approval of the submitted application.

(C) Denial. The Director of Community Development shall deny an application for approval of a Landscape Planting and Screening Plan upon his determination that:

(1) The application contains any false, fraudulent or misleading material statement; or

(2) The application fails to satisfy the standards and conditions set forth in this Article in a manner for which the Design Review Commission is not authorized to grant a variation pursuant to Section 150.2260 of this Article.

(D) The failure of the Director of Community Development to either approve or reject the Landscape Planting and Screening Plan, or to refer the Landscape Planting and Screening Plan to the Design Review Commission, within 30 days after his receipt of a complete application therefor, or such further time to which the applicant shall agree, shall be deemed to be a decision approving the Landscape Planting and Screening Plan.

Sec. 150.2220 Vehicular Use Area Landscaping.

Vehicular Use Area landscape planting shall be required in accordance with the requirements set forth in this Section 150.2220.

(A) Vehicular Use Areas Adjacent to a Residential Zoning District. All lots that are improved with a Vehicular Use Area, of which any newly-constructed portion is located within 25 feet of a Residential District, shall be further improved with the following:

(1) A landscaped open space area abutting the perimeter of that newly-constructed portion of the Vehicular Use Area that is located within 25 feet of a Residential District, which landscaped open space area shall be not less than five feet in depth, exclusive of any vehicle overhang permitted pursuant to Section 150.2220(G) of this Article; and

(2) A solid fence or wall along those portions of all lot lines of the lot that are located within 25 feet of a Residential District and that abut a lot used for residential purposes, which fence or wall shall be constructed to the maximum height allowed pursuant to the provisions set forth in Chapter 173 of the Code.

(B) Vehicular Areas Adjacent to Streets.

(1) All lots that are improved with a Vehicular Use Area, of which any newly-constructed portion is located within 25 feet of a street, shall be further improved with a landscaped open space abutting the perimeter of that newly-constructed portion of the Vehicular Use Area that is located within 25 feet of a street, which landscaped open space area shall be of the following minimum depths:

(a) For lots located in the B3, HC, and I Zoning Districts, ten feet; and

(b) For lots located in all other Zoning Districts, five feet.

(2) Perimeter landscaped open space shall not be required along lot lines that are adjacent to alleys.

(C) Vehicular Use Area Interior Landscaping. The interior portions of all new Vehicular Use Areas that contain 12 or more parking spaces, and of all expansions of existing Vehicular Use Areas of 12 or more parking spaces, shall be improved with landscaping to be installed and maintained in accordance with the following provisions:

(1) Interior Landscaping Area.

(a) The following percentage of the interior portion of all Vehicular Use Areas shall be improved with landscaping:

| Size of Vehicular Use Area | Percentage Required For Interior Landscaping |
|---|---|
| 2,999 square feet or less | 0% |
| 3,000 to 4,999 square feet | 5% |
| 5,000-29,999 square feet | 8% |
| 30,000 square feet or greater | 10% |

(b) The required interior landscaping may include (i) areas dedicated to tree planting islands, and (ii) those portions of the lot that are not dedicated to perimeter landscaped open space and that are located no farther than five feet from the Vehicular Use Area.

(2) Tree Planting Islands. Tree planting islands shall be installed and maintained within all rows of 10 or more parking stalls, in accordance with the following provisions:

(a) No two tree planting islands shall be separated by more than 10 parking stalls.

(b) Tree planting islands shall be of a size not less than 180 square feet, and of a minimum width of eight and one-half feet, measured from front of curb to front of curb.

(c) One shade tree with a minimum trunk size of three caliper inches shall be installed in a tree planting island for each 180 square feet of the tree planting island. The remaining area of tree planting islands shall consist of grass or other living pervious ground cover.

(3) Design and Maintenance. All interior landscaping required pursuant to this Section 150.2220(C) shall be protected from vehicle encroachments

by curbs or wheel stops. All trees contained within the required interior landscaping shall be trimmed to assure that no tree limb or portion thereof extends below the level of six feet above grade.

(D) Structured Parking. Applications for Design Review Commission approval of a multi-level parking structure shall include a Landscape Planting and Screening plan with at least one landscape element integrated into the design of the structure, including but not limited to: perimeter planters, hanging baskets, flower boxes, planting trellises and/or rooftop gardens. At its discretion, the Design Review Commission may require: (i) the planting of vines at the base of the parking structure; (ii) the installation of perimeter planters on at least every other floor of a multi-level parking structure using natural ventilation; or (iii) the installation of perimeter planters on a rooftop used for parking.

(E) Location in Required Setbacks or Yards. Plantings required pursuant to this Section 150.2220 shall be permitted in any required setback or yard.

(F) Landscape Materials.

(1) Except as otherwise provided in this Section 150.2220, all landscaping required pursuant to this Section 150.2220 shall be planted with a combination of shade and ornamental trees, evergreen trees, and shrubs.

(2) All areas that are required to be landscaped pursuant to this Section 150.2220 that are not planted with trees or shrubs shall be maintained with grass or other living pervious ground cover.

(G) Vehicle Overhangs.

(1) Any area in which vehicles are permitted to overhang pursuant to this Chapter shall be maintained as grass or other low ground cover.

(2) No vehicle overhang shall be permitted into any area required to be landscaped pursuant to this Section 150.2220.

(H) A working hose bib connected to an active water supply must be located within 100 feet of all perimeter landscaped open space areas required to be maintained pursuant to Sections 150.2220(A) and 150.2220(B) of this Article.

Sec. 150.2225 Foundation Landscaping.

(A) A minimum planting area of not less than five feet in depth shall be installed and maintained immediately adjacent to the foundation of all new, modified, and expanded buildings and structures that require Design Review Commission approval pursuant to Chapter 176 of the Code.

(B) The foundation planting area required pursuant to Section 150.2225(A) of this Article may be interrupted, to the minimal extent possible, in the following circumstances:

(1) For building entryways, light wells, ground-mounted mechanical units, garage doors, loading docks, and drive aisles for drive-in facilities; and

(2) For the purpose of showcasing a unique architectural feature, upon approval of a variation therefor by the Design Review Commission pursuant to Section 150.2260 of this Article.

(C) In circumstances in which a roof overhang prevents the adequate supply of water and sunlight to the required foundation planting area, the required planting shall be located within an area no farther than five feet from the outer edge of the roof overhang.

(D) Foundation planting areas shall be planted with a combination of shade and ornamental trees, evergreen trees, and shrubs.

(E) Notwithstanding any provision of this Section 150.225 to the contrary, foundation planting areas shall not be required if the required front, side, or rear yard of the lot is smaller than five feet in depth; except that as part of its review of the design of new construction or building modifications in these districts, the Design Review Commission may require the installation of one or more perimeter planters, hanging baskets, flower boxes, planting trellises, and/or rooftop gardens.

Sec. 150.2230 Landscape Planting Quantities

(A) Shade trees, ornamental trees, evergreen trees and shrubs shall be planted throughout the required Vehicular Use Area and foundation landscaping area pursuant to Sections 150.2220 and 150.2225 of this Article in the following quantities:

| Type of Tree/Shrub | Number of Trees/Shrubs Required | Size and Variety |
|---|---|---|
| Shade or Ornamental Trees | 3 caliper inches for every 40 linear feet of the subject lot length or major fraction thereof (measured at the lot line). | Minimum of 3 caliper inches or 8' height at installation.<br><br>No fewer than 3 types, no one type to exceed 50% of total. |
| Evergreen Trees | 3 caliper inches for every 60 linear feet of the subject lot length or major fraction thereof (measured at the lot line), except for lot lines adjacent to streets. | Minimum of 3 caliper inches or 8' height at installation. |
| Shrubs | 1 for every 5 linear feet of the subject lot length or major fraction thereof (measured at the lot line). | Minimum 24 inches in height at time of installation.<br><br>No fewer than 3 types, no one type to exceed 50% of total. |

(B) This Section 150.2230 shall not be deemed or interpreted as either imposing a minimum spacing requirement or prohibiting the clustering of plant material.

(C) The calculations required pursuant to Section 150.2230(A) of this Article shall be based upon total linear length of the subject lot, as measured along the relevant lot lines, and shall exclude (1) the width of any driveway providing access to the lot, and (2) the linear length of any lot line for which there is no required yard setback imposed pursuant to Article VII of this Chapter.

(D) All fractional numbers derived from the calculations for required trees and shrubs set forth in Section 150.2230(A) of this Article shall be rounded up to the nearest whole number.

(E) The minimum number of shade, ornamental, or evergreen trees required pursuant to this Section 150.2230 shall not include trees required pursuant to Section 94.310 of this Code for replacement purposes.

Sec. 150.2235 Natural Landscape Buffering

(A) A 10-foot Natural Landscape buffer shall be installed and maintained at all of the following locations:

(1) Around the perimeter of all stormwater detention and retention facilities; and

(2) Adjacent to all waterways, as measured from water's edge.

(B) The Natural Landscape buffer required pursuant to this Section 150.2235 shall be of a depth necessary to facilitate proper stormwater management and drainage, as determined by the Director of Public Works in his sole discretion, but in no event less than five feet in depth nor more than 10 feet in depth.

Sec. 150.2240 Ground Sign Plantings.

All Ground Signs for which a sign permit is required pursuant to Article XX of this Chapter, other than temporary signs, shall be surrounded by a landscaped area in accordance with the following provisions:

(A) For every one square foot of sign area of the Ground Sign, one square foot of landscaped area shall be installed immediately adjacent to the base of the Ground Sign.

(B) The landscaped area required pursuant to Section 150.2240(A) of this Article shall consist of plantings such as, but not limited to, shrubs, evergreens, flowering plants and ground cover plants. Landscaping bark, mulch, sod or seeded areas shall not be considered in calculating the square footage of the required landscaped area.

Sec. 150.2245 Refuse Container Screening.

(A) Except as provided in Section 150.2245(B) of this Article, all refuse containers shall be screened by a solid fence or wall of a maximum height sufficient to obscure such containers from view from adjacent streets and adjacent lots used for residential purposes. All fences and walls installed pursuant to this Section 150.2245(A) shall include an opaque, self-closing, and lockable gate.

(B) Notwithstanding Section 150.2245(A) of this Article, all refuse containers located on a lot that is the subject of an application for Design Review Commission approval for new construction of one or more buildings or structures that will be used either for three or more residential dwelling units, or for commercial purposes, shall either be (1) enclosed within a principal or accessory structure, or (2) screened on all sides by a wall or fence that is six feet in height, which wall or fence shall be constructed of the primary material of which the buildings and structures on the property are constructed.

(C) All fences installed to satisfy the screening requirement set forth in this Section 150.2245 shall comply with the regulations of Chapter 173 of the Code and with all other applicable Code regulations.

Sec. 150.2250 Ground-Mounted Mechanical Equipment Screening.

(A) All ground mounted mechanical equipment shall be screened by a solid fence, wall, or densely planted evergreen landscape planting at a maximum height sufficient to obscure such equipment from view from all adjacent streets and adjacent lots used for residential purposes.

(B) All fences installed to satisfy the screening requirement set forth in this Section 150.2250 shall comply with the regulations of Chapter 173 of the Code and with all other applicable Code regulations.

Sec. 150.2255 Non-Supportive Landscape Areas.

In all areas required to be landscaped pursuant to this Article in which plantings will not prosper due to insufficient light or water, or due to other factors beyond the control of the property owner, other materials such as brick, stone, or decorative gravel shall be installed and maintained.

Sec. 150.2260 Variations.

Notwithstanding any other provision of this Chapter, variations from any provision set forth in this Article shall be granted only pursuant to the procedures set forth in this Section 150.2260.

(A) Procedure

(1) Application. Upon receipt of a completed application for Landscape Planting and Screening Plan approval pursuant to Section 150.2210 of this Article to which Section 150.2215(B) of this Article applies, the Director of Community Development shall refer the application and all other relevant documents to the Design Review Commission for its consideration of, and decision regarding, all required variations for which the Design Review Commission has authority to approve pursuant to Section 150.2260(B) of this Article.

(2) Notice. Notice of the public meeting at which the Design Review Commission will consider the requested variations shall be provided in accordance with the provisions set forth in Section 176.045(D) of the Code.

(3) Design Review Commission Meeting. The Design Review Commission shall consider the requested variations at a public meeting commenced within 30 days after receipt by the Design Review Commission of the proposed application for Landscape Planting and Screening Plan approval from the Director of Community Development.

(4) Decision. The Design Review Commission shall either:

(a) Approve the variation as requested;

(b) Approve the variation with modifications or conditions; or

(c) Deny the variation.

(5) Notice of Decision. The Design Review Commission decision shall be forwarded in writing to the applicant not later than the date that is 30 days after the date of the decision.

(B) Specific Authorized Variations. The Design Review Commission may grant one or both of the following types of variations in connection with new or expanded off-street parking and loading facilities or with development activity subject to Design Review Commission approval pursuant to Section 176.040 of the Code:

(1) Modifications to the required quantity, size or location of plantings, provided that there is the minimum feasible interruption to the required perimeter landscaped open space and (a) the landscape design utilizes techniques to retain unique natural features such as topography, wetlands, woodlands or existing vegetation, or (b) space limitations such as an unusual shaped lot or the location of existing structures and other built features make it impractical to comply with the requirements of this Article;

(2) Modifications to the required foundation planting area to allow an interruption for the purpose of showcasing a unique architectural feature located on the subject property.

(C) Standards. No variation authorized by this Section 150.2260 shall be granted unless the Design Review Commission determines that: (i) the requested variation is appropriate due to a particular hardship or special unique circumstance; (ii) the requested variation will not defeat the fundamental purposes and intent of this Article, as expressed in Section 150.2201 of this Article; and (iii) the requested variation will not be detrimental to the public welfare or injurious to property in the vicinity of the lot for which the variation is granted.

(D) Effect of Approved Variations. In the event that the Design Review Commission approves all variations for the application that are necessary for compliance with, and satisfaction of, all standards and conditions of this Article, the

Director of Community Development shall issue a Certificate of Approval to the applicant pursuant to Section 150.2215(A) of this Article.

Sec. 150.2265 Appeals

Notwithstanding any other provision of this Chapter, appeals from any decision under this Article XXII shall be permitted only pursuant to the procedures contained in this Section 150.2265.

(A) From Director of Community Development Decision. Appeals from any decision of the Director of Community Development granting or denying Landscape Planting and Screening Plan approval may be taken by the applicant within 30 days after a decision. If no appeal is filed within 30 days after a decision by the Director of Community Development, such decision shall be final. All such appeals shall be taken to the Design Review Commission by filing a written notice of appeal with the City Manager within five days following receipt or notice of the decision from which the appeal is taken. The Design Review Commission shall review the relevant Landscape Planting and Screening Plan application and any other reliable and relevant evidence, documents, or information, and may receive and consider new evidence at a public meeting. Within 30 days after receipt of the written notice of appeal of the decision from which the appeal is taken, the Design Review Commission shall render its written decision at a regularly scheduled meeting.

(B) From Design Review Commission Decision. Appeals from any decision of the Design Review Commission (i) approving Landscape Planting and Screening Plan application; (ii) granting or denying a variation pursuant to Section 150.2260 of this Article; or (iii) granting or denying an appeal pursuant to Section 150.2265(A) of this Article may be taken by the applicant or any other person adversely affected by any such decision within 30 days after the decision. If no appeal is filed within 30 days after the decision by the Design Review Commission, such decision shall be final. All such appeals shall be taken to the City Council by filing a written notice of appeal with the City Clerk within five days following receipt or notice of the decision from which the appeal is taken. The City Council shall review the relevant Landscape Planting and Screening Plan application and any other reliable and relevant evidence, documents, or information, and may receive and consider new evidence. Within 45 days after receipt of the written notice of appeal of the decision from which the appeal is taken, the City Council shall render its written decision at a regularly scheduled meeting. The action taken by the City Council shall be final.

Sec. 150.2270 Follow-Up by Director of Community Development.

(A) Administration. The Director of Community Development shall have the duty to monitor the implementation of all approved Landscape Planting and Screening Plans and amendments thereto, in order to ensure compliance with the provisions of this Article and any provisions or limitations imposed as a condition of approval.

(B) Inspection Required. Before any use may be made of improvements under the provisions of this Article, a final inspection of the premises must be obtained from the Director of Community Development, who shall consider his

findings together with other City Code requirements in the issuance of an occupancy certificate. An occupancy certificate will not be issued unless such an inspection has been made and the completed work found to be in compliance with an approved Landscaping and Screening Plan; except that a partial occupancy permit may be granted in the event that it should become impossible by reason of weather, strike or any other circumstance beyond the control of the person, firm or corporation to whom the approval has been granted to complete all work required before occupancy or start of use, provided a cash escrow sufficient to guarantee completion of the work has been deposited with the City of Highland Park .

(C) Substitution. If, by reason of non-availability of approved planting materials or any other valid circumstance, it becomes necessary to vary a plant type for which an approval has been granted pursuant to this Article, the Director of Community Development shall have the right, but not the obligation, to permit the substitution of the approved plant type for a plant type that is listed on the City of Highland Park Native Plant List.

(D) Maintenance and Enforcement.

(1) It shall be the duty of the applicant for Landscape Planting and Screening Plan approval to ensure compliance with the approved Landscape Planting and Screening Plan and with the requirements set forth in this Article.

(2) All landscape materials required pursuant to this Article shall be kept watered, fed, cultivated, and pruned by the owner or other person responsible for maintenance of the premises to give a healthy and well-groomed appearance during all seasons.

(3) All plant material installed in compliance with this Article that has deteriorated or died shall be replaced promptly, at the expense of the applicant or property owner.

(4) All planting areas shall be kept free of weeds and debris.

(5) Upon receipt of written notice from the Director of Community Development, the applicant and property owner shall promptly correct (a) any deficiencies in the required landscaping, and (b) any deviations from the landscaping permitted pursuant to an approved Landscape Planting and Screening Plan.

(**Article XXII added by Ord. No 71-07, J. 33, p. 461-508, passed 9/24/07 – effective January 1, 2008**)

# AMENDMENTS TO CHAPTER 150

| Ord. No. | Adopted | Amends |
|---|---|---|
| 30-97 | 5/12/97 | Comprehensive Amendment |
| 40-97 | 7/14/97 | Sec. 150.904(B) — Legal Non-conforming Uses in Conforming Structures in the B2-RW Zoning District |
| 54-97 | 9/22/97 | Appendix A |
| 11-98 | 1/26/98 | Article II and Article IV — Telecommunications |
| 14-98 | 2/9/98 | Sec. 150.1402 — Application procedures for special use permits |
| 35-98 | 4/27/98 | Article XVII — Tree Preservation |
| 43-98 | 6/9/98 | Sec. 150.1905(A)(3) — Swimming Pool Discharge |
| 78-98 | 12/14/98 | Sec. 150.707 — Basketball Stanchions |
| 80-98 | 12/14/98 | Sec. 150.202 and Article IV "Table of Allowable Uses" "MEDICAL AND RELATED USES" — Massage Therapy Clinics |
| 66-99 | 7/12/99 | Zoning Ordinance District Map Reclassifying Certain Portions of the Moraine North Neighborhood |
| 72-99 | 8/9/99 | Zoning Ordinance District Map Reclassifying Certain Portions of the Westside Neighborhood |
| 80-99 | 9/27/99 | Article II — Amends Definition of "Lot Coverage" and Adds Definition for "Impervious Surface Ratio" |
| 92-99 | 11/8/99 | Article II (in part) and Article XVIII (in its entirety) Regarding Stormwater Management |
| 93-99 | 11/8/99 | Amends Sec. 150.705(A) "COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT REGULATIONS" and Adds Sec. 150.707(K) Regarding Special Yard Considerations in the B1A Waukegan/Bloom Neighborhood Commercial District |

| | | |
|---|---|---|
| 94-99 | 11/8/99 | Amends Article XII and Article XIX Regarding Variations from Steep Slope Zone Regulations |
| 11-00 | 2/28/00 | Amends Articles II and XVII to Remove Tree Preservation Regulations and Definitions and Place Them in Chapter 94 |
| 12-00 | 2/28/00 | Amends Section 150.909 Regarding Non-Conforming Residential Structures |
| 35-00 | 5/8/2000 | Amends Article II and Section 150.402 Regarding "Legal Lot of Record" |
| 49-00 | 8/14/00 | Amends Sections 150.802(B) and 150.807 Regarding Relief from the Off-Street Parking Requirements in Connection with Expansions of Floor Area of Uses in the B2, B2-RW, B4, and B5 Zoning Districts |
| 68-00 | 10/23/00 | Amends Articles II and XVIII to Incorporate Amendments to the Lake County Watershed Development Ordinance and FEMA Flood Insurance Rate Map |
| 78-00 | 11/13/00 | Amends Article IX in Its Entirety Regarding Non-conforming Buildings and Uses |
| 83-00 | 12/11/00 | Amends Articles II, IV, and VII to Establish the Lakefront Density and Character Overlay Zone ("LFOZ") |
| 01-01 | 1/8/01 | Amends Articles II, IV, and VII to Establish the South Green Bay Road Small Lot Overlay Zone ("SLOZ") |
| 32-01 | 5/29/01 | Amends Articles II and VII and Zoning Map Regarding the South Green Bay Road Small Lot Overlay Zone ("SLOZ") |
| 33-01 | 5/29/01 | Amends Articles II and VII and Zoning Map Regarding the Lakefront Density and Character Overlay Zone ("LFOZ") |
| 38-01 | 6/25/01 | Amends Articles II and XIX Regarding the Removal of Trees in the Steep Slope Zone |

| | | |
|---|---|---|
| 51-01 | 8/27/01 | Amends the Permitted and Conditional Uses Chart Contained in Article IV Regarding Hotels and Motels |
| 55-01 | 9/24/01 | Amends Table of Parking and Loading Spaces Requirements Contained in Article VIII Regarding Food/ Beverage Service Uses and Medical/Related Uses |
| 12-02 | 2/25/02 | Amends Articles II and XVIII to Incorporate Amendments to the Lake County Watershed Development Ordinance |
| 24-02 | 5/13/02 | Amends Article IV Modifying the Table of Allowable Uses for Cellular Antennas without Towers From Permitted to Conditional Uses |
| 29-02 | 5/13/02 | Section 150.410 (C) and Table of Allowable Uses Regarding the Use of Parking Decks in the HC Health Care Zoning District |
| 32-02 | 5/13/02 | 150.707 (A)(10), 150.202, and add Article 20: Signs |
| 41-02 | 7/08/02 | 150.505(A), 150.704(A) and 150.705(A) Regarding Maximum Allowable Height in the RM2, B4 and B5 Zoning Districts |
| 42-02 | 7/08/02 | 150.401, Table of Allowable Uses, 150.705.1, 150.105(B)(1), 150.202, 150.603, 150.707(A)(7), 150.707(F)(1), 150.707(G)(1) & 150.711(B)(1) – Establishing a Public Activity Zoning District |
| 46-02 | 7/22/02 | 150.306, 150.1103(D), 150.1202(D)(2)(b) & 150.1302(C)(2)(b) – Recovery of Third Party Costs Related to Applications Seeking Zoning Relief |
| 55-02 | 09-09-02 | 150.408 (B) – Providing for Processing of Outdoor Accessory Use Permits through the City Manager's Office |
| 57-02 | 09-09-02 | 150.401 (J), Table of Allowable Uses, 150.704, 150.104 (A), 150.202, 150.412, 150.413, 150.503(G)(3), 150.505(A), 150.709, 150.710(A), 150.805(B), 150.807(B), 150.1204(A)(3) &(11) – Creating RM1A Medium to High Density Multiple Family Residential Zoning District |

| | | |
|---|---|---|
| 69-02 | 11-12-02 | 150.414 – Telecommunications Regulations |
| 76-02 | 11-25-02 | 150.802(B) & (C) – Regulating Parking Requirements in the B1A Zoning District |
| 77-02 | 11-25-02 | 150.707(A)(10), 150.2022(A)(2)(g), 150.2023(A)(2)(g), 150.2024(A)(2)(f), 150.2025(A)(2)(e), & 150.2026(A)(2)(e) – Placement of Signs and Political Sign Regulations |
| 01-03 | 01-13-03 | Article IV – Table of Allowable Uses – Amending Permitted Land Uses to Conditional Land Uses in the Public Activity Zoning District |
| 11-03 | 01-27-03 | 150.1906(B), 150.1906(C) & 150.1913(C) – Amending Building Regulations of the Steep Slope Zone |
| 22-03 | 02-24-03 | 150.502(C)(1), (4) & (8), 150.503(G)(1), 150.503(I) & 150.505(A) – Amending Planned Unit Development Provisions |
| 27-03 | 03-10-03 | 150.2022(B), 150.2023(B) & 150.2030(B) – Modify Sign Regulations |
| 28-03 | 03-24-03 | Table of Allowable Uses, Delete Footnote (d)(iii), 150.704 – Modifying the Density Requirements of the RM1A Medium to High Density Multiple Family Residential Zoning District |
| 35-03 | 05-27-03 | 150.1909(D)(1)(b) -Incorporate City Fees into the Annual Fee Resolution |
| 44-03 | 07-28-03 | Article IV – Chapter 150 Modify Table of Allowable Uses to Permit Credit Union Offices in Portions of the B1 Neighborhood Commercial District |
| 52-03 | 08-25-03 | 150.202 and Add New Article XXI (150.2100 – 150.2113) – Inclusionary Housing |
| 18-04 | 03-08-04 | 150.507, 150.509 (D), 150.804(C)(1), 150.807(B) & 150.1207(A)(C), 150.1405(B), 150.1406(B)150.1506(B), 150.1608- Voting Requirements for Planned Unit Developments, Parking Exceptions, Variations by Ordinance, Special Use Permits, Amendments & Special Exceptions |

| | | |
|---|---|---|
| 28-04 | 04-26-04 | 150.401(T), 150.415, 150.406(D) & Article IV Establishing Regulations for the Pedestrian Oriented Shopping Overlay Zone |
| 29-04 | 04-26-04 | Amending the Zoning Map to Establish the Boundaries of the Pedestrian Oriented Shopping Overlay Zone (B5 Central Business Zoning District) |
| 40-04 | 06-28-04 | 150.704 - Modifying the Density Requirements and Repealing the Affordable Housing Density Bonus Provisions of the RM1A Medium to High Density Multiple-Family Residential Zoning District |
| 41-04 | 06-28-04 | Article IV – Modifying the Table of Allowable Uses to Permit Money Transmitting Businesses in the B1A Neighborhood Commercial District |
| 43-04 | 06-28-04 | Article IV – Reclassify Drive-In Facilities From Permitted to Conditional Uses in the B4 Commercial Service Zoning District |
| 44-04 | 06-28-04 | 150.202, 150.607 & 150.611 – Modify Noise Regulations |
| 45-04 | 06-28-04 | 150.703 – Modify the Yard Requirements for Air Conditioning Systems and Units |
| 46-04 | 06-28-04 | 150.202, 150.703, 150.703.3, 150.1204(A)(15) – Floor Area Ratio Limits in the R1 Through R7 Zoning Districts |
| 49-04 | 07-12-04 | 150.202 & Article IV – Health Club (Minor) as Conditional Use in RO High Density Residential/Office District |
| 55-04 | 08-09-04 | Modifying the Table of Allowable Uses to Permit Outdoor Lights with Towers for Athletic Fields Located on High School Campuses, at such Maximum Wattage and at such Maximum Height as may be Specified by the City Council in the Special Use Permit |

| | | |
|---|---|---|
| 03-05 | 01-10-05 | 150.202 – Amend Definition of Floor Area of a Building for Purposes of Calculating F.A.R. and of Grade or Grade Level |
| 15-05 | 02-28-05 | 150.202, 150.1202(D) & 150.1204(A)(16) – To Define a Subdivision Setback Line & Permit Variation From Such Subdivision Setback Line |
| 43-05 | 06-27-05 | 150.2027 (O) – Display of Signs Permitted on Public Property |
| 53-05 | 08-22-05 | 150.202 & 150.605 – Lighting Performance Standards |
| 55-05 | 08-22-05 | Article XX – Sign Code, 150.1204(A)(15) & 150.202 – Sign Code Amendments |
| 57-05 | 09-26-05 | 150.307 – Add Settlement of Litigation |
| 63-05 | 10-24-05 | 150.202 & 150.416 – Add Public Safety Emergency Warning Facilities |
| 21-06 | 03-13-06 | 150.703.1 – Special Regulations for LFOZ Lakefront Density & Character Overlay Zone |
| 32-06 | 04-24-06 | 150.505 – Height Modifications in the R6 District for Special Use Permits in the Nature of Planned Unit Developments |
| 71-06 | 11-13-06 | 150.105 & 150.711 – Established Building Setbacks for Corner Lots and Through Lots |
| 72-06 | 11-13-06 | 150.202 – Established Building Setback |
| 73-06 | 11-13-06 | 151.004, 151.010 and 150.202 – Calculation of Established Property Width Average and the Regulation of Corner Lots in the City |
| 74-06 | 11-13-06 | 150.202, 150.703 & 150.703.3 – Floor Area Ratio and Bonus Floor Area Ratio |
| 02-07 | 01-08-07 | 150.2007, 150.2022, 150.2023, 150.2024, 150.2025, and 150.2026 – Internal Illumination of Motor Vehicle Sales Facility Signs & the Illumination of Nameplate Signs |
| 18-07 | 02-12-07 | 150.308 - Pending Land Use Application Disclosure Notice |

| | | |
|---|---|---|
| 19-07 | 02-12-07 | 150.202 & Article XVIII – Incorporate the Lake County Stormwater Management Commission Watershed Development Ordinance Regulations and Remove References to "Manufactures Homes" |
| 24-07 | 03-12-07 | 150.202 & 150.407 – Remove References to "Amusement Arcades" & "Coin-in-Slot-Operated Amusement Devices" |
| 45-07 | 06-11-07 | 150.2105 – Inclusionary Housing |
| 54-07 | 06-11-07 | 150.2022, 150.2023, 150.2024, 150.2025, 150.2026, 150.2027, 150.2028, 150.2031 & 150.2033 – Amends Temporary Signs, Joint Identification Signs & Sign Permit Review Standards |
| 63-07 | 07-23-07 | 150.414 – Modifying the Regulations Pertaining to Wireless Telecommunications Facilities |
| 71-07 | 09-24-07 | Amend 150.202, 150.306, 150.612, 150.808, 150.809 and Add Article XXII (150.2201-150.2270) – Landscape Planting and Screening |
| 74-07 | 09-24-07 | 150.1101-150.1106 – Zoning Board of Appeals |
| 77-07 | 10-22-07 | Amend 150.902(G) & Article VIII: Table of Parking & Loading Requirements – Non-Conforming Structures/Uses & Off-Street Parking/Loading |
| 80-07 | 11-13-07 | 150.202 & 150.501-150.565 – Planned Developments |
| 81-07 | 11-13-07 | 150.402, 150.704, 150.1204 – Multiple Family Use of Undersized Legal Lots of Record in the RM1, RM1A, RM2 & RO Multiple Family Zoning Districts |
| 26-08 | 04-14-08 | 150.202 & Article XIX (150-1901 – 150.1915) – Steep Slope Zone |
| 27-08 | 04-14-08 | Amend 150.2007 – Update Standards and Procedures for the Design Review of Non-Single Family Structures |
| 02-09 | 01-12-09 | 150.202 & 150.1102 – Modify Regulations Pertaining to Mailing of ZBA Final Orders |

| | | |
|---|---|---|
| 16-09 | 02-09-09 | Article XXI: Inclusionary Housing, Re-titled & Amended in its Entirety (150.2100-150.2115) Effective April 1, 2009 |
| 30-09 | 04-27-09 | 150.202, 150.510, 150.802, & Article VIII -Table of Parking and Loading Requirements |
| 75-09 | 12-14-09 | Amend 150.2015, 150.2022, 150.2023, 150.2024, 150.2025, 150.2026, 150.2027 & Add 150.2039 – Political Election Signs on Public Property |
| 18-10 | 02-08-10 | Amend 150.202, 150.403, Table of Allowable Uses, 150.505, & Table of Parking & Loading Requirements – Drive-Through Facilities in the Commercial & Industrial Zoning Districts |
| 28-10 | 03-22-10 | Amend 150.414, 150.703.1(E)(4) & (5) & 150.1909(C) – Update & Clarify Zoning Regulations |
| 44-10 | 05-10-10 | Amend 150.202, 150.410, 150.414, Table of Allowable Uses Article VIII Table of Parking & Loading Requirements & Add 150.417 – Update & Clarify Group Homes & Communal Living Arrangements Regulations |
| 74-10 | 09-13-10 | Amend 150.2014, 150.2015 & 150.2027 – Signs on City-owned Rights-of-way (Ravinia Underpass Amendments) |
| 01-11 | 01-10-11 | 150.2005(A)(12), (A)(18) & (A)(24), 150.2007, 150.2022, 150.2023, 150.2024, 150.2025, 150.2026 & 150.2031 – Menu Board, Political Election & Political Message Signs |