

NORTH CHICAGO ZONING ORDINANCE

(Updated August 15, 2016)

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NORTH CHICAGO ZONING ORDINANCE

WHEREAS, the City Council of North Chicago, Illinois deems it desirable to prepare a comprehensive amendment to the Zoning Ordinance for the City of North Chicago, Illinois.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH CHICAGO, ILLINOIS, as follows:

ARTICLE 1 GENERAL PROVISIONS

1.1 TITLE

This Ordinance shall be known, cited and referred to as the “North Chicago Zoning Ordinance”.

1.2 INTENT AND PURPOSE

This Ordinance is adopted for the following purposes:

- 1.2.1 To promote and protect the public health, safety, morals, comfort and general welfare of the people of North Chicago.
- 1.2.2 To provide adequate light, air, privacy and convenience of access to property.
- 1.2.3 To divide the City into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration, and use of buildings, structures, and land for residential, commercial, industrial and other specified purposes and uses.
- 1.2.4 To protect the character and stability of residential, commercial, industrial and other specified areas of the City.
- 1.2.5 To promote the orderly growth and beneficial development of residential, commercial, industrial and other specified areas of the City in general accordance with the Comprehensive Plan and Official Map of the City.
- 1.2.6 To regulate the intensity of use of lot areas and to prescribe the amount of open space around buildings necessary to provide adequate light and air, and to protect the public health and welfare.
- 1.2.7 To prevent the overcrowding of land and undue concentration of structures by restricting and regulating the height, size and bulk of buildings and structures.
- 1.2.8 To establish building lines and locations for buildings.
- 1.2.9 To establish reasonable standards to which all buildings and structures in the various districts shall conform.
- 1.2.10 To prohibit uses, buildings or structures incompatible with the character of development or the intended uses within districts.
- 1.2.11 To prevent alteration, addition to, or remodeling of buildings or structures except in conformance to the restrictions and regulations herein.
- 1.2.12 To limit congestion in the public streets by providing for off-street parking of automobiles and the loading and unloading of commercial vehicles.

- 1.2.13 To lessen the hazard from and to protect against fires, explosions, noxious fumes, noise, extreme light, heat and glare.
- 1.2.14 To avoid or lessen the hazards to persons and damage to property from the accumulation or run-off of floodwaters.
- 1.2.15 To conserve the taxable value of land and buildings.
- 1.2.16 To provide for the elimination of nonconforming use of land, buildings and structures.
- 1.2.17 To define and limit the powers and duties of the administrative officers and bodies established herein, and to further prescribe procedures for the administration of this Ordinance.

1.3 SCOPE OF REGULATION

- 1.3.1 No building, structure, land, landfill or excavation shall be erected, built, constructed, enlarged, paved, made impervious, reconstructed or structurally altered, nor shall any building or land be used or converted for use for any purpose other than that permitted in the district in which the building or land is located and in accordance with the regulations for such district or this Ordinance generally. *(Amended 02/04/02)*
- 1.3.2 No building, structure, land, landfill or excavation shall be erected, built, constructed, enlarged, paved, made impervious, reconstructed or structurally altered without first securing a building permit. *(Amended 02/04/02)* Said permit includes, but is not limited to:
 - 1.3.2.1 Current Plat of Survey *(Amended 01/21/14)*
 - 1.3.2.2 Engineering Plans
 - 1.3.2.3 Building Plans
 - 1.3.2.4 Landscaping Plans
- 1.3.3 All plans shall be signed and sealed by the architect and/or Engineer.

1.4 ZONING DISTRICTS

- 1.4.1 Use Districts

In order to carry out the intent and purpose of this Ordinance, the City is hereby divided into the following districts:

- 1.4.2 Residential Districts
 - 1.4.2.1 R1 - Single Family Residence District
 - 1.4.2.2 R2 - Single Family Residence District
 - 1.4.2.3 R3 - Single Family Residence District
 - 1.4.2.4 R4 - Limited Multi-Family District
 - 1.4.2.5 R5 - General Residence District
- 1.4.3 Business Districts
 - 1.4.3.1 B1 - Neighborhood Business District
 - 1.4.3.2 B2 - General Business District
 - 1.4.3.3 CW - Commercial and Wholesale District
- 1.4.4 Industrial Districts
 - 1.4.4.1 M1 - Limited Industrial District
 - 1.4.4.2 M2 - General Industrial District
 - 1.4.4.3 M3 - Intensive Industrial District
 - 1.4.4.4 OR - Office and Research District
- 1.4.5 Public Use District
 - 1.4.5.1 PL - Public Land District (Federal) *(Amended 01/21/14)*
 - 1.4.5.2 PL - Public Land District (Municipal) *(Amended 01/21/14)*
- 1.4.6 Overlay Districts
 - 1.4.6.1 Overlay Districts are established to delimit areas of the City in which supplementary or alternative regulation, standards or procedures are established. Unless otherwise specified or unless otherwise approved pursuant to the regulations governing special use or planned unit developments, the regulations of the underlying use district shall remain in full force and effect within the area covered by the overlay district. These are flood plains as determined in accordance with the provisions of Article 4, and the Urban Redevelopment Overlay and the Medical Educational Overlay Districts, as shown on the zoning map.

1.4.6.1.1 URO - Urban Redevelopment Overlay District

This overlay district is established to provide the design flexibility necessary to assure the continued growth of the specified older existing commercial and residential areas. The Urban Redevelopment Overlay District is created in recognition of the fact that some standards for new development may cause uses in such areas undue hardship.

1.4.6.1.2 MEO - Medical Educational Overlay District

This overlay district is established to allow the construction, operation, maintenance, repair and replacement of educational, medical, health care, research and support facilities. Such facilities may include, but shall not be limited to:

1.4.6.1.2.1 Operation of a university facility for the education and training of students in various health and science related areas of study.

1.4.6.1.2.2 Operation of a health care facility and hospital.

1.4.6.1.2.3 Operation and development of research facilities, faculty offices, ambulatory care facility, library, learning resource center, school of related health sciences, school of nursing, school of dentistry, school of pharmacy, acute care facilities.

1.4.6.1.2.4 Construction and operation of accessory covered and uncovered parking facilities, food services, kitchens, dining rooms, shops, faculty club, student union, chapel, power plants, housing facilities for employees and students, and gymnasium and recreational facilities.

1.5 ZONING MAP

1.5.1 The locations and boundaries of the districts established herein are shown upon the zoning map which is hereby incorporated into this Ordinance. The zoning map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be a part of this Ordinance and shall have the same force and effect as if the zoning map, together with all notations, references and other information shown thereon, were fully set forth and described herein. The following rules shall apply to the interpretation of the zoning map.

1.5.2 Classification of Rights-of-Way

1.5.2.1 All streets, alleys, public ways, railroad rights-of-way, and public utility rights-of-way shall be deemed to be in the same zone as the property immediately abutting thereon.

- 1.5.3 District Boundary Lines
 - 1.5.3.1 Any uncertainty as to the district line as shown on the zoning map shall be resolved using the following rules:
 - 1.5.3.1.1 Where district lines follow or approximately follow municipal boundaries, the line shall be interpreted to be the same as the municipal boundary.
 - 1.5.3.1.2 Where district lines follow streets, alleys, streams, railroads or similar rights-of-way, the center line shall be the district boundary.
 - 1.5.3.1.3 Where district lines approximately follow lot lines, the lot line shall be interpreted to be the district boundary.
 - 1.5.3.1.4 Where district boundary lines are established by dimensions indicated on the zoning map, such dimensions shall be taken from the center lines of rights-of-way, section and quarter section lines, and from property lines as appropriate.
 - 1.5.3.1.5 Where a lot (as distinguished from acreage) held in one ownership and of record at the effective date of this Ordinance, is divided by a district boundary line, the entire lot shall be construed to be in the less restrictive district; provided that the use of this rule does not increase the area of the less restrictive portion of the lot by twenty percent (20%).
 - 1.5.3.1.6 In unsubdivided property, unless otherwise indicated, the district boundary lines shall be determined by the use of the scale indicated on the zoning map, a part of this Ordinance.

1.6 NEW OR ANNEXED LANDS

- 1.6.1 Submerged land heretofore reclaimed or which may be reclaimed and heretofore annexed, and which is not shown on the Zoning Map shall be classified R1 - Single Family Residential District until such time as the Ordinance is amended and such land is reclassified.
- 1.6.2 Land annexed to the City hereafter shall be classified as contained within the petition for annexation or shall be classified similarly as classified prior to annexation by the City.

1.7 REZONING OF PUBLIC LANDS

- 1.7.1 When a tract of land owned by a public agency and classified in the PL - Public Land District is transferred to private ownership, such land shall be automatically reclassified in the R1 - Single Family Residential District until such time as a public hearing is held and the land is reclassified pursuant to the procedure established by this Ordinance.

1.8 BUILDINGS UNDER CONSTRUCTION

- 1.8.1 Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within one year from the date of passage and publication of this Ordinance.

ARTICLE 2 DEFINITIONS

2.1 RULES

- 2.1.1 For the purposes of this Ordinance and in order to carry out its provisions and intentions, certain words and phrases all have the meaning ascribed to them in this article. The following rules shall apply to this article and to the Ordinance generally:
- 2.1.1.1 Words in the singular number shall include the plural and the words in the plural number shall include the singular.
- 2.1.1.2 Words in the present tense shall include the future.
- 2.1.1.3 The word “shall” is mandatory and not discretionary.
- 2.1.1.4 The word “may” is permissive.
- 2.1.1.5 The term “used for” shall include “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

2.2 DEFINITIONS

- 2.2.1 **ACCESSORY BUILDING/USE** A building or use customarily incidental to, or subordinate to, the principal building or use.
- 2.2.2 **ACREAGE** Any tract or parcel of land having an area of one acre or more which has not been subdivided or platted.
- 2.2.2.1 **AGGREGATE PROCESSING FACILITY** A facility that produces particular material, both coarse and fine, that is used in construction, including sand, gravel, crushed stone, slag, recycled concrete, recycled asphalt and geosynthetic aggregates and includes the receipt of bulk materials, crushing, screening, separating, washing, loading, unloading and conveying of such materials, together with the parking, washing, maintenance, repair and storage of equipment and other associated activities necessary to the operation of the facility. *(Amended 12/17/12)*
- 2.2.3 **AIRPORT** Any landing area, runway or other facility licensed by the Federal Aviation Agency (FAA) or the Illinois Department of Transportation (IDOT) including heliports designed, used or intended to be used either publicly or privately by any person or persons for the landing and taking off of aircraft, including all necessary buildings and open spaces.
- 2.2.4 **ALLEY** A public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street.

- 2.2.5 ANTENNA Any device or array that transmits and/or receives electromagnetic signals for voice, data or video communication purposes including, but not limited to television, AM/FM radio, microwave, cellular telephone and similar forms of communications.
- 2.2.6 APARTMENT A room or suite of rooms in a multiple family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit and which has its principal means of access in a common hallway. Complete kitchen and bathroom facilities, permanently installed, must always be included for each apartment.
- 2.2.6.1 APARTMENT, UPPER STORY A dwelling unit above the first floor in a B1 zoning district, or a dwelling unit above the first floor in a B2 zoning district within the Urban Redevelopment Overlay. *(Amended 08/06/12)*
- 2.2.7 AREA FENCE A fence located immediately adjacent to a permitted patio, deck, or similar accessory structure, primarily used for privacy.
- 2.2.8 ATTACHED DWELLING A row or cluster of more than two (2) one-family dwellings, each independently accessible from the street. Included in this definition are townhouses, duplexes, row houses, and most two, and three flat apartments. *(Amended 05/06/02)*
- 2.2.9 AUTOMOBILE REPAIR, MAJOR Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, fame or fender straightening or repair; and overall painting of vehicles.
- 2.2.10 AUTOMOBILE REPAIR, MINOR Incidental repairs, replacement of parts, and major service to automobiles, but not including any operation specified under "Automobile Repair, Major".
- 2.2.11 AUTOMOBILE SERVICE STATION A place where gasoline (stored only in underground tanks), kerosene, lubricating oil or grease, for the operation of vehicles is offered for sale directly to the public on the premises, and including minor accessories and services for automobiles; but not including major auto repairs, and including washing of automobiles where no chain conveyor, blower or steam-cleaning device is employed. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include sale or storage of junkers or junkyards as defined herein.
- 2.2.12 AWNING A roof-like cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

- 2.2.13 BASEMENT A story, partly underground, where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where curb level has not been established. A basement shall be counted as a story for height measurement (See also “Cellar”).
- 2.2.14 BILLBOARD A sign, sign board, wall or other framework, device or other structure erected and maintained for the purposes of outdoor display of an offsite commercial message or other non-commercial message for hire. *(Amended 01/21/14)*
- 2.2.15 BLOCK A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines, shore lines of waterways or a corporate line of the city.
- 2.2.16 BOARDING HOUSE A single dwelling unit, occupied by its owner where meals and lodgings are provided for compensation, pursuant to previous arrangements, for no more than eight (8) persons, and who are not members of the owner’s family but not open to transient guests. No more than one boarder is permitted to inhabit a room at any time. *(Amended 06/19/06)*
- 2.2.16.1 BODY ARTS ESTABLISHMENT. A facility in which the practice of physical body adornment, alteration or modification by means including, but not limited to, piercing, tattooing, branding, braiding, beading/implantation or scarification is conducted. *(Amended 11/03/14)*
- 2.2.17 BUFFERYARD Any means of protecting abutting properties from the visual or auditory effects of a different or more intense use. Buffering may include, but is not limited to, berming, fencing and landscaping.
- 2.2.18 BUILDABLE AREA The space remaining on a zoning lot after the minimum open space and yard requirements of this ordinance have been complied with. The buildable area of waterfront lots/parcels shall be calculated using the high water line and not property or setback lines covered by water.
- 2.2.19 BUILDING Any structure with substantial walls or roof securely affixed to the land and entirely separated on all sides from any other structure by open space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels. Any structure which is not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures are not considered as buildings.
- 2.2.20 BUILDING HEIGHT The vertical distance measured from the curb level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; and to the mean height level between eaves and top of a gable, hip or mansard roof; provided that

where buildings are set back from the street line a distance greater than the required set back, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building (see Figure 4).

- 2.2.21 **BUILDING, NONCONFORMING** A building which was legally constructed prior to the effective date of this Ordinance or subsequent amendment thereto, which would not be permitted as a new structure under the terms of this Ordinance because the structure is not in conformance with the yard, height, coverage or floor area ratio requirements of the zone in which it is located. A building located on a nonconforming lot is not classified as a nonconforming building solely because of insufficient lot area or width.
- 2.2.22 **BUILDING PERMIT** The written authority issued by the Economic and Community Development Director or his authorized representative permitting the construction, removal, alteration, moving or use of a building in conformity to the provisions of this Ordinance and other applicable ordinances of the City. *(Amended 08/17/15)*
- 2.2.23 **BUILDING, PRINCIPAL** A building in which is conducted the main use of a zoning lot on which it is located.
- 2.2.24 **BUILDING SETBACK LINE** A line parallel to the street line at a distance from it as established by the front yard requirements of this Ordinance.
- 2.2.25 **BULK** A term referring to the size, volume, floor area, height or relationship of any of these to the area or other dimensions of the lot on which it is located.
- 2.2.26 **CANOPY** A roof-like structure of a permanent nature, which projects from the wall of the building and overhangs the public way.
- 2.2.27 **CAR WASH** A building, or portion thereof, where automobiles are washed with the use of a chain conveyor and blower or steam-cleaning device.
- 2.2.27.1 **CARETAKER'S RESIDENCE** An accessory dwelling unit located on the same parcel as a warehouse or storage facility and occupied exclusively by the owner, manager, caretaker, or operator, and their immediate family. No more than one caretaker's residence shall be allowed on a lot. A caretaker's residence shall contain no more than one bedroom and no more than 1,000 square feet of gross floor area. *(Amended 01/21/14)*
- 2.2.28 **CELLAR** A basement having more than one-half of its height below the curb level or below the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurements.
- 2.2.29 **CLUB OR LODGE, PRIVATE** A private club or lodge is a nonprofit organization of persons who are bona fide members paying dues, who owns, hires or leases a building or portion thereof.

- 2.2.29.1 COMMODITIES PROCESSING FACILITY An indoor facility utilizing service bays for the delivery and processing of household and other small manufactured items, limited to: scrap metal, cardboard, paper, plastic and glass products. *(Amended 08/05/13)*
- 2.2.30 COMMUNITY CENTER Any building maintained by a governmental authority for public meetings or gatherings, whether educational or recreational in nature.
- 2.2.31 COMMUNITY RESOURCE CENTER Any building maintained by a governmental authority or not-for-profit agency used for supplementary educational services, employment assistance, food services and/or constructive recreational activities. *(Amended 08/23/10)*
- 2.2.31.1 COMPOST FACILITY A facility where the composting of landscape waste occurs.
- 2.2.31.2 COMPOSTING The biological process by which microorganisms decompose the organic fraction of landscape waste, producing a humus-like material that may be used as a soil conditioner.
- 2.2.32 COMPREHENSIVE PLAN The written and graphic document adopted by the City as a guide for future physical development in the City.
- 2.2.32.1 CONCRETE BATCH PLANT A manufacturing plant that mixes, manufactures, stores, conveys, measures and transfers concrete constituents into trucks for mixing and transport to a job site as well as facilities that use a central mix drum to manufacture concrete on-site for transfer to transport trucks and facilities that precast products on-site such as concrete bricks, and also includes the receipt of bulk materials stored both indoors and outdoors within silos, hoppers and stockpiles, loading and unloading of such materials, together with the parking, washing, maintenance, repair and storage of equipment and vehicles and other associated activities necessary to the operation of the plant. *(Amended 12/17/12)*
- 2.2.32.2 CONTRACTOR'S OFFICE An office occupied by any person or firm engaged in construction related activities where general business transactions occur in addition to indoor storage of records, materials and equipment. *(Amended 03/03/14)*
- 2.2.33 CONTRACTOR'S YARD A yard owned by any person or firm engaged in construction, landscaping or landscape maintenance where materials and mechanical equipment are stored and properly screened from surrounding properties. Refer also to standards in Section 5.4.3.7.
- 2.2.34 CORNER LOT A parcel of land situated at the intersection of two (2) or more streets or adjoining a curved street at the end of a block.

- 2.2.35 CORNER LOT, REVERSED A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.
- 2.2.36 COVERAGE, LOT The area of a zoning lot occupied by the principal building, all accessory buildings and impervious surfaces, including but not limited to driveways, sidewalks, decks and patios.
- 2.2.37 CUL-DE-SAC A street having one end open and one end permanently terminated by a vehicular turn around.
- 2.2.38 CURB LEVEL The elevation of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the curb level shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the curb level.
- 2.2.39 DAY CARE CENTER An institution providing day care or supplementary educational services in a commercial setting for children twelve (12) years of age and younger. *(Amended 08/06/12)*
- 2.2.40 DECK An exterior floor system supported on at least two (2) opposing sides by an adjoining structure and/or posts, piers, or other independent supports.
- 2.2.41 DENSITY The number of dwelling units per acre of land.
- 2.2.42 DISABILITY A physical or mental impairment, which substantially limits one or more of a person's major life activities, impairs their ability to live independently, or a record of having such impairment, or being regarded as having such impairment.
- 2.2.42.1 DORMITORY A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery or other similar public, semi-public use. A dormitory does not include lodging or rooming houses, community residences or boarding houses. *(Amended 09/16/13)*
- 2.2.42.2 DUPLEX A building designed or altered to provide dwelling units for occupancy by two (2) families, each independently accessible from the street. *(Amended 01/21/14)*
- 2.2.43 DWELLING A building or portion thereof, not including a house trailer or mobile home, designed or used for residential occupancy, but not including hotels or motels. *(Amended 01/21/14)*

- 2.2.44 DWELLING UNIT One or more rooms in a dwelling or apartment hotel designed for occupancy by one family, or not more than four (4) persons, for living and sleeping purposes.
- 2.2.45 DWELLING, ATTACHED A row or a cluster of two (2) or more one-family dwellings, that share at least (1) one common wall with another such dwelling, each independently accessible from the street. Included in this definition are townhouses, duplexes and two-flats. *(Amended 01/21/14)*
- 2.2.46 DWELLING, SINGLE FAMILY A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling by space.
- 2.2.47 DWELLING, TWO FAMILY (Duplex) A building designed or altered to provide dwelling units for occupancy by two (2) families, each independently accessible from the street. *(Amended 05/06/02)*
- 2.2.48 DWELLING, MULTIPLE FAMILY A building or portion thereof, other than an attached dwelling, designed or altered for occupancy by more than two (2) families living independently of each other. Included in this definition are garden apartments and condominium apartment dwellings. *(Amended 05/06/02)*
- 2.2.49 EXCAVATION The removal of sand, gravel, fill dirt or any other soil matter below the average grade of the surrounding land or road grade, whichever is the highest.
- 2.2.50 FAA The Federal Aviation Administration.
- 2.2.51 FAÇADE An elevation or exterior face of a building.
- 2.2.52 FAMILY One (1) or more persons related by blood, marriage or civil union, legal adoption or guardianship, including foster children, or not more than four (4) persons not so related, together with gratuitous guests and domestic servants, occupying a dwelling unit as an individual housekeeping organization. *(Amended 01/21/14)*
- 2.2.53 FAMILY COMMUNITY RESIDENCE A single dwelling unit occupied on a relatively permanent basis in a family-like environment by groups of individual families with disabilities totaling no more than sixteen (16) persons, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling; and complies with the zoning regulations for the district in which the site is located. *(Amended 01/21/14)*

- 2.2.54 FARM An area which is used for the growing of food and products such as vegetables, fruit trees and grain, and for the packing or storage of the products produced on the premises, as well as for the raising thereon of poultry, horses, cattle, sheep and swine as a secondary activity.
- 2.2.55 FCC The Federal Communications Commission.
- 2.2.56 FENCE A freestanding structure resting on or partially buried in the ground and rising above the ground level, forming a barrier which is otherwise a part of any building or other structure and is used to delineate a boundary or as a means of confinement or privacy.
- 2.2.57 FENCE, AREA A fence located immediately adjacent to a permitted patio, deck, or similar accessory structure, primarily used for privacy.
- 2.2.58 FENCE, PERIMETER A fence located on or within six inches (6") of a property line.
- 2.2.59 FLOOR AREA, GROSS The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of the exterior walls or from the center line of party walls.
- 2.2.60 FLOOR AREA RATIO The gross floor area of the building or buildings on any zoned lot divided by the area of such lot, or in the case of planned developments, by the net size area.
- 2.2.61 GARAGE, PRIVATE A detached accessory building or portion of the principal building designed, arranged, used or intended to be used for the storage of automobiles or other vehicles of the occupants of the premises.
- 2.2.62 GARAGE, PUBLIC A building, other than a private garage, used for the care, incidental servicing and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire or sale within the structure but not including trucks, tractors, truck trailers, and commercial vehicles exceeding one and one-half (1.5) ton capacity.
- 2.2.63 GARAGE, BUS OR TRUCK A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles, buses or school buses exceeding one and one-half (1.5) ton capacity.
- 2.2.64 GARBAGE Any animal or vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

- 2.2.65 GRADE A ground elevation established for the purposes of regulating the number of stories and the height of a building. The building grade shall be the level of the ground adjacent to the walls of a building if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the ground elevations for each building face.
- 2.2.66 GROUP COMMUNITY RESIDENCE A single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of no more than sixteen (16) unrelated persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling; and complies with the zoning regulations for the district in which the site is located. *(Amended 01/21/14)*
- 2.2.67 HEIGHT, BUILDING The vertical distance measured from the curb level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; and to the mean height level between eaves and top of a gable, hip or mansard roof; provided that where buildings are set back from the street line a distance greater than the required set back, the height of the buildings may be measured from the average elevation of the finished lot grade at the front of the building (see Figure 4).
- 2.2.67.1 HOME DAY CARE, MAJOR An occupant of a dwelling unit, accompanied by an assistant, providing day care or supplementary educational services for more than eight (8) but not greater than twelve (12) children twelve (12) years of age and younger. *(Amended 08/06/12)*
- 2.2.67.2 HOME DAY CARE, MINOR An occupant of a dwelling unit providing day care or supplementary educational services for up to eight (8) children twelve (12) years of age and younger. *(Amended 08/06/12)*
- 2.2.68 HOME OCCUPATION A gainful occupation or profession customarily carried on in the home by an occupant of a dwelling unit as a use which is accessory to and clearly incidental to the use of the dwelling unit for residential purposes.
- 2.2.69 HOSPITAL OR SANITARIUM An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four (24) hours in any week of three (3) or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions.
- 2.2.70 HOTEL A building in which more than five (5) rooms or suites are reserved to provide living and sleeping accommodations for temporary guests.
- 2.2.71 IEPA Illinois Environmental Protection Agency.

- 2.2.72 IMPERVIOUS Incapable of being penetrated, as by moisture.
- 2.2.73 IMPERVIOUS SURFACE A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by storm water. Such surfaces include, but are not limited to, concrete, asphalt, brick, slate, gravel, boulders and structures.
- 2.2.74 INTERIOR LOT A lot other than a corner or reversed corner lot.
- 2.2.75 JUNKER An automobile, truck or other major vehicle which has been damaged to such an extent that it cannot be operated under its own power and will require major repairs before being made usable, or such a vehicle that does not comply with state or city vehicle laws or ordinances.
- 2.2.76 KENNEL, COMMERCIAL Any lot or premises or portion thereof on which more than four (4) dogs, cats or other household domestic animals, over four (4) months of age, are kept or on which more than two (2) such animals are boarded for compensation or kept for sale.
- 2.2.77 LABORATORY, COMMERCIAL A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly or packaging of products is not included within this definition.
- 2.2.78 LINE OF BUILDING A line parallel to the nearest lot line a distance there from equal to the required yard or setback.
- 2.2.79 LODGING OR ROOMING HOUSE A single dwelling unit, occupied by its owner, where lodgings are provided pursuant to previous arrangements, for no more than eight (8) and who are not members of the owner's family but not open to transient guests. *(Amended 06/19/06)*
- 2.2.80 LOT The word "lot" when used alone shall mean a "zoning lot" unless the context of this Ordinance clearly indicates otherwise.
- 2.2.81 LOT AREA The area of a horizontal plane bounded by a vertical projection of the property lines of a lot excluding any street, easement for street purposes or right-of-way.
- 2.2.82 LOT, CORNER A parcel of land situated at the intersection of two (2) or more streets or adjoining a curved street at the end of a block.
- 2.2.83 LOT COVERAGE The area of a zoning lot occupied by the principal building, all accessory buildings and impervious surfaces, including but not limited to driveways, sidewalks, decks and patios.

- 2.2.84 LOT DEPTH The horizontal distance between the center of the front and rear lot lines or the center of the front lot line and the intersection of the side lot lines in the case of a triangular lot.
- 2.2.85 LOT FRONTAGE The front of the lot shall be that boundary of a lot along a public street; for a corner lot, the owner may elect either street line as the front lot line.
- 2.2.86 LOT, INTERIOR A lot other than a corner or reversed corner lot.
- 2.2.87 LOT LINE, FRONT The lot line which is along an existing or dedicated public street or, where no public street exists, is along a public way. The owner of a corner lot may select either street lot line as the front lot line. In the case of land-locked or partially landlocked land, the front lot line shall be that lot line that faces the access to the lot.
- 2.2.88 LOT LINE, REAR The lot line most nearly parallel to and most remote from the front lot line.
- 2.2.89 LOT LINE, SIDE Lot line which is not a front lot line or a rear lot line.
- 2.2.90 LOT, REVERSED CORNER A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.
- 2.2.91 LOT, REVERSED FRONTAGE A through lot that does not have access from one of the streets fronting such lot.
- 2.2.92 LOT, THROUGH A lot having frontage on two (2) parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- 2.2.93 LOT WIDTH The minimum horizontal distance between the side lot lines, measured at the established building setback line.
- 2.2.94 LOT, ZONING A plot of ground made up of one or more parcels which conforms to the requirements of this Ordinance and which is or may be occupied by a use, building or buildings including the open spaces required by this Ordinance.
- 2.2.95 MARQUEE A roof-like structure of a permanent nature which projects from the wall of the building and overhangs the public way.

- 2.2.95.1 MEDICAL WASTE AND PHARMACEUTICAL PROCESSING FACILITY A facility used for the processing, temporary storage and transport of potentially infectious medical waste and/or pharmaceutical waste. The potentially infectious medical waste may only be processed by autoclaving, and must be in accordance with all Illinois statutes. The pharmaceutical waste may only be processed by encapsulation and/or inertization to render the pharmaceutical products safe for disposal, and must be in accordance with all Illinois statutes. *(Amended 01/21/14)*
- 2.2.96 MEZZANINE An intermediate story between the floor and ceiling of a main story and extending over only part of the main floor.
- 2.2.97 MINI-WAREHOUSE A complex of two (2) or more small buildings individually leased for storage purposes.
- 2.2.98 MOTEL A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with parking conveniently located to each unit.
- 2.2.99 MOTOR FREIGHT TERMINAL A building or area in which freight, shipped by motor truck or railroad is received, assembled, sorted, and/or rerouted for local, intra-state, or interstate shipment by motor truck.
- 2.2.100 MOTOR LODGE A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with parking conveniently located to each unit.
- 2.2.101 MOTOR VEHICLE Any passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
- 2.2.101.1 MULCH FACILITY A facility where the mulching and screening of landscape waste occurs. *(Amended 08/06/12)*
- 2.2.102 NONCONFORMING BUILDING/STRUCTURE A building or structure which was legally constructed prior to the effective date of this Ordinance or subsequent amendment thereto, which would not be permitted as a new structure under the terms of this Ordinance because the structure is not in conformance with the yard, height, coverage or floor area ratio requirements of the zone in which it is located. A building located on a nonconforming lot is not classified as a nonconforming building solely because of insufficient lot area or width.
- 2.2.103 NONCONFORMING USE Any use of land, buildings, or structures, lawful at the time of the enactment of this Ordinance, which does not comply with all of the regulations of this Ordinance or of any amendment hereto governing use of the zoning district in which such use is located.

- 2.2.104 NOXIOUS MATTER Matter which is capable of causing injury or illness to living organisms, or is capable of causing detrimental effects to the health or the psychological, social, or economic wellbeing of humans.
- 2.2.105 NURSING HOME A private home or other facility for the care of children, the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.
- 2.2.106 *(Removed 05/17/10)*
- 2.2.107 *(Removed 08/06/12)*
- 2.2.108 OCTAVE BAND A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.
- 2.2.109 ORDINANCE A rule established by authority, such as a city council, which governs zoning, building, safety, etc. Reference to “Ordinance” herein shall be construed to mean the North Chicago Zoning Ordinance.
- 2.2.110 PARCEL Any individually defined or described piece of land.
- 2.2.111 PARKING AREA, PRIVATE An open, hard-surfaced area, other than a street or public way, designed, arranged and made available for storing the private passenger vehicles of occupants of the building or buildings for which the parking area is developed and is accessory.
- 2.2.112 PARKING AREA, PUBLIC An open, hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half (1.5) ton capacity, and available to the public, whether for compensation, free, or as an accommodation to clients and customers.
- 2.2.113 PARKWAY That portion of right-of-way located behind the street curb and in front of the property lot line adjoining the right-of-way.
- 2.2.114 PERFORMANCE STANDARD A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare and heat generated by or inherent in the uses of land or structures.
- 2.2.115 PERIMETER FENCE A fence located on or within six inches (6”) of a property line.
- 2.2.116 PERMITTED USE A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.
- 2.2.117 PLAN COMMISSION The Plan Commission of the City of North Chicago.

- 2.2.118 **PLANNED UNIT DEVELOPMENT** An area of land under single ownership or control to be developed as a single entity for a number of dwelling units, commercial units, or combination of units, the plan for which does not correspond in all respects to lot size, bulk or type of building, density, lot coverage or yard requirement for any one residential, commercial or combination of districts established by any other section of this Ordinance. The term "Planned Unit Development" shall include PUD and Planned Development (See Article 6).
- 2.2.119 **PRINCIPAL BUILDING** The main building upon a lot, or the building which houses the principal use of the premises.
- 2.2.120 **PRINCIPAL USE** The primary purpose for which land is used.
- 2.2.121 **PROPERTY LINES** The lines bounding a zoning lot, as defined herein.
- 2.2.122 **PUBLIC UTILITY** Any person, firm, corporation or municipal department, duly authorized to furnish under public relation to the public, electricity, gas, steam, telephone, telegraph, cable television, transportation or water and waste water treatment services.
- 2.2.123 **RAILROAD RIGHT-OF-WAY** A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards or locomotive shops.
- 2.2.124 **REFUSE** Any toxic, chemical or solid wastes such as paper, cardboard, plastics, synthetics, metal, wood, glass, crockery or similar materials.
- 2.2.125 **RESTAURANT** A business establishment within which food is offered for sale and consumption only within the structure on the premises.
- 2.2.126 **RESTAURANT, CARRY-OUT** An establishment whose principal business operation is the dispensing of edible food and/or beverage, ready for consumption on the premises, at outdoor tables, at stand-up counters, or to be carried off the premises.
- 2.2.127 **RESTAURANT, DRIVE-IN** An establishment whose principal business operation is the sale of food or beverages in a ready-to consume state, all or part of which is served directly to the consumer in a motor vehicle.
- 2.2.128 **RESTAURANT, FAST FOOD** An establishment whose principal business operation is the sale of food or beverages in a ready-toconsume state, for consumption on or off the premises, and which is served in edible containers or in paper, plastic, or other disposable containers.

- 2.2.129 RIGHT-OF-WAY A strip of land designated for use for vehicular or pedestrian access or passage, or for utility lines or similar facilities, that has been dedicated to and accepted by a government agency.
- 2.2.130 RUNWAY A strip or area of pavement used exclusively for the landing or taking off of aircraft, or for the movement of vehicles incidental to such use.
- 2.2.131 SCAVENGER'S YARD A yard owned by any person or firm for the storage of items discarded by other persons or firms. Refer also to standards in Section 5.4.3.8. *(Amended 08/23/10)*
- 2.2.131.1 SECURITY GRILL Bars, shutters, gates, or similar devices, whether fixed or movable, designed or intended to prevent access to exterior doors or windows. *(Amended 08/23/10)*
- 2.2.131.2 SELF STORAGE LOCKER FACILITY A facility used for storage of small personal items in rental lockers, no greater than twenty-five (25) cubic feet, monitored via 24-hour security cameras and maintaining a log of all users with full name and contact information. Storage of weapons, drugs, fireworks, any other inherently dangerous items shall not be allowed. Operator(s) shall provide full cooperation with police or other governmental authorities, submitting surveillance footage if requested, and allowing random inspections of the locker room(s). *(Amended 12/06/10)*
- 2.2.131.3 SENIOR SUPPORTIVE LIVING FACILITY A residential facility constructed and operated according to the rules and regulations of the Illinois Department of Healthcare and Family Services (or its successor) for seniors, age 65 or greater. Residents must meet the qualifications established by the Department of Healthcare and Family Services, including but not limited to: preadmission screening by the Illinois Department on Aging, its agent or successor; Tuberculosis free; and, without a diagnosis of developmental disability or serious and persistent mental illness. Senior Supportive Living Facilities provide 24 hour security, communal eating facilities, recreational facilities and quality of life programs and services. No one under the age of 65 may reside at a Senior Supportive Living Facility. *(Amended 01/21/14)*
- 2.2.132 SETBACK LINE, BUILDING A line parallel to the street line at a distance from it as established by the front yard requirements of this Ordinance. *(Amended 08/23/10)*
- 2.2.133 SIGHT TRIANGLE A triangular area established at the intersection of two (2) streets or a street and a driveway in which nothing is erected, planted, placed or allowed to grow so as to limit or obstruct the sight distance of pedestrians, cyclists or motorists.

- 2.2.134 SIGN A “sign” is a name, identification, description, symbol, display or illustration which is affixed to, or painted, or represented directly or indirectly upon a building structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.
- 2.2.135 SPECIAL USE A use of land or building, or both, that has a particular character or uniqueness that requires careful review of its location, design, configuration and impact, and subject to the provisions of Article 5.
- 2.2.136 STORY The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen feet (14’) in height shall be considered as an additional story for each fourteen feet (14’) or fraction thereof.
- 2.2.137 STORY, HALF A half story is that portion under a gable, hip or mansard roof, the wall plates of which on at least two (2) opposite exterior walls, are not more than four and one-half feet (4.5’) above the finished floor or such story. In the case of one family dwellings, two family dwellings and multiple family dwellings less than three (3) stories in height, a half story in a sloping roof shall not be counted as a story for the purpose of this Ordinance. In the case of multiple family dwellings three (3) or more stories in height, a half story shall be counted as a story.
- 2.2.138 STREET A public or private right-of-way for primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, thoroughway, or however designated, but does not include alleys or driveways to buildings.
- 2.2.139 STREET LINE A line separating an abutting lot or parcel from a street.
- 2.2.140 STRUCTURAL ALTERATION Any change, other than incidental repairs, which would prolong the life of the supporting members of a building or structure, such as the addition, removal or alteration of bearing walls, columns, beams, girders or foundations.
- 2.2.141 STRUCTURE Anything constructed or erected which requires location on the ground or is attached to something having location on the ground.

- 2.2.141.1 STUDENT HOUSING RESIDENCE Any living arrangement within a single dwelling unit, by persons who may be unrelated by blood, marriage or legal adoption and are attending undergraduate or graduate programs offered by colleges or universities or are on semester break or summer break from studies at colleges or universities, or any combination of such persons. The residents of said dwelling unit may be sharing living expenses and may live and cook as a single housekeeping unit. A student housing residence may include living arrangements where the landowner or a representative of the landowner is a resident of the dwelling unit. A student housing residence does not include lodging or rooming houses, community residences or boarding houses.
(Amended 09/16/13)
- 2.2.142 TAVERN A building where liquors are sold to be consumed on the premises.
- 2.2.143 TEMPORARY USE A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; and does not involve the construction or alteration of any permanent structure.
- 2.2.144 TERRACE, OPEN A level plane or platform open to the sky located adjacent to one or more faces of the principal structure and not more than four feet (4') in height above the average level of the adjoining ground.
- 2.2.145 TOWER Any structure that is designed and constructed primarily for the purpose of supporting one or more antennae. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like. The height of such a tower shall be the distance measured from ground level to the highest point on the tower, even if said highest point is an antenna.
- 2.2.146 TOWING YARD A place or site established for the sole purpose of receiving inoperable vehicles, impounded vehicles, or vehicles removed from public or private property by police or property owner's order by tow truck and in which storage is temporary (less than 45 days) in which time the vehicle's owner, insurance agent, or other duly qualified person will cause the vehicle to be removed. Such yard shall be screened in accordance with this Ordinance.
(Amended 03/19/07)
- 2.2.147 TOWNHOUSE A one (1) to two and a half (2.5) story dwelling, located in a cluster of such dwellings, that shares at least (1) one common wall with another such dwelling, each independently accessible from the street.
(Amended 01/21/14)
- 2.2.148 TRUCK PARKING AREA/YARD Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers, and including commercial vehicles while not loading or unloading, and which exceed one and one-half (1.5) tons in capacity. Such area/yard shall be screened in accordance with this Ordinance.

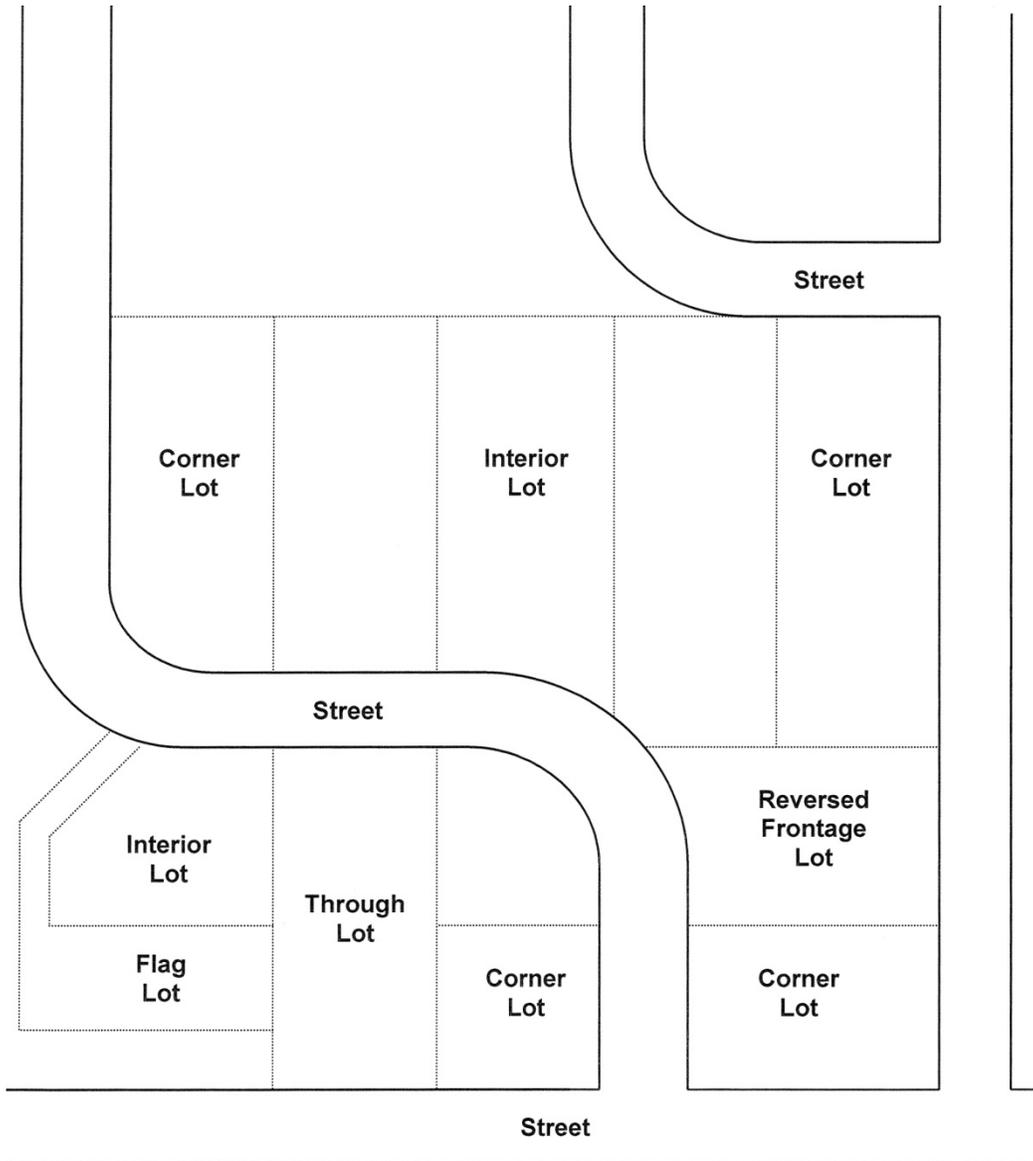
- 2.2.149 TWO-FLAT A two-unit apartment building with one unit located above the other unit.
- 2.2.150 USE The purpose for which land or premises, or building or structure thereon is designed, arranged, intended or for which it is occupied, maintained or leased.
- 2.2.151 USE, ACCESSORY A use customarily incidental to, or subordinate to, the principal use.
- 2.2.152 USE, PERMITTED A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.
- 2.2.153 USE, PRINCIPAL The primary purpose for which land is used.
- 2.2.154 USE, SPECIAL A use of land or building, or both, that has a particular character or uniqueness that requires careful review of its location, design, configuration and impact, and subject to the provisions of Article 5.
- 2.2.155 USE, TEMPORARY A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; and does not involve the construction or alteration of any permanent structure.
- 2.2.156 VARIATION A relaxation of the terms of this Ordinance where such variation will not be contrary to the public interest and where a liberal enforcement of this Ordinance would result in unnecessary and undue hardship.
- 2.2.157 VIBRATION The periodic displacement, measured in inches, of earth.
- 2.2.158 VIBRATION FREQUENCY The number of oscillations per second of a vibration.
- 2.2.159 YARD The open space between a lot line and a building line in which no structure may be located except as provided in Article 4.
- 2.2.160 YARD, FRONT A yard extending the full width of the front of the zoning lot between a street right-of-way line and the building setback line.
- 2.2.161 YARD, REAR A yard extending the full width of the rear of the zoning lot between the rear lot line and a building line.
- 2.2.162 YARD, SIDE A yard located on either side of a zoning lot extending from the front yard to the rear yard between a building line and a lot line or street right-of-way line in the case of a corner lot.

- 2.2.162.1 YOUTH COMMUNITY RESIDENCE A single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of no more than twenty-four (24) unrelated persons between the ages of 12 and 21, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents are present at the dwelling; and complies with the zoning regulations for the district in which the site is located. *(Amended 08/23/10)*
- 2.2.163 ZONE An area of the City delineated on the zoning map and subject to a specific set of regulations established in this Ordinance. The term “zone” and “district” are used interchangeably.
- 2.2.164 ZONING LOT A plot of ground made up of one or more parcels which conforms to the requirements of this Ordinance and which is or may be occupied by a use, building or buildings, including the open spaces required by this Ordinance.
- 2.2.165 ZONING MAP The map or maps incorporated into this Ordinance as a part hereof, designating zoning districts.
- 2.2.166 *(Removed 01/21/14)*

2.3 UNDEFINED WORDS, TERMS OR PHRASES

- 2.3.1 Words, terms and phrases used in this Ordinance, unless defined above, shall have the applicable meaning or meanings ascribed to them in Webster’s Unabridged Dictionary.

FIGURE 1 - LOT TYPES



CORNER LOT - A parcel of land situated at the intersection of two or more streets or adjoining a curved street at the end of a block.

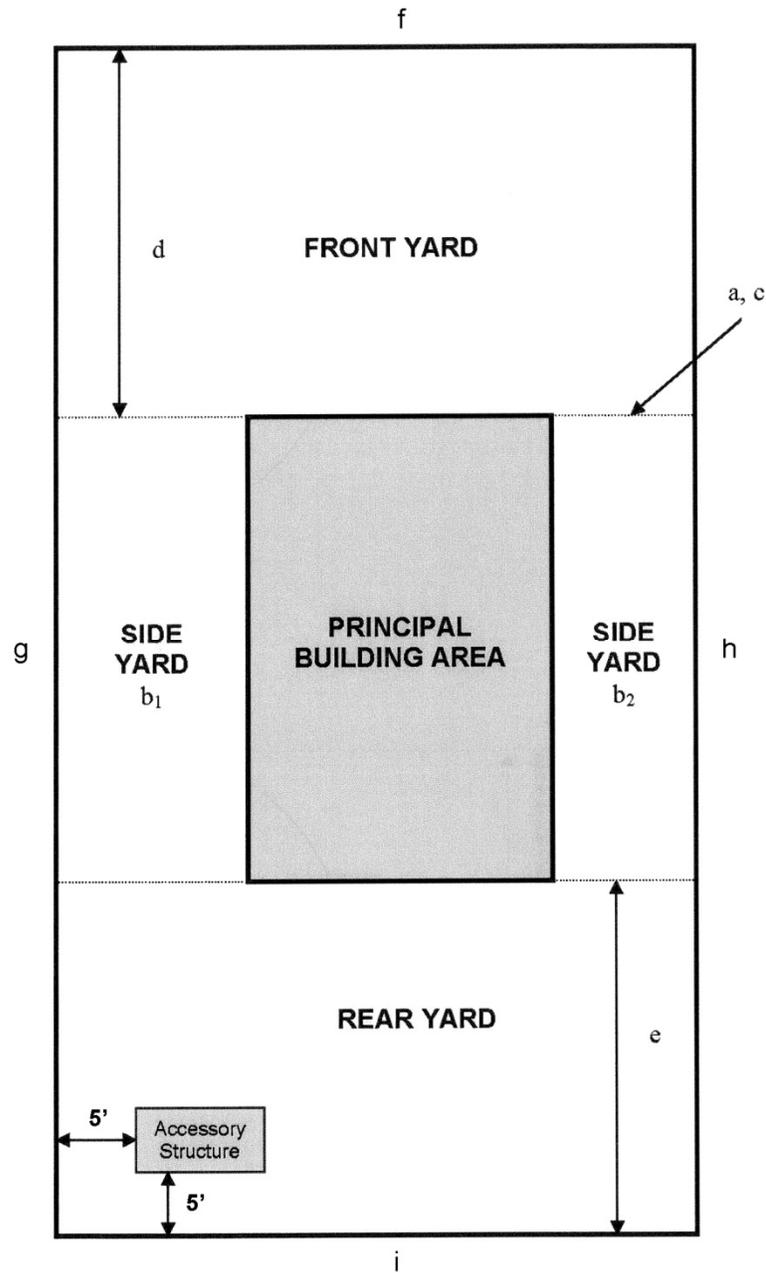
FLAG LOT - Not permitted in the City of North Chicago.

INTERIOR LOT - A lot other than a corner, through or reversed corner lot.

THROUGH LOT - A lot having frontage on two parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

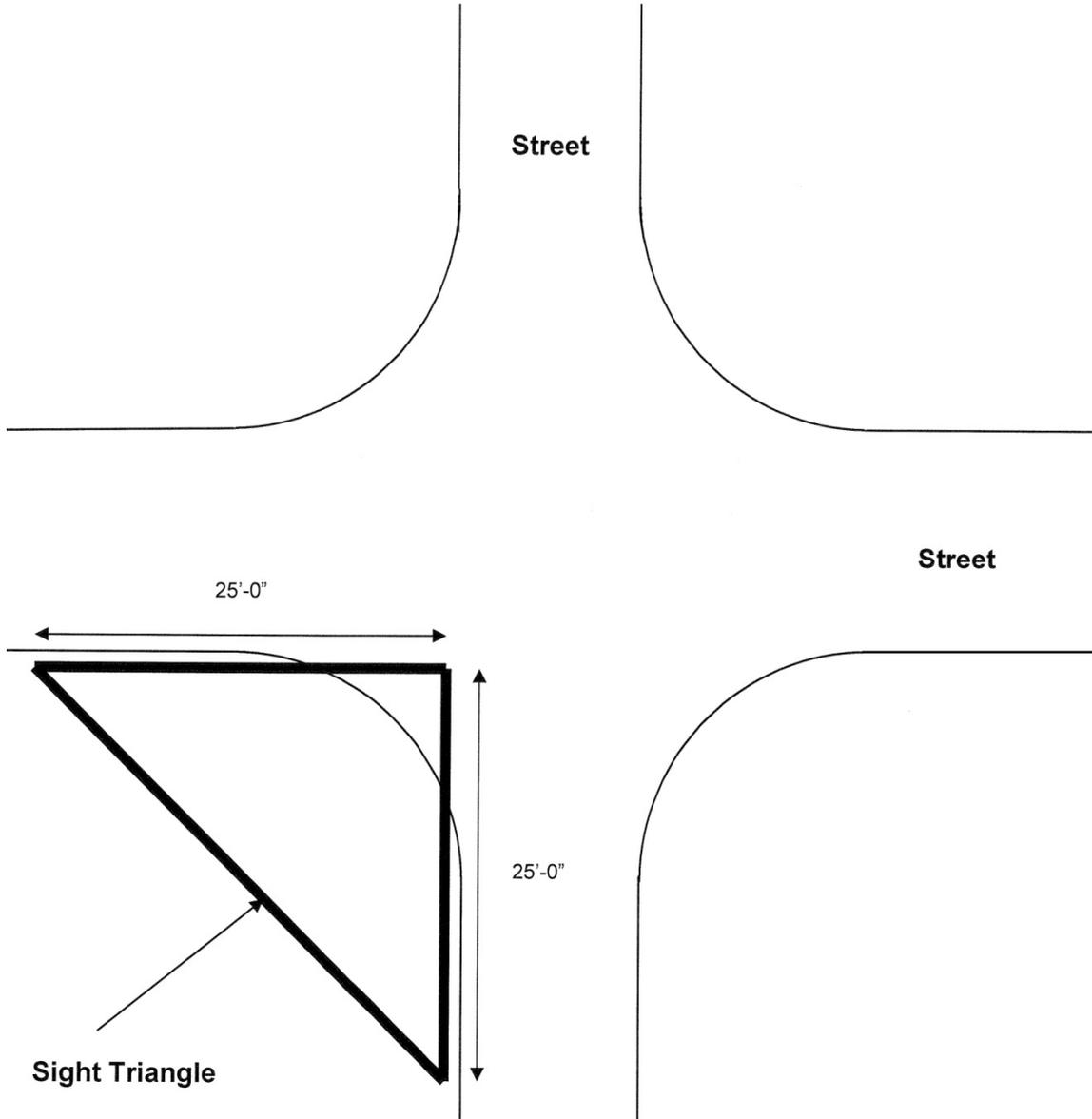
REVERSED FRONTAGE LOT - A through lot that does not have access from one of the streets fronting such lot.

FIGURE 2 - YARDS AND LOT LINES



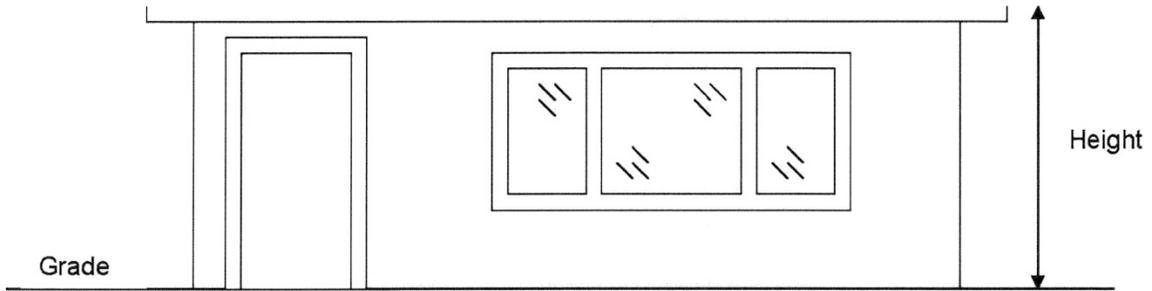
- a = Building Setback Line
- b2 = Minimum Side Yard
- b1 + b2 = Total Side Yard
- c = Lot Width (Measured at "a")
- d = Front Yard Setback
- e = Rear Yard Setback
- f = Front Lot Line
- g, h = Side Lot Lines
- i = Rear Lot Line

FIGURE 3 - SIGHT TRIANGLE



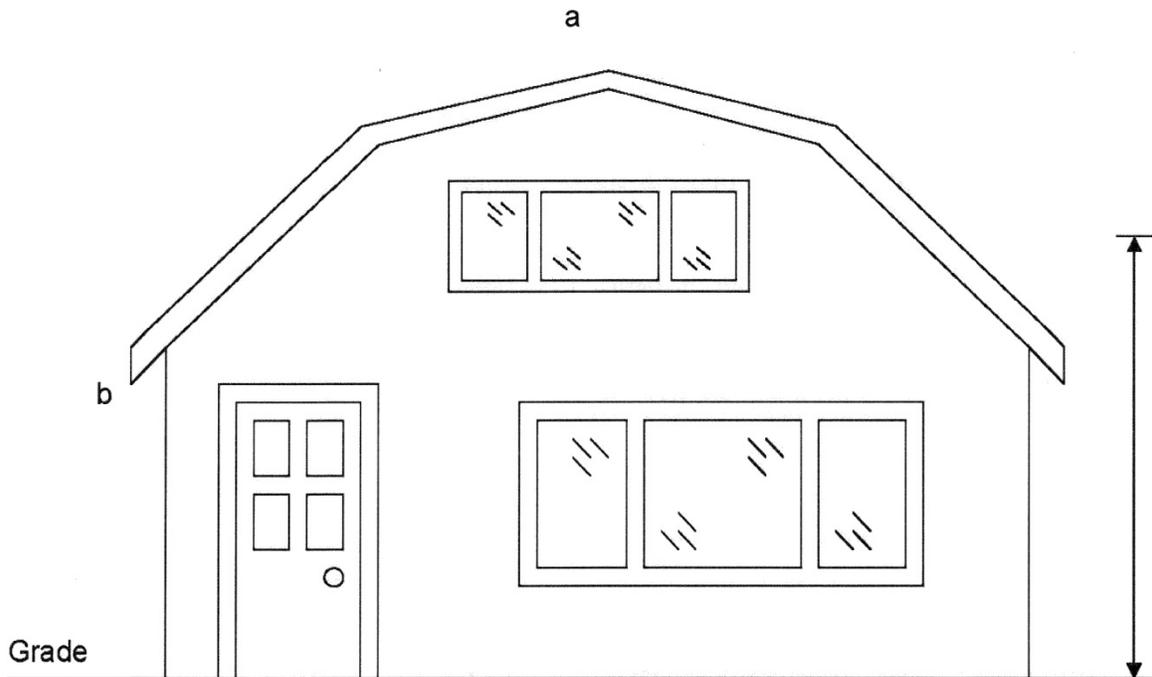
Sight Triangle - A triangular area established at the intersection of two (2) streets or a street and a driveway in which nothing is erected, planted, placed or allowed to grow so as to limit or obstruct the sight distance of pedestrians, cyclists or motorists.

FIGURE 4 - HEIGHT DETERMINATIONS ON BUILDINGS



Height Determination on a Flat Roof Building

The vertical distance measured from the curb level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof.



Height Determination on a Mansard Roof

The mean height level is established between the eaves and top of a gable, hip or mansard roof. The height of the building may be measured from the average elevation of the finished lot grade at the front of the building. Mean shall be defined as half the distance between the bottom of the eave (b) and the top of the roof (a).

ARTICLE 3 DISTRICT REGULATIONS

3.1 PURPOSE OF DISTRICTS

3.1.1 The City of North Chicago is divided into the following districts. These districts further the general intent and purpose of this Ordinance and, in addition, are established for the specific purposes provided herein.

3.1.2 RESIDENTIAL DISTRICTS *(Amended 12/15/14)*

3.1.2.1 R1 - Single Family Residence District

This residential district is established to provide land for single family homes on large lots and to protect the character of existing quality single family neighborhoods. This is the most restrictive single family district in the City. Community sewer and water utilities are prerequisite for development in this district. In addition to single family homes, a restricted variety of complementary neighborhood uses are permitted. The R1 district is also designated for newly made and newly annexed lands.

3.1.2.2 R2 - Single Family Residence District

This residential district is established to provide land for single family homes on moderate-sized lots with sewer and water utilities. It is the intent of this district to establish and protect the character of single family residence areas throughout the City. In addition to single family homes, a restricted variety of complementary neighborhood uses are permitted.

3.1.2.3 R3 - Single Family Residence District

This residential district is established as an area for urban residential development with a mixture of residential dwelling types at a low density. In addition to single family homes, townhouses, attached houses, duplex housing units and two flat or two unit apartment buildings are permitted. A variety of compatible neighborhood uses are permitted.

3.1.2.4 R4 - Limited Multiple Family District

This residential district is established to provide for medium density residential areas with a mixture of residential dwelling types including all types of attached single family dwellings and apartments. Neighborhood uses compatible with a multiple family residential area are also permitted.

3.1.2.5 R5 - General Residence District

This residential district is intended to provide land for high-density urban development. Such developments are to be located in urban core areas and adjacent to commercial and industrial areas where intense residential development will serve as a buffer or transition zone between other residential and nonresidential components of the urban area. In addition to sewer and water, R5 districts should be served by public transportation, collector or larger streets and by urban amenities such as parks and recreational facilities.

3.1.3 BUSINESS DISTRICTS *(Amended 12/15/14)*

3.1.3.1 B1 - Neighborhood Business District

This business district is intended to provide land at locations in which a restricted number and variety of smaller retail shops and services can efficiently and conveniently serve the residential areas and neighborhoods of the City.

3.1.3.2 B2 - General Business District

This business district is established to provide larger, concentrated locations for a wide variety of retail stores, specialty shops, services, financial institutions and offices providing services to the public. Non-retail types of businesses are generally excluded. Locations for B2 districts should be provided with direct access to collector or larger streets. B2 districts may be located in conjunction with other business zones.

3.1.3.3 CW - Commercial and Wholesale District

This business district is designed to provide sites for a wide variety of retail and non-retail businesses and related services that generally rely upon a clientele that is dependent upon automotive transportation. Included here are auto sales and services as well as a wide range of heavier commercial activities. The uses permitted here do not benefit from close proximity to residential neighborhoods and may have an adverse impact upon such areas. Districts of this type are best located with respect to good transportation facilities and in conjunction with other business and industrial districts. The same standards of performance established for the M2 district are also required in the CW district.

3.1.4 INDUSTRIAL DISTRICTS *(Amended 12/15/14)*

3.1.4.1 M1 - Limited Industrial District

This industrial district is established to provide areas for light manufacturing, commercial office and administrative uses having few, if any, adverse effects on neighboring properties. In order to maintain an appropriate environment and compatibility with neighboring residential areas, high standards of development and performance are prescribed.

3.1.4.2 M2 - General Industrial District

This industrial district is established to provide areas in which manufacturing, transportation and heavier commercial activities are the principal uses of land. Such districts are not compatible with residential, institutional or general retail areas and should either be removed or buffered from such areas. Moderate standards of performance are established.

3.1.4.3 M3 - Intensive Industrial District

This industrial district is established to encourage the continued growth and expansion of older, existing industrial, transportation and heavy commercial uses. This district is created in recognition of the fact that standards for new development may cause such uses undue hardship.

3.1.4.4 OR - Office and Research District

This industrial district is established to provide land for the development of scientific research facilities, corporate and regional business and administrative centers and similar uses which desire an attractive business environment characterized by large open sites and a park-like or campus atmosphere. High standards of performance are established.

3.1.5 PUBLIC USE DISTRICT *(Amended 12/15/14)*

3.1.5.1 PL - Public Land District (Federal)

This public land district is established to provide for the uniform classification of land which is owned by federal agencies and which is used for public purposes or for purposes which are exempt from this Ordinance by statute. Not all public land is required to be placed in the PL district. However, no private land shall be classified in this district.

3.1.5.2 PL - Public Land District (Municipal)

This public land district is established to provide for the uniform classification of land which is owned by other public agencies and which is used for public purposes or for purposes which are exempt from this Ordinance by statute. Not all public land is required to be placed in the PL district. However, no private land shall be classified in this district.

3.2 USES PERMITTED IN DISTRICTS

3.2.1 For the purpose of this Ordinance, a comprehensive list of uses is presented in Table 1, Uses Permitted in Districts. This table is hereby incorporated into the Ordinance generally and into the regulations of each district, as appropriate, the same as if the uses were listed separately and for each district.

3.2.2 Types of Uses

3.2.2.1 For the purposes of this Ordinance, four (4) types of uses are identified. These are uses permitted by right (permitted uses), special uses, temporary uses and accessory uses. A particular use may be regarded as one type in certain districts and as another type in other districts. For example, a music school may be a permitted use in certain business districts, but only as a special use in certain residential districts.

3.2.3 Classification of Uses

3.2.3.1 For the general purposes of this Ordinance and to facilitate its administration, uses are classified into 21 groups of similar uses. These groups are:

- 3.2.3.1.1 Agriculture - Business
- 3.2.3.1.2 Automotive
- 3.2.3.1.3 Commercial and Industrial Service
- 3.2.3.1.4 Construction
- 3.2.3.1.5 Education
- 3.2.3.1.6 Finance
- 3.2.3.1.7 Food Service
- 3.2.3.1.8 Health Care
- 3.2.3.1.9 Industrial Uses - Non-manufacturing
- 3.2.3.1.10 Manufacturing
- 3.2.3.1.11 Office
- 3.2.3.1.12 Public Facilities
- 3.2.3.1.13 Public Utilities

- 3.2.3.1.14 Recreation and Entertainment - Indoor
- 3.2.3.1.15 Recreation - Outdoor
- 3.2.3.1.16 Religious Institutions
- 3.2.3.1.17 Residential
- 3.2.3.1.18 Retail Sales
- 3.2.3.1.19 Retail Services
- 3.2.3.1.20 Transportation
- 3.2.3.1.21 Uses without Structures
- 3.2.3.2 In Table 1, Uses Permitted in Districts, these use groups are presented alphabetically. Within each use group, individual uses are listed alphabetically.
- 3.2.4 Principal Uses Permitted in Districts
 - 3.2.4.1 Uses shown in Table 1, Uses Permitted in Districts, are identified as being principal uses permitted opposite the use by right in a particular district by the placement of an “X” in the column bearing the heading of such district.
 - 3.2.4.2 Uses permitted in the CW, M1, M2, and M3 Districts are permitted subject to the performance standards established in Article 4.
 - 3.2.4.3 Similar and compatible uses which are not included in any district as shown in Table 1, Uses Permitted in Districts, may be permitted as special uses pursuant to the procedure established in Section 8.2, Interpretation of the Zoning Ordinance.
 - 3.2.4.4 Uses not included in Table 1, Uses Permitted in Districts, or which are not similar to or compatible with such uses are not permitted principal uses and are prohibited in the City of North Chicago.
- 3.2.5 Special Uses
 - 3.2.5.1 Uses shown in Table 1, Uses Permitted in Districts, are identified as being special uses permitted in a particular district by the placement of an “S” opposite the use in the column bearing the heading of such district.

3.2.6 Temporary Uses

3.2.6.1 Uses shown in Table 1, Uses Permitted in Districts, are identified as being temporary uses permitted in a particular district by the placement of a “T” opposite the use in the column bearing the heading of such district. Such uses are permitted only by Temporary Use Permit in accordance with the regulations of Article 4, Supplementary Regulations and Article 8, Administration and Enforcement.

3.2.7 Accessory Uses

3.2.7.1 Accessory uses are permitted in all zones subject to the standards established in Article 4, Supplementary Regulations. Certain uses, while permitted by right in some districts, are only permitted as accessory uses in others. Such uses are identified in Table 1, Uses Permitted in Districts, by the placement of an “A” opposite the use in the column bearing the heading of the district in which the use is permitted only as an accessory use. Such uses may be accessory to any permitted or special use in the district.

TABLE 1 - USES PERMITTED IN DISTRICTS

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Agriculture - Business													
Greenhouse - Commercial							X	X	X	X	X		
Kennel - Commercial								S		S	S		
Nursery - Retail Sales							X	X					
Veterinary Clinic								X		X			
Automotive													
Ambulance Service and Garage								X					
Agriculture Implement Sales								X					
Automotive Sales - New <i>(Amended 05/05/14)</i>								X		A	A		
Automotive Sales - Used <i>(Amended 05/05/14)</i>								X		A	A		
Automobile Auction								X					
Motorcycle Sales								X					
Recreational Vehicle Sales								X					
Truck Sales								X					
Automobile Reconditioning								X					
Auto Repair Service - Major								X		X	X		
Auto Repair Service - Minor								X		X	X		
Truck Repair Service								X		X	X		
Motorcycle Repair Service								X		X	X		
Agriculture Implement Repair Service								X		X	X		
Automobile Rental								X					
Truck Rental								X		X	X		
Trailer Rental								X		X	X		
New Automobile Storage								X					
Used Automobile Storage								X					
Truck Storage								X		X	X		
Recreational Vehicle Storage								X		X	X		
Storage Garage								X		X	X		
Car Wash <i>(Amended 08/23/10)</i>								A	X				
Driving School								X	X				
Auto Parts Store								X	X				
Gasoline Service Station						S	S	S					
Taxicab Garage								X		X	X		
Tire, Battery & Accessory Store								X					
Tow Yard										S	S		
Commercial & Industrial Service													
Advertising Display Manufacturing							X	X	X	X	X		
Appliance Service Only								X	X				
Blueprint and Photostat Shop							X	X	X				
Bulk Fuel Station								X		X	X		
Business Machine Repair							X	X	X				
Electrical Sales and Supply							X	X					
Exterminating & Fumigating								X					
Furniture Repair, Refinishing and Sales								X					

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Garage, Shed and Storage Facility Sales <i>(Amended 01/21/14)</i>								X					
Laboratory, Applied Research								X	X	X	X	X	
Laboratory, Scientific Research <i>(Amended 03/03/14)</i>								X	X	X	X	X	
Laboratory, Materials Testing <i>(Amended 03/03/14)</i>								X	X	X	X	X	
Laboratory, Products Testing <i>(Amended 03/03/14)</i>								X	X	X	X	X	
Landscape Product Sales <i>(Amended 08/06/12)</i>									X	X			
Laundry, Commercial								X	X				
Mail Order House								X	X	X	X	X	
Newspaper Publishing							X	X	X	X	X	X	
Office Equipment & Supply Sales <i>(Amended 03/03/14)</i>							X	X					
Plumbing Supply								X	X				
Printing						X	X	X	X	X	X	X	
Radio and Television Studio							X	X				X	
Sign Shop								X	X	X	X		
Window Cleaning Service								X	X	X			
Wood Sales								X		X	X		
Construction													
Building Materials Sales <i>(Amended 03/03/14)</i>								S	X	X	X		
Bulk Material Storage Yard <i>(Amended 03/03/14)</i>								S		S	S		
Contractor's Office <i>(Amended 03/03/14)</i>								X	X	X	X		
Contractors Shop/Yard - Air Conditioning								S	S	S	S		
Contractors Shop/Yard - Carpentry								S	S	S	S		
Contractors Shop/Yard – Concrete <i>(Amended 03/03/14)</i>								S		S	S		
Contractors Shop/Yard - Earth Moving										S	S		
Contractors Shop/Yard - Electrical								S	S	S	S		
Contractors Shop/Yard - General <i>(Amended 03/03/14)</i>								S	S	S	S		
Contractors Shop/Yard - Heating								S	S	S	S		
Contractors Shop/Yard -Landscaping <i>(Amended 03/03/14)</i>								S	S	S	S		
Contractors Shop/Yard - Plumbing								S	S	S	S		
Contractors Shop/Yard – Roofing <i>(Amended 03/03/14)</i>								S	S	S	S		
Contractors Shop/Yard -Underground										S	S		
Lumber Yard								S	S	S	S		
Monument Works									S	S	S		

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Project Office	T	T	T	T	T	T	T	T	T	T	T	T	T
Project Sales Office	T	T	T	T	T	T	T	T	T	T	T	T	T
Education													
Beauty School (Amended 06/15/09)							S						
College or University (Amended 05/17/10)	S	S	S	S	S								S
Commercial School (Amended 06/15/09)							S						
Dance School (Amended 05/17/10)						X	X						
Day Care Center (Amended 08/06/12)	S	S	S	S	S	S	S						S
Elementary School	X	X	X	X	X								X
High School	X	X	X	X	X								X
Home Day Care, Major (Amended 08/06/12)	S	S	S	S	S								S
Home Day Care, Minor (Amended 08/06/12)	X	X	X	X	X								X
Junior College (Amended 05/17/10)	S	S	S	S	S								S
Kindergarten (Amended 05/17/10)	X	X	X	X	X								X
Middle School (Amended 05/17/10)	X	X	X	X	X								X
Music School (Amended 05/17/10)						S	S						
Nursing School (Amended 05/17/10)						S	S					S	X
School for Mentally Handicapped	S	S	S	S	S								X
School for Physically Handicapped	S	S	S	S	S								X
Financial													
Bank (Amended 06/15/09)						X	X	X	A	A	A	A	A
Credit Union (Amended 06/15/09)						X	X	X	A	A	A	A	A
Currency Exchange (Amended 12/16/13)							S	S					
Personal Loan Agency (Amended 06/15/09)							S						
Savings & Loan Association (Amended 12/16/13)							X	X					
Food Services													
Automatic Vending – Inside					A	A	A	A	A	A	A	A	A
Carry-out Food Services						X	X	X					
Catering Services							X	X	X				
Drive-in Restaurant (Amended 08/23/10)							S	S					
Drive-thru Restaurant							X	X					
Frozen Food Locker								X	X				
Ice Cream Shop						X	X						
Restaurant						X	X	S					
Soft Drink Stand						A	A		A	A	A	A	A
Health Care													
Child Health Care Institution (Amended 05/17/10)						S	S						X

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Health Clinic (<i>Amended 05/17/10</i>)						S	S						
Day Health Care Center (<i>Amended 05/17/10</i>)						S	S						X
Dental Laboratory							X	X	X				
Hospital for Communicable Disease	S	S	S	S	S	S	S	S	S	S	S	S	X
Hospital, General	S	S	S	S	S	S	S	S	S	S	S	S	X
Hospital, Mental	S	S	S	S	S	S	S	S	S	S	S	S	X
Hospital, Veterans	S	S	S	S	S	S	S	S	S	S	S	S	X
Medical Laboratory							X	X	X			S	
Medical/Dental Office (<i>Amended 01/17/12</i>)							X					X	
Mental Health Clinic (<i>Amended 06/15/09</i>)					S		S						
Nursing Home				S	S		S						X
Public Health Center (<i>Amended 06/15/09</i>)							S						X
Treatment Center for Alcoholism							S						
Treatment Center for Drug Addiction							S						
Industrial Uses - Nonmanufacturing													
Aggregate Processing Facility (<i>Amended 12/17/12</i>)										S	S		
Asphalt Plant										S	S		
Automobile Wrecking Yard										S	S		
Bottling Works									X	X	X		
Cabinet Maker – Custom								X	X	X	X		
Carpet/Rug Cleaning, Commercial (<i>Amended 03/03/14</i>)								X		X	X		
Carting – Hauling, Trucking										X	X		
Chemical Processing – Production										X	X		
Commodities Processing Facility (<i>Amended 08/05/13</i>)										X	X		
Compost Facility									S				
Concrete Batch Plant (<i>Amended 12/17/12</i>)										S	S		
Electroplating										X	X		
Engraving									X	X	X		
Food Processing									X	X	X		
Fuel Station, Bulk										X	X		
Flammable Liquid Storage										X	X		
Feed Milling and Processing										X	X		
Grain Elevator										X	X		
Iron Work, Welding										X	X		
Landfill, Sanitary Landfill										S			S
Medical Waste and Pharmaceutical Processing Facility (<i>Amended 11/15/10</i>)											S		
Metal Polishing and Plating									X	X	X		

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Mulch Facility <i>(Amended 08/06/12)</i>									S	S			
Printing Plant, Non-Retail									X	X	X		
Public Utility Sub-Station	S	S	S	S	S	S	S	X	X	X	X		X
Stone Cutting										X	X		
Monument Works										X	X		
Scrap Metal Yard										S	S		
Tannery										X	X		
Warehouse, General Storage <i>(Amended 03/03/14)</i>								X	X	X	X	X	
Warehouse, Household Goods								X	X	X	X	X	
Warehouse, Mini-Warehouse								X	X	X	X	X	
Industrial Uses - Manufacturing													
Aircraft Assembly										X	X		
Alcohol, Alcoholic Beverage										X	X		
Apparel Manufacture										X	X		
Asbestos Products										X	X		
Automobile Manufacture										X	X		
Battery Manufacture										X	X		
Battery Rebuilding										X	X		
Bedding and Mattresses										X	X		
Belting									X	X	X		
Bicycle									X	X	X		
Boat Building										X	X		
Boiler										X	X		
Box Crate and Pallet										X	X		
Brooms and Brushes									X	X	X		
Building Materials Products										X	X		
Building Equipment Fixtures									X	X	X		
Canning and Preserving Food									X	X	X		
Canvas and Canvas Products									X	X	X		
Carpet Manufacture									X	X	X		
Cement Products										X	X		
Ceramic Products										X	X		
Chemicals										X	X		
Cigar									X	X	X		
Cigarettes									X	X	X		
Coated Fabrics									X	X	X		
Coffins									X	X	X		
Cooperage									X	X	X		
Cork and Cork Products									X	X	X		
Corrugated Metal Products									X	X	X		
Cosmetics and Perfumes									X	X	X		
Drugs									X	X	X	X	
Dyes and Pigments										X	X		
Electric Motors and Generators									X	X	X		
Electrical Products									X	X	X		

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Felt and Felt Products									X	X	X		
Fermented Products										X	X		
Food and Food Products									X	X	X		
Foundries										X	X		
Fur Products									X	X	X		
Glass Manufacturer										X	X		
Glass Products									X	X	X		
Graphite and Graphite Products									X	X	X		
Heating Equipment									X	X	X		
Hemp Products									X	X	X		
Home Appliances									X	X	X		
Household Hardware									X	X	X		
Linoleum									X	X	X		
Machine Products									X	X	X		
Machine Tools and Dies									X	X	X		
Musical Instruments									X	X	X		
Pharmaceuticals									X	X	X	X	
Plastic Products									X	X	X		
Plumbing Fixtures									X	X	X		
Porcelain									X	X	X		
Machine Tools and Dies									X	X	X		
Musical Instruments									X	X	X		
Pharmaceuticals									X	X	X	X	
Plastic Products									X	X	X		
Plumbing Fixtures									X	X	X		
Porcelain									X	X	X		
Railroad Equipment										X	X		
Roofing Materials										X	X		
Rubber										X	X		
Rubber Products									X	X	X		
Shoes and Boots									X	X	X		
Sporting and Athletic Goods									X	X	X		
Stamped Metal Products									X	X	X		
Steel and Steel Products										X	X		
Textiles									X	X	X		
Tobacco Products									X	X	X		
Tools, Hand									X	X	X		
Toys									X	X	X		
Wax Products									X	X	X		
Office													
Advertising (<i>Amended 05/17/10</i>)						X	X					X	
Accountant (<i>Amended 05/17/10</i>)						X	X					X	
Bookkeeping Services (<i>Amended 05/17/10</i>)						X	X					X	
Business Office							X	X				X	

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Employment Office (<i>Amended 05/17/10</i>)							X	X				X	
Engineering Office							X	X				X	
Income Tax Service(<i>Amended 05/17/10</i>)						X	X					X	
Insurance Office (<i>Amended 05/17/10</i>)						X	X	X				X	
Investment Company (<i>Amended 05/17/10</i>)						X	X	X				X	
Manufacturer's Agent							X	X				X	
Political Party Office							X					X	
Professional Office							X					X	
Real Estate Office (<i>Amended 05/17/10</i>)						X	X					X	
Stenographic Office							X					X	
Stockbroker (<i>Amended 03/03/14</i>)							X	X				X	
Telegraph Office							X						
Ticket Office							X						
Tile Company Office							X					X	
Travel Agency (<i>Amended 05/17/10</i>)						X	X					X	
Utility Office							X	X				X	
Union Hall							X	X					
Public Facilities													
Armed Forces Training Center													X
Cemetery, Mausoleum	S	S	S	S	S	S	S	S	S	S	S	S	X
Crematorium	S	S	S	S	S	S	S	S	S	S	S	S	X
Community Center	S	S	S	S	S	X	X						X
Fire Station	S	S	S	S	S	S	S	S	S	S	S	S	X
Governmental Office and Services						X	X						X
Library							X						S
Military Hospital													X
Military Post													X
Museum				S	S		X						X
Police Station	S	S	S	S	S	X	X		S	S		S	X
Public Works Garage													X
Post Office							X	X					X
Utility													
Cellular Antenna/Tower						S	S	S	S	S	S	S	S
Energy Generating Station										S	S		S
Gas Storage Tanks									X	X	X		
Pumping Station	S	S	S	S	S	S	S	S	S	S	S	S	X
Solid Waste Disposal Site										S			S
Sub-Station	S	S	S	S	S	S	S	S	S	X	X	S	X
Telephone Exchange	S	S	S	S	S	S	S	X	X	X	X	X	X
Transmission Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A
Transmission Tower								S	S	S	S	S	
Utility Service Yard/Garage								X	X	X	X		X

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Water Storage Tank	S	S	S	S	S	S	S	X	X	X	X	X	X
Water Treatment Plant	S	S	S	S	S	S	S	S	S	S	S	S	X
Wastewater Treatment Facility									X	X	X		X
Wind Energy Facility (<i>Amended 08/17/15</i>)											S		S
Recreation and Entertainment (Indoor)													
Auditorium						S	S	S	S	S	S	S	X
Banquet or Reception Hall (<i>Amended 08/23/10</i>)							S	S					
Billiard Parlor							X						
Bowling Alley							X						
Community Center	S	S	S	S	S	X							
Community Resource Center (<i>Amended 08/23/10</i>)			S	S	S	S	S						
Game Room						X	X						
Gymnasium					A		X						X
Health Club				A	A		X	X					
Motion Picture Theater							X						X
Night Club (<i>Amended 06/15/09</i>)							S						
Club or Lodge, Private (<i>Amended 06/15/09</i>)						S	S						
Racquetball Club							X	X	X	X		X	
Skate Park (<i>Amended 12/15/14</i>)							X	X					
Skating Rink							X	X					
Sports Arena								S	S	S		S	X
Sports Training Facility (<i>Amended 12/15/14</i>)							X	X					
Swimming Pool	A	A	A	A	A	X	X	X	X	X		X	X
Tavern (<i>Amended 06/15/09</i>)						S	S						
Tennis Club							X	X	X				X
Theater							X	X					
Recreation (Outdoor)													
Amphitheater							X	X					X
Amusement Park								X					
Carnival or Circus (<i>Amended 05/17/10</i>)							T	T					T
Country Club	S	S	S	S	S	S	S	S	S	S		S	
Forest Preserve	S	S	S	S	S	S	S	S	S	S		S	X
Riding Stable, Public-owned													X
Skate Park (<i>Amended 12/15/14</i>)							X	X					
Skating Rink							X	X					X
Sports Training Facility (<i>Amended 12/15/14</i>)							X	X					
Stadium													X
Swimming Pool, Commercial							X	X					
Swimming Pool, Private	A	A	A	A	A	X	X	X					X

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Tennis Court	A	A	A	A	A	X							X
Tent Theatre						T	T	T	T	T	T	T	T
Tot Lot	X	X	X	X	X								
Religious Institutions													
Church or other Place of Worship	S	S	S	S	S								
Convert, Monastery	S	S	S	S	S								
Rectory	S	S	S	S	S								
Religious Retreat	S	S	S										
Sunday School	S	S	S	S	S								
Theological Seminary	S	S											
Residential													
Apartments: 1-2 Units			X	X									
Apartments: 3-4 Units				X									
Apartments: 5-12 Units				X	X								
Apartments: 13-50 Units					X								
Upper Story Apartment (2 Units Max) <i>(Amended 08/06/12)</i>						X							
Upper Story Apartment (12 Units Max) URO Only <i>(Amended 08/06/12)</i>							X						
Attached Dwellings: 1-4 Units			X	X									
Attached Dwellings: 5-8 Units				X	X								
Caretaker's Residence <i>(Amended 01/21/14)</i>								A	A	A	A	A	
Family Community Residence <i>(Amended 08/23/10)</i>			S	S	S								
Group Community Residence <i>(Amended 05/04/15)</i>			S	S	S								
Youth Community Residence <i>(Amended 08/23/10)</i>			S	S	S								
Boarding House <i>(Amended 05/04/15)</i>			S	S	S								
Lodging or Rooming House <i>(Amended 05/04/15)</i>			S	S	S								
Senior Supportive Living Facility <i>(Amended 05/04/15)</i>			S	S	S								S
Dormitory <i>(Amended 09/16/13)</i>			S	S	S								S
Student Housing Residence <i>(Amended 05/04/15)</i>			S	S	S								S
Duplex			X	X									
Two-Flat			X	X									
Single Family Dwelling	X	X	X	X	X								
Planned Unit Development <i>(Amended 05/04/15)</i>	S	S	S	S	S	S	S	S	S	S	S	S	S
Retail Sales													
Antique Store						X	X						
Apparel Store						X	X						
Appliance Sales							X	X					

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Army-Navy Surplus Store							X						
Art Gallery							X						
Art Supplies						X	X						
Auction House								X					
Auction (Outdoor)						T	T	X					
Auto Accessory Store							X	X					
Bakery						X	X						
Bicycle Shop							X						
Boat Sales								X					
Book Store						X	X						
Camera Shop							X						
Candy Store						X	X						
Christmas Tree Sales				T	T	T	T	T	T	T	T	T	T
Clothing Store							X						
Computer Store							X						
Craft Shop							X						
Delicatessen						X	X						
Department Store							X						
Discount Store							X						
Drapery Store							X						
Drive-thru as Accessory Use (Amended 08/23/10)							S	S					
Drug Store							X						
Dry Goods Store							X						
Farm Supply Store								X					
Fish Market						X	X						
Drive-thru as Accessory Use (Amended 08/23/10)							S	S					
Floor Covering Sales							X	X					
Florist						X	X	X					
Fruit-Vegetable Store						X	X						
Furniture Sales							X	X					
Furrier							X						
Garden Supply Store							X	X					
Grocery Store: Less than 5,000 square feet						X	X						
Grocery Store: 5,000 square feet or more							X						
Hardware Store (Amended 03/03/14)							X	X					
Health Food Store						X	X						
Hobby Shop							X						
Household Furnishings Shop							X						
Jewelry Store							X						
Leather Goods							X						
Liquor Store - Package Goods (Amended 06/15/09)						S	S						

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Magazine Sales						X	X						
Meat Market						X	X						
Music Store							X						
Newsstand						X	X						
Office Equipment Sales							X	X					
Office Supply Sales							X		X			X	
Paint and Wallpaper Store							X						
Pet Shop							X						
Record Store							X						
Secondhand Store							X						
Sewing Machine Sales							X						
Shoe Store							X						
Sporting Goods							X						
Stationery Shop							X						
Swimming Pool and Fixtures								X	X				
Tobacco Store							X						
Toy Store - Variety Store							X						
Video Store - Sales							X						
Water Softener - Sales & Service								X	X				
Watch and Clock Sales							X						
Retail Services													
Artist's Studio						X	X					X	
Barber Shop						X	X					X	
Beauty Shop						X	X					X	
Body Arts Establishment <i>(Amended 11/03/14)</i>							S	S					
Catalog Sales Office							X					X	
Clothing Rental							X						
Detective Agency							X					X	
Dressmaker, Seamstress						X	X						
Dry Cleaning, Retail							X						
Employment Agency							X					X	
Funeral Home, Mortuary							X						
Hotel							X						
Interior Decorating Studio							X						
Laundry, Retail							X						
Library, Lending							X					X	
Locksmith							X						
Pawn Shop <i>(Amended 06/15/09)</i>							S						
Photography Studio							X						
Reading Room							X						
Self Storage Locker Facility <i>(Amended 12/06/10)</i>							S	S					
Shoe Repair							X						
Tailor							X						

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Taxidermist (<i>Amended 06/15/09</i>)							S	S					
Telegraph Office							X						
Ticket Agency							X					X	
Tool Rental							X	X	X				
Video – Rental and Sales							X						
Weaving and Mending, Custom						X	X						
Transportation Uses													
Airport	S	S	S	S	S	S	S	S	S	S	S	S	S
Bus Garage/Car Barn										X	X		
Bus Station							X						
Heliport	S	S	S	S	S	S	S	S	S	S		S	S
Moving Company								X	X	X	X		
Train Station							X				A		X
Transfer Company							S	X	S	X	X	S	
Truck Terminal							S	X	S	X	X	S	
Parking Area, Private						X	X						
Parking Area, Public	A	A	A	A	A	A	A	A	A	A	A	A	X
Garage, Private	A	A	A	S	S	X	X						
Garage, Public						X	X	X					X
Uses without Structures													
Excavation (<i>Amended 06/15/09</i>)	S	S	S	S	S	S	S	S	S	S	S	S	S
Land Fill (<i>Amended 06/15/09</i>)	S	S	S	S	S	S	S	S	S	S	S	S	S

3.2.8 Home Occupations

3.2.8.1 In any building rated for residential occupancy within the R1, R2, or R3 districts, small and unobtrusive businesses may be conducted within a dwelling unit provided the following conditions are met:

3.2.8.1.1 The primary use of the unit is a dwelling.

3.2.8.1.2 The following standards are complied with in full at all times:

3.2.8.1.2.1 Only two residents of the dwelling, and one person outside the family, are engaged or employed in the home occupation.

3.2.8.1.2.2 No more than one (1) room of the dwelling shall be used for conducting business, and the area set aside for the business shall not exceed twenty percent (20%) of the floor area of the residence.

3.2.8.1.2.3 No sign shall be displayed which would be visible from outside the dwelling unit.

3.2.8.1.2.4 The use of mechanical equipment other than is usual for domestic or hobby purposes is prohibited.

3.2.8.1.2.5 There shall be no exterior storage, (or garage storage) of any equipment, materials, supplies or products. Nor shall there be any exterior display of any facets of the business.

3.2.8.1.2.6 No toxic, explosive, flammable, combustible corrosive, radioactive or other restricted materials or processes are to be used or stored on the site. This includes short-term or temporary storage.

3.2.8.1.2.7 Any business activity which produces noxious matter or perceptible noise beyond the property lot line is prohibited.

3.2.8.1.2.8 No alteration of the residential appearance of the premises shall be allowed, including and particularly the creation of a separate entrance for the business.

3.2.8.1.2.9 Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence including not more than two (2) business customers per day, and no more than eight (8) visitors per day, and no more than two (2) deliveries of products or materials per week, except for Home Day Care, Major or Minor. *(Amended 08/06/12)*

3.2.8.1.2.10 The home occupation shall not displace or impede use of parking spaces required by the Zoning Ordinance. No vehicles used by the home occupation shall be parked on city streets.

- 3.2.8.1.2.11 Not more than two (2) vehicles shall be utilized in the business and no commercially-licensed vehicle exceeding three-quarters (3/4) tons shall be used by the business.
- 3.2.8.1.2.13 There shall be no use or storage of tractor trailers, semi-trucks, heavy equipment or construction equipment.
- 3.2.8.1.2.14 There shall be no deliveries to or from a home occupation with a vehicle larger than a three-quarter (3/4) ton truck.
- 3.2.8.1.2.12 No home occupation shall be conducted between the hours of 9:00 PM and 8:00 AM.
- 3.2.8.2 The following are examples of the types of uses allowed as home occupations pursuant to Section 3.2.8. This list is for illustrative purposes, and is by no means to be construed as exhaustive.
 - 3.2.8.2.1 Art studio;
 - 3.2.8.2.2 Home Day Care; (*Amended 08/06/12*)
 - 3.2.8.2.3 Computer programming;
 - 3.2.8.2.4 Consulting services;
 - 3.2.8.2.5 Direct sale product distribution (Amway, Avon, Tupperware, etc.)
 - 3.2.8.2.6 Dressmaking, sewing, tailoring (limit one machine);
 - 3.2.8.2.7 Flower arranging;
 - 3.2.8.2.8 Gardening, lawn maintenance (not landscape contractors);
 - 3.2.8.2.9 Home crafts, excluding ceramics with kiln;
 - 3.2.8.2.10 House cleaning service;
 - 3.2.8.2.11 House painters;
 - 3.2.8.2.12 Locksmith;
 - 3.2.8.2.13 Secretarial service, answering service (phone work only);
 - 3.2.8.2.14 Tutoring (one student at a time);
 - 3.2.8.2.15 Typing, word processing services;

- 3.2.8.2.16 Woodworker, except cabinet making;
- 3.2.8.2.17 Telephone answering, switchboard, call forwarding;
- 3.2.8.2.18 Writing, editing and related services.
- 3.2.8.3 The following are examples of the types of uses that shall be prohibited as home occupations. This list is for illustrative purposes, and is by no means to be construed as exhaustive.
- 3.2.8.3.1 Appliance repair;
- 3.2.8.3.2 Auto repair, part sales, upholstery, detailing, washing service, and any other related service;
- 3.2.8.3.3 Beauty salons, barber shops, skin care, health salons, etc.;
- 3.2.8.3.4 Dance studios;
- 3.2.8.3.5 Cabinet makers;
- 3.2.8.3.6 Contractor office, shop or yard;
- 3.2.8.3.7 Taxicab, limousine, or related services;
- 3.2.8.3.8 Medical or dental office;
- 3.2.8.3.9 Restaurant, tavern, food preparation;
- 3.2.8.3.10 Retail sales from site (except direct distribution);
- 3.2.8.3.11 Upholstery;
- 3.2.8.3.12 Veterinary uses (including care, grooming, and boarding of animals);
- 3.2.8.4 Application for Permits
- 3.2.8.4.1 All applications for business licenses for home occupation shall require a Letter of Zoning Confirmation from the Economic and Community Development Director. The letter of Zoning Confirmation shall address a specific use. The Director shall base his decision upon the intent of the home occupation provisions and experience with similar uses. Anyone may appeal to the Zoning Board of Appeals. *(Amended 08/17/15)*
- 3.2.8.4.2 When requesting a Letter of Zoning Confirmation, the petitioner shall provide the following information:

- 3.2.8.4.2.1 A detailed description of the business activity, including the types of goods or services offered, any production process, the storage of any items, the number of people to be employed, etc.
- 3.2.8.4.2.2 Detailed information about the proposed business site, lot size, parking availability, entrance, amount of space occupied by the business, etc.
- 3.2.8.4.2.3 A signed affidavit stating that all of the conditions set out in Section 3.2.8 have been considered and will be complied with if granted the Letter of Zoning Confirmation.
- 3.2.8.4.3 Prior to issuing a Letter of Confirmation, the Economic and Community Development Director, or an authorized representative, shall make an inspection of the residence and area of the proposed use. *(Amended 08/17/15)*
- 3.2.8.4.4 The annual fee for a home occupation license shall be set by the City Council in the same manner as other license fees.

3.3 LOT, YARD AND BULK REGULATIONS

- 3.3.1 Lot, yard and bulk regulations are presented in Table 2, Lot, Yard and Bulk Regulations, and the same is hereby incorporated into this Ordinance and into the regulations of each zone, as appropriate, the same as if each regulation were set forth separately and for each district.
- 3.3.2 Uses are identified in Table 2, Lot, Yard and Bulk Regulations, as follows:
 - 3.3.2.1 Single Family Dwelling.
 - 3.3.2.2 Single Family Dwelling: Existing; which shall mean a single family dwelling existing on the effective date of this Ordinance.
 - 3.3.2.3 Single Family Dwelling: New Construction; which shall mean any single family dwelling constructed or proposed to be constructed after the effective date of this Ordinance.
 - 3.3.2.4 Attached Dwelling; which shall mean any permitted attached dwelling having the number of units and the lot, yard and bulk requirements set forth in.
 - 3.3.2.5 Apartment; which shall mean any permitted multiple family dwelling, other than an attached dwelling, having the number of units and the lot, yard and bulk requirements set forth in Table 2.
 - 3.3.2.6 All Other Uses; which shall mean any other use permitted in the district (see Table 1).
- 3.3.3 Lot Area

- 3.3.3.1 Any principal use together with all accessory uses shall be located on a lot having a minimum area as shown in Column A, Table 2, Lot, Yard and Bulk Regulations.
- 3.3.3.2 The minimum lot area for multiple family dwellings shall be based on the total number of such dwellings in a building and shall be the sum of the lot area requirement for the first dwelling, plus the lot area requirement for the second dwelling, plus the lot area requirements for each of the remaining additional dwelling units as shown in Column A, Table 2, Lot, Yard and Bulk Regulations.
- 3.3.4 Lot Width
- 3.3.4.1 Each lot shall have a width at the building setback line as shown in Column 4, Table 2, Lot, Yard and Bulk Regulations.
- 3.3.4.2 The minimum width of lots for multiple family dwellings of all types shall be based on the total number of dwellings in a building and shall be the sum of the width required for the first dwelling plus the width required for each of the remaining dwelling units in the building, as shown in Column B, Table 2, Lot, Yard and Bulk Regulations.
- 3.3.4.3 The width of corner lots and lots abutting residential zones shall be increased in order to provide, as a minimum standard, the same width of the buildable area as required for interior lots. This shall not be less than the lot width as shown in Column B, less the total side yard as shown in Column E, plus the minimum side as shown in Column F, plus the yard abutting a residential zone as shown in Column G in Table 2, Lot, Yard and Bulk Regulations.
- 3.3.5 Front Yard
- 3.3.5.1 Each lot shall have a front yard not less than shown in Column C, Table 2, Lot, Yard and Bulk Regulations, except as otherwise provided in Article 4, Supplementary Regulations.
- 3.3.5.2 In the event that sixty percent (60%) or more of the lots fronting one side of a street within a block have established building setbacks, of a depth other than required for a front yard by the zoning district in which the lot is located, the front yard depth for each remaining lot, except for corner lots, shall be determined by the average setback of the two adjoining lots on either side of said lot.
- 3.3.6 Rear Yard
- 3.3.6.1 Each lot shall have a rear yard not less than shown in Column D, Table 2, Lot, Yard and Bulk Regulations, except as otherwise provided in Article 4, Supplementary Regulations.

- 3.3.7 Total Side Yard
- 3.3.7.1 Each lot shall have two side yards, the total of which shall not be less than shown in Column E, Table 2, Lot, Yard and Bulk Regulations.
- 3.3.8 Minimum Side Yard
- 3.3.8.1 No side yard shall be less than the minimum side yard shown in Column F, Table 2, Lot, Yard and Bulk Regulations.
- 3.3.9 Yard Abutting Residential Zones
- 3.3.9.1 Any side or rear yard abutting a residential zone shall be no less than shown in Column G, Table 2, Lot, Yard and Bulk Regulations.
- 3.3.10 Lot Coverage
- 3.3.10.1 The total ground area occupied by any principal building(s), accessory building(s), concrete, asphalt, brick, slate, gravel, boulder, patios and decks shall not exceed the percent of the total area of the lot as shown in Column H, Table 2, Lot Yard and Bulk Regulations.
- 3.3.10.2 Permeable paving, approved by the staff Engineer, may be considered for an adjustment in lot coverage in the amount of 25% of the surface area in which it covers, unless calculations are provided by a professional engineer to show reason for further adjustment.
- 3.3.11 Floor Area Ratio
- 3.3.11.1 The gross floor area of the building or buildings on any zoned lot divided by the area of such lot shall not exceed the ratio shown in Column I, Table 2, Lot, Yard and Bulk Regulations.
- 3.3.12 Height of Buildings in Feet
- 3.3.12.1 No principal building or principal structure shall exceed the height measured in feet as shown in Column J, Table 2, Lot, Yard and Bulk Regulations (see also Figure 4).
- 3.3.13 Height of Buildings in Stories
- 3.3.13.1 No principal building or principal structure shall exceed the number of stories shown in Column K, Table 2, Lot, Yard and Bulk Regulations.
- 3.3.14 Floor Area Requirements (*Amended 05/04/15*)

3.3.14.1 Dwelling units shall comply with the following minimum floor area requirements:

Single Family

Zoning District	Detached	Attached
R1	1,600	Not Permitted
R2	1,300	Not Permitted
R3	n/a	n/a
R4	n/a	n/a
R5	Not Permitted	n/a

Apartments

Zoning District	Studio	1 Bedroom	2 Bedroom
R1	Not Permitted	Not Permitted	Not Permitted
R2	Not Permitted	Not Permitted	Not Permitted
R3	300	400	500
R4	300	400	500
R5	300	400	500
Upper Story/URO	300	400	500

3.3.14.2 Attics, cellars, basements, utility rooms, garages and other similar areas shall not be included in calculating minimum floor area.

3.3.14.3 Floor Area Credit/Reduction

3.3.14.3.1 Applications for new detached Single Family Homes with brick or stone veneer exterior façades greater than 50% (excluding windows and doors that open to living space) may apply a credit for a reduction in total Floor Area Requirements of 150 square feet. Applications for new detached Single Family Homes with modular brick or stone exteriors greater than 50% may apply a credit for a reduction in total Floor Area Requirements of 300 square feet.

3.3.14.3.2 *(Removed 05/04/15)*

3.3.15 North Chicago Anti-Monotony Ordinance *(Amended 02/04/02)*

3.3.15.1 Definitions

The words contained in this article shall have the common meaning ascribed to them or such meanings as are contained within other sections of the Zoning Ordinance of the City of North Chicago; provided, however, that the following words shall be interpreted to mean the following:

Street Block: All the lots facing a street between two rights-of-way, and with the same address numbering scheme. For example, 1801, 1802, and 1803 Hervey would be considered within the same block.

Stucco: Any material used for exterior plastering purposes, including but not limited to cementitious plaster, traditional lime-based stucco, "Dryvit" and other similar materials.

3.3.15.2 Anti-Monotony Construction Standards for Detached Single Family Dwelling Units

A. Generally.

- 1) Within the R1, R2 and R3 Districts, no permit shall be issued for the construction or erection of more than one (1) single family dwelling, attached residence or two-flat of the same or similar front elevation or façade.
- 2) Front elevations or facades shall be determined to be similar when there is no substantial difference in:
 - i. Roof lines;
 - ii. Windows of either size, location or type; and
 - iii. Either no change in the kind of materials used, or no substantial change in the color of materials (rather than a change in shade).

B. Roof lines.

- 1) For the purposes of this section, the following differences in the roof lines of a dwelling as seen from the front of the dwelling shall be deemed sufficient to render buildings containing such changes and built on within the same street block to be dissimilar.
 - i. Changing gable roofs to hip roofs.
 - ii. Changing hip roofs to gable roofs.
 - iii. Providing an intersecting gable roof on the main gable roof, provided that the height of the intersecting roof is at least 50% of the height of the main roof.
 - iv. Providing an intersecting hip roof on the main hip roof, provided that the height of the intersecting roof is at least 50% of the height of the main roof.

- v. Window dormers when the total area of the dormers visible from the street meet or exceed 50% of the entire roof area.
 - vi. A shed roof when used as a front porch room for a minimum of 50% of the entire width of the house, excluding area of garage.
 - vii. Rotating gable roofs 90 degrees.
 - viii. On a tri-level residence or other building type which has three independent major roof areas, the changing of two out of three roof lines shall be acceptable as a substantial change. Acknowledging certain design elements may prevent the change of all three roof lines. It is desired that the roofs with the greatest impact on the street block be changed.
- 2) The following changes shall not be deemed sufficient to make adjacent structures or structures within the same street block dissimilar:
- i. Gable roof atop hip roof.
 - ii. Hip roof atop gable roof.
 - iii. Small gable or hip projections above windows.
 - iv. Changes in soffit overhang or minor variations in eave height.
 - v. Skylights or cupola.

C. Windows.

- 1) For the purpose of this section, the following differences in the size, location and type of windows shall be deemed sufficient to render buildings containing such changes to be dissimilar:
- i. Changing from single windows to a multiple window arrangements (ganged units).
 - ii. Changing from multiple window arrangements to single window.
 - iii. Changing the type of windows (e.g. casement to double hung).
 - iv. Providing a bay or bow window in the area of a predominant window.
- 2) The addition or subtraction of muntin bars (dividing lights) shall not be deemed sufficient to constitute a substantial change in windows.

- 3) Where, because of its size, location or design, one window is the predominant window of the front elevation or façade, if the size, location or type of that window is changed to render the dwelling dissimilar, then no other window need be changed.

D. Construction Materials or Color.

- 1) For the purpose of this section, the following differences in construction materials within a street block as seen from the front of the dwellings shall be deemed sufficient to render buildings containing such changes dissimilar:
 - i. 4" exposed horizontal siding.
 - ii. 8" exposed horizontal siding.
 - iii. Brick (modular or face).
 - iv. Vertical siding.
 - v. Stone facing.
 - vi. Stucco and wood trim.
- 2) When materials are changed, the change must occur throughout the front façade or elevation for a minimum of one story in height.
- 3) Color change shall be made by significant changes in adjacent colors. The change must be one of color rather than merely of the shade. A change in color alone is not sufficient to deem the dwelling dissimilar.

3.3.15.2 Residential Design Guidelines

The residential design guidelines are intended to assist in preserving and rehabilitating the houses and other residential buildings in North Chicago neighborhoods. The guidelines are also intended to provide for infill residential development of high architectural quality that is compatible with existing development, to promote the conservation and reuse of existing residences, and to preserve the unique character of the City's neighborhoods. In general, preservation and rehabilitation efforts should protect the architectural features of residential buildings that identify its individual style and contribute to the character of the area.

3.3.15.2.1 General Applicability

The design guidelines in this Chapter will be applied as part of the review of residential projects (additions, remodeling, relocation or new construction) through the Site Plan Review process or the petition for a zoning map amendment. The design elements of each project (including site design, architecture, landscaping, sign and parking design) will be reviewed on a comprehensive basis. Design guidelines in other Chapters of this Zoning Ordinance dealing with signs, landscaping and parking shall also be addressed whenever applicable.

The review committee may interpret these design guidelines with some flexibility in their application to specific projects, as not all design criteria may be workable or appropriate for each project. In some circumstances, one guideline may be relaxed to facilitate compliance with another guideline determined by the review authority to be more important in the particular case. The overall objective is to ensure that the intent and spirit of the design guidelines are followed.

3.3.15.2.2 Special Cases

- A. Infill Development - Single-Family Housing, Duplexes and Flats.
 - i. Applicability of infill development guidelines. The guidelines in this Section apply to single-family houses that constitute "infill developments"; that is, houses which entirely replace existing units or are constructed on vacant parcels.

- ii. General Principles. Infill residential development should be compatible in scale, siting, detailing, building material and overall character with adjacent buildings and those in the immediate neighborhood. This is crucial when a new or remodeled residence is proposed to be larger than others in the neighborhood. When new residential structures are developed adjacent to older single-family residences, the height and bulk of the new construction can have a negative impact on adjacent, smaller scale buildings.

Houses should not only be compatible with the character of existing development in the neighborhood, but should also possess a well-developed “personality” and have integrity as design objects in their own right. Good architecture involves the creation of meaningful relationships between all the forms, materials, detailing, siting and window and door openings in a building. Meaningful architectural relationships can take many forms.

Design review is not intended to dictate a particular style or ambiance. It is intended to make sure that the design is fully committed and that all the potential for the creation of meaningful relationships has been fully realized. In a good residential design, there are meaningful relationships between all the components and aspects of a building such as forms, materials, detailing, siting and window and door openings. Some examples are common window and door heights, the acknowledgment of special conditions with individual features or detailing such as corners or entrances, and the ordering of elements of greater or lesser importance into a hierarchy.

Residential development should continue existing patterns of functional, on-site relationships in the surrounding neighborhood. For example, common residential patterns that should be continued in North Chicago are front porches and entries facing the street, and garages located at the rear of the parcel.

- iii. Building design/architecture. Infill residential structures should incorporate traditional architectural characteristics of existing residences in the surrounding neighborhood. These architectural characteristics include: window and door spacing, exterior materials, roof styles and pitch, finished-floor height, porches, decorations and detail.

- iv. Visual impacts from building height. Infill residential structures in North Chicago neighborhoods may in some cases be taller and larger than surrounding existing houses, and the height and bulk of these infill structures may thereby overpower smaller adjacent residences. The height of infill residential structures should, therefore, be considered within the context of surrounding residential structures. In some cases, it may be appropriate for infill residential structures with greater height to step back above the first story to reduce impact on adjacent smaller home.
- v. Outdoor living areas. The incorporation of porches, patios, verandahs, and courtyards within the building form of infill structures is strongly encouraged.
- vi. Exterior finish materials. The thoughtful selection of building materials can enhance desired neighborhood qualities such as compatibility, continuity, and harmony. The design of infill residential structures should incorporate an appropriate mixture of the predominant materials found in the neighborhood. Common materials in North Chicago are brick, wood, and horizontal clapboard siding. For all duplexes and flats, a minimum amount equal to 40% of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of net exterior wall area may be lap siding (excluding vinyl or aluminum lap siding), shakes or scalloped shingles, Exterior Finish Insulation System (EFIS), stucco, or similar building materials. Exterior building materials for duplexes and flats shall not include the following: rough sawn or board and batten wood, smooth-faced Concrete Masonry Units (standard concrete block), tilt-up concrete panels, field painted or pre-finished standard corrugated metal siding, standard single or double tee concrete systems, or vinyl or aluminum siding.
(Amended 03/19/07)
- vii. Exterior colors. Color schemes for infill residential structures should consider the color schemes of existing residences in the surrounding neighborhood in order to maintain compatibility and harmony.

- viii. Driveways, Garages and Parking Areas. Whenever possible, locate access driveways on the alley, with rear and side loading garages holding preference over front-loading garages. Adverse visual impacts of parking areas and garage openings on the residential character of the street should be minimized. Some examples of these impacts are; blank walls, garages protruding from the front of a home, magazine parking on driveways extending into the front yard, and lack of vegetative screening of parking pads.
- B. Additions and Alterations - Single-Family Housing, Duplexes and Flats.
- i. Applicability of guidelines for additions and alterations. The guidelines in this Section apply to additions to, and rehabilitation, remodeling, and alteration of existing single-family houses.
 - ii. Additions. Additions to residential structures build before 1950 should respect the character, detailing, scale and composition of the original building. Modifications (e.g., additions, replacement of windows or siding material, and new entrances) should not compromise the integrity of historically valuable features, materials, or finishes. Additions should also be designed with respect to adjacent residences so as to promote compatibility.
 - iii. Roof Changes. The roof of a residential structure, especially its style, materials and pitch, is an important architectural elements and must be taken into consideration when planning and addition. The roof style, pitch and materials on the addition should match the original.
 - iv. Additional floors. Adding a story to an existing residential structure always changes building proportions and should be carefully designed to allow similar multi-story examples of that particular architectural style found in the neighborhood. In some cases, integrating the new story addition may require that it is set back or “stepped” back from the front façade so that it is less noticeable from the street.
 - v. Alterations – Restoration and remodeling. The rehabilitation of older buildings should aim to retain and restore their original elements. If damage or deterioration is too severe, the element should be recreated using original materials to match the design, color, texture, and any other important design features.

When replacement is necessary and materials similar to or consistent with the original materials cannot be obtained, substitute materials should incorporate design, color and textures that convey the traditional appearance of the original material.

- vi. Exterior materials. Original building materials should be retained whenever possible. Mismatched material of different sizes, shapes, textures, or finishes should be avoided.

Wood siding. Residential buildings with original wood clapboard siding should not be stuccoed in an attempt to “modernize” their appearance.

- viii. Brick surfaces. Brick surfaces should not be sandblasted in an attempt to remove old paint nor should they be stuccoed over. Sandblasting will damage the natural fired surface of the brick and cause it to lose its water repellent qualities. Paint should be removed by chemical stripping. Brick should not be painted.

- ix. Windows. Historically, most older residential structures had wood-framed windows that were either fixed, double hung or casement. The size, shape and style of windows are important architectural features, and the original type window should be used again when window replacement is necessary, or additional windows are installed. It is strongly recommended that aluminum frame windows not be used as replacements on any part of a residential structure, except where they were part of the original design.

- x. Doors. Historically, houses had solid wood doors that fit a particular architectural style of the building. The front door was typically the most ornate, with secondary doors usually more utilitarian in appearance. The size, shape and style of doors is an important feature on all historical architectural styles and the original type and design should be used again.

If the original door is missing, an appropriate design should be selected through the study of the doors of similar residential structures in the neighborhood or by consulting books on architectural styles. Many older-style panel doors are still available from material suppliers, and may costly match original doors.

- xi. Porches and stairs. During rehabilitation efforts, the design integrity of the front porch should not be compromised. The installation of wrought iron or aluminum railings should be avoided, as a change in the structural or decorative elements of the front porch will usually compromise the original architectural integrity of the entire building. The restoration of an order building's architectural integrity may require undoing previous alterations to the porch.

The stairs leading to a front porch are an integral part of the overall style of the building. When stairs require rehabilitation, they should be rebuilt according to the style of the building. The use of off-the-shelf, ready-made, wrought iron or aluminum railings should be avoided.

- xii. Ornamentation and trim. The authentic decoration and trim of a residential structure lends character and identifies the building with a particular architectural style. Great care should be taken in handling these materials during renovation because they are critical components.
- xiii. Roofs. Great care should be taken to ensure that roofs are watertight and that roofing materials are compatible with the original style of the structure. When replacement is necessary, roofing materials should be selected that are appropriate to the building's architectural style.

C. Multi-Family Buildings (*Amended 03/19/07*)

- i. Applicability of multi-family design guidelines. The guidelines in this Section apply to multi-family buildings that constitute "infill developments"; that is, buildings which entirely replace existing structures or are constructed on vacant parcels.
- ii. General Principles. Infill multi-family development should be compatible in scale, siting, detailing, building material and overall character with adjacent buildings and those in the immediate neighborhood. This is crucial when a new or remodeled building is proposed to be larger than others in the neighborhood. When new residential structures are developed adjacent to older single-family residences, the height and bulk of the new construction can have a negative impact on adjacent, smaller scale buildings.

Buildings should not only be compatible with the character of existing development in the neighborhood, but should also possess a well-developed “personality” and have integrity as design objects in their own right. Good architecture involves the creation of meaningful relationships between all the forms, materials, detailing, siting and window and door openings in a building. Meaningful architectural relationships can take many forms.

Design review is not intended to dictate a particular style or ambiance. It is intended to make sure that the design is fully committed and that all the potential for the creation of meaningful relationships has been fully realized. In a good residential design, there are meaningful relationships between all the components and aspects of a building such as forms, materials, detailing, siting and window and door openings. Some examples are common window and door heights, the acknowledgment of special conditions with individual features or detailing such as corners or entrances, and the ordering of elements of greater or lesser importance into a hierarchy.

Residential development should continue existing patterns of functional, on-site relationships in the surrounding neighborhood. For example, common residential patterns that should be continued in North Chicago are front porches and entries facing the street, and garages located at the rear of the parcel.

- iii. Building design/architecture. Infill multi-family structures should incorporate traditional architectural characteristics of existing residences in the surrounding neighborhood. These architectural characteristics include: window and door spacing, exterior materials, roof styles and pitch, finished-floor height, porches, decorations and detail.
- iv. Visual impacts from building height. Infill residential structures in North Chicago neighborhoods may in some cases be taller and larger than surrounding existing houses, and the height and bulk of these infill structures may thereby overpower smaller adjacent residences. The height of infill residential structures should, therefore, be considered within the context of surrounding residential structures. In some cases, it may be appropriate for infill residential structures with greater height to step back above the first story to reduce impact on adjacent smaller home.

- v. Outdoor living areas. The incorporation of porches, patios, verandahs, and courtyards within the building form of infill structures is strongly encouraged.
- vi. Exterior finish materials. The thoughtful selection of building materials can enhance desired neighborhood qualities such as compatibility, continuity, and harmony. For all multi-family buildings, a minimum amount equal to forty percent (60%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of net exterior wall area may be lap or vertical siding (excluding vinyl and aluminum lap siding) shakes or scalloped shingles, Exterior Finish Insulation System (EFIS), stucco, or similar building materials. Exterior building materials for multi-family buildings shall not include the following: rough sawn or board and batten wood, smooth-faced Concrete Masonry Units (standard concrete block), tilt-up concrete panels, field painted or pre finished standard corrugated metal siding, standard single or double tee concrete systems, or vinyl or aluminum siding.
- vii. Exterior colors. Color schemes for infill residential structures should consider the color schemes of existing residences in the surrounding neighborhood in order to maintain compatibility and harmony.
- viii. Driveways, Garages and Parking Areas. Off-street parking shall be prohibited between the front façade of a principal multi-family building and an adjacent public street, except off-street parking allowed on a driveway. To the maximum extent practicable, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from public street frontage. Adverse visual impacts of parking areas and garage openings on the residential character of the street should be minimized. Some examples of these impacts are; blank walls, garages protruding from the front of a home, magazine parking on driveways extending into the front yard, and lack of vegetative screening of parking pads.

3.3.15.3 Administration

The provisions of this article shall be administered by the Economic and Community Development Director of the city. The Director shall find dwellings to be similar or dissimilar utilizing the general standards established herein. The examples of similarity or dissimilarity set forth in this article are not intended to categorize all dwelling designs which may be presented to the Director. To aid the Director and applicants in the interpretation of the provisions of this article, the Director may prepare illustrative drawings and written descriptions of the manner in which those provisions have or will be administered. *(Amended 08/17/15)*

3.3.15.4 Variances and Appeals

- A. In the event a building permit is denied to any applicant by reason of this article, the applicant shall have the right to appeal to the Mayor and the City Council seeking either to overrule the decision of the Director who denied the permit or to seek a variance to the provisions of this article. Upon such appeal being made, and after reasonable notice to the applicant, a public hearing shall be held by the Mayor and City Council where evidence shall be received from both the applicant and other interested parties. After receiving and carefully considering such evidence, the Mayor and City Council may:
- i. Order the permit to be issued;
 - ii. Order the permit to be issued if modifications are made in the design of the building to bring it into conformity with the provisions of this article
 - iii. Order the permit to be issued after granting a variance to the provisions of this article, provided that such variance shall be limited to those deviations from that section as shall not affect the general intent of providing street blocks without monotonous architectural designs
 - iv. Deny the petition of the applicant
- B. Other factors to be considered by the City Council shall be whether or not the applicant desires a variance for a single structure or for multiple structures within the same streetscape. *(Amended 02/04/02)*

TABLE 2 - LOT, YARD AND BULK REGULATIONS

Legend		
A = Area (sq. ft.) Lot Size	B = Width (ft.) Lot Size	C = Front Yard (ft.)
D = Rear Yard (ft.)	E = Total Side Yard (ft.)	F = Minimum Side Yard (ft.)
G = Abutting R-Zone	H = Lot Coverage (%)	I = Floor Area Ratio
J = Height (ft.)	K = Height (stories)	

R1 - Single Family Residential District (Amended 05/04/15)	A	B	C	D	E	F	G	H	I	J	K
Single Family Dwelling	8,000	60	30	20	15	5	n/a	45%	0.6	35	2.5
All Other Uses	30,000	100	30	30	20	10	n/a	35%	0.5	35	2.5

R2 - Single Family Residential District (Amended 05/04/15)	A	B	C	D	E	F	G	H	I	J	K
Single Family Dwelling	7,000	50	30	20	12	5	n/a	45%	0.6	35	2.5
All Other Uses	30,000	100	30	30	20	10	n/a	35%	0.5	35	2.5

R3 - Single Family Residential District (Amended 05/04/15)	A	B	C	D	E	F	G	H	I	J	K
Single Family Dwelling (Existing)	5,000	50	30	10	6	3	n/a	55%	0.8	35	2.5
Single Family Dwelling (New)	6,000	50	30	20	10	5	n/a	50%	0.6	35	2.5
Attached Dwelling:											
First Unit	5,000	50	30	20	10	5	n/a	55%	0.8	35	2.5
Each Additional Unit, 4 Units Max	3,000	25	~	~	2	1	n/a	~	~	~	~
All Other Uses	30,000	100	30	30	20	10	n/a	35%	0.5	35	2.5

TABLE 2 - LOT, YARD AND BULK REGULATIONS (CONTINUED)

Legend		
A = Area (sq. ft.) Lot Size	B = Width (ft.) Lot Size	C = Front Yard (ft.)
D = Rear Yard (ft.)	E = Total Side Yard (ft.)	F = Minimum Side Yard (ft.)
G = Abutting R-Zone	H = Lot Coverage (%)	I = Floor Area Ratio
J = Height (ft.)	K = Height (stories)	

R4 - Limited Multiple Family District (Amended 05/04/15)	A	B	C	D	E	F	G	H	I	J	K
Single Family Dwelling	6,000	50	30	20	10	5	n/a	50%	0.6	35	2.5
Attached Dwelling:											
First Unit	5,000	50	30	20	10	5	n/a	55%	0.8	35	2.5
Attached Dwelling, Each Additional Unit, 8 Units Max	3,000	25	~	~	2	1	n/a	~	~	~	~
Apartment:											
First Unit	5,000	50	30	20	10	5	n/a	55%	0.8	35	2.5
Second Unit	3,000	25	~	~	2	1	n/a	~	~	~	~
Each Additional Unit (Over Two Units), 12 Units Maximum*											
1 BR or Efficiency	1,500	2	~	~	0.5	0.25	n/a	~	~	~	~
2 BR	2,000	2	~	~	0.5	0.25	n/a	~	~	~	~
3 BR or more	2,500	2	~	~	0.5	0.25	n/a	~	~	~	~
All Other Uses	30,000	100	30	30	20	10	n/a	35%	0.5	35	2.5

* The most restrictive case for calculating lot area shall be used when more than two units are involved.

For example, an apartment building that has a three-bedroom unit, a one-bedroom unit and a two-bedroom unit shall be calculated such that the one bedroom and two bedroom units account for the first and second unit and the three-bedroom unit accounts for the third unit.

TABLE 2 - LOT, YARD AND BULK REGULATIONS (CONTINUED)

Legend		
A = Area (sq. ft.) Lot Size	B = Width (ft.) Lot Size	C = Front Yard (ft.)
D = Rear Yard (ft.)	E = Total Side Yard (ft.)	F = Minimum Side Yard (ft.)
G = Abutting R-Zone	H = Lot Coverage (%)	I = Floor Area Ratio
J = Height (ft.)	K = Height (stories)	

R5 - General Residence District (Amended 05/04/15)	A	B	C	D	E	F	G	H	I	J	K
Attached Dwelling:											
First Unit	5,000	50	30	20	10	5	n/a	55%	0.8	35	2.5
Each Additional Unit, 8 Units Max	3,000	25	~	~	2	1	n/a	~	~	~	~
Apartment:											
First Unit	5,000	50	30	20	10	5	n/a	55%	0.8	55	5.0
Second Unit	3,000	25	~	~	2	1	n/a	~	~	~	~
Each Additional Unit (Over Two Unit), 50 Units Maximum*											
1 BR or Efficiency	1,000	2	~	~	0.5	0.25	n/a	~	~	~	~
2 BR	1,500	2	~	~	0.5	0.25	n/a	~	~	~	~
3 BR	2,000	2	~	~	0.5	0.25	n/a	~	~	~	~
All Other Uses	30,000	100	30	30	20	10	n/a	35%	0.5	35	2.5

* The most restrictive case for calculating lot area shall be used when more than two units are involved.

For example, an apartment building that has a three-bedroom unit, a one-bedroom unit and a two-bedroom unit shall be calculated such that the one bedroom and two bedroom units account for the first and second unit and the three-bedroom unit accounts for the third unit.

TABLE 2 - LOT, YARD AND BULK REGULATIONS (CONTINUED)

Legend		
A = Area (sq. ft.) Lot Size	B = Width (ft.) Lot Size	C = Front Yard (ft.)
D = Rear Yard (ft.)	E = Total Side Yard (ft.)	F = Minimum Side Yard (ft.)
G = Abutting R-Zone	H = Lot Coverage (%)	I = Floor Area Ratio
J = Height (ft.)	K = Height (stories)	

B1 - Neighborhood Business District	A	B	C	D	E	F	G	H	I	J	K
Any Permitted Use	3,000	25	30	20	15	5	10	65%	1.2	35	2.5

B2 - General Business District (Amended 05/06/02)	A	B	C	D	E	F	G	H	I	J	K
Any Permitted Use	10,000	60	30	20	15	5	10	75%	2.2	35	2.5

CW - Commercial / Wholesale District (Amended 05/04/15)	A	B	C	D	E	F	G	H	I	J	K
Any Permitted Use	20,000	100	50	50	30	10	30	85%	1.0	50	3.0

URO District - Urban Redevelopment Overlay

Uses in this district are exempted from all minimum lot size, setback and yard requirements, with the exception of uses not located on Sheridan Road or Tenth Street. Those uses not on Sheridan Road or Tenth Street shall comply with the front yard requirements of the underlying zoning district. Uses exceeding fifty-five (55) feet in height or having floor area ratios greater than 5.0 shall comply with the provisions of Article 6, Planned Unit Development.

TABLE 2 - LOT, YARD AND BULK REGULATIONS (CONTINUED)

Legend		
A = Area (sq. ft.) Lot Size	B = Width (ft.) Lot Size	C = Front Yard (ft.)
D = Rear Yard (ft.)	E = Total Side Yard (ft.)	F = Minimum Side Yard (ft.)
G = Abutting R-Zone	H = Lot Coverage (%)	I = Floor Area Ratio
J = Height (ft.)	K = Height (stories)	

M1 - Limited Industrial District (Amended 05/04/15)	A	B	C	D	E	F	G	H	I	J	K
Any Permitted Use	20,000	100	50	30	30	15	25	65%	1.5	50	3.0

M2 - General Industrial District (Amended 05/04/15)	A	B	C	D	E	F	G	H	I	J	K
Any Permitted Use	40,000	130	50	30	30	15	25	75%	1.5	50	3.0

M3 - Intensive Industrial District (Amended 05/04/15)	A	B	C	D	E	F	G	H	I	J	K
Any Permitted Use	20,000	100	25	15	35	15	25	85%	n/a	50	3.0

OR - Office and Research District (Amended 05/04/15)	A	B	C	D	E	F	G	H	I	J	K
Any Permitted Use	10,000	100	30	30	35	15	20	55%	1.5	50	3.0

PL - Public Land District (Amended 05/04/15)	A	B	C	D	E	F	G	H	I	J	K
Any Permitted Use	n/a	n/a	30	30	30	10	25	35%	0.4	50	3.0

MEO - Medical Education Overlay District (Amended 05/04/15)	A	B	C	D	E	F	G	H	I	J	K
Any Permitted Use	200,000	200	75	30	80	40	30	70%	1.5	50	3.0

ARTICLE 4 SUPPLEMENTARY REGULATIONS

4.1 Buildings On A Zoning Lot

- 4.1.1 Every building hereinafter erected and every building structurally altered to provide dwelling units shall be located on a zoning lot and in no case shall there be no more than one such building on one residential zoning lot except in the R5 district subject to the site plan review procedures established in Article 8 or in an approved Planned Unit Development.
- 4.1.2 More than one (1) building on a zoning lot may be erected in the business, industrial and public land districts provided the following are met:
- 4.1.2.1 The buildings serve the one (1) principal use;
- 4.1.2.2 The buildings meet all lot, yard and bulk regulations;
- 4.1.2.3 The property is under one (1) ownership;
- 4.1.2.4 If any portion of the property is sold, the subdivision of property must meet the lot, yard and bulk regulations.
- 4.1.3 Every residence hereinafter erected shall be constructed so that the main façade is situated toward the front lot line. The main façade shall be marked not by walls but by the main entrance/portico and windows. The main façade does not include overhead garage doors and/or service doors exclusively. Façades facing streets or public right-of-ways shall not be void of windows.
- 4.1.3.1 At least 20% of façade facing streets or public right-of-ways in R1, R2 and R3 districts shall be clear windows into living areas. *(Amended 05/17/10)*
- 4.1.3.1.1 The use of Security Grills on the exterior of buildings on any zoned lot is prohibited. Security Grills may be installed, in accordance with Building and Fire code regulations, on the interior of a building provided they fold or roll out of view during business hours or as determined by the Department of Economic and Community Development and Fire Department. *(Amended 08/17/15)*
- 4.1.3.2 Under no circumstances may a garage door opening or series of garage door openings exceed more than 50% of the total first floor front façade area in an R1, R2 or R3 district. *(Amended 02/04/02)*
- 4.1.3.3 All front doors must be directly accessible from the street or city sidewalk via a concrete sidewalk. *(Amended 02/04/02)*

- 4.1.3.4 The floor slab for Split-level ranch style homes, English Basements, or other similar living areas below grade shall not be more than 3 feet below final grade. *(Amended 03/19/07)*
- 4.1.4 Every building hereinafter erected shall be constructed so that the main façade is situated toward the front lot line. The main façade shall be marked not by walls but by the main entrance/portico and windows. The main façade does not include overhead garage doors and/or service doors exclusively. Façades facing streets or public right-of-ways shall not be void of windows. Commercial Buildings in B1, B2 and CW Districts and all buildings in the Urban Overlay District shall comply with the Design Guidelines provided by the Department of Economic and Community Development. Under no circumstances shall less than 80% of the first floor area be dedicated to the buildings primary use as designated by the underlying zoning district. *(Amended 08/17/15)*
- 4.1.5 To prevent erosion and reduce ground water runoff, every residential structure hereinafter erected shall have sod installed for the front lawns with side and rear yards hydro-seeded and covered with straw as a minimum. *(Amended 03/19/07)*
- 4.1.6 All improvements, including landscaping and parking requirements, identified in approved plans and building permits must be installed at the time the principal structure is constructed or use established. If weather prohibits instillation at that time, a bond or irrevocable letter of credit in the amount of one hundred, fifty percent (150%) of the cost of the installation of the uncompleted improvements. *(Amended 03/19/07)*

4.2 REQUIRED SEWER AND WATER

- 4.2.1 Public sewer and water shall service every building hereinafter erected, enlarged, structurally altered or converted to a different use.

4.3 FLOOD PLAIN REGULATIONS

- 4.3.1 Purpose
- 4.3.2 Activities on flood plains are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare by restricting damageable flood plain improvements and uses which increase flood damage potential elsewhere. More specifically, these flood plain regulations have been established to:

- 4.3.2.1 Protect adjacent, upstream and downstream private and public landowners from increases in flood heights and velocities and resulting increases in flood damages.
- 4.3.2.2 Minimize extraordinary direct and indirect costs to the City and other governmental units caused by developments within flood plains for streets and other roadways, sewer and water, flood control works, flood relief and emergency services.
- 4.3.2.3 Reduce public health and safety risks, prevent blighting, and prevent economic losses which detract from the general wellbeing and tax base of North Chicago.
- 4.3.2.4 Protect individuals from buying lands that are unsuited for intended purposes because of flood hazard.
- 4.3.2.5 Prevent water pollution, nuisances resulting from floating structures, debris and increased sedimentation.
- 4.3.3 Scope and Applicability
- 4.3.3.1 The use and development of land within a regulatory flood plain shall be allowed in any zoning district subject to the compliance with the following, as well as with other provisions of this Ordinance and other applicable City codes and regulations:
 - 4.3.3.1.1 Regulatory Floodway
 - 4.3.3.1.1.1 The regulatory floodway is that land adjacent to a river, stream or other body of water that has an elevation equal to or less than the flood base elevation as determined by Section 4.3.6, below. Nothing shall be constructed in a regulatory floodway which results in increased flood heights or velocities, or cause pollution, erosion, sedimentation, fire hazards, other hazards or nuisances. In no instance, however, shall construction approval negate the petitioner's responsibility to prevent the impediment of flood water.
 - 4.3.3.1.2 Regulatory Flood Fringe
 - 4.3.3.1.2.1 The regulatory flood fringe is that land adjacent to a regulatory floodway that has an elevation between the flood base elevation and an elevation two feet (2'-0") above the flood base elevation. The construction, filling, or use of a flood fringe may be allowed if in accordance with the provisions of these flood plain regulations and other applicable codes and regulations. However, in no instance shall a use be allowed which results in water pollution, increased threats of fire or other nuisance, or threats to the public safety.

4.3.4 Regulations

4.3.4.1 These regulations do not in any way alter or eliminate the responsibility of a petitioner, developer, owner or other individual to comply with all regulations of this Ordinance and other applicable codes and regulations. All districts requirements specified in this Ordinance are in full force for land designated as part of a regulatory flood plain. A requested use for any land designated as a flood plain must be permitted both in the zoning district and in the flood plain use lists.

4.3.4.1.1 Occupation and Use of Regulatory Floodways

4.3.4.1.1.1 Any use or fill within a regulatory floodway, whether a permitted or special use, must not, to any extent, impede the flow or passage of water within the floodway or in any manner cause increased flood heights. All permanent buildings, whether principal or accessory, are prohibited in regulatory floodways. Apparatus such as playground equipment, basketball standards, signs, tennis courts and other similar facilities and equipment, however, may be allowed provided they do not impede floodwater flows nor pose any safety or sanitary hazard.

4.3.4.1.2 Permitted Uses

4.3.4.1.2.1 The following uses have a low flood frequency damage potential and may be allowed as permitted uses above the surface water elevation in regulatory floodways:

4.3.4.1.2.1.1 General agriculture or horticulture.

4.3.4.1.2.1.2 Private and Public Recreation.

4.3.4.1.2.1.3 Lawns, gardens, parking or play areas, as accessory residential uses.

4.3.4.1.2.1.4 Golf courses.

4.3.4.1.2.1.5 Public land.

4.3.4.1.3 Special Uses

4.3.4.1.3.1 The following uses involving temporary or non-obstructive structures may be allowed as special uses above the surface water elevation in regulatory floodways:

4.3.4.1.3.1.1 Transient amusement enterprises.

4.3.4.1.3.1.2 Mineral extraction.

- 4.3.4.1.3.1.3 Drive-in theaters.
- 4.3.4.1.3.1.4 Marinas, boat rentals, docks, piers and wharves.
- 4.3.4.1.3.1.5 Nurseries and orchards.
- 4.3.4.1.3.1.6 Railroads, roads, highways, streets, bridges, utility lines and pipelines.
- 4.3.4.1.4 Permit Requirements
- 4.3.4.1.4.1 In addition, no building or other structure of any kind shall be erected, maintained or moved within the area of a regulatory floodway, and no fill, material or substance of any kind shall be deposited on any premises within a regulatory floodway without first securing a permit.
- 4.3.4.1.5 Occupation and Use of Regulatory Flood Fringes
- 4.3.4.1.5.1 Uses may be allowed in a regulatory flood fringe, as a permitted or special use, provided such uses are protected to a level at least two feet (2'-0") above the regulatory flood base elevation. However, no use shall be allowed which results in water pollution, increased sedimentation, internal drainage problems, increased threats of fire or other nuisance, or threats to public safety. Base of construction to the regulatory flood base elevation must, in most instances, be provided through landfill. However, other methods of flood plain development which cause no significant increase in stage or velocity may be allowed if supported by adequate engineering data.
- 4.3.4.1.6 Permitted Uses
- 4.3.4.1.6.1 Those uses allowed in a regulatory floodway as permitted and special uses.
- 4.3.4.1.6.2 Parking lots.
- 4.3.4.1.7 Special Uses
- 4.3.4.1.7.1 Special uses may be authorized as such uses are protected to a level at least two feet (2'-0") above the regulatory flood base elevation, and further provided that such uses will not cause flood damage to other lands. A special use in the flood fringe may be any permitted or special use in the district in which the flood fringe is located subject to the standards and conditions herein. In considering such special use applications, the City shall not authorize the issuance of a Special Use Permit that is contrary to the relevant factors specified in this Ordinance, and shall consider:
 - 4.3.4.1.7.1.1 The damage to life and property due to increased flood heights or velocities caused by encroachments.

- 4.3.4.1.7.1.2 The danger that materials may be swept onto other lands or downstream to the injury of other lands.
- 4.3.4.1.7.1.3 The proposed water supply and sanitation systems and the ability of these systems to prevent the occurrence of disease, contamination and unsanitary conditions.
- 4.3.4.1.7.1.4 The susceptibility of the proposed facility and its contents to flood damage.
- 4.3.4.1.7.1.5 The importance of the services provided by the proposed facility to the community.
- 4.3.4.1.7.1.6 The requirements of the facility for a waterfront location.
- 4.3.4.1.7.1.7 The availability of alternative locations not subject to flooding for the proposed use.
- 4.3.4.1.7.1.8 The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- 4.3.4.1.7.1.9 The relationship of the proposed use to the Comprehensive Plan.
- 4.3.4.1.7.1.10 The safety of access to the property in times of flood for ordinary and emergency vehicles.
- 4.3.4.1.7.1.11 The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- 4.3.4.1.8 Flood Base Requirements
 - 4.3.4.1.8.1 Base to a level at least two feet (2'-0") above the regulatory flood base elevation is required for the authorization of most uses allowed in a regulatory flood fringe. The following are acceptable methods for providing flood base to this level:
 - 4.3.4.1.8.1.1 Filling

Filling may be permitted as a means of providing safe construction sites, provided:

 - 4.3.4.1.8.1.1.1 The volume of space occupied by the fill is compensated and balanced by at least an equal volume of excavation to be taken from below the established regulatory flood base elevation but above the natural water table or level. Except under established exceptional circumstances, such excavation shall be made opposite or immediately from those areas so filled or occupied.

- 4.3.4.1.8.1.1.2 The fill, except in exceptional circumstances, is contiguous with the boundary of the regulatory flood plain and shaped, in plan, so as not to create adverse velocities or current patterns.
- 4.3.4.1.8.1.1.3 The surface of the fill shall be at least two feet (2'-0") above the regulatory flood base elevation.
- 4.3.4.1.8.1.1.4 The channelward face of the fill shall be protected against erosion. If protected by vegetative cover, slopes shall be no steeper than three (3) horizontal to one (1) vertical. Steeper slopes shall be protected by riprap. A vertical bulkhead may be used if adequately founded and protected against scour.
- 4.3.4.1.8.1.1.5 Fill shall be of such material and so compacted to provide adequate support under saturated conditions and shall be otherwise suitable for the use intended.
- 4.3.4.1.8.1.1.6 Adequate provision made for conducting drainage across the fill.
- 4.3.4.1.8.1.2 Elevated Structures
- Structures may be permitted, provided:
- 4.3.4.1.8.1.2.1 The superstructure and its major access is raised a minimum of two feet (2'-0") above the regulatory flood base elevation by elevating members.
- 4.3.4.1.8.1.2.2 The structure and its intended use will not be damaged by the regulatory flood.
- 4.3.4.1.8.1.2.3 The size, shape, spacing and alignment of elevating members are selected to minimize turbulence and deflection of current patterns, and to facilitate easy passage of ice and debris.
- 4.3.4.1.8.1.2.4 Superstructures and major access shall have low steel or low concrete at least two feet (2'-0") above the regulatory flood base elevation.
- 4.3.4.1.8.1.2.5 Utility services to the structure shall be elevated at least two feet (2'-0") above the regulatory base elevation or adequately floodproofed.

4.3.4.1.8.1.3 Structural Floodproofing

Structural floodproofing will be permitted only in special circumstances where other techniques for flood base are impossible or impractical. Floodproofing measures shall be designed consistent with the regulatory flood base elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with floodwater. The Economic and Community Development Director may require that the petitioner submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the required regulatory flood base elevation and associated flood factors for the particular area. The following floodproofing measures may be required (without limitation because of specific enumeration): *(Amended 08/17/15)*

- 4.3.4.1.8.1.3.1 Anchorage to resist floatation and lateral movement.
- 4.3.4.1.8.1.3.2 Installation of water-tight doors, bulkheads, and shutters, or similar methods of construction.
- 4.3.4.1.8.1.3.3 Reinforcement of walls to resist water pressures.
- 4.3.4.1.8.1.3.4 Use of paints, membranes or mortars to reduce seepage or water through walls.
- 4.3.4.1.8.1.3.5 Addition of mass or weight to structures to resist floatation.
- 4.3.4.1.8.1.3.6 Installation of pumps to lower water levels in structures.
- 4.3.4.1.8.1.3.7 Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.
- 4.3.4.1.8.1.3.8 Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
- 4.3.4.1.8.1.3.9 Construction to resist rupture or collapse caused by water pressure or floating debris.
- 4.3.4.1.8.1.3.10 Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.
- 4.3.4.1.8.1.3.11 Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by floodwater flows.

4.3.4.1.9 Open Storage of Materials

The open storage of materials shall be allowed in the regulatory flood fringe subject to compliance with the following:

4.3.4.1.9.1 Floatable Materials

4.3.4.1.9.1.1 Logs, refuse, lumber products and other floatable materials or containers shall not be placed, displayed or stored in a regulatory floodway and may be placed, displayed or stored in a regulatory flood fringe only upon the issuance of a Special Use Permit by the Economic and Community Development Director. *(Amended 08/17/15)*

4.3.4.1.9.2 Non-Floatable Materials

4.3.4.1.9.2.1 Non-moveable machinery and other non-floatable materials and products may be placed, displayed or stored in a regulatory flood fringe only upon the issuance of a Special Use Permit by the Economic and Community Development Director. *(Amended 08/17/15)*

4.3.4.1.9.3 Hazardous Materials

4.3.4.1.9.3.1 The open placement, display or storage of materials and products anywhere in a regulatory flood plain which are flammable, explosive or which could otherwise be hazardous is expressly prohibited.

4.3.5 Nonconforming Uses in a Flood Plain

4.3.5.1 All nonconforming use provisions, as specified in Article 7, Nonconforming Uses, Lots and Structures, shall be fully complied with.

4.3.6 Source of Information

4.3.6.1 The regulatory flood base elevation, the regulatory flood plain, the regulatory floodway and the regulatory flood fringe shall be described by the following maps which are on file in the Department of Economic and Community Development. The maps are listed according to priority of use. Where information is not available on one map, then the succeeding map will be used. Where conflict occurs in the maps, the highest regulatory flood base elevation, and the widest regulatory flood fringe shall be used for regulatory purposes. The maps to be used are as follows: *(Amended 08/17/15)*

4.3.6.1.1 MAP #1

“Regulatory Floodplain Maps” - Illinois Department of Transportation (IDOT), Division of Water Resources (DOW), in cooperation with USDA/SCS.

4.3.6.1.2 MAP #2

“Hydrolic Investigations Atlas” - United States Geological Survey (USGS), prepared in conjunction with the Northeastern Illinois Planning Commission (NIPC).

4.3.6.1.3 MAP #3

“Floodplain Topographic Maps” - United States Department of Agriculture (USDA), Soil Conservation Service (SCS).

4.3.6.1.4 MAP #4

“Flood Hazard Boundary Maps” (FHBM), United States Department of Housing and Urban Development (HUD), Federal Insurance Administration (FIA).

4.3.6.1.5 MAP #5

“Flood Prone Area Maps” - United States Geological Survey (USGS), prepared in cooperation with HUD/FIA.

4.3.6.1.6 When no separate map designation exists for regulatory floodways, then the regulatory flood plain shall also mean regulatory floodway, and regulatory floodway regulations shall apply to the regulatory flood plain.

4.3.7 Appeals and Variations

4.3.7.1 Appeals and variations to these flood control provisions may be granted in the following instances:

4.3.7.1.1 Appeals to Maps and Profiles

4.3.7.1.1.1 Where evidence exists that the conditions described by the above maps and profiles no longer exist to the degree, extent, frequency, elevation or area described therein, a proponent for a waiver will be permitted to submit technical and factual information justifying a change in a source of information. Such evidence must be supported by a competent engineering survey prepared by a registered Professional Engineer in the State of Illinois. Provided that the petitioner can document a change in delineation of the regulatory flood plain and such change is verified by the Economic and Community Development Director, and providing that the City Council, acting upon the recommendation of the Zoning Board of Appeals, acknowledges the new delineation of the regulatory flood plain, through the approval of a variation in conformance with the procedures specified in Article 8, Administration and Enforcement, then the Economic and Community Development Director shall make appropriate map

revisions indicating the new regulatory flood plain delineation. *(Amended 08/17/15)*

4.3.7.1.2 Variations to Flood Plain Regulations

4.3.7.1.2.1 Variations from the terms of these flood plain regulations may be allowed if the proposal will not be contrary to the public interest, upon a showing by the proponent of undue hardship caused by a literal enforcement of these provisions, provided that the spirit of this Ordinance shall be observed and substantial justice will be done. No variation shall have the effect of allowing uses which are otherwise prohibited, or which will cause a lower level of flood protection, or which will permit standards which are lower than those otherwise prescribed.

4.3.8 Submission Requirements

4.3.8.1 Zoning petitions for any purpose, dealing with land designated to any extent as regulatory flood plain, shall be accompanied by:

4.3.8.1.1 A current survey of topography meeting the National Map Accuracy Standards with a maximum contour interval of two feet (2'-0"). Said survey shall clearly delineate (where data is available): the regulatory flood plain, regulatory floodway, regulatory flood fringe, regulatory flood base elevation and the water elevation.

4.3.8.1.2 A site plan which contains:

4.3.8.1.2.1 The location and quantity of all proposed fill and/or excavations.

4.3.8.1.2.2 The elevations of the lowest floor, including the basement, cellar or crawl space of all proposed buildings.

4.3.8.1.3 At the option of the petitioner, additional information relating to anticipated flood-proofing measures may be submitted.

4.3.9 Warning and Disclaimer of Liability

4.3.9.1 The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the regulatory flood plain or land uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of North Chicago or any officer or employee thereof for any flood damage that results from reliance on this Ordinance or any decision lawfully made thereunder.

4.3.10 Disclosure Statement

4.3.10.1 A disclosure statement indicating that “the land in question is all or partially designated,” by the City of North Chicago on a source of information specified in its Zoning Ordinance, “as being in the flood plain and hence is vulnerable to periodic flooding,” must be provided by the seller to each potential purchaser or property which appears as flood plain as indicated on a Source of Information delineated in this Article.

4.4 ACCESSORY USE AND ACCESSORY STRUCTURE REGULATIONS

4.4.1 The uses of land, buildings and other structures permitted in each of the zones established by this Ordinance are designated by listing the principal permitted uses in Table 1. No accessory use shall be permitted without a principal use. It is the intent of this section to regulate uses customarily incidental to principal Uses Permitted in Districts.

4.4.2 Standards for Accessory Uses/Structures

Each accessory use/structure shall meet the following standards:

4.4.2.1 No accessory building or structure shall be constructed on any lot prior to the time of construction of a principal building.

4.4.2.2 It shall be subordinate to and serve a principal building or principal use.

4.4.2.3 It shall be subordinate in area, extent or purpose to the principal building or principal use served.

4.4.2.4 It shall contribute to the comfort, convenience or necessity of occupants of the principal building or principal use served.

4.4.2.5 It shall be located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to be located elsewhere than on the same zoning lot with the building or use served.

4.4.2.6 No accessory building, structure or use shall be located in a required front yard or required side yard unless otherwise provided for in this chapter.

4.4.2.7 No detached garage shall exceed a maximum height as determined by site plan review. No other accessory building/structure shall exceed ten feet (10'-0") in height.

- 4.4.2.7.1 No detached garage shall exceed 865 square feet, unless the Economic and Community Development Director finds that such a structure will not adversely impact the neighboring properties. *(Amended 08/17/15)*
- 4.4.2.8 No accessory building or structure shall be equipped with plumbing fixtures.
- 4.4.2.9 A detached accessory building or structure shall be located no closer to the principal building, structure or any lot line than five feet (5'-0"). Detached garages located between five feet (5'-0") and ten feet (10'-0") from a principal building shall be provided with a five-eighths inch (5/8") drywall finish on the interior walls and ceiling.
- 4.4.3 Permitted Accessory Uses/Structures
- Accessory uses, subject to the above standards, include, but are not limited to, the following:
- 4.4.3.1 A children's playhouse, garden house and private greenhouse.
- 4.4.3.2 A garage, shed or building for domestic storage, provided such structure is set back at least five feet (5'-0") from any property line. Sheds shall not exceed a total square footage of one hundred twenty (120) square feet.
- 4.4.3.3 Storage of merchandise normally carried in stock on the same lot with any retail services or business use, unless such storage is excluded by the district regulations.
- 4.4.3.4 Home occupation, provided the home occupation shall be carried on wholly within the principal building or within a building accessory thereto, and only by members of the family occupying the premises, and one person outside the family. No article shall be sold or offered for sale on the premises except such is produced by the occupation on the premises and no mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to domestic use. There shall be no exterior display, nor exterior sign except as allowed by the sign regulations for the district in which some home occupation is located, no exterior storage of materials, no other exterior indication of the home occupation or variation from the residential character of the principal or accessory building, and no offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced. Clinics, hospitals, dress shops, millinery shops, tearooms, restaurants, tourist homes, animal hospitals, and kennels, among others, shall not be deemed to be home occupations.
- 4.4.3.5 Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations.

- 4.4.3.6 Off-street motor vehicle parking areas, and loading and unloading facilities.
- 4.4.3.7 Signs (other than advertising signs) as permitted and regulated in each district incorporated in this Ordinance.
- 4.4.3.8 Carports.
- 4.4.3.9 Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.
- 4.4.4 Accessory Structures as Display Items *(Amended 01/21/14)*
 - 4.4.4.1 Detached accessory structures (other than signs) used for display or marketing purposes in front of a principal building shall require a special use permit, and may not be located closer than seven feet (7'-0") from all lot lines adjacent to public right-of-way, nor five feet (5'-0") from any other lot line. This shall include but is not limited to sheds, gazebos, pools, children's playhouses, garden houses and private greenhouses. *(Amended 01/21/14)*

4.5 TEMPORARY USE AND TEMPORARY STRUCTURE REGULATIONS

- 4.5.1 Uses identified as temporary uses in Table 1, Uses Permitted in Districts, shall be permitted subject to the following regulations:
- 4.5.2 Application *(Amended 08/17/15)*

Application for a temporary use shall be made in writing to the Department of Economic and Community Development and shall include the following information:

 - 4.5.2.1 Identification of property to survey, legal description, street address or property identification number (PIN).
 - 4.5.2.2 Owner of the property, who shall sign the application.
 - 4.5.2.3 Operator of the temporary use, who shall also sign the application.
 - 4.5.2.4 Description of the proposed use.
- 4.5.3 Standards for Temporary Use/Temporary Structure *(Amended 08/17/15)*

The operator of a temporary use shall be responsible for the following and shall post a bond of at least \$100.00, but not more than \$5,000.00, or shall provide such other assurance as may be acceptable to the Department of Economic and Community Development to assure compliance with the following:

- 4.5.3.1 Adequate sanitary facilities shall be provided as approved by the Department of Economic and Community Development. *(Amended 08/17/15)*
- 4.5.3.2 A permit shall be obtained for the installation of temporary lighting and electrical power. The Electrical Inspector shall inspect such installation.
- 4.5.3.3 No building or other structure shall be erected without a building permit and inspection.
- 4.5.3.4 Operation of the temporary use shall be confined to the dates and times specified in the Temporary Use Permit. No Temporary Use Permit shall be issued for a period in excess of the following:
 - 4.5.3.4.1 Seasonal Sale of Farm Produce - 5 Months
 - 4.5.3.4.2 Block Party - 3 Days
 - 4.5.3.4.3 Carnival or Circus - 3 Weeks
 - 4.5.3.4.4 Street Dance - 3 Days - as required herein shall be as established by ordinance.
 - 4.5.3.4.5 Tent Theater - 3 Months
 - 4.5.3.4.6 Tent Meeting - 1 Month
 - 4.5.3.4.7 Outdoor Auction - 3 Days
 - 4.5.3.4.8 Christmas Tree Sales - 1 Month
- 4.5.3.5 All debris shall be removed within 24 hours of the close of the temporary use or the expiration of the Temporary Use Permit, whichever occurs first.
- 4.5.3.6 If required, the appropriate liquor permit shall be obtained from the Liquor Commissioner.
- 4.5.4 Fees
 - 4.5.4.1 Fees for Temporary Use Permits and other permits and inspections.

4.6 OFF-STREET PARKING REQUIREMENTS

- 4.6.1 The following regulations are established to increase safety and lessen congestion in the public streets, to adequately provide for parking needs associated with the development of land and automobile usage, to set standards for the requirement of off-street parking according to the amount of traffic generated by each use, and to eliminate the on-street storage of vehicles.

4.6.2 Procedure

4.6.2.1 An application for a building permit for a new, altered or enlarged building, structure or use shall be accompanied by a plot plan, drawn to scale, and fully dimensioned, showing any parking or loading facilities to be provided in compliance with the requirements of this Ordinance.

4.6.3 Extent of Control

4.6.3.1 All buildings, structures, land uses and any modifications of buildings, structures or land uses, initiated after the effective date of this Ordinance, shall be provided with accessory off-street parking and loading facilities as required herein. Any building permit for a building or structure to be built or enlarged, issued prior to the effective date of this Ordinance shall comply with the requirements in effect at the time of issuance of the permit.

4.6.3.2 Should a building or structure be reduced in size - fewer dwelling units, less floor area, seating capacity, employees or other unit of measure - parking or loading spaces may be decreased in accordance with the requirements of this Ordinance.

4.6.3.3 Similarly, should a building or structure be enlarged, off-street parking and loading spaces shall be increased as required herein.

4.6.4 Existing Parking and Loading Spaces

4.6.4.1 Accessory off-street parking and loading spaces in existence on the effective date of this Ordinance may not be reduced in number unless already exceeding the requirements of this section for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

4.6.5 Permissive Parking and Loading Spaces

4.6.5.1 Nothing in this section shall prevent the establishment of off-street automobile parking or loading facilities to serve any existing use of land or buildings, subject to full compliance with the provisions of this section except that off-street parking areas accessory to existing multiple-family structures cannot be located off the premises containing the main use, unless on a lot adjacent thereto.

4.6.6 Damage or Destruction

4.6.6.1 Any building, structure or use which is in existence and is a conforming use on the effective date of this Ordinance and which subsequently shall be damaged or destroyed may be reconstructed, reestablished or repaired in accordance with Article 7, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or

continued in operation, and it shall not be necessary to restore or maintain parking or loading facilities in excess of those required by this Ordinance for equivalent new construction.

4.6.7 Use of Parking Facilities

4.6.7.1 Off-street parking facilities accessory to a residential use shall be used solely for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of said occupants. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles.

4.6.7.2 All designated parking areas (excluding driveways) in the R1, R2, R3, and R4 Districts shall be located behind the building setback line.

4.6.8 Joint Parking Facilities

4.6.8.1 Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

4.6.8.2 Joint parking facilities for dissimilar uses, which have nonconflicting parking demands, may be reduced by as much as twenty-five percent (25%) of the required number for both uses, when the Economic and Community Development Director finds that such a reduction will not result in increased congestion in the public streets nor will the reduction violate the purpose and intent of this Ordinance. *(Amended 08/17/15)*

4.6.9 Control of Off-Site Facilities

4.6.9.1 When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, they shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall maintain the required number of parking spaces during the existence of said principal use.

4.6.10 Permitted Districts for Accessory Parking

4.6.10.1 Accessory parking facilities provided elsewhere than on the same zoning lot with the principal use served shall be by Special Use Permit. See Table 1,

Uses Permitted in Districts. In addition, the following regulations shall apply:

- 4.6.10.1.1 No parking facilities accessory to an apartment use shall be located in an R1 or R2 District.
- 4.6.10.1.2 Parking facilities accessory to a business or manufacturing use shall not be located in a residential district, except when authorized by the City Council subsequent to site plan review.
- 4.6.10.1.3 Accessory parking lots located in residential districts shall be used solely for the parking of passenger automobiles.
- 4.6.10.1.4 No commercial repair work or service of any kind shall be conducted on said parking lot.
- 4.6.10.1.5 No sign or any kind other than signs designating ownership, entrances, exits and conditions of use, shall be maintained on said parking lot.

4.6.11 Required Number of Spaces

- 4.6.11.1 The number of spaces required for any principal use together with all other accessory uses which generate a demand for parking shall be computed as shown in Table 3, Required Parking Spaces.
- 4.6.11.2 The number of parking spaces required for all uses, except residential, may be reduced by fifty percent (50%) for properties adjacent to Sheridan Road, 10th Street or Martin Luther King Jr. Drive within the URO District. *(Amended 08/06/12)*

TABLE 3 - REQUIRED PARKING SPACES

Use	Spaces Required
AGRICULTURE BUSINESS	
Canning and Food Processing	Two (2) Spaces per 1,000 square feet.
Greenhouse (Commercial)	Two (2) Spaces per 1,000 square feet.
All Other Uses	Three (3) Spaces per 1,000 square feet.
COMMERCIAL & INDUSTRIAL SERVICE / CONSTRUCTION <i>(Amended 05/04/15)</i>	
All Uses	One (1) Space per employee, plus Two (2) Spaces per 1,000 square feet of display or sales space.
AUTOMOTIVE	
All Uses	One (1) Space per unit (vehicle) of stock in trade, plus Four (4) Spaces per 1,000 square feet of automobile showroom space, plus Two (2) Spaces per 1,000 square feet of other retail space, plus Three (3) Spaces per service bay.
Tow Yard	One (1) Space per employee plus five (5) additional spaces.
EDUCATION / OFFICE	
Public/Private Elementary School	Three (3) Spaces per classroom.
Public/Private Junior High School	Four (4) Spaces per classroom.
Public/Private High School, College or University	Six (6) Spaces per classroom, plus One (1) Space per six (6) seats in the main auditorium or assembly room.
All Office Uses	Three (3) Spaces per 1,000 square feet.
All Other Uses	Three (3) Spaces per 1,000 square feet.
FINANCIAL	
All Uses	Ten (10) Spaces per teller window, plus magazine loading space for each drive-up window.
FOOD SERVICE <i>(Amended 03/02/09)</i>	
All Restaurants and Cafeterias	One (1) Space per four (4) permanent or temporary seats for patrons.
All Drive-in Restaurants (Not Drive-thrus)	Three (3) Spaces per 100 square feet of gross floor area.
Frozen Food Locker	One (1) Space per 100 square feet of customer service area.
All Other Uses	One (1) Space per 100 square feet of gross floor area.

TABLE 3 - REQUIRED PARKING SPACES (CONTINUED)

Use	Spaces Required
HEALTH CARE	
All Laboratories	Two (2) Spaces per three (3) employees plus Two (2) Spaces.
Medical Office Building	One (1) Space per 100 square feet of gross floor area.
Nursing Home	One (1) Space per employee plus One (1) Space per three (3) beds.
All Other Uses	Two (2) Spaces per 1,000 square feet of gross floor area.
INDUSTRIAL USES (Amended 05/04/15)	
All Uses	One (1) Space per employee.
PUBLIC FACILITIES	
Cemeteries, Mausoleums	Per site plan review.
All Other Uses	Two (2) Spaces per 1,000 square feet of gross floor area.
RECREATION AND ENTERTAINMENT, INDOOR	
All Uses	One (1) Space per three (3) permanent or temporary seats for patrons, plus Two (2) Spaces per 1,000 square feet of gross floor area.
RECREATION, OUTDOOR	
All Spectator Facilities and Active Recreation Uses	One (1) Space per four (4) permanent seats or temporary seats, plus Two (2) Spaces per 1,000 square feet of gross floor area, plus One (1) Space per acre of gross land area, plus One (1) Space per 100 square feet of outdoor water area for swimming.
All Conservation and Passive Recreation Uses	One (1) Space per two (2) acres of gross land area.
RELIGIOUS INSTITUTIONS (Amended 05/17/10)	
All Non-Residential Facilities	One (1) Space per four (4) seats in the main assembly room or one (1) Space per every 40 sq. ft. of worshipping area where seats are not present.
All Residential Facilities	One (1) Space per two (2) living units or beds.

TABLE 3 - REQUIRED PARKING SPACES (CONTINUED)

Use	Spaces Required	
RESIDENTIAL <i>(Amended 05/04/15)</i>		
Single Family Dwellings and Attached Dwellings	Two (2) Spaces per unit.	
Boarding, Lodging or Rooming House	One (1) Space per two (2) units of accommodation.	
Community Residence	One (1) Space per two (2) units of accommodation.	
Apartments and All Other Residences	URO District*	Other Locations
Efficiency and One (1) Bedroom	1.0 Space	1.0 Spaces
Two (2) Bedroom	1.0 Spaces	1.5 Spaces
Three (3) Bedroom and Over	1.0 Spaces	2.0 Spaces
* One guest space shall be provided for each ten (10) units in addition to the number of spaces required above. No reduction in the number of guest spaces will be allowed.		
RETAIL SALES / RETAIL SERVICES <i>(Amended 05/04/15)</i>		
Drapery Store, Farm Supply Store, Floor Covering Sales, Furniture Sales, Garden Supply Store, Swimming Pool and Fixtures, Water Softener-Sales and Service.	Three (3) Spaces per 1,000 square feet of gross floor area.	
Hotel, Motel	One (1) Space per unit of accommodation.	
All Other Uses	Four (4) Spaces per 1,000 square feet of gross floor area.	
TRANSPORTATION		
Bus Garage, Car Barn, Grain Elevator, Transfer Company, Truck Terminal, Trucking Company	One (1) Space per employee.	
All Other Uses	Per site plan review.	

4.6.12 Site Plan Review

4.6.12.1 Where the site plan review procedure is indicated in Table 3, Required Parking Spaces, a site plan showing parking for loading and vehicle storage for a proposed use shall be forwarded to the Site Plan Review Committee along with any supporting information. It shall be the responsibility of the Site Plan Review Committee to review such site plan and proposed parking, loading and vehicle storage arrangements and to approve, approve with modifications or disapprove such proposed plan prior to the issuance of a zoning certificate.

4.6.13 Design and Maintenance

4.6.13.1 A required off-street parking space shall be an area of not less than 171 square feet, nor less than nine feet (9'-0") wide by nineteen feet (19'-0") long, exclusive of access drives or aisles, ramps, columns or other obstruction, accessible from streets, alleys or from private driveways or aisles leading to streets or alleys. All parking areas must adhere to the City of North Chicago's Construction Standards set forth in Diagrams 1 and 2 below.

Diagram 1

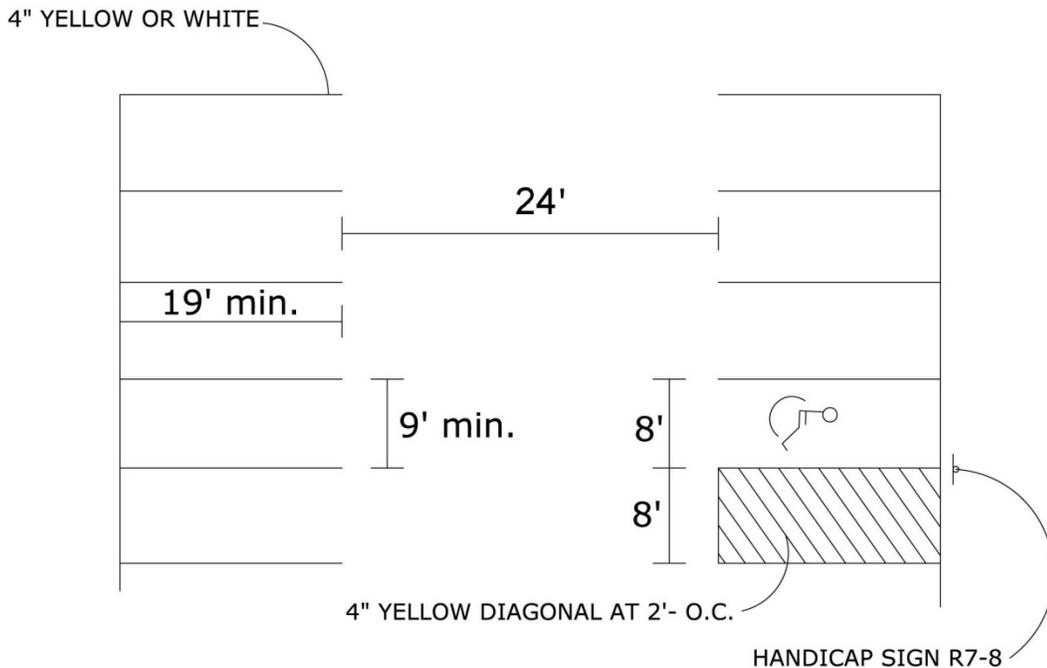
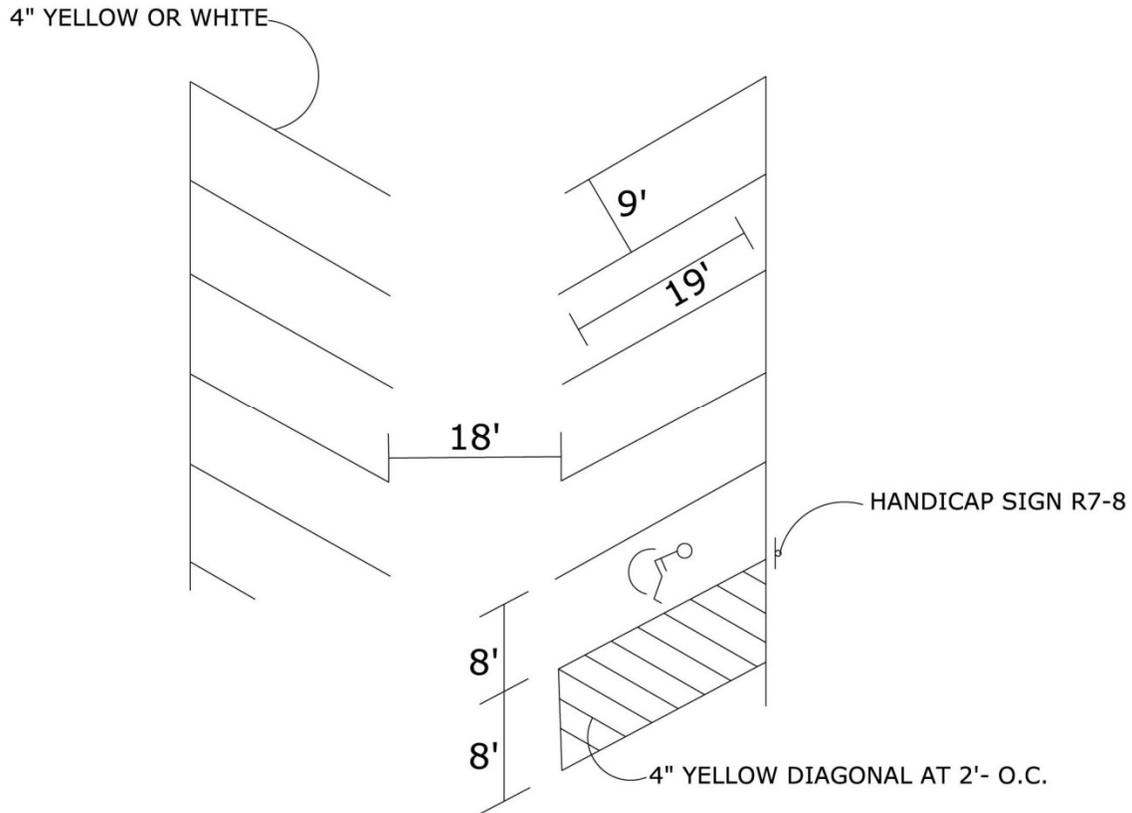


Diagram 2



- 4.6.13.2 To facilitate parking of compact vehicles, these standards may be reduced to an area of 135 square feet with a width of nine feet (9'0") and a length of fifteen feet (15'-0"). Compact automobile spaces may account for up to 20 percent (20%) of required parking spaces. Such spaces shall be clearly identified as spaces for compact cars only.
- 4.6.13.3 Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic. No driveway shall exceed twenty feet (20'-0") in width at property line for any single-family, townhouse, duplex or two-flat residence (see Diagram 1). For all other properties no lane of entry and/or exit to a driveway may exceed twelve feet (12' 0") per lane with a maximum of three consecutive lanes, except that turning radii and divided entrances and exits with island dividers may be permitted to exceed this distance (see Diagram 2). A driveway is defined as an improved surface area connecting a designated parking area and the public right-of-way or access point. (Amended 03/02/09)

Diagram 1: Residential single-family, townhouse, duplex or two-flat

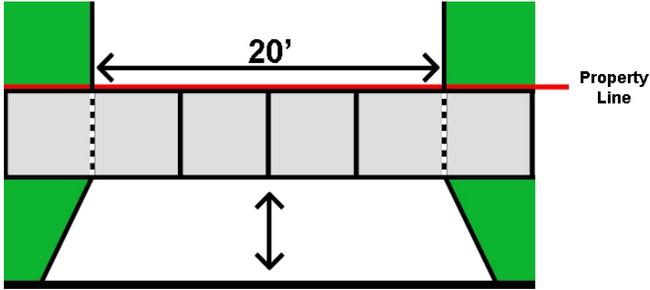
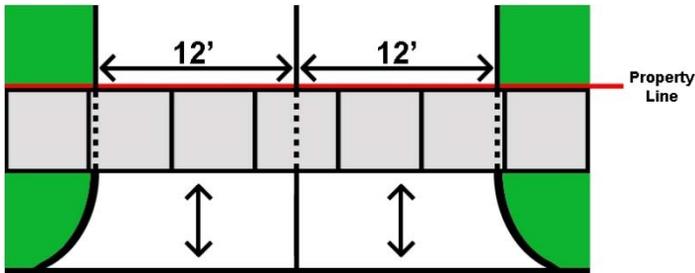
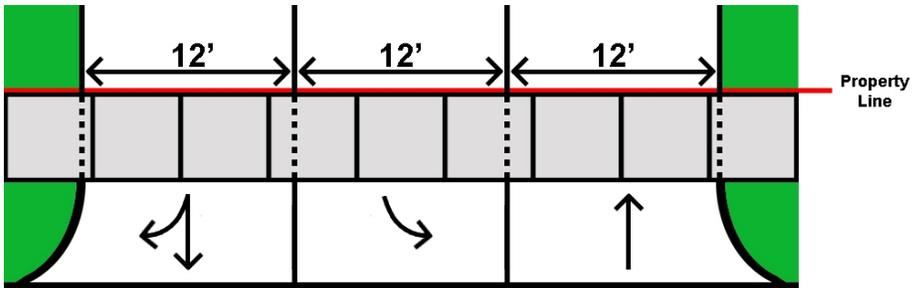


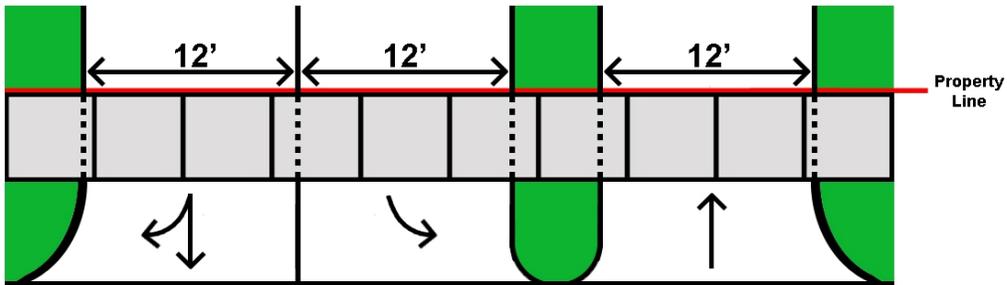
Diagram 2: All other properties



or



or



4.6.13.3.1 A maximum of one (1) driveway is allowed for any single-family, townhouse, duplex or two-flat residence. *(Amended 03/02/09)*

4.6.13.4 Standards should be the following:

1. The required number of accessible parking spaces should be provided as follows as referenced from section 400.310.c.1. of the Illinois Accessibility Code or any future revision of said code which references ADAAG4.1.2.(5)(a):

<u>Parking Spaces Provided</u>	<u>Required Minimum Number of Accessible Spaces</u>
1 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 parking spaces
Over 1000	20 plus 1 for each 100 over 1000

2. The dimensions of the accessible parking space shall be per section 400.310.c.3. of the Illinois Accessibility Code or any future revision of said code. Specifically, the space shall be 16 feet in width with 8 feet using a diagonal stripe and 8 feet using an accessible symbol. Appropriate signage shall be placed at the midpoint of the 16 foot parking space. Striping should be provided per the guidelines in the Illinois Accessibility Code.
3. An accessible route should be provided per section 400.310.a. of the Illinois Accessibility Code or any future revision of said code.

4.6.13.5 All open off-street parking areas and driveways shall be improved as follows:

- 4.6.13.5.1 For parking lots and drive aisles using only standard automobile traffic (no trucks), the following pavement section shall be a minimum:
- 1.5" Asphalt Surface Course
 - 1.5" Asphalt Binder Course
 - 8" Compacted Aggregate Base Course
- 4.6.13.5.2 For parking spaces and drive aisles using heavy traffic such as trucks, the following pavement section shall be a minimum:
- 2" Asphalt Surface Course
 - 2" Asphalt Binder Course
 - 10" Compacted Aggregate Base Course
- 4.6.13.5.3 For areas of the parking lot requiring concrete pavement such as truck dock areas, the minimum pavement section shall be a minimum:
- 8" Portland Cement Concrete with appropriate reinforcement
 - 4" Compacted Aggregate Base Course
- 4.6.13.5.4 For any desired alternate pavement section, the section shall be approved by the City Engineer.
- 4.6.13.6 All permit applications for new construction providing automobile parking spaces (or expanding existing parking areas) shall be referred to the City Engineer for approval of grading plans and/or drainage structures related to the control and removal of storm water run-off as it may affect adjacent properties, water courses and public rights-of-way.
- 4.6.14 Lighting
- 4.6.14.1 All required open off-street parking areas, other than parking for single family homes, shall be lighted as follows:
- 4.6.14.1.1 An average minimum illumination of two (2) foot candles shall be required.
 - 4.6.14.1.2 Any properties requiring lighting that lie adjacent to a residential zoning district, the light fixtures must use a 90 degree cut-off type fixture.
 - 4.6.14.1.3 All lighting must use metal halide lamps. High pressure sodium lamps are not allowed.

4.6.14.1.4 Any properties requiring lighting that lie adjacent to a residential zoning district must have an illumination equal to zero foot-candles at the property line. For those properties that lying adjacent to a residential zoning district, the maximum illumination at the property line shall be 0.5 foot-candles.

4.6.15 Parking Area Landscaping *(Amended 03/19/07)*

4.6.15.1 A landscaped bufferyard shall be required. *(Amended 03/19/07)*

4.6.15.2 A 7-foot wide ornamentally fenced and landscaped bufferyard shall be located between any off-street parking area or vehicular use area and any adjacent public right-of-way. A 2-foot car overhang may be included in the 7-foot wide bufferyard. Additional planting shall be installed around the perimeter of the parking area or in the interior of the parking area in accordance with the following standards. *(Amended 12/06/10)*

4.6.15.2.1 Any off-street parking area containing ten (10) or more parking spaces shall be provided with additional landscaped areas in accordance with the following schedule:

Zone	Square Feet of Landscaping per Ten Spaces	Canopy Trees per Ten Spaces
R3, R4, R5	150	2
B1, B2, OR, PL	100	3
M1, M2, CW	80	1

4.6.15.2.2 Any parking area containing more than forty (40) spaces shall have at least one-third of the above landscaping, exclusive of the required bufferyard, located within the area of the parking lot. Such landscape areas may be in planters between spaces or in medians between aisles.

4.6.15.2.3 Each separate landscaped area shall be no less than fifty (50) square feet and shall have a minimum dimension of five feet (5'-0").

4.6.15.3 To encourage parking lot median planting, the front of a vehicle may encroach upon any interior landscaped area when said area is at least three and one-half feet (3'-6") in depth and is protected by permanently mounted wheel stops or curbing. Two feet (2'-0") of said landscaped area may then be considered a part of the required depth of the abutting parking space.

- 4.6.16 Off-Street Loading Requirements
- 4.6.16.1 Design
- 4.6.16.1.1 An off-street loading berth shall be a hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets, sidewalks and alleys. A required loading space shall be adequate to accommodate the vehicles which customarily service the use and shall not be less than ten feet (10'-0") in width, thirty feet (30'-0") in length and fourteen feet (14'-0") feet in height, exclusive of access aisles and maneuvering space.
- 4.6.16.2 Location
- 4.6.16.2.1 No permitted or required loading berth shall be closer than twenty feet (20'-0") to any property in a residential district unless completely enclosed by solid building walls or fence or any combination thereof not less than six feet (6'-0") in length and maintained in good condition. No permitted or required loading berth shall be located within twenty-five feet (25'-0") of the nearest point of street right-of-way, of the intersection of any two (2) street right-of-way. Loading berths open to the sky may be located in any required or rear yards.
- 4.6.16.3 Surfacing
- 4.6.16.3.1 All open off-street loading berths shall be improved with at least an eight inch (8") Portland cement concrete surface and a four inch (4") compact aggregate base or equivalent approved by the City Engineer.
- 4.6.16.4 Required Loading Spaces
- 4.6.16.4.1 All uses involving receipt or distribution of goods by vehicle shall have an adequate number of loading spaces on the premises to accommodate service vehicles necessary for normal daily operation. Loading spaces shall be separate from the required parking area, and shall be designed so as not to impede normal on-site traffic circulation.
- 4.6.17 Magazine Loading Space
- 4.6.17.1 All drive-in or drive facilities serving the public shall provide standing space for at least six (6) automobiles ahead of each teller or service window. Such magazine loading or standing space shall be clear of any public way or access drive to required parking. This requirement shall not apply to drop-off facilities such as night depositories or book returns.

4.7 INDUSTRIAL PERFORMANCE STANDARDS

4.7.1 Purpose

4.7.1.1 Performance standards, regulating industrial development within the City of North Chicago, are intended to:

4.7.1.1.1 Evaluate industrial land uses factually and objectively prior to the issuance of a certificate of occupancy.

4.7.1.1.2 Ensure that all industries provide methods which protect the community from hazards that are preventable by legitimate processes of control and nuisance elimination.

4.7.1.1.3 Protect industries from arbitrary exclusion or persecution based solely on subjective determinations of industrial performances made in the past.

4.7.2 Applicability

4.7.2.1 Performance standard provisions of this section shall be applicable to any use established in any CW, M1, M2, M3 or OR zoning district in either of the following instances:

4.7.2.1.1 If any use, building, or other structure, established prior to the effective date of this Ordinance is extended, enlarged, moved, structurally altered or reconstructed, said change in building or land use or configuration shall be in full compliance with this provision. Uses lawfully established prior to the effective date of this Ordinance, and not being extended, enlarged, moved, structurally altered or reconstructed, shall fully comply with applicable industrial performance standards existing at the time of use establishment or at the time of most recent structural alteration.

4.7.2.1.2 Any use established, any building or structure constructed, or tract of land developed for any permitted special, or accessory use in the CW or industrial districts shall comply with all of the performance standards herein set forth.

4.7.3 Administration

4.7.3.1 The Economic and Community Development Director may upon application approve and authorize the establishment of a use, building or structure provided that all pertinent provisions of this Ordinance, and other applicable city laws, are complied with. *(Amended 08/17/15)*

- 4.7.3.2 Need for Independent Engineering Analysis
- 4.7.3.2.1 If the Economic and Community Development Director determines that there is a reason to doubt compliance with any applicable performance standard provision, a licensed professional engineer of the City's choosing may be asked to analyze the prospects of compliance. Costs of such analysis shall be borne by the petitioner. *(Amended 08/17/15)*
- 4.7.3.3 Use of Independent Engineering Analysis
- 4.7.3.3.1 Upon submission of an independent engineering analysis authorized by the City, the Economic and Community Development Director shall authorize establishment of the use, building or structure if the independent analysis confirms probable compliance with this provision. If the independent engineering analysis indicates that the proposed use, building or structure is not likely to comply with this provision, then the application shall be denied until such time that the proposal is revised. *(Amended 08/17/15)*
- 4.7.3.4 Appeal of Administrative Determination
- 4.7.3.4.1 Action, or a lack of action within thirty (30) days by the Economic and Community Development Director, with reference to these performance standards may be appealed to the Zoning Board of Appeals. *(Amended 08/17/15)*
- 4.7.4 Technical Guidelines
- 4.7.4.1 Noise
- 4.7.4.1.1 All uses of land shall comply with the provisions of the most current version of the Illinois Pollution Control Board Rules and Regulations, Chapter 8: Noise Regulations.
- 4.7.4.1.2 Exceptions:

The following uses and activities shall be exempt from the noise level regulations in all districts:
- 4.7.4.1.2.1 Noises not directly under control of the property user.
- 4.7.4.1.2.2 Noises emanating from construction and maintenance activities between 7:00 AM and 10:00 PM. Such activities are those which are non-routine operations accessory to the primary activities and which are temporary in nature or conducted infrequently.
- 4.7.4.1.2.3 The noises of safety signals, warning devices and emergency pressure relief valves.
- 4.7.4.1.2.4 Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.

4.7.4.2 Vibration

4.7.4.2.1 Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent lot line, earth borne vibrations in excess of the limits set forth in columns 1 and 2 of Table 4, Permitted Vibration, is prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a residential district boundary line, earth borne vibrations in excess of the limits set forth in Column 3 of Table 4, Permitted Vibration, is prohibited.

4.7.4.2.2 Exceptions:

The following uses and activities shall be exempt from the vibration level regulations:

4.7.4.2.2.1 Vibrations not directly under the control of the property user.

4.7.4.2.2.2 Vibrations emanating from construction and maintenance activities between 7:00 AM and 10:00 PM. Such activities are those which are non-routine operations accessory to the primary activities and which are temporary in nature or conducted infrequently.

4.7.4.2.2.3 Transient vibrations of moving sources such as automobiles, trucks, airplanes and railroads.

4.7.4.2.2.4 Vibrations shall be expressed as displacement in inches and shall be measured with a three-component measuring system approved by the Economic and Community Development Director. *(Amended 08/17/15)*

4.7.4.3 Smoke, Particulate Matter and Odors

4.7.4.3.1 All uses of land shall comply with the provisions of the most current version of the Illinois Pollution Control Board Rules and Regulations, Chapter 2: Air Pollution.

4.7.4.4 Radiation Hazards

4.7.4.4.1 The handling of radioactive materials, the discharge of materials into air and water, and the disposal of radioactive wastes shall be in conformance with:

4.7.4.4.1.1 The applicable regulations of the Nuclear Regulatory Commission.

4.7.4.4.1.2 The applicable regulations of any instrumentality of the State of Illinois.

4.7.4.5 Fire and Explosive Hazards

4.7.4.5.1 The storage and use of flammables and combustible liquids shall comply with the most current edition of the Flammable and Combustible Liquids Code (ANSI/NFPA30) as adopted by the National Fire Protection Association. All plans, construction and location of flammables, combustible liquids and explosives shall conform to the laws and regulations of the State of Illinois and shall have the approval of both the Office of the State Fire Marshal and the City of North Chicago Fire Department.

4.7.4.6 Glare and Heat

4.7.4.6.1 Every use and activity shall be so operated that it does not emit heat or heated air beyond the boundary of the lot on which it is located. No direct or sky reflected glare shall emanate from any use or activity so as to be visible at any point on or beyond the boundary of the lot on which such use or activity is located. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance or other applicable ordinances; or to activities of a temporary or of an emergency nature.

4.7.4.7 Electromagnetic Interference

4.7.4.7.1 There shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission (FCC).

TABLE 4 - PERMITTED VIBRATION

In the OR or M1 Zoning Districts			
Frequency (Cycles per Second)	1.* Displacement (in.)	2.* Displacement (in.)	3.* Displacement (in.)
0 to 10	0.0008	0.0016	0.0004
10 to 19	0.0005	0.0010	0.0002
20 to 29	0.0003	0.0006	0.0001
30 to 39	0.0002	0.0004	0.0001
40 and Over	0.0001	0.0002	0.0001
In the CW, M2, and M3 Zoning Districts			
Frequency (Cycles per Second)	1.* Displacement (in.)	2.** Displacement (in.)	3.** Displacement (in.)
0 to 10	0.0020	0.0100	0.0004
10 to 19	0.0010	0.0050	0.0002
20 to 29	0.0006	0.0030	0.0001
30 to 39	0.0004	0.0030	0.0001
40 and Over	0.0003	0.0015	0.0001

* Steady-state vibrations, for purposes of this Ordinance, are vibrations which are continuous, or vibrations in discrete impulses more frequent than one hundred (100) per minute. Discrete impulses which do not exceed one hundred (100) per minute shall be considered impact vibrations, and shall not cause in excess of twice the displacements stipulated.

** Impacts no more than eight (8) times per twenty-four (24) hour period; vibrations occurring in discrete impulses separated by an interval of at least one (1) minute and numbering no more than eight (8) in any twenty-four (24) hour period.

4.8 REGULATIONS FOR SPECIFIC USES

4.8.1 Reserved.

4.9 EXEMPTIONS

4.9.1 In accordance with the statutes of the State of Illinois, nothing in this Ordinance shall impose restrictions on the type or location of any poles, towers, wires, seals, conduits, vaults, laterals or any similar distributing equipment of a public utility.

4.10 EXEMPTIONS TO DISTRICT REGULATIONS

4.10.1 The following exemptions are hereby made to the Lot, Yard and Bulk Regulations shown in Table 2.

4.10.2 Yard and Building Setback Exceptions

The following structures or parts of structures shall be permitted to project into or be constructed in any required yard or beyond the building setback line:

- 4.10.2.1 Awnings and canopies [not to exceed five feet (5'-0")].
- 4.10.2.2 Bay windows [not to exceed two feet, six inches (2'-6")].
- 4.10.2.3 Chimneys [not to exceed one foot, six inches (1'-6")].
- 4.10.2.4 Clothesline posts.
- 4.10.2.5 Driveways and curbs (etc.)
- 4.10.2.6 Fences, walls and hedges in accordance with Article 4.13 of this section.
- 4.10.2.7 Flagpoles.
- 4.10.2.8 Garbage disposal equipment, non-permanent.
- 4.10.2.9 Guardhouse or gatehouse.
- 4.10.2.10 Islands and pumps for gasoline service stations, minimum setback of twenty feet (20'-0").
- 4.10.2.11 Landscape features.
- 4.10.2.12 Mailbox.
- 4.10.2.13 Overhanging roof, eave, gutter, cornice or other architectural features, not to exceed one foot, six inches (1'-6").
- 4.10.2.14 Parking spaces as regulated in section 4.1.
- 4.10.2.15 Planting boxes.
- 4.10.2.16 Play equipment, other than recreational vehicles.
- 4.10.2.17 Sidewalks and steps.
- 4.10.2.18 Signs, as regulated by this Ordinance.
- 4.10.2.19 Steps or stairs to a dwelling, non-enclosed, not to exceed four feet (4'-0").
- 4.10.2.20 Terraces (open) and porches, non-enclosed, not to exceed four feet (4'-0").

- 4.10.2.21 Trees, shrubs, flowers and other plants.
- 4.10.2.22 Yard and service lighting fixtures, poles.
- 4.10.3 Height Exceptions
- 4.10.3.1 The following structures or parts of structures are exempt from the height limitations set forth in the various zoning districts: except as limited by any height restrictions imposed by any airport authority or other municipal corporation operating an airport:
 - 4.10.3.1.1 Agriculture buildings and accessory uses (not including dwellings).
 - 4.10.3.1.2 Public utility poles, towers and wires.
 - 4.10.3.1.3 Radio and television antennae and towers, provided that a Special Use Permit shall be obtained for any transmitting tower subject to the standards and procedures of this Ordinance.
 - 4.10.3.1.4 Towers: fire, mechanical and smoke, not to exceed the height restrictions in the zone where the tower is located by more than sixteen feet (16'-0").
 - 4.10.3.1.5 Water tank and standpipes.

4.11 LANDSCAPING AND BUFFERYARD REQUIREMENTS

4.11.1 Purpose

4.11.1.1 Effective landscaping and buffering can greatly enhance an area's visual appeal. Buffering can minimize the adverse impacts of intensive land uses; it can protect adjacent uses from excessive noise, light, litter and traffic. The inclusion of landscaping standards in this Ordinance is designed to promote the health, safety and welfare of North Chicago residents and property owners.

4.11.2 Applicability

4.11.2.1 All uses, structures or properties constructed, extended, enlarged, moved or altered shall comply with the provisions of this section.

4.11.3 Standards

4.11.3.1 Minimum plant sizes are established as follows: *(Amended 01/21/14)*

4.11.3.1.1 Canopy trees: Two and a half inch (2.5") caliper at diameter breast height (dbh)

4.11.3.1.2 Understory trees: One and a half inch (1.5") caliper at diameter breast height (dbh)

4.11.3.1.3 Evergreen trees: Six feet (6'-0") in height

4.11.3.1.4 Deciduous Shrubs: Two feet (2'-0") in height

4.11.3.1.5 Evergreen Shrubs: One foot and six inches (1'-6") in height

4.11.3.2

The following shall be considered acceptable canopy trees: *(Amended 12/15/08)*

Scientific Name	Common Name
Acer Platinoides	Norway Maple
Acer Rubrum	Red Maple
Acer Saccharum	Sugar Maple
Aesculus Carnea "Rubicunda"	Pink Horsechestnut
Aesculus Hippocastanum	Tree of Heaven
Ailanthus Altissima	Yellow Birch
Betula Papyrifera	Bitternut Hickory
Carya Cordiformis	Shagbark Hickory
Carya Ovata	Common Hackberry
Celtis Occidentalis	American Beech
Fraxinum Quadrangulata	Ginkgo Tree (Male)
Ginkgo Biloba	Thornless Honeylocust
Gleditsia Triacanthos Inermis	Common Honeylocust
Gleditsia Triacanthos	Kentucky Coffeetree
Gymnocladus Dioicus	Butternut
Juglans Cinerea	Black Walnut
Juglans Nigra	Amur Corktree
Phellodendron Amurense	Sycamore Tree
Platanus Occidentalis	Bigtoothed Aspen
Populas Tremuloides	Quaking Aspen
Prunus Serotina	Black Cherry
Quercus Accitissima	Sawtooth Oak
Quercus Alba	White Oak
Quercus Bicolor	Swamp White Oak
Quercus Borealis	Northern Red Oak
Quercus Coccinea	Scarlet Oak
Quercus Imbricaria	Shingle Oak
Quercus Macrocarpa	Burr Oak
Quercus Muhlenbergii	Chinquapin Oak
Quercus Palustris	Pin Oak
Quercus Robur	English Oak
Quercus Velutina	Black Oak
Tilia Americana	American Linden
Tilia Cordata	Littleleaf Linden
Tilia Euchlora	Redmond Linden

4.11.3.3

The following shall be considered acceptable understory trees

Scientific Name	Common Name
Acer Campestra	Hedge Maple
Acer Ginnala	Amur Maple
Acer Griseum	Paper Bark Maple
Aesculus Glabra	Ohio Buckeye
Alnus Glutinosa	European Black Alder
Alnus Rugosa	American Alder
Amelanchier Canadensis	Thicket Serviceberry
Amelanchier Laevis	Alleghany Serviceberry
Amelanchier Sanguinea	Roundleaf Serviceberry
Amelanchier Stolonifera	Running Serviceberry
Betula Lenta	Sweet Birch
Betula Nigra	River Birch
Carpinus Caroliniana	American Hornbeam
Cercidiphyllum Japonicum	Japanese Katsura Tree
Chionanthus Virginicus	White Fringetree
Cornus Alternifolia	Pagoda Dogwood
Cornus Mas	Cornelian Cherry
Crataegus Crus-Galli	Cockspur Hawthorn
Crataegus Mollis	Downy Hawthorn
Crataegus Punctata	Dotted Hawthorn
Crataegus Viridas	Winterking Hawthorn
Elaeagnus Angustifolia	Russian Olive
Elaeagnus Unibellata	Autumn Olive
Euonymus Atropurpureus	Eastern Wahoo
Lindera Benzoin	Spicebush
Maclura Ponifera	Osage Orange Tree
Magnolia Soulangiana	Saucer Magnolia
Malus Species	Crab Apple
Morus Alba	White Mulberry
Ostrya Virginiana	Ironwood
Prunus Americana	American Plum
Prunus Padus	European Birdcherry
Pyrus Communis	Common Pear
Salix Interior	Sandbar Willow

4.11.3.3 The following shall be considered acceptable understory trees (continued)

Scientific Name	Common Name
Syringa Japonica	Japanese Tree Lilac
Crataegus Phaenopyrum	Washington Hawthorn

4.11.3.4 The following shall be considered acceptable evergreens:

Scientific Name	Common Name
Abies Concolor	White Fir
Abies Balsamea	Balsam Fir
Juniperus Chinensis	Chinese Juniper
Juniperus Virginiana	Eastern Red Cedar
Larix	European Larch
Larix Laricina	American Larch
Picea Glauca Alba	White Spruce
Picea Glauca Densata	Blackhill Spruce
Picea Abies	Norway Spruce
Picea Pungens	Blue Spruce
Pinus Banksiana	Jack Pine
Pinus Cembra	Swiss Stone Pine
Pinus Nigra	Austrian Pine
Pinus Pungens	Table Mountain pine
Pinus Resinosa	Red Pine
Pinus Strobus	White Pine
Pinus Sylvestris	Scotch Pine
Pinus Thunbergi	Japanese Black Pine
Pseudotsuga Taxifolia	Douglas Fir
Thuja Occidentalis	American Arborvitae
Tsuga Canadensis	Canadian Hemlock

4.11.3.5 The following shall be considered acceptable shrubs: *(Amended 12/15/08)*

Scientific Name	Common Name
Amorpha Fruiticosa	Indigo Bush
Aronia Arbutifolia	Red Chokeberry
Aronia Melanocarpa	Black Chokeberry
Berberis Thunbergi	Japanese Barberry
Calycanthos Floridus	Carolina Allspice

4.11.3.5

The following shall be considered acceptable shrubs (continued):

Scientific Name	Common Name
Caragana Arborescens	Siberian Peashrub
Caragana Frutex	Russian Peashrub
Ceanothus Americanus	New Jersey Tea
Celastrus Scandens	American Bittersweet
Cephalanthus Occidentalis	Button Bush
Chaenomeles Japonica	Japanese Flowering Quince
Chaenomeles Lagenaria	Common Flowering Quince
Cornus Amomum	Silky Dogwood
Cornus Baileyi	Bailey's Dogwood
Cornus Racemosa	Gray Dogwood
Cornus Sanguinea	Bloodtwig Dogwood
Cornus Stolonifera	Redozier Dogwood
Corylus Americana	American Hazelnut
Cotinus Coggygria	Smokebush
Cotoneaster Acutifolia	Peking Cotoneaster
Cotoneaster Multiflora	Multiflora Cotoneaster
Deutzia Gracilis	Slender Deutzia
Euonymus Alatus	Burning Bush
Forsythia Intermedia	Border Forsythia
Forsythia Ovata	Early Forsythia
Forsythia Suspensa	Weeping Forsythia
Hamamelis Vernalis	Early Witchhazel
Hamamelis Virginiana	Common Witchhazel
Hippophae Rhamnoides	Common Seabuckthorn
Hydrangea A. Grandiflora	A.G. Hydrangea
Hydrangea P. Grandiflora	P.G. Hydrangea
Hypericum Kalmianum	Kalm St. Johnswort
Hypericum Prolificum	Shrubby St. Johnswort
Juniperus Chinensis Spp.	Junipers
Ligustrum Amurense	Amur or Cheyenne Privet
Ligustrum O. Regelianum	Regel's Privet
Ligustrum Vulgare	Common Privet
Lonicera	Clavy's Dwarf Honeysuckle
Lonicera Tatarica	Tatarican Honeysuckle
Lycium Chinese	Chinese Wolfberry

4.11.3.5

The following shall be considered acceptable shrubs (continued):

Myrica Pennsylvanica	Northern Bayberry
Philadelphus Coronarius	Sweet Mock-Orange
Physocarpus Opulifolius	Ninebark
Pinus Mugo Mughus	Mugho Pine
Polygonum Auberti	Fleece Flower
Potentilla Fruiticosa	Bush Cinquefoil
Prunus Glandulosa	Flowering Almond
Prunus Triloba	Double Flowering Plum
Prunus Virginiana	Chokeberry
Ptelea Trifoliata	Hope Tree
Ribes Americanum	American Black Currant
Ribes Alpinum	Alpine Currant
Ribes Cynosbati	Pasture Gooseberry
Ribes Missouriense	Missouri Gooseberry
Ribes Odoratum	Clove Currant
Rhamnus Frangula	Buckthorn
Rhodotypes Scandens	Black Jetbead
Rhus Aromatica	Fragrant Sumac
Rhus Copallina Latifolia	Shining Sumac
Rhus Glabra	Smooth Sumac
Rhus Typhina	Staghorn Sumac
Rosa Arkansana	Arkansas Rose
Rosa Palustris	Swamp Rose
Rosa Setigera	Prairie Rose
Rosa Virginiana	Virginia Rose
Rubus Allegheniensis	Blackberry
Rubus Idaeus	Raspberry
Rubus Strigosus	Blackberry
Sambucus Canadensis	Elderberry
Sherperdia Canadensis	Buffaloberry
Spiraea Bulmalda	Bulmada Spirea
Spiraea Chameadrifolia	Germander Spirea
Spiraea Prunifolia	True Bridalwreath Spirea
Spiraea Thunbergi	Thunberg Spirea
Spiraea Vanhouttei	Vanhoutte Spirea
Stapylea Trifolia	Bladdernut

4.11.3.5

The following shall be considered acceptable shrubs (continued):

Stephandra Incisa	Cutleaf Stephandra
Symphoricarpos Alba	Snowberry
Symphoricarpos Orbiculatus	Indian Currant
Syringa Chinensis	Chinese Lilac
Syringa Villosa	Late Lilac
Syringa Vulgaris	Common Lilac
Taxus Cuspidata	Spreading Yew
Taxus Cuspidata	Upright Yew
Viburnum Acerifolium	Mapleleaf Viburnum
Viburnum Burkwoodi	Burkwood Viburnum
Viburnum Carlesi	Korean Spicebush
Viburnum Cassinoides	Witherod
Viburnum Dentatum	Arrowwood
Viburnum Lantana	Wayfaring Tree
Viburnum Lentago	Nannyberry
Viburnum Opulus	European Cranberrybush
Viburnum Prunifolium	Blackhaw Viburnum
Viburnum Rhytidophyllum	Leatherleaf Viburnum
Viburnum Sieboldi	Sieboldi Viburnum
Viburnum Trilobum	American Highbush Cranberry

- 4.11.3.6 The following shall be considered acceptable fences: *(Amended 12/06/10)*
- 4.11.3.6.1 Wood or Vinyl styles:
- 4.11.3.6.1.1 Basket weave
- 4.11.3.6.1.2 Picket
- 4.11.3.6.1.3 Shadow Box
- 4.11.3.6.1.4 Stockade
- 4.11.3.6.1.5 Split Rail
- 4.11.3.6.1.6 Lattice
- 4.11.3.6.1.7 Solid (no spacing)
- 4.11.3.6.1.8 French Gothic
- 4.11.3.6.1.9 Dog-Eared
- 4.11.3.6.1.10 Shadow Box
- 4.11.3.6.2 Metal styles:
- 4.11.3.6.2.1 Ornamental Metal
- 4.11.3.6.2.2 Chain link. The use of chain link adjacent to a public right-of-way in a commercial or industrial district is prohibited. Chain link privacy slats in residential districts are prohibited.
- 4.11.3.7 All plant materials shall, at a minimum, conform to standards of the American Association of Nurserymen and be planted in accordance with the standards of the American Institute of Architects (AIA).
- 4.11.3.8 At least thirty percent (30%) of the plant materials required in the understory/evergreen category shall be evergreen trees.
- 4.11.4 Bufferyards
- 4.11.4.1 Plant materials and fencing required in the installation of bufferyard shall be determined in accordance with Table 5, Bufferyard Requirements.

4.11.4.2 Bufferyards shall be located within the required side or rear yard and the type of bufferyard required between zoning lots in the various use districts shall be determined in accordance with Table 6, Bufferyard Location. Bufferyards between R1/R1 and R1/R2 zoning district may be imposed by the plan review process to prevent adverse impact on adjacent lots. *(Amended 02/04/02)*

FIGURE 5 - FENCE TYPES *(Removed 12/06/10)*

TABLE 5 - BUFFERYARD REQUIREMENTS

Required plant materials per 100 linear feet

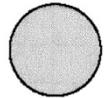
Type of Bufferyard	Canopy Trees	Understory/ Evergreen Trees	Shrubs	Fence
A	1	2	3	No
B	2	4	6	No
C	3	6	9	No
D	4	8	12	No
E	4	8	12	Yes
F	-	-	12	Yes

TABLE 6 - BUFFERYARD LOCATION

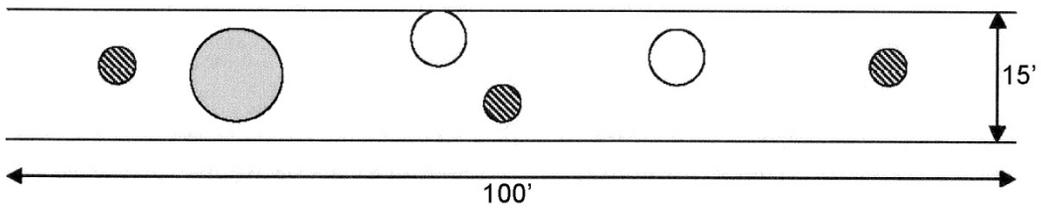
Zoning of Adjacent Property

Property Zoning	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
R1	-	-	A	B	C	D	E	E	E	E	E	E	B
R2	-	-	A	B	C	D	E	E	E	E	E	E	B
R3	A	A	A	A	A	D	E	E	E	E	E	D	B
R4	B	B	A	A	A	D	E	E	E	E	D	D	B
R5	C	C	A	A	B	D	E	E	E	E	D		B
B1	D	D	D	D	D	-	-	E	F	E	D	C	D
B2	E	E	E	E	E	-	-	F	F	F	C	C	D
CW	E	E	E	E	E	F	F	B	C	C	C	F	D
M1	E	E	E	E	E	F	F	C	B	B	F	F	D
M2	E	E	E	E	E	F	F	C	B	B	F	F	D
M3	E	E	E	E	E	F	F	C	B	B	F	F	D
OR	E	E	D	D	D	C	C	F	F	F	F	B	D
PL	B	B	B	B	B	D	D	D	D	D	B	D	A

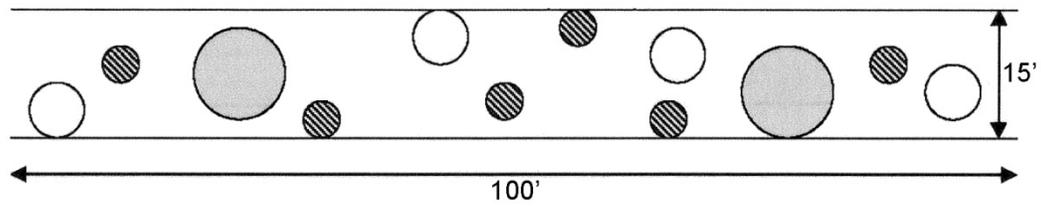
FIGURE 6a - BUFFERYARD TYPES

-  = Canopy Tree
-  = Understory/Evergreen Tree
-  = Shrub

Bufferyard Type "A"



Bufferyard Type "B"



Bufferyard Type "C"

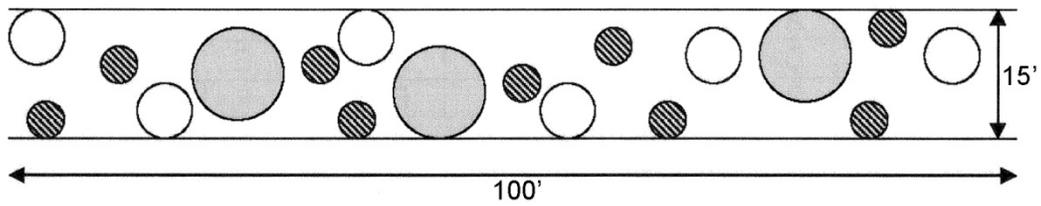
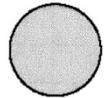
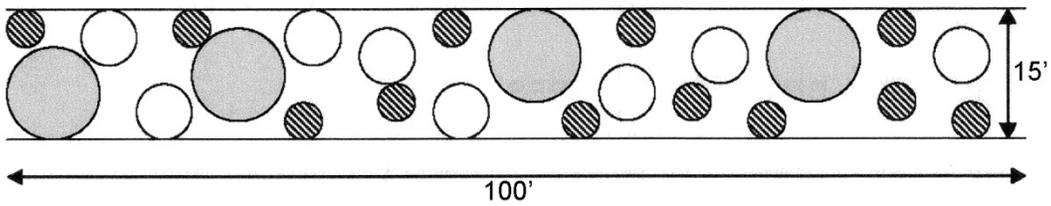


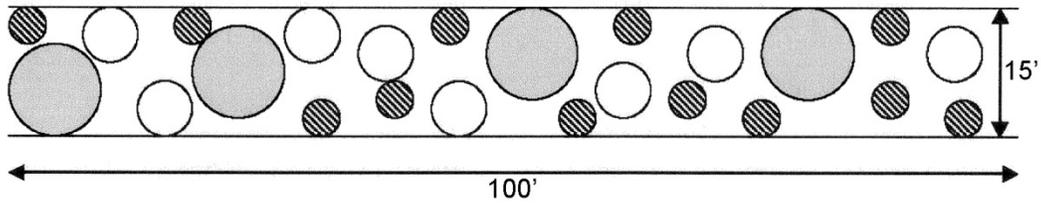
FIGURE 6b - BUFFERYARD TYPES

-  = Canopy Tree
-  = Understory/Evergreen Tree
-  = Shrub

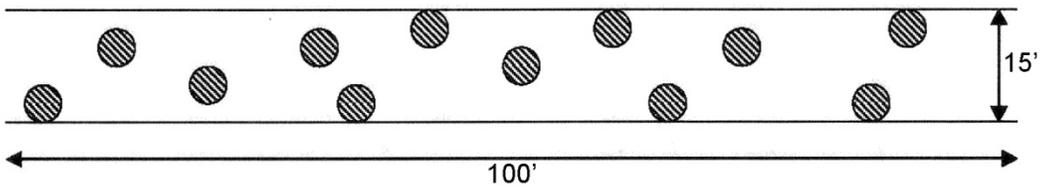
Bufferyard Type "D"



Bufferyard Type "E" (Fence also required)



Bufferyard Type "F" (Fence also required)



- 4.11.5 Street Trees
- 4.11.5.1 Street trees shall be planted at a rate of one (1) canopy tree per thirty (30) linear feet of frontage in R1 districts, and one (1) canopy tree per twenty-five (25) linear feet of frontage in every other district. For corner lots and double frontage lots, trees shall be required along each street. *(Amended 01/21/14)*
- 4.11.5.2 Street trees shall be canopy trees and shall be planted in accordance with the standards established in Type C of Table 5, and in accordance with all other applicable ordinances of the City. *(Amended 01/21/14)*
- 4.11.6 Maintenance of Bufferyard and Street Trees
- 4.11.6.1 Maintenance of bufferyards and street trees shall consist of all acts necessary to ensure that the areas remain usable as originally designed and that no hazards, nuisances or unhealthy conditions exist.
- 4.11.7 Bufferyard and Street Tree Credit
- 4.11.7.1 When mature trees, buffers or other landscape materials already exist, the developer may receive credit for such trees, buffers and other landscape materials. Such existing trees, buffers and landscape materials shall be maintained so that no hazards, nuisances or unhealthy conditions exist.
- 4.11.7.2 The Economic and Community Development Director, upon receipt of a written request and submittal of a survey of trees, buffers and other landscape materials, may waive the landscaping and bufferyard requirements to the degree that the waiver is consistent with the intent of the landscaping and bufferyard requirements. *(Amended 08/17/15)*
- 4.11.8 Regulations for Fences and Walls
- 4.11.8.1 Height and Location
- 4.11.8.1.1 Area fence and perimeter fence height shall be measured from two inches (2") above finished grade to provide a separation for adequate drainage and maintenance.
- 4.11.8.1.1.1 In any residential side yard, an area fence or perimeter fence may be erected to a height no greater than six feet (6') (See Figure 2).
- 4.11.8.1.1.2 In any residential rear yard, an area fence or perimeter fence may be erected to a height no greater than six feet (6') (See Figure 2).

- 4.11.8.1.2 Perimeter fences in residential districts may be erected to a height no greater than four feet (4') in the front yard pursuant to site plan review procedures (See Figure 2). Non-residential uses as well as non-traditional housing quarters within this district may seek up to an additional two feet in height if the Economic and Community Development Director finds that such a fence will not adversely impact the neighboring properties. Such styles may include picket (decorative wood to be a minimum thickness of 3/4"), split rail, wrought iron, chain link (minimum 9 or 11 gauge) and those deemed acceptable by the Economic and Community Development Director. Styles of fencing such as stockade, basket weave or similar are not allowed in the front yard. *(Amended 08/17/15)*
- 4.11.8.1.3 Area fences and perimeter fences can be erected on a zoning lot in the following locations:
- 4.11.8.1.3.1 Along the interior lot lines.
- 4.11.8.1.3.2 On corner lots, any fence along a public right-of-way shall maintain a one foot (1'-0") setback from property line. However, when the fence intersects with a driveway, alley or right-of-way, a sight triangle must be maintained. Such a triangle shall have legs of twenty-five feet (25'-0") along the rights-of-way line when two (2) streets intersect and ten feet (10'-0") along the right-of-way line and the driveway edge when a street and a driveway intersect (see Figure 3).
- 4.11.8.1.3.3 All fences shall be entirely on private property.
- 4.11.8.1.3.4 The construction of fences in utility easements is subject to the conditions of the easement. However, if a homeowner wishes to locate a fence within the easement, the homeowner will be responsible for any repairs to the fence should the City or utility companies need to access or repair utilities located within that easement. The City shall not be responsible for any damages caused by these repairs or access.
- 4.11.8.1.3.5 Fences may not encroach on adjoining lots or public rights-of-way.
- 4.11.8.1.3.6 No more than one (1) solid, obscuring fence shall be allowed along a lot line shared by two (2) zoning lots.
- 4.11.8.1.3.7 Fence location and construction shall not restrict flow through any drainage swale. Fences located across drainage swales shall be a minimum of six inches (6") above grade.
- 4.11.8.1.3.8 Fences shall not be permitted in floodway areas as designated on FEMA's flood boundary and floodway map.
- 4.11.8.1.3.9 Grades at property lines shall not be altered due to fence construction unless a grading plan is submitted and approved by the City Engineer.

- 4.11.8.1.4 Fences and gates shall be at least four feet, six inches (4'-6"), but not greater than five feet (5'-0") in height to completely surround swimming pools other than swimming pools having a raised deck at least four feet, six inches (4'6") above grade and may be placed as follows:
- 4.11.8.1.4.1 Along the perimeter of the pool walk areas; or
- 4.11.8.1.4.2 Along the perimeter of the lot as described in subsection 4.11.8.1.3 above.
- 4.11.8.2 Construction of Area and Perimeter Fences
- 4.11.8.2.1 Fences shall be constructed so that the side facing an abutting lot or street is smooth finished. Fence support posts may only be exposed along the interior lot lines of the fence owner.
- 4.11.8.2.2 Chain link fences shall be erected, where permitted, so that the barbs are on the bottom. It shall also be unlawful to construct or maintain a fence equipped with or having barbed wire, spikes or any similar device except for CW, OR, PL, M1, M2, M3 zoning districts, when deemed necessary by the Economic and Community Development Director. All applications for barbed wire fencing must be accompanied by documentation for sufficient need and rational, as well as a detailed public safety plan. Moreover, it shall be unlawful to construct or maintain anywhere within the City a fence equipped with or having any electric charge sufficient to cause shock. *(Amended 08/17/15)*
- 4.11.8.2.3 Fences used for the purpose of screening in commercial and industrial districts shall be of stockade or other solid, obscuring fence type.
- 4.11.8.2.4 Fences used for the purpose of screening accessory building material, equipment or vehicle storage yard uses will have the following height limits:
- Commercial - Seven feet (7')
- Industrial -Eight feet (8')
- 4.11.8.2.5 Fences used for security purposes in commercial or industrial districts may be constructed of chain link fencing with aluminum slats, except where adjacent to property zoned for residential use, in which case, the fence must be of solid wood construction.
- 4.11.8.2.6 In districts other than single-family residence zoning districts, the City may require that fence areas be landscaped with low height plantings or other material to be approved by the Department of Economic and Community Development. *(Amended 08/17/15)*

- 4.11.8.2.7 On-site reviews by City staff may also be conducted to determine what is best aesthetically in cases of conflicting fence heights between adjacent property owners.
- 4.11.8.2.8 A current Plat of Survey will be required for all fence permits.

4.12 OPEN STORAGE

- 4.12.1 All yards used for the storage of materials, goods or products of any kind, including but not limited to, auto salvage or repair, tow yards, buses, taxicabs, building and lumber materials, garbage trucks, contractor's equipment and supplies, and vehicles shall have around the entire perimeter of the yard an obscuring fence not less than six feet (6'-0") in height. The fence is to be located on the inside of the required bufferyard. Bufferyards adjacent to a public right-of-way may be reduced to 7-feet in width. This regulation does not apply to yards or areas used exclusively for the sale of new or used motor vehicles. The fence shall be constructed of materials defined in Section 4.11 of this Ordinance to the standards of the City of North Chicago; however, chain link is strictly prohibited. *(Amended 03/19/07)*

4.13 DUMPSTER SCREENING

- 4.13.1 All trash dumpsters for use in the R3, R4, R5, B1, B2, OR or PL districts shall be enclosed by a solid obscuring fence not less than six feet (6'-0") in height. The fence shall be constructed of materials defined in Section 4.11 of this Ordinance to the standards of the City of North Chicago.

4.14 REGULATIONS FOR RADIO, SATELLITE AND TELEVISION ANTENNAS, TOWERS AND DISHES

- 4.14.1 General Provisions *(Amended 08/17/15)*

Antennas, towers and dishes, which do not comply with the requirements of this subsection, may be authorized only in accordance with the procedures for special uses. All antennas, towers and dishes shall be constructed to meet or exceed the minimum velocity and construction standards specified in the North Chicago Building Code. All Wind Energy Facilities shall be governed through the special use permit process, as well as all federal and state statutes.

- 4.14.2 Ground-Mounted Antenna Towers and Dishes

- 4.14.2.1 There shall not be more than one (1) ground-mounted antenna tower or dish located on a zoning lot.
- 4.14.2.2 Ground-mounted antenna towers and dishes shall not be located in any required yard except for rear yards and shall conform with setback requirements specified for accessory buildings and structures.

- 4.14.2.3 The height of all antenna towers or dishes shall include any accompanying base or support structures and shall be measured from finished grade to the highest point of the antenna.
- 4.14.2.3.1 Residential Districts
- 4.14.2.3.1.1 Federally licensed amateur radio transmitting towers shall be allowed by Special Use Permit only.
- 4.14.2.3.1.2 Ground-mounted dish antennas shall not exceed fifteen feet (15'-0") in height.
- 4.14.2.3.2 Nonresidential Zoning Districts
- 4.14.2.3.2.1 Ground-mounted antenna towers shall be allowed by Special Use Permit only.
- 4.14.2.3.2.2 Ground-mounted dish antennas shall not exceed the height of the building by which they are located.
- 4.14.2.4 The diameter of ground-mounted dish antennas shall comply with the following:
- 4.14.2.4.1 Residential Zoning Districts
- Ground-mounted dish antennas shall not exceed ten feet (10'-0") in diameter.
- 4.14.2.4.2 Nonresidential Zoning Districts
- Ground-mounted dish antennas shall not exceed fifteen feet (15'-0") in diameter.
- 4.14.2.5 All ground-mounted dish antennas must be screened and/or complemented with landscaping or fencing as determined appropriate by the Economic and Community Development Director. *(Amended 08/17/15)*
- 4.14.3 Roof-Mounted Antenna Towers and Dishes
- 4.14.3.1 There shall not be more than one (1) roof-mounted antenna tower or dish located on a zoning lot in any residential district.
- 4.14.3.2 There shall not be more than one (1) roof-mounted antenna tower or dish for each separate establishment located on a zoning lot in any nonresidential district.
- 4.14.3.3 Height restrictions shall apply to the following:

- 4.14.3.3.1 Residential Districts
- 4.14.3.3.1.1 Roof-mounted antenna towers shall not project more than ten feet (10'-0") above the maximum height of the residential building upon which they are located. Antenna towers located on the roof of educational and religious buildings shall not project more than fifteen feet (15'-0") above the maximum height of the primary or accessory building upon which they are located.
- 4.14.3.3.1.2 Roof-mounted dish antennas shall not project more than ten feet (10'-0") above the maximum height of the residential building upon which they are located; or higher than the maximum height allowed for the building upon which they are located, whichever is smaller.
- 4.14.3.3.2 Nonresidential Districts
- 4.14.3.3.2.1 Roof-mounted antenna towers shall not project more than fifteen feet (15'-0") above the maximum height of the primary or accessory building upon which they are located.
- 4.14.3.3.2.2 Roof-mounted dish antennas shall not project higher than the maximum height allowed for the building upon which they are located.
- 4.14.3.4 Diameter of Dish Antennas
- 4.14.3.4.1 Residential Districts
- 4.14.3.4.1.1 Roof-mounted dish antennas located on residential buildings shall not exceed three feet (3'-0") in diameter. Roof-mounted dish antennas located on educational, religious or city buildings shall not exceed ten feet (10'-0") in diameter.
- 4.14.3.4.2 Nonresidential Districts
- 4.14.3.4.2.1 Roof-mounted dish antennas shall not exceed fifteen feet (15'-0") in diameter.
- 4.14.3.5 Screening of Roof-Mounted Dish Antennas
- 4.14.3.5.1 All roof-mounted dish antennas in residential districts must be fully screened from view from adjacent roadways and properties [between grade level and ten feet (10'-0") above grade level] with materials which are compatible with the building to which they are accessory.
- 4.14.4 Wind Energy Facilities . (Amended 08/17/15)

- 4.14.4.1 The development and maintenance of Wind Energy Facilities shall follow all regulations outlined within the Lake County Unified Development Ordinance, with the exception of permitted locations and setbacks which shall be limited to and governed by M3 and PL zoning district regulations. *(Amended 08/17/15)*

4.15 REGULATIONS FOR TELECOMMUNICATIONS FACILITIES

4.15.1 Applicability

- 4.15.1.1 Antennae or towers located on property owned, leased, or otherwise controlled by the City shall be exempt from the requirements of this Section 4.15, provided a license or lease authorizing such antennae or tower has been approved by the City.

- 4.15.1.2 Section 4.15 shall not govern any tower, or the installation of any antenna, that is under sixty feet (60'-0") in height and is owned and operated by a federally licensed amateur radio station operator for that purpose.

4.15.2 General Provisions

- 4.15.2.1 The purpose of this Section 4.15 is to establish general guidelines for the siting of towers and antennae. The goals of this Section 4.15 are to:

- 4.15.2.1.1 encourage the location of towers in non-residential areas and minimize the total number of towers throughout the City;

- 4.15.2.1.2 encourage strongly the joint use of new and existing tower sites;

- 4.15.2.1.3 encourage users of towers and antennae to locate them, to the extent possible, in areas where the adverse impact on the City is minimal;

- 4.15.2.1.4 encourage users of towers and antennae to configure them in a way that minimizes the adverse visual impact of the towers and antennae;

- 4.15.2.1.5 enhance the ability of the providers of telecommunications services to provide such services to the City quickly, effectively, and efficiently; and

- 4.15.2.1.6 encourage users of towers and antennae to utilize property owned or controlled by the City.

- 4.15.2.2 Antennae and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot or parcel shall not preclude the installation of an antenna or tower on such lot or parcel. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such

requirements, the dimensions of the entire lot or parcel shall control, even though the antennae or towers may be located on leased parcels within such lots or parcels. Towers that are constructed, and antennae that are installed, in accordance with the provisions of this section 4.15 shall not be deemed to constitute the expansion of a nonconforming use or structure.

- 4.15.2.3 Each applicant for an antenna and/or tower shall provide to the City an inventory of its existing towers that are either within the jurisdiction of the City or within two (2) miles of the border thereof, including specific information about the location, height, and design of each tower. The City may share such information with other applicants applying for permits under this Section 4.15 or other organizations seeking to locate antennae or towers within the City, provided, however that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- 4.15.2.4 The following guidelines set forth shall govern the location of all towers, and the installation of all antennae, governed by this Section 4.15; provided, however, that the City may waive these requirements if it determines that the goals of this Section 4.15 are better served thereby.
 - 4.15.2.4.1 Towers shall have a galvanized steel finish or such other finish, which is of comparable or better quality and is approved by the City Engineer, or be painted a neutral color, so as to reduce visual obtrusiveness.
 - 4.15.2.4.2 At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and existing structures.
 - 4.15.2.4.3 If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - 4.15.2.4.4 Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City shall review the available lighting alternatives and approve the design that would cause the least visual disturbance. No illumination system may be utilized to illuminate the support building or the balance of the installation, except as explicitly required by federal law.
 - 4.15.2.4.5 All installations must comply with the National Environmental Policy Act of 1969, all other applicable federal and state laws and regulations, as well as the standards contained in the North Chicago Building Code and must specifically meet or exceed current standards and regulations of the FAA, the FCC, and any other applicable federal or state regulations. If such standards and regulations are changed, then the owners of the towers and antennae governed by this

Section 4.15 shall bring such towers and antennae into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring towers and antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- 4.15.2.4.6 To ensure the structural integrity of the towers and antennae, the owner of a tower/antenna shall ensure that it is maintained in compliance with the City building codes and the applicable standards for towers/antennae that are published by the electronic industries association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower/antenna, the owner shall have thirty (30) days to bring such tower/antenna into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the city may remove such tower at the owner's expense.
- 4.15.2.4.7 All towers and antennae shall have the name of the provider and an emergency telephone number (non-business hours) either lettered directly on the equipment or on a plate attached to the equipment.
- 4.15.2.4.7.1 The overall area of this sign shall not exceed two (2) square feet.
- 4.15.2.4.7.2 Said sign must be appropriately located to provide information to emergency service provider and the City.
- 4.15.2.4.8 Vehicle or outdoor storage of any kind on the site of any tower or antenna is prohibited.
- 4.15.2.4.9 Guyed towers and lattice work towers are prohibited.
- 4.15.2.4.10 On the first day of January of each year after a building permit is issued for a tower/antenna, the owner/operator must provide the City with a certificate of continuing compliance from each agency, federal or otherwise, having jurisdiction over the owner/operator for the continued operation of the tower/antenna that the tower or antenna meets the standards and regulations of the IEPA, if applicable, the FAA, the FCC, or any other agency of the state or federal government with authority to regulate the owner/operator of the tower/antenna.
- 4.15.2.4.11 In the event that the owner/operator either refuses to obtain a certificate of compliance in accordance with the above or the certifying agency is unable to issue a certificate because of non-compliance, the owner/operator shall immediately cease provision of services until compliance is achieved.

- 4.15.2.4.12 If the owner/operator is not able to achieve compliance as described within sixty (60) days from the date a certificate of continuing compliance is due, then and in that event, the owner/operator shall cause the tower/antenna to be removed at the owner's expense, from the site within thirty (30) days thereafter. If the tower/antenna is not removed, the City shall have the option to remove the same in accordance with the above.
- 4.15.2.4.13 If the owner/operator does not file a certificate of continuing compliance within thirty (30) days from the date set forth above, it shall be conclusively presumed that the owner/operator is not in compliance with the standards and regulations of the IEPA, if applicable, the FAA, the FCC, or any other agency of the state or federal government with authority to regulate towers/antennae.
- 4.15.2.5 General criteria for all installations shall include the following:
- 4.15.2.5.1 Cash bond to be deposited equivalent to 125% of the estimated cost of maintenance for a ten (10) year period and the cost of removal and disposal of entire installation, as determined by City Engineer or such other expert designated by the City from time to time.
- 4.15.2.5.2 As to each installation, the entire site, including the tower and outbuilding, must be kept maintained and in good condition, as reasonably determined by the City. If the owner of the installation fails to maintain the site, the City, upon thirty (30) days prior written notice, or in the event of an emergency such prior notice, if any, is practicable, may perform the necessary repairs, maintenance, or removal of the installation, as it deems appropriate, and all costs so incurred shall be the responsibility of the owner of the installation.
- 4.15.2.5.3 Other than replacement or co-location of an antenna on an existing tower, no installation may be situated within five hundred feet (500'-0") of residences situated in the R1, R2, R3, R4, or R5 District. *(Amended 05/04/2015)*
- 4.15.2.5.4 Sufficient vegetative screening shall be installed so that within ten (10) years of planting, the base portion of the site, to a height of twenty-five feet (25'-0"), shall not be visible from any adjacent parcel, or a public right-of-way, when viewed from six feet (6'-0") above existing grade on the adjacent parcel or right-of-way.
- 4.15.2.5.5 No permit shall be issued if another technology is reasonably available that eliminates the need for communication tower or antenna.
- 4.15.2.5.6 The base support building shall not exceed twelve feet (12'-0") in height nor shall the footprint of the building be larger than twelve feet (12'-0") by fifteen feet (15'-0"). Each such building must have a conventional peaked roof, as opposed to a flat roof.

- 4.15.2.5.7 For all new installations, the tower shall be constructed in such a fashion to accommodate three (3) antenna/transmitter devices. Competitors shall be required to co-locate their respective facilities on the same installation to the extent reasonably possible, with each party responsible for its proportionate share of the cost of the facilities. In the event that said parties cannot agree on the appropriate allocation of costs, then each party shall appoint an arbitrator, who collectively shall select a third arbitrator, who shall thereafter, as a panel of three (3), arbitrate the dispute and issue a binding decision on the respective parties.
- 4.15.2.5.8 No tower shall be located in such a fashion that if it were to collapse, it could fall on any structure, which is occupied by humans, excluding the support building, or it could fall off-site from the parcel upon which it is located.
- 4.15.2.5.9 The installation must be operated in such a fashion so that it does not disrupt television or radio signals to residents or occupants within the City, impacting on hearing aid operation or other medical devices such as pacemakers, or otherwise disrupt or have a harmful effect on any existing operations, installations, or technologies existent within the City.
- 4.15.2.5.10 No installation may be installed in any wetland or flood plain, nor in any other location where it is likely to harm or cause damage to human or animal life or to property. Notwithstanding the foregoing, the tower portion of the installation may be located in wetland or flood plain areas if no damage would occur to the wetland or flood plain areas and the tower would be structurally sound.
- 4.15.2.5.11 The owner of the installation must indemnify and hold harmless the City from any and all liability.
- 4.15.2.5.12 The owner of the installation shall post and maintain in full force and effect general liability policy with the City as named insured in an amount no less than three million dollars (\$3,000,000) per occurrence and five million dollars (\$5,000,000) in the aggregate.
- 4.15.2.5.13 The maximum height of the tower shall not exceed one hundred feet (100'-0") as measured from the base of the installation, except as may be otherwise demonstrated that it is technologically unfeasible for the system to operate within the permitted height.
- 4.15.2.5.14 The owner of the installation must obtain and maintain all required federal licenses and permits, and effectuate and maintain all required registrations.
- 4.15.2.5.15 A landscape plan must be reviewed and approved by the City.
- 4.15.2.5.16 The owner of the installation must demonstrate that other facilities are not reasonably available for intended installation, such as but not limited to towers

of competitors and other available towers such as Commonwealth Edison transmission towers.

4.15.2.5.17 The owner of the installation must demonstrate sufficient financial resources to install, maintain, and operate the installation and associated tower grid. Towers built on a speculation basis by applicants who do not have the ability to provide service are prohibited.

4.15.3 Special Use Permits

4.15.3.1 The Zoning Board of Appeals shall hold a public hearing and make its recommendation to the City Council thereafter. The Special Use Permit process shall conform to the requirements of Article 5 of this Zoning Ordinance, except as otherwise explicitly set forth in this Section 4.15. The following provisions shall govern the issuance of Special Use Permits for all tower and antenna installations:

4.15.3.1.1 In granting a Special Use Permit, the City may impose conditions to the extent the City concludes such conditions are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.

4.15.3.1.2 Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

4.15.3.1.3 A Special Use Permit can only be issued if the applicant establishes that no other viable alternatives exist and all reasonable alternatives have been thoroughly studied and considered.

4.15.3.1.4 Replacement or co-location of antennae and related equipment on existing towers under one hundred feet (100'-0") in height at existing telecommunications facilities shall not require a Special Use Permit, so long as such antennae, related equipment, and tower are otherwise in compliance with the size and scale requirements of this Section. If replacement or co-location of antennae and related equipment is to be at an existing telecommunication facility that is nonconforming, the City may impose the fencing and landscaping requirements provided in this Section, if, in the City's discretion, such site can accommodate such requirements.

4.15.3.2 Each applicant requesting a Special Use Permit shall submit a scaled site plan and scaled elevation views and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvement, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the City to be necessary to assess compliance with this Section 4.15.

- 4.15.3.3 The City shall consider the following factors in determining whether to issue a Special Use Permit, although the City may waive or reduce the burden on the applicant of one or more of these criteria if the City concluded that the goals of this Section 4.15 are better served thereby.
- 4.15.3.3.1 Height of the proposed tower or other structure to which an antenna would be affixed;
- 4.15.3.3.2 Proximity of the tower to residential structures and residential district boundaries;
- 4.15.3.3.3 Nature of uses on adjacent and nearby properties;
- 4.15.3.3.4 Surrounding topography;
- 4.15.3.3.5 Surrounding tree coverage and foliage;
- 4.15.3.3.6 Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- 4.15.3.3.7 Proposed ingress and egress;
- 4.15.3.3.8 Availability of suitable existing towers and other structures as discussed in Section 4.15.3.4.
- 4.15.3.3.9 A statement of intent on whether space will be leased for reasons of co-location.
- 4.15.3.3.10 A visual study depicting where within a three (3) mile radius any portion of the proposed tower or antenna could be seen.
- 4.15.3.4 No new tower or antenna shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
 - 4.15.3.4.1 No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
 - 4.15.3.4.2 Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - 4.15.3.4.3 Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

- 4.15.3.4.4 The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- 4.15.3.4.5 The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- 4.15.3.4.6 The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- 4.15.3.5 The following setbacks and separation requirements shall apply to all towers and antennae for which a Special Use Permit is required.
 - 4.15.3.5.1 Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
 - 4.15.3.5.2 Towers, antennae, and accessory facilities must satisfy the minimum zoning district setback requirements.
 - 4.15.3.5.3 Towers over one hundred feet (100'-0") in height shall not be located within one-quarter mile from any existing tower that is over one hundred feet (100'-0") in height.
 - 4.15.3.6 Towers and support buildings shall be enclosed by approved security fencing not less than six feet (6'-0") in height. *(Amended 12/15/08)*
 - 4.15.3.7 The following requirements shall govern the landscaping surrounding towers:
 - 4.15.3.7.1 Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent properties. The standard buffer shall consist of a landscaped strip at least four feet (4'-0") wide outside the perimeter of the compound. The perimeter of the installation site shall be planted with canopy or evergreen trees to screen towers and support buildings from view from off-site.
 - 4.15.3.7.2 In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - 4.15.3.7.3 Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

4.15.4 Deviations

4.15.4.1 If the applicant demonstrates to the satisfaction of the City Council that any provision or combination of provisions of this Section 4.15 individually or collectively render it not reasonably possible to install a functioning installation and all other possibilities have been exhausted, the City Council may waive, reduce, or substitute from the requirements of this Section 4.15 to permit a functioning installation which will still be consistent with the purpose and goals of this Section 4.15.

4.15.5 Removal

4.15.5.1 If the installation is maintained or operated in such a fashion to be in violation of Section 4.15.2.4.5 or Section 4.15.2.4.6 or any other provisions of Section 4.15 and the owner has failed to eliminate the violation within thirty (30) days of the mailing of written notice of violation to its last known address, the City may remove such antenna or tower at the owner's expense, and may use the posted bond to the extent necessary with the owner responsible for any costs exceeding the available bond.

4.15.5.2 Any installation that is not operated for a continuous period of six (6) months shall be considered abandoned, provided that if there are two (2) or more users of a single tower, the tower shall not be considered abandoned until all users cease using the tower. The owner of such installation shall remove same within thirty (30) days of the mailing of written notice of abandonment to its last known address. If the owner fails to remove the installation within the thirty (30) day period, then the City may remove such installation at the owner's expense, and may use the posted bond to the extent necessary with the owner responsible for any costs exceeding the available bond.

4.16 ADULT USES *(Amended 07/05/16)*

- 4.16.1 Definitions: The following definitions apply throughout this Section:
- 4.16.1.1 **ADULT BOOKSTORE:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.
- 4.16.1.2 **ADULT ENTERTAINMENT:** Any exhibition of adult-oriented motion pictures, live performance, display or dance of any type which has as a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.
- 4.16.1.3 **ADULT ENTERTAINMENT CABARET:** A public or private establishment which features topless or nude dancers and/or waitresses, strippers, male or female impersonators and/or similar entertainers.
- 4.16.1.4 **ADULT ENTERTAINMENT CENTER:** An enclosed building with the capacity for less than fifty (50) persons used for presenting 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.
- 4.16.1.5 **ADULT GIFT SHOP:** An establishment having as a substantial or significant portion of its stock in trade pictures, photographs, drawings, diagrams, paraphernalia, apparatus or other objects which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted for the sale or display of such material.
- 4.16.1.6 **ADULT MOVIE THEATER:** An enclosed building with a capacity of fifty (50) persons or more used primarily for presenting 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.
- 4.16.1.7 **ADULT USE:** An establishment that provides goods or services characterized as sexual or adult in nature, including adult bookstores, adult entertainment cabarets, adult entertainment centers, adult gift shops, and adult movie theaters.
- 4.16.1.8 **SPECIFIED ANATOMICAL AREAS:**
- 4.16.1.8.1 Less than completely and opaquely covered human genitals, pubic region, the female breast below a point immediately above the areola to a point immediately below the areola, said opaque cover covering the entire areola.

- 4.16.1.8.2 The display of the human male genitals in a discernibly turgid state, real or simulated, even if completely and opaquely covered.
- 4.16.1.9 SPECIFIED SEXUAL ACTIVITIES: Actual or simulated human genitals in a state of sexual stimulation or arousal; acts or simulated acts of human masturbation, sexual intercourse or sodomy; acts or simulated acts of oral sexual conduct; fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or excretory functions as part of or in connection with any activities set forth in this definition.
- 4.16.2 Special Use Permit Required: A special use permit is required to establish or operate an adult use in the city.
- 4.16.3 Special Use Permit Application: The special use application shall be made on forms provided by the city and describe with specificity the exact nature of the proposed adult use. Expansions or changes to any special use shall be processed in accordance with the City Code's procedures for a new special use permit.
- 4.16.4 Special Use Requirements: In addition to the City Code's special use standards, conditions, and procedures, the following restrictions and requirements also apply to a special use application for an adult use. No special use shall be approved for an adult use that:
- 4.16.4.1 Is located within one thousand (1,000') feet of any existing school, religious institution, or day care center;
- 4.16.4.2 Is located within five hundred (500') feet of any existing public park, residentially-zoned property, or adult use;
- 4.16.4.3 Has more than one outdoor sign;
- 4.16.4.4 Has an outdoor sign exceeding ten feet (10') in length or three feet (3') in width;
- 4.16.4.5 Displays the stock in trade of adult entertainment establishments to the public view from outside the establishment, including graphics, decorations, displays, pictorial depictions, photographs, silhouettes, flashing lights, or drawings of materials and services offered;
- 4.16.4.6 Paints the exterior of the premises any color other than a single achromatic color;
or
- 4.16.4.7 Is located on a lot zoned anything other than M2 - General Industrial.
- 4.16.5 Measurement: For the purposes of this Section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the lot line of the lot containing the adult use to the lot line of the lot containing the

nearest adult use, school, religious institution, day care center, public park, or residentially-zoned property.

- 4.16.6 Prohibited Acts: It shall be a violation of this Section to do any of the following:
 - 4.16.6.1 Violate any provisions of this Section; or
 - 4.16.6.2 Violate any terms and conditions contained in the adult use's special use ordinance.
- 4.16.7 Penalty: Any person found guilty of violating any of the provisions of this Section shall be fined not more than seven hundred fifty (\$750.00) dollars per violation, and each day a violation exists shall constitute a separate offense. Nothing in this Section shall prohibit the city or any person or entity from pursuing any other claims at law or in equity against any entity or person that violates this Section or any city ordinance, rule, or regulation, including, without limitation revocation of an adult use's special use approval or business license approval.
- 4.16.8 Severability: If any part, subsection or clause of this Section shall be deemed to be unconstitutional or otherwise invalid, the remaining section, subsection and clauses shall not be affected thereby.

ARTICLE 5 SPECIAL USES

5.1 PURPOSE

- 5.1.1 The purpose of this article is to establish standards and procedures for the location, development and operation of special uses and for the issuance of Special Use Permits.

5.2 DEFINITION OF SPECIAL USE

- 5.2.1 Certain uses identified as special uses in Article 3, Table 1, Uses Permitted in Districts, are uses which have particular location requirements, unusual characteristics, which are affected with the public interest, and which may have environmental impacts which cannot be foreseen until such a time as a particular location is selected. Because of the concern for location and the need in a variety of situations to impose conditions on development and operations, certain uses are identified as special uses in some districts and as uses permitted by right in other districts. Special uses are permitted only subject to the issuance of a Special Use Permit. Special Use Permits are not transferable to another operator or to another location.

5.3 SITE PLAN REVIEW

- 5.3.1 All special uses are subject to the site plan review procedures established in Article 8, Administration and Section 8.1.3, Site Plan Review Committee. Any application for Special Use Permit shall be accompanied by the plans and information required in Section 8.1.3.1.5, Application Requirements, and by any additional information required in Article 5.4, Standards for Special Uses, below.

5.4 STANDARDS FOR SPECIAL USES

- 5.4.1 No special use shall be approved and no special use permit shall be issued unless the following standards are met.

5.4.2 General Standards

The following standards shall apply to all special uses:

- 5.4.2.1 The proposed use at the particular location requested is necessary or desirable to provide a service or a facility, which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community.
- 5.4.2.2 That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity.

- 5.4.2.3 That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use, and with the conditions made a part of the Special Use Permit.
- 5.4.2.4 The site for a special use shall be so situated that the proposed use is compatible with existing uses in the vicinity and future development as permitted by this Ordinance in the district in which it is located or in surrounding districts.
- 5.4.2.5 Any special use shall be located on a lot of sufficient size to accommodate the proposed use, any required yards and any other conditions, yards or setbacks imposed by the term of the Special Use Permit.
- 5.4.2.6 Other district regulations - All regulations of the district in which a special use is located shall apply to such special use unless such regulations are amended by the terms of the Special Use Permit.
- 5.4.3 Standards for Particular Special Uses
- 5.4.3.1 Airports
- 5.4.3.1.1 Airport, heliport, landing field or landing strip, in any use district subject to the Civil Aeronautics Administration certifying that a new or reoriented runway will not interfere with the flight pattern of any established airport, landing field or landing strip. The ends of any runway shall be at least 1,200 feet from any existing residence or residential district.
- 5.4.3.2 Extraction of Earth Materials
- 5.4.3.2.1 An application for extractive operations shall be accompanied by a map, drawn at a scale of one inch (1") equals one hundred feet (100'-0") showing the following:
 - 5.4.3.2.1.1 Existing topography at two foot (2') contour intervals;
 - 5.4.3.2.1.2 Locations of water courses and drainage systems;
 - 5.4.3.2.1.3 An outline of the area to be excavated.
- 5.4.3.2.2 An additional map shown at a scale of one inch (1") equal to one hundred feet (100'-0") shall show a general plan for proposed operations and a rehabilitation of the site including the following:
 - 5.4.3.2.2.1 The locations of proposed water courses and drainage systems, including lakes, ponds and retention areas;
 - 5.4.3.2.2.2 The sequence of operations and the schedule of rehabilitation measures;

- 5.4.3.2.2.3 The proposed locations of sorting, grading, crushing and similar equipment necessary to the operation and initial distribution of the excavated products;
- 5.4.3.2.2.4 The proposed locations of any building, scale-house, equipment storage areas and equipment repair sheds or areas.
- 5.4.3.2.3 The operation and rehabilitation of extractive product areas shall be in accordance with the following conditions:
 - 5.4.3.2.3.1 Excavation shall not take place within thirty feet (30'-0") of any street or boundary line;
 - 5.4.3.2.3.2 Buildings, structures and storage or repair areas shall be located in conformance with yard requirements of the district in which they are located;
 - 5.4.3.2.3.3 Access ways and roads shall be maintained in a dust-free condition either by oiling or by spraying with calcium chloride.
- 5.4.3.2.4 No excavation, removal or fill shall be permitted if the finished conditions would contain the following:
 - 5.4.3.2.4.1 Deep pits having side slopes of greater than thirty (30) degrees;
 - 5.4.3.2.4.2 Serious on-site erosion problems or erosion problems which could extend to neighboring properties;
 - 5.4.3.2.4.3 Undrained depressions other than artificial lakes or problems that adversely affect neighboring properties;
 - 5.4.3.2.4.4 Lighting will be located, designed and of such intensity as not to cause any unreasonable interference with the use and enjoyment of nearby properties, or any adverse effect upon the value thereof;
 - 5.4.3.2.4.5 If located contiguous to a residential zone, the site will be screened from contiguous property by a solid opaque fence or other material not less than four feet six inches (4'-6") nor more than eight feet (8'-0") in height, but excluding billboards or sign boards.
- 5.4.3.2.5 After completion of operations, and in accordance with the approved rehabilitation map, the premises shall be cleared of debris, and a layer of soil capable of supporting vegetation shall be spread over the premises to a depth of at least six inches (6") (except for areas under water) and shall be seeded with grass or other ground cover to prevent erosion.

5.4.3.2.6 A corporate surety bond shall be furnished to the City to assure compliance with the approved rehabilitation plan. The bond shall be in the amount of the estimated cost of the work to be done as approved by the City Engineer. A termination date for the completion of operations and the rehabilitation of the tract shall be imposed at the time of approval based upon the estimated length of time the operation will be necessary.

5.4.3.3 Gasoline Filling Station

In addition to the general standards of Section 5.4.2, any gasoline filling station shall comply with the following:

5.4.3.3.1 The gasoline filling station shall be located on a parcel of land at least twenty thousand (20,000) square feet in area, with a frontage of not less than one hundred, fifty feet (150'0") on each principal street.

5.4.3.3.2 The gasoline filling station at the location proposed will not have an adverse effect upon traffic flow volume or congestion within the area. Evidence of meeting this standard shall include a traffic study or survey by a qualified traffic expert.

5.4.3.3.3 Buildings, pumps, signs and other improvements will be so located on the site as not to cause any adverse effect upon the value, use or enjoyment of adjoining properties.

5.4.3.3.4 Lighting will be so located, designed and of such intensity as not to cause any unreasonable interference with the use and enjoyment of nearby properties, or any adverse effect upon the value thereof and shall not produce glare on any public street right-of-way.

5.4.3.3.5 If located contiguous to a residential district, the site will be screened from contiguous property by a solid opaque fence or other material not less than four feet, six inches (4'-6") nor more than eight feet (8'-0") in height, but excluding billboards or sign boards.

5.4.3.3.6 The location of the gasoline filling station site as proposed will not have any adverse effect upon the value, use or enjoyment of nearby properties, or upon the health, safety, welfare or morals of persons nearby. And in general, no adverse impacts on the character of the neighborhood; existing uses and zoning of nearby property; the amount by which property values are decreased; the extent to which the diminution in value promotes the public health, safety, morals or welfare, the relative gain to the public as compared with the hardship imposed upon the individual property owner; the suitability of the subject property for the purpose for which it is zoned; and the length of time the property has remained unimproved, considered in the context of the land development in the area.

- 5.4.3.3.7 The Plan Commission shall approve and recommend a site plan of the proposed special use showing location of building; building height; location, height and size of signs; traffic patterns; location and intensity of lights; and control measures relating to noise, odors and other objectionable influences. Such plan and recommendations shall be incorporated into the Special Use Permit as conditions for development and operation of the use.
- 5.4.3.3.8 The site plan submitted by the applicant shall reflect that the proposed structures to be built upon the tract in question and the grade upon the tract in question shall be in conformity with the grade level of the adjoining properties and the adjoining streets. It is specifically prohibited to either build up the land site of the gasoline filling station above the surrounding properties or streets, or in the alternative to lower said land site below the same.
- 5.4.3.3.9 No gasoline filling station adjacent to a residential zone shall be open for business between the hours of 11:30 PM and 6:00 AM of the following day.
- 5.4.3.4 Planned Unit Development
- 5.4.3.4.1 The standards for a Planned Unit Development are set forth in Article 6.
- 5.4.3.5 Rest Home or Nursing Home
- 5.4.3.5.1 In addition to the general standards, living quarters of rest homes or nursing homes shall only be located above the first floor of buildings in business districts.
- 5.4.3.6 Solid Waste Disposal Site
- 5.4.3.6.1 An application to operate a solid waste disposal site shall be accompanied by the following information:
 - 5.4.3.6.1.1 Map showing existing development within one thousand feet (1,000'-0") of the boundaries of the proposed site.
 - 5.4.3.6.1.2 A plot plan showing street names, right-of-way widths, sidewalks; houses or other structures; and public lands and buildings within two hundred feet (200'-0") of the boundaries of the proposed site.
 - 5.4.3.6.1.3 A plan for the operation of the site.
 - 5.4.3.6.1.4 A site plan showing the restored site at the completion of each one year phase of operations.
 - 5.4.3.6.1.5 The proposed operation of any solid waste disposal site shall be approved by the North Chicago Health Department and shall be subject to the continuous inspection and maintaining by that department.

- 5.4.3.6.1.6 A permit from the Illinois Environmental Protection Agency (IEPA).
- 5.4.3.7 Contractor's Yards
- 5.4.3.7.1 In addition to the general standards of Article 5.4.2, all contractor's yards shall comply with the following standards:
 - 5.4.3.7.1.1 The owner of the contractor's yard must be properly licensed to do business within the City.
 - 5.4.3.7.1.2 No materials or equipment shall be stored closer than five feet (5'-0") to any property line. No materials or equipment shall be stored in the front yard or any yards adjacent to a street.
 - 5.4.3.7.1.3 The premises shall be maintained so that areas of harborage, rodent infestation or other general health problems are not created.
 - 5.4.3.7.1.4 All contractor's yards shall have installed around the perimeter an E bufferyard as defined in Article 4.11, Landscaping and Bufferyard Requirements.
 - 5.4.3.7.1.5 Only equipment owned or leased by the owner of the contractor's yard shall be stored in the yard.
- 5.4.3.8 Scavenger's Yards
- 5.4.3.8.1 In addition to the general standards of Article 5.4.2, all scavenger's yards shall comply with the following standards:
 - 5.4.3.8.1.1 The owner of the scavenger's yard must be properly licensed to do business within the City.
 - 5.4.3.8.1.2 No materials or equipment shall be stored closer than five feet (5'-0") to any property line. No materials or equipment shall be stored in the front yard or any yards adjacent to a street.
 - 5.4.3.8.1.3 The premises shall be maintained so that areas of harborage, rodent infestation or other general health problems are not created.
 - 5.4.3.8.1.4 All scavenger's yards shall have installed around the perimeter an E bufferyard as defined in Article 4.11, Landscaping and Bufferyard Requirements.
 - 5.4.3.8.1.5 Only equipment owned or leased by the owner of the scavenger's yard shall be stored in the yard.
 - 5.4.3.8.1.6 No storage of collected garbage or refuse shall be permitted in the scavenger's yard or in scavenger's trucks parked in the yard.

- 5.4.3.8.1.7 All parking areas, drives and traffic lanes in the yard shall be improved with at least an eight inch (8") Portland cement concrete surface and a four inch (4") compact aggregate base or equivalent approved by the City Engineer.
- 5.4.3.8.1.8 Junk, machinery, equipment, motor vehicles or parts of, junk, machinery, equipment or motor vehicles not in an operable condition shall not be stored, kept or maintained outside a closed building in any scavenger's yard.
- 5.4.3.8.1.9 The interior and exterior of all vehicles used in the collection, transportation or disposal of garbage or refuse shall be thoroughly washed before being parked in the scavenger's yard.
- 5.4.3.8.1.10 All uses shall comply with the provisions of the most current version of the Illinois Pollution Control Board Rules and Regulations, Chapter 2: Air Pollution.
- 5.4.3.9 Community Residences (Family or Group) (Amended 06/19/06)
- 5.4.3.9.1 In addition to the general standards of Article 5.4.2, all community residences shall comply with the following standards:
 - 5.4.3.9.1.1 The community residence is located at least 1,000 feet from any existing community residence, as measured from lot line to lot line.
 - 5.4.3.9.1.2 The applicant demonstrates that it has either obtained or is eligible for licensing or certification required by the State of Illinois to operate the proposed community residence, or that the proposed community residence has been licensed or certified, or is eligible for licensing or certification, if required to be licensed or certified by the State of Illinois.
 - 5.4.3.9.1.3 A Special Use Permit is not transferable to another operator or to another location.
 - 5.4.3.9.1.4 Special use permits must be issued before start of operations.
 - 5.4.3.9.1.5 Applicants/Operators must show licensing or certification required by the State of Illinois.
 - 5.4.3.9.1.6 Owners and Paid Professional support staff must provide emergency contact information to the City of North Chicago.
 - 5.4.3.9.1.7 Paid Professional Staff must fill copy of certification with City of North Chicago.
 - 5.4.3.9.1.8 All units must be inspected on an annual basis by the Department of Economic and Community Development. *(Amended 08/17/15)*
 - 5.4.3.9.1.8.1 Every community residence hereinafter shall follow the 2003 International Property Maintenance Code Sections 404.

- 5.4.3.9.1.9 No community residences shall be located within 1,000 feet of a school or park, a licensed day care center, a business serving or selling alcohol. *(Amended 08/17/15)*
- 5.4.3.10 Boarding, Lodging and Rooming Houses *(Amended 06/19/06)*
- 5.4.3.10.1 Special use permit must be issued prior to establishing Boarding, Lodging or Rooming homes.
- 5.4.3.10.2 Operators need a business license issued by the City of North Chicago Units must be inspected once a year by the Department of Economic and Community Development. *(Amended 08/17/15)*
- 5.4.3.10.4 Boarding house kitchens must be inspected by the County Health Department.
- 5.4.3.11 Automobile Repair (Major and Minor) *(Amended 03/19/07)*
- 5.4.3.11.1 Owners of automobile repair facilities must be properly licensed to do business within the City of North Chicago.
- 5.4.3.11.2 No automobiles may be stored out of doors over night.
- 5.4.3.11.3 Parking areas must be properly screened in accordance with landscape requirements.
- 5.4.3.12 Tow Yards *(Amended 03/19/07)*
- 5.4.3.12.1 The owner of the tow yard must be properly licensed to do business within the City.
- 5.4.3.12.2 Individual vehicles must be removed from a tow yard after 40 days.
- 5.4.3.12.3 All tow yards shall have installed around the perimeter the appropriate bufferyard and fencing as defined in Article 4.11, Landscaping and Bufferyard Requirements.
- 5.4.3.12.4 No materials or equipment shall be stored within the bufferyards. No materials or equipment shall be stored in the front yard or any yards adjacent to a street.
- 5.4.3.12.5 The premises shall be maintained so that areas of harborage, rodent infestation or other general health problems are not created.
- 5.4.3.12.6 Only equipment owned or leased by the owner of the tow yard and automobiles under their control shall be stored in the yard.

- 5.4.3.12.7 All parking areas, drives and traffic lanes in the yard shall be improved with a compacted macadam base not less than eight inches (8") thick and surfaced with not less than two inches (2") of asphalt concrete, or comparable all-weather material. (4.6.13.5) Appropriate storm water management will be required. (4.6.13.6)
- 5.4.3.12.8 Junk, machinery, equipment, motor vehicles parts, junk, machinery, equipment or motor vehicles not in an operable condition shall not be stored, kept or maintained outside a closed building in any tow yard. (5.4.3.8.1.8)
- 5.4.3.13 Body Arts Establishments (Amended 11/03/14)
- 5.4.3.13.1 In addition to the general standards of section 5.4.2, all Body Arts Establishments shall comply with the following standards:
- 5.4.3.13.1.1 The applicant demonstrates that it has either obtained or is eligible for licensing or certification required by the State of Illinois to operate the proposed Body Arts Establishment.
- 5.4.3.13.1.2 No Body Arts Establishment shall be located within 500 feet of any existing Body Arts Establishment, as measured from lot line to lot line.
- 5.4.3.13.1.3 No Body Arts Establishment shall be located within 500 feet of a school, park, licensed day care center, property used for a civic or governmental function, or religious institution, as measured from lot line to lot line. (Amended 08/17/15)
- 5.4.3.13.1.4 No Body Arts Establishment east of the railroad which runs closest to Skokie Highway (a.k.a. U.S. Highway 41), shall be located within 500 feet of a business serving or selling alcohol, as measured from lot line to lot line.

ARTICLE 6 PLANNED UNIT DEVELOPMENT

6.1 PURPOSE

- 6.1.1 The regulations contained in this section are established to encourage imaginative design of coordinated land uses and to provide relief from the subdivision and zoning district requirements which are designed for conventional developments. These regulations are further established to provide a safe and desirable living environment for residential and mixed use areas characterized by a unified building and site development program, to preserve natural features of the site, and to provide adequate open space for recreation and other community purposes.

6.2 WHERE PERMITTED

- 6.2.1 A planned unit development may be located in any zoning district subject to the procedures and standards set forth below and subsequent to the issuance of a Special Use Permit.

6.3 STANDARDS FOR PLANNED UNIT DEVELOPMENTS

6.3.1 Standards May Be Substituted

- 6.3.1.1 For any planned unit development, the regulations and standards established in this sub-section may be substituted for the general regulations, district regulations and supplementary regulations set forth elsewhere in this Ordinance.

6.3.2 Required Sewer and Water

- 6.3.2.1 A planned unit development shall be served by a sanitary sewage system and a public water supply system.

6.3.3 Permitted Uses

- 6.3.3.1 The following uses are principal (but not exclusive) uses permitted in a planned unit development subject to the regulations of this section.

- 6.3.3.1.1 Single family detached dwelling.

- 6.3.3.1.2 Two family dwelling, and similar attached dwellings. Townhouse dwellings, provided, however, that in the R1 and R2 Districts the number of townhouse dwellings shall not exceed fifty percent (50%) of the total number of dwelling units in the planned development.

- 6.3.3.1.3 Multiple family dwelling, provided, however, that in the R1 and R2 Districts the number of such units shall not exceed ten percent (10%) of the total number of units; and that in the R3 and R4 Districts, the number shall not exceed twenty-five percent (25%) of the total number of units. No apartment or dwelling unit located above the first floor shall contain more than two (2) bedrooms.
- 6.3.3.1.4 Convenience shopping center.
- 6.3.3.1.5 Any retail use. *(Amended 08/15/16)*
- 6.3.3.1.6 Any office use.
- 6.3.3.1.7 Any public facility use.
- 6.3.3.1.8 Church or other place of worship.
- 6.3.3.1.9 Any manufacturing or other use permitted in the OR and M1 Districts, subject to the performance standards of the OR and M1 Districts.
- 6.3.3.1.10 Facilities for the maintenance of the planned unit development.

6.3.4 Density Standards

6.3.4.1 The maximum basic density for a planned unit development may be the same as the district in which the development is located or as calculated in accordance with the following standards:

6.3.4.1.1 The maximum basic density for a Planned Unit Development (PUD) is hereby established for each of the residential districts:

District	Density
R1	3.20 dwelling units per acre
R2	4.40 dwelling units per acre
R3	12.5 dwelling units per acre
R4	18.0 dwelling units per acre
R5	27.6 dwelling units per acre

6.3.4.1.2 All density calculations shall be based on the gross site area of each part thereof lying in a separate zoning district.

6.3.4.1.3 Where the proposed planned unit development contains twenty percent (20%) or more of the gross site as dedicated open space, the density permitted (expressed in dwelling units per acre) may be increased by two (2) dwelling units per acre.

- 6.3.4.1.4 The permitted number of dwelling units in a planned unit development shall be calculated by multiplying the gross site area by the density established for the zoning district plus the open space bonus provided for in above.
- 6.3.4.1.5 Where the proposed planned unit development includes land in more than one district, the number of units shall be calculated separately for each district and added together to determine the total number of units.
- 6.3.4.1.6 Within the Urban Redevelopment Overlay District, there shall be no restriction on density subject to an approved development plan.
- 6.3.5 Design Standards
- 6.3.5.1 The development plan shall be prepared by professional persons: city planners, engineers, architects, landscape architects and surveyors. The benefits of the planned unit development and the improved design of the development must justify the intended variation from the normal requirements of this Ordinance. In preparing the development plan, particular consideration shall be given to the following:
- 6.3.5.1.1 The provision of open space for recreational and other outdoor benefits and activities. Recreational open space shall be landscaped and improved with recreational facilities appropriate to the proposed development. Specifically, adequate play areas for children shall be provided in all planned unit developments. A minimum of fifteen percent (15%) of the gross site shall be developed for active or passive recreational open space.
- 6.3.5.1.2 The conservation of significant natural features of the site such as flood plains, wetlands, forests, scenic areas and vistas. All such areas shall be considered passive recreational open space.
- 6.3.5.1.3 Maximum separation of vehicular traffic from pedestrian ways and play areas.
- 6.3.5.1.4 A unified design based upon significant architectural features, compatible building materials and a distinctive arrangement of structures and open spaces.
- 6.3.5.1.5 The provision of adequate sites for retail shopping and service areas, schools, places of worship and other community services where the development is large enough to support these services.
- 6.3.5.1.6 The relationship of the development to surrounding uses and property.

- 6.3.5.1.7 Surface drainage and storm water detention facilities shall be designed so that the runoff from the developed site shall not exceed the runoff from the site in its natural state during a storm of ten (10) year frequency as published by the U.S. Weather Bureau for the Chicago area. The capacity of storm water detention facilities shall be based on a storm of 100 year frequency and the runoff coefficient for the fully developed planned unit development less the volume of water released based on a storm of ten (10) year frequency and the runoff coefficient of the site in its natural state.
- 6.3.5.1.8 For all uses, the parking requirements of Article 4 shall apply. Where a planned development is designed to provide for the joint use of parking, the total requirement may be reduced by an amount equal to the joint use established, provided that all multiple family dwellings shall have at least one parking space for the exclusive use of the dwelling.
- 6.3.5.1.9 All streets and street improvements shall be designed by a registered professional engineer. The width of streets and the design of the pavement and other structures shall be based upon their intended use and shall be related to the overall design of the planned unit development. Any street dedicated to the public shall be designed and constructed to the standards of the City of North Chicago.
- 6.3.5.1.10 All yards and setbacks shall be in conformity with good site planning practices as determined by the Department of Economic and Community Development.
(Amended 08/15/16)
- 6.3.5.1.11 All streets dedicated to the public shall be provided with street lights in accordance with the standards of the Subdivision Regulations of the City of North Chicago. Private streets and parking areas shall be lighted in a similar manner provided however that ornamental standards and fixtures may be permitted.

6.4 PROCEDURES

The following regulations shall govern application, review, approval or disapproval of a Special Use Permit for a Planned Unit Development.

6.4.1 Pre-Application for a Planned Unit Development

6.4.1.1 Before submitting an application for a planned unit development, the developer shall schedule a pre-application conference with the Department of Economic and Community Development. The Department of Economic and Community Development shall provide notice of scheduled conference to the local school district, the park district, the local sanitary district and all interested City departments. The purpose of the conference shall be to inform other interested bodies of the proposed development and the manner in which it has been planned to take advantage of the provisions of this section. The Department of Economic and Community Development shall have thirty (30) days in which to make suggestions or recommendations to the developer prior to his filing of the application. Once the pre-application procedure is completed, the application shall be made in writing and shall be accompanied by a general development plan and supporting information as required in this section. *(Amended 08/17/15)*

6.4.2 Application

6.4.2.1 An application for a Special Use Permit for a planned unit development shall be made in writing to the Department of Economic and Community Development on a form prescribed therefore and shall bear the signature of the owner of the property, the developer of the property and shall be accompanied by the following: *(Amended 08/17/15)*

6.4.2.1.1 Development Plan

The preliminary development plan shall include the following:

6.4.2.1.1.1 A plat of the site prepared by a registered land surveyor.

6.4.2.1.1.2 A topographic map of the site with a contour interval of not more than two feet (2'-0").

6.4.2.1.1.3 A preliminary development plan drawn to scale showing:

6.4.2.1.1.3.1 Streets.

6.4.2.1.1.3.2 Lots for single family homes.

6.4.2.1.1.3.3 Lots or parcels for all other residential uses.

- 6.4.2.1.1.3.4 Lots or parcels for all non-residential uses.
- 6.4.2.1.1.3.5 Parcels to be conserved, dedicated or reserved for open space and recreational uses, school sites and similar public uses.
- 6.4.2.1.1.3.6 Easements.
- 6.4.2.1.1.3.7 Setback lines.
- 6.4.2.1.1.4 A site plan or plans showing:
 - 6.4.2.1.1.4.1 The location of all buildings other than single family homes.
 - 6.4.2.1.1.4.2 Pedestrian circulation.
 - 6.4.2.1.1.4.3 Parking areas and drives.
- 6.4.2.1.1.5 A landscape plan or plans showing:
 - 6.4.2.1.1.5.1 A landscape plan for all public areas, street right-of-ways, recreational facilities and other open space areas.
 - 6.4.2.1.1.5.2 Typical landscape plans for all residential areas or types of residential units other than single family homes.
 - 6.4.2.1.1.5.3 Typical landscape plans for all non-residential areas.
- 6.4.2.1.1.6 An outdoor lighting plan.
- 6.4.2.1.1.7 A development schedule indicating the area and location of common open space that will be provided at each stage of development.
- 6.4.2.1.2 Supporting Information
 - 6.4.2.1.2.1 The application and preliminary development plan shall be accompanied by the following supporting information:
 - 6.4.2.1.2.1.1 Front elevations or perspective drawings in sketch form of all proposed structures and improvements except single family residences and their accessory buildings. The drawings need not be the result of final architectural decisions, but shall be in sufficient to accurately portray the buildings proposed and their relationship to the plan.
 - 6.4.2.1.2.1.2 A preliminary engineering report on the development shall be prepared by a registered professional engineer and shall include the following:
 - 6.4.2.1.2.1.2.1 Survey and legal description.

- 6.4.2.1.2.1.2.2 Preliminary plans for water distribution and waste water collection and treatment including any alternative plans required.
- 6.4.2.1.2.1.2.3 Surface drainage and storm water detention plan.
- 6.4.2.1.2.1.2.4 Typical cross road sections.
- 6.4.2.1.2.1.2.5 Preliminary engineering report.
- 6.4.2.1.2.1.3 An inventory and evaluation of all significant environmental features of the site including, but not limited to, lakes, streams, ponds, marshes, wildlife habitat, soil conditions, mineral deposits (including sand and gravel), flood plains, wooded areas and plant materials, and including the effect of development on watersheds. The evaluation shall indicate any limitations resulting from natural conditions on the site for the urban purpose permitted under this Ordinance generally, or this Article specifically.
- 6.4.2.1.2.1.4 A written report containing a detailed explanation and statistical summary of the size and character of the planned unit development and the manner in which it has been planned to:
 - 6.4.2.1.2.1.4.1 Take advantage of the provisions of this Section.
 - 6.4.2.1.2.1.4.2 Conserve the significant natural features of the site.
 - 6.4.2.1.2.1.4.3 Avoid, or otherwise overcome, any natural limitations of the site.
- 6.4.2.1.2.1.5 Agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open areas, streets, parking facilities or other facilities and improvements.
- 6.4.2.1.2.1.6 The developer may request that the standards of design used in the preparation of his plan be substituted for the standards of this Ordinance, provided:
 - 6.4.2.1.2.1.6.1 Each change is requested in writing or as a part of the plan report.
 - 6.4.2.1.2.1.6.2 Each change is approved by the City Council.
- 6.4.2.1.2.1.7 Agreements between the developer and the school and park districts in which the proposed development is located covering any donations of land for school or park purposes or cash donations in lieu thereof. Such agreements shall be subject to the approval of the corporate authorities of the City of North Chicago.

- 6.4.2.1.3 Natural Resource Evaluation
- 6.4.2.1.3.1 A Natural Resources Evaluation prepared by the Lake County Soil and Water Conservation District for any proposed development lying within the jurisdiction of the District.
- 6.4.2.1.4 Fees
- 6.4.2.1.4.1 The payment of such fees as may be established by this Ordinance. In addition, the developer shall agree to reimburse the City for the actual cost of review services to be provided by traffic, engineering and planning consultants, which the City may employ to assist in the evaluation of the proposed development. Such fees need not be paid upon application, but must be paid prior to the issuance of the Special Use Permit.
- 6.4.3 Site Plan Review
- 6.4.3.1 All planned unit developments are subject to the site plan review procedures established in Article 8, Administration. Any application for a Special Use Permit for a planned unit development shall be accompanied by the plans and information required in Section 8.1.3.1.5, Application Requirements, except that the development plan and supporting information required under Section 6.4.2 above may be substituted for the required site plan.
- 6.4.4 Public Hearing
- 6.4.4.1 Upon receipt of a complete application including all plans, supporting information, evaluation and fees as required, the Department of Economic and Community Development shall transmit such application to the Zoning Board of Appeals who shall schedule and give notice of a public hearing as provided for in Article 8 of this Ordinance and as provided by law. A copy of the development plan and required supporting information shall be available at the public hearing and in the City Hall subsequent to the publication of the hearing notice. *(Amended 08/17/15)*
- 6.4.5 Recommendations
- 6.4.5.1 Upon consideration of the testimony given at the public hearing, the Zoning Board of Appeals shall within thirty (30) days:
 - 6.4.5.1.1 Recommend to the City Council that the planned unit development be approved and a Special Use Permit be issued and further recommend that the development plan and supporting information and documents, with or without modification, be incorporated as conditions under the Special Use Permit; or
 - 6.4.5.1.2 Recommend to the City Council that the application be denied.

6.4.6 Determination

6.4.6.1 Upon receipt of the recommendation of the Zoning Board of Appeals, the City Council shall, within thirty (30) days:

6.4.6.1.1 Approve the application and issue a Special Use Permit, including the recommendations of the Zoning Board of Appeals, or such other conditions as the City Council may deem appropriate.

6.4.6.1.2 Disapprove the application.

6.4.7 Issuance of Permit

6.4.7.1 The Department of Economic and Community Development shall issue the Special Use Permit or shall notify the applicant in writing of the denial of the application. *(Amended 08/17/15)*

6.5 STATUS OF APPROVED PLAN

6.5.1 Zoning

6.5.1.1 The approved preliminary development plan shall establish the particular zoning requirements for the planned unit development.

6.5.2 Subdivision Regulations

6.5.2.1 The approved preliminary development plan shall serve the purpose of an approved preliminary plat for the planned unit development, and the developer shall be entitled to proceed to final plat preparation for portions of the development in accordance with the development schedule contained in the plan.

6.5.3 Final Plats

6.5.3.1 Final plats shall be approved in conformance to the procedure established in the North Chicago Subdivision Regulations.

6.6 MODIFICATION OF APPROVED PLANS

6.6.1 Major Change

6.6.1.1 The following modifications of the approved plan or final plat shall require the resubmission of an amended general development plan and a complete review as provided for above:

6.6.1.1.1 Any increase in the total number of dwelling units.

- 6.6.1.1.2 Any increase in a specific type of dwelling unit.
- 6.6.1.1.3 The addition of any use or building of a type not approved as part of the development plan.
- 6.6.1.1.4 Any reduction in the type of street or other engineering improvement as approved in the plan.
- 6.6.1.1.5 Any reduction in the amount of open space to be provided.
- 6.6.1.1.6 Any rearrangement of buildings and open spaces, streets or entrances to the development.
- 6.6.2 Other Plan Changes
- 6.6.2.1 All other changes in the plan shall be handled at the final plat stage by the Department of Economic Development prior to the issuance of a building permit by the Economic and Community Development Director. *(Amended 08/17/15)*

ARTICLE 7 NONCONFORMING LOTS, USES AND STRUCTURES

7.1 PURPOSE

- 7.1.1 Any lawful use of land or structures, or any structure, existing at the date of passage of this Ordinance or subsequent amendment thereto, and located in a zone in which it would not be permitted as a new use or structure under the terms of this Ordinance is declared to be a legal nonconformance. It is the intent of this Ordinance to permit these nonconformances to continue until terminated either by voluntary act or by catastrophic event, and to encourage their conversion to conformance where possible.

7.2 NONCONFORMING LOT

7.2.1 Definition

- 7.2.1.1 A legal nonconforming lot is a tract of land, designated on a duly recorded subdivision plat, or by a duly recorded deed, or by other lawful means which has less than the minimum lot area or width or other dimension prescribed for the particular district in which it is located, and which met the lot area, width or other dimensions for the district in which it was located at the time of such recording, but was made nonconforming by a subsequent amendment to this Ordinance. If a tract of land which is entitled to a building permit under the terms of this Ordinance, either as a conforming lot or as a legal nonconforming lot, is reduced in size by the acquisition of a portion of said tract, by negotiation or by condemnation, for public purposes, the remainder of said tract shall have the status of a legal nonconforming lot.

7.2.2 Separate Ownership

- 7.2.2.1 A legal nonconforming lot owned separately and individually from all adjoining tracts of land shall be subject to the following provisions:

7.2.2.1.1 Permitted Uses

- 7.2.2.1.1.1 In any residential district, a legal nonconforming lot may be used for a single family dwelling and accessory uses. In any other district, a legal nonconforming lot may be used for any principle use and accessory use permitted in the district in which it is located.

7.2.2.1.2 Front Yard

- 7.2.2.1.2.1 A minimum front yard of twenty percent (20%) of the lot depth or thirty feet (30'-0"), whichever is less, shall be required except in those cases where a different and lesser front yard setback has been established by more than half of the existing buildings on the block in which case the front yard shall conform to the established front yard.

7.2.2.1.3 Side Yard

7.2.2.1.3.1 The total side yard shall be twenty percent (20%) of the lot width, or the width as specified for the district in which the lot is located, whichever is less. The minimum side yard shall be as specified for the district in which the legal nonconforming lot is located. Yards abutting streets and yards abutting residential zones shall be equal to the front yard for the legal nonconforming lot as determined above.

7.2.2.1.4 Bulk Regulations

7.2.2.1.4.1 Lot coverage, floor area ratio (FAR) and height of buildings shall be as specified for the district in which the legal nonconforming lot is located.

7.2.3 Common Ownership

7.2.3.1 Where two or more lots or combinations of lots and portions of lots with continuous frontage and with an area less than that required for the district in which they are located are held in common ownership, they shall be considered an individual parcel for the purpose of this Article, and shall be subject to the regulations for separate ownership, above.

7.2.4 Construction, Repair and Alteration

7.2.4.1 Construction of new buildings or repair of existing buildings that are being used for permitted uses but are located on legal nonconforming lots shall be permitted. If any building is damaged or destroyed, it can be rebuilt for its original permitted use, or a new building can be constructed for any use to the extent permitted in subsection B above.

7.2.5 Creation

7.2.5.1 It shall be illegal to create a nonconforming lot.

7.3 NONCONFORMING USES

7.3.1 Definition

7.3.1.1 A nonconforming use is an activity using land or structures or both, legally established prior to the effective date of this Ordinance or subsequent amendment thereto, which would not be permitted as a new use in the district in which it is located under the terms of this Ordinance.

7.3.2 Discontinuance of Use

7.3.2.1 Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this Ordinance, such premises shall not thereafter be used or occupied by any nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.

7.3.2.2 Whenever a nonconforming use of a building or structure, or part thereof, has been discontinued for a period of six consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not after being discontinued or abandoned, be re-established, and the use of the premises thereafter shall conform to the regulations of the district in which it is located, except that a duplex, two-flat, townhouse or other structure or building that has two or more stories located in a R1, R2 or R3 Single Family Residence District with a nonconforming use as a two unit structure or building shall be permitted to re-establish such nonconforming use so long as the structure or building passes an inspection by the Department of Economic and Community Development and the structure or building conforms with all lot and bulk requirements of the district in which it is located.

In the event that a duplex, two-flat, townhouse or other structure or building that has two or more stories located in a R1, R2 or R3 Single Family Residence District with a nonconforming use as a two unit structure or building does not conform with all lot and bulk requirements of the district in which it is located, the structure or building shall be permitted to re-establish such nonconforming use so long as the structure or building passes an inspection by the Department of Economic and Community Development, is not deteriorating, dilapidated, or causing blight to the area, and attains a score of at least 18 points, based on an assessment by the Department of Economic Development using the following scoring system:

1. Two points for each parking space associated with the structure or building, up to a maximum of eight points;
2. Two points per unit if the floor area of each unit is between 700 and 1000 square feet; four points per unit if the area of each unit is greater than 1000 square feet.
3. One point if the structure or building is within one-half mile of any retail location; two points if the structure or building is within one-quarter mile of any retail location;
4. One point if the structure or building is within one-half mile of any public transit location; two points if the structure or building is within one-quarter mile of any public transit location;

5. Three points if windows on all floors of the structure or building are oriented toward the street;
6. Three points if at least one primary entryway into the structure or building is oriented toward the street; five points if both units have independent primary entryways oriented toward the street;
7. One point if the lot on which the structure or building sits has more than 150 square feet of landscaping;
8. One point if the parkway adjacent to the property has at least one (1) canopy tree per thirty (30) linear feet in R1 districts or one (1) canopy tree per twenty-five (25) linear feet of street frontage in every other district.

Any plans for additional units or alterations in the number units to be made in an existing structure shall first be reviewed by the Economic and Community Development Director according to the construction permit process. *(Amended 08/17/15)*

7.3.2.3 Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment, and the property shall only be used in conformance with the regulations of the district in which it is located.

7.3.2.4 Any nonconforming use not authorized by the provisions of the North Chicago City Code in effect at the time such use was established or at the time of the adoption of this Ordinance shall not be considered a legal nonconforming use and shall be discontinued and no use shall be re-established except in conformance to the regulations of the district in which the property is located.

7.3.3 Change of Use

7.3.3.1 Any part of a building, structure or land occupied by a nonconforming use, which is changed or replaced by a use conforming to the provisions of this Ordinance, shall not thereafter be used or occupied by a nonconforming use.

7.3.4 Termination and Removal of Certain Nonconforming Uses

7.3.4.1 The period of time during which the following nonconforming uses of buildings, structures or land may continue or remain shall be limited to two (2) years from the effective date of this Ordinance, or of any amendment thereto which causes the use to be nonconforming. Every such nonconforming use shall be completely removed from the premises of the expiration of the two (2) year period:

7.3.4.1.1 Any nonconforming building or structure having an assessed valuation not in excess of five hundred dollars (\$500.00) on the effective date of this Ordinance.

7.3.4.1.2 All nonconforming signs, billboards (except those adjacent to U.S. Route 41) and outdoor advertising structures. *(Amended 05/17/10)*

7.3.4.1.3 Any nonconforming use of land where no enclosed building is involved or where the only building employed is accessory or incidental of such use, or where such use is maintained in connection with a conforming building.

7.3.5 Damage and Destruction

7.3.5.1 If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at that time, the building or other structure may only be rebuilt in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than fifty percent (50%) of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy of such building may be continued as it existed at the time of such partial destruction.

7.3.5.2 In either event, restoration or repair of the building or other structure must be started within a period of one (1) year and diligently prosecuted to completion.

7.3.6 Continuance of Use

7.3.6.1 Any lawfully established use of a building or land at the effective date of this Ordinance, or of amendments thereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided above.

7.3.7 Repairs and Alterations

7.3.7.1 Normal maintenance of a building or other structure containing a legal nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.

7.3.7.2 No structural alterations shall be made in a building or other structure containing a legal nonconforming use, except in the following situations:

7.3.7.2.1 When the alteration is required by law.

7.3.7.2.2 When the alteration will actually result in eliminating the nonconforming use.

- 7.3.7.2.3 When a building containing residential nonconforming uses is to be altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.
- 7.3.7.2.4 No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.

7.4 NONCONFORMING STRUCTURES

7.4.1 Definition

7.4.1.1 A nonconforming structure is one which was legally constructed prior to the effective date of this Ordinance or subsequent amendment thereto, which would not be permitted as a new structure under the terms of this Ordinance because structure is not in conformance with the yards, height coverage or floor area ratio requirements of the district in which it is located. A structure located on a nonconforming lot is not classified as a nonconforming structure solely because of insufficient lot area or width, nor shall anything herein be construed to affect those structures previously covered in Section 7.2.

7.4.2 Nonconforming Structure Regulations

7.4.2.1 If any building or structure is damaged or destroyed by any means to an extent of more than fifty percent (50%) of the replacement cost of that portion of the principal and accessory buildings which are above the average ground elevation, such building or structure shall not be rebuilt or reoccupied for any use except in accordance with the district regulations of the district in which it is located. *(Amended 01/21/14)*

7.4.2.2 Damage to an extent less than fifty percent (50%) shall be repaired in a manner as nearly conforming as possible.

7.4.2.3 Normal maintenance and repairs shall be permitted.

7.4.2.4 Enlargements or alterations of an existing nonconforming structure shall be permitted, provided that the enlargement or alteration is conforming and does not increase the nonconformance. A nonconforming structure shall not be enlarged.

7.4.2.5 Any building for which a permit has been lawfully granted prior to the effective date of this Ordinance, or of amendments thereto, may be completed in accordance with the approved plans: provided construction is started within six (6) months and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.

7.5 EXCEPTIONS

- 7.5.1 Wherever a lawfully existing building or other structure otherwise conforms to the use regulations of this Ordinance, but is nonconforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt from the requirements of Sections 7.3 and 7.4 hereof.

- 7.5.2 In any residential district, where a building is nonconforming only as to the number of dwelling units it contains, no such building shall be altered in any way so as to increase the number of dwelling units therein.

- 7.5.3 In any R5 district, where a use permitted in the B-1 district occupies ground space within a multiple family dwelling located on a corner lot.

ARTICLE 8 ADMINISTRATION AND ENFORCEMENT

8.1 ADMINISTRATIVE OFFICES

- 8.1.1 The administration of this Ordinance is hereby vested in the following five agencies of the City of North Chicago: *(Amended 08/17/15)*
- 8.1.1.2 Department of Economic and Community Development *(Amended 08/17/15)*
- 8.1.1.3 Site Plan Review Committee *(Amended 08/17/15)*
- 8.1.1.4 Zoning Board of Appeals *(Amended 08/17/15)*
- 8.1.1.5 Plan Commission *(Amended 08/17/15)*
- 8.1.1.6 City Council *(Amended 08/17/15)*
- 8.1.2 Economic and Community Development Director *(Amended 08/17/15)*
- 8.1.2.1 The Economic and Community Development Director shall possess the credentials and qualifications to equitably, impartially and knowledgeably administer and enforce the terms of this Ordinance. The Mayor and the City Council shall provide the Department of Economic and Community Development with all ancillary personnel deemed necessary to the efficient and proper operation of said office. *(Amended 08/17/15)*
- 8.1.2.1.1 Responsibilities *(Amended 08/17/15)*
- The Economic and Community Development Director administers and enforces this Ordinance and shall:
- 8.1.2.1.1.1 Issue or renew all permits or certificates required by the several provisions of this Ordinance or as may be required to be issued as a matter of city policy.
- 8.1.2.1.1.2 Make and maintain records of all matters pertaining to zoning within the City of North Chicago including, but not limited to permit and certificate issuance, zoning applications for amendments, variations, special uses, temporary uses, inspections, county zoning matters or adjacent municipal zoning matters affecting the City of North Chicago, signs, and all correspondence, protests, objections or comments pertaining to North Chicago zoning matters.
- 8.1.2.1.1.3 The Department of Economic and Community Development shall maintain complete records of all findings of fact and recommendations of the Zoning Board of Appeals and Plan Commission and all determinations by the City Council relative to a proposed interpretation, amendment, special use, variation

or appeal. Such records shall be kept open to the public for inspection.
(Amended 08/17/15)

- 8.1.2.1.1.4 Maintain and publish for public dissemination and sale, no later than March 31st of each year, the official zoning map of the City of North Chicago and keep all records and amendments pursuant thereto.
- 8.1.2.1.1.5 Receive, file and forward to the appropriate city board or commission all applications and petitions for such action as such boards or commissions are required to take pursuant to the provisions of this Ordinance.
- 8.1.2.1.1.6 Render administrative interpretations regarding the zoning of specific properties within the City of North Chicago and the effect such zoning has on the lot, bulk or intensity of use.
- 8.1.2.1.1.7 Map all nonconforming and unlawful uses, lots and structures existing in the City of North Chicago; keep records pertaining to such uses, lots and structures; and enforce the applicable provisions of Article 7, Nonconforming Uses, Lots and Structures.
- 8.1.2.1.1.8 Conduct inspections as prescribed by this Zoning Ordinance and such other inspections as are necessary to assure compliance with various provisions hereof.
- 8.1.2.1.1.9 Perform such other duties as are, from time to time, assigned or delegated by the Mayor or as may be designated elsewhere in this Ordinance.
- 8.1.2.1.2 Zoning Certificate
 - 8.1.2.1.2.1 Application for a Zoning Certificate involving site plan review shall be accompanied by the plans and information required under Section 8.1.3.1.5, Site Plan Review Committee, Application Requirements, below.
 - 8.1.2.1.2.2 All other applications shall be accompanied by the following plans and information:
 - 8.1.2.1.2.2.1 A plat of the parcel or lot drawn to scale showing the actual dimensions thereof.
 - 8.1.2.1.2.2.2 A plat drawn to scale in such form as may, from time to time, be prescribed by the Economic and Community Development Director, showing the ground area, height, and bulk of buildings or other structures, building lines in relation to lot lines, the use to be made of the building, structure or land, and such other information as may be required by the Economic and Community Development Director for the proper enforcement of this Ordinance. (Amended 08/17/15)
 - 8.1.2.1.2.3 No building permits involving the construction, redevelopment, improvement, alteration or rehabilitation of any building, lot, structure, entrance drive or

parking facility shall be issued prior to the issuance of a zoning certificate, and unanimous approval of the Site Plan Review Committee.

8.1.2.1.3 Certificate of Occupancy

8.1.2.1.3.1 It is the intent of this section to provide for the inspection of every building or structure when newly constructed or when a change in use is sought. Such inspection shall be made prior to the time of its occupation, construction, alteration, use or reuse. Such inspection shall be for the purpose of determining compliance with both this Ordinance and the Building Code.

8.1.2.1.3.2 No building structure or portion thereof constructed after the effective date of this Ordinance shall be used for any purpose, until a Certificate of Occupancy has been issued.

8.1.2.1.3.3 No change in the use of a building, structure or lot shall be made until a Certificate of Occupancy has been issued.

8.1.2.1.3.4 For every application for which a Building Permit is required, an application for a Certificate of Occupancy shall be made in writing directly to the Department of Economic and Community Development. *(Amended 08/17/15)*

8.1.2.1.3.5 No Certificate of Occupancy for a building, structure or portion thereof constructed after the effective date of this Ordinance shall be issued until construction has been completed and the premises inspected and certified to be in conformity with the plans and specifications, including site plans upon which the Building Permit was based.

8.1.2.1.3.6 Pending the issuance of a Certificate of Occupancy, a Temporary Certificate of Occupancy may be granted to be valid for a period not to exceed six (6) months from its date of issuance during the completion of any addition or during partial occupancy of the premises.

8.1.2.1.3.7 Where a Temporary Certificate of Occupancy is granted pending the completion of site improvements required by this Ordinance or as required by an approved site plan or final development plan, the owner shall post with the City a cash bond or irrevocable letter of credit in the amount of one hundred, fifty percent (150%) of the cost of the installation of the

8.1.2.1.4 Special Use Permits uncompleted improvements.

8.1.2.1.4.1 The Economic and Community Development Director may issue, without a public hearing, a Special Use Permit to bring an existing use into conformance with the provisions of this Ordinance, if both the following conditions are met: of Article 7, Nonconforming Uses, Lots and Structures. *(Amended 08/17/15)*

8.1.2.1.4.1.1 The use is located in a zone in which it is a permitted special use.

- 8.1.2.1.4.1.2 The use conforms to the standards of Article 5.
- 8.1.2.1.4.2 If the existing use is not eligible for a Special Use Permit, it shall be deemed a legal nonconforming use subject to the provisions.
- 8.1.3 Site Plan Review Committee
- 8.1.3.1 In order to determine better compliance with technical aspects of the requirements of this Ordinance, to assure compliance and compatibility with other codes, ordinances and regulations of the City to provide for an informed evaluation of the design of development proposals and in order to promote the intent and purposes of this Ordinance generally, a Site Plan Review Committee is hereby established.
- 8.1.3.1.1 Jurisdiction
- 8.1.3.1.1.1 The Site Plan Review Committee shall have the following duties:
 - 8.1.3.1.1.1.1 To receive and review site plans for the following types of development proposals:
 - 8.1.3.1.1.1.1.1 All Special Uses.
 - 8.1.3.1.1.1.1.2 All Planned Unit Developments (PUD's)
 - 8.1.3.1.1.1.1.3 Petitions to amend the zoning map or petitions to establish or enlarge any of the following districts:
 - 8.1.3.1.1.1.1.3.1 *(Removed 05/06/02)*
 - 8.1.3.1.1.1.1.3.2 R4 - Limited Multiple Family District
 - 8.1.3.1.1.1.1.3.3 R5 - General Residence District
 - 8.1.3.1.1.1.1.3.4 B1 - Neighborhood Business District
 - 8.1.3.1.1.1.1.3.5 B2 - General Business District
 - 8.1.3.1.1.1.1.3.6 CW - Commercial Wholesale District
 - 8.1.3.1.1.1.1.3.7 M1 - Limited Industrial District
 - 8.1.3.1.1.1.1.3.8 M2 - General Industrial District
 - 8.1.3.1.1.1.1.3.9 M3 - Intensive Industrial District
 - 8.1.3.1.1.1.1.3.10 OR - Office and Research District

- 8.1.3.1.1.1.1.3.11 PL - Public Land District
- 8.1.3.1.1.1.1.4 All petitions to vary the terms of this Ordinance as they apply to:
 - 8.1.3.1.1.1.1.4.1 Flood Plain Regulations
 - 8.1.3.1.1.1.1.4.2 Off-Street Parking Requirements
 - 8.1.3.1.1.1.1.4.3 Industrial Performance Standards
 - 8.1.3.1.1.1.1.5 All applications for zoning certificates and building permits involving the construction, redevelopment, improvement, alteration or rehabilitation of any building, lot, structure, entrance drive or parking facility.
- 8.1.3.1.1.1.2 To prepare and submit a written report of findings to the Department of Economic and Community Development for its use in the issuance of Zoning Certificates. *(Amended 08/17/15)*
- 8.1.3.1.1.3 To render administrative variances.
- 8.1.3.1.2 Membership
 - 8.1.3.1.2.1 The Site Plan Review Committee shall be composed of the following persons or officers or their designated representatives:
 - 8.1.3.1.2.1.1 Economic and Community Development Director *(Amended 08/17/15)*
 - 8.1.3.1.2.1.2 Senior Planner *(Amended 08/17/15)*
 - 8.1.3.1.2.1.3 Senior Inspector *(Amended 08/17/15)*
 - 8.1.3.1.2.1.4 Police Chief *(Amended 08/17/15)*
 - 8.1.3.1.2.1.5 Fire Chief *(Amended 08/17/15)*
 - 8.1.3.1.2.1.6 Public Works Director *(Amended 08/17/15)*
 - 8.1.3.1.2.1.7 Engineer *(Amended 08/17/15)*
 - 8.1.3.1.3 Chairperson
 - 8.1.3.1.3.1 The Economic and Community Development Director shall serve as Chairperson. *(Amended 08/17/15)*
 - 8.1.3.1.4 Rules of Procedure

- 8.1.3.1.4.1 The Site Plan Review Committee shall adopt its own rules of procedure, not in conflict with this Ordinance or the North Chicago Municipal Code. An official copy of these rules of procedure shall be filed in the Department of Economic and Community Development and shall be of public record. *(Amended 08/17/15)*
- 8.1.3.1.5 Application Requirements
- 8.1.3.1.5.1 Any petition or application for a Zoning Certificate subject to site plan review as provided in Section 8.1.3.1.1 above shall be accompanied by the following information which may be shown on one or more drawings, plats, or plans. Seven (7) copies shall be submitted.
- 8.1.3.1.5.1.1 A boundary survey of the property.
- 8.1.3.1.5.1.2 A topographic survey of the property with a contour interval not greater than two feet (2'-0") showing existing contours and any proposed excavation or fill.
- 8.1.3.1.5.1.3 Where a regulatory flood plain is located on or adjoins the site, the topographic survey shall also show the information required in Section 4.3, Flood Plain Regulations.
- 8.1.3.1.5.1.4 A site plan drawn to scale showing the following:
- 8.1.3.1.5.1.4.1 All principal and accessory buildings.
- 8.1.3.1.5.1.4.2 All easements or rights-of-way for utility service lines.
- 8.1.3.1.5.1.4.3 All access drives and parking and loading areas with stalls clearly delineated.
- 8.1.3.1.5.1.4.4 All sidewalks and pedestrian ways.
- 8.1.3.1.5.1.4.5 All required fences, screens or planted buffers.
- 8.1.3.1.5.1.4.6 All proposed landscaping.
- 8.1.3.1.5.1.4.7 Signs.
- 8.1.3.1.5.1.4.8 The location of any existing or proposed fire hydrants.
- 8.1.3.1.5.1.5 A detailed estimate of the cost of all required site improvements acceptable to the City Engineer.
- 8.1.3.1.5.1.6 In addition, any application involving a use subject to the industrial performance standards may be required to be accompanied by an independent engineering analysis as provided in Section 4.7, Industrial Performance Standards.

- 8.1.3.1.6 Standards for Review
- 8.1.3.1.6.1 Four (4) sets of standards and design criteria are to be followed in the review of the site plans. These are:
- 8.1.3.1.6.1.1 The standards of this Ordinance generally including the standards and regulations established for the various zoning districts.
- 8.1.3.1.6.1.2 Specific standards established for uses in Articles 4, 5, 6 and 7 of this Ordinance.
- 8.1.3.1.6.1.3 The standards and regulations of other applicable codes and ordinances of the City of North Chicago.
- 8.1.3.1.6.1.4 The following criteria:
- 8.1.3.1.6.1.4.1 Adequate provision shall be made for traffic safety including the spacing of entrances, control of access to public streets and the clear view of intersections.
- 8.1.3.1.6.1.4.2 The provision of adequate accessibility by city fire fighting equipment and other emergency vehicles.
- 8.1.3.1.6.1.4.3 Adequate provision for pedestrian safety including the separation of pedestrian and vehicular traffic.
- 8.1.3.1.6.1.4.4 Adequate provision for accessibility by handicapped or mobility impaired persons.
- 8.1.3.1.6.1.4.5 Provision for the safe and convenient storage and removal of trash, refuse or other waste materials.
- 8.1.3.1.6.1.4.6 The location of lighting standards and the location and orientation of other outdoor lighting fixtures.
- 8.1.3.1.6.1.4.7 The appropriateness or suitability of landscape materials used for security, screening, buffering, shade or ornamentation.
- 8.1.3.1.6.1.4.8 The protection of residential areas from adverse impacts arising from the placement or siting of buildings, parking areas, drives, storm water, detention facilities, outdoor lighting, signs and landscaping.
- 8.1.3.1.6.1.4.9 The protection of retail shopping areas, plazas, parks and other outdoor spaces of a public nature from adverse impacts arising from the placement or siting of buildings, parking areas, drives, storm water, detention facilities, outdoor lighting, signs and landscaping.

- 8.1.3.1.7 Report
- 8.1.3.1.7.1 The Site Plan Review Committee shall prepare a written report recommending approval of the site plan and stating therein the conditions of such approval or disapproval of the application and stating the reasons for such disapproval and the steps required to remedy the deficiency. A copy of the report shall be furnished to the applicant and to the following agencies as appropriate:
 - 8.1.3.1.7.1.1 Economic and Community Development Director (*Amended 08/17/15*)
 - 8.1.3.1.7.1.2 Zoning Board of Appeals
 - 8.1.3.1.7.1.3 Mayor
 - 8.1.3.1.7.1.4 City Council
- 8.1.3.1.7.2 The conditions of site plan approval shall become the conditions of building permits, planned unit developments, special use permits, and variations.
- 8.1.4 Zoning Board of Appeals
- 8.1.4.1 The North Chicago Zoning Board of Appeals, as established in accordance with the North Chicago Municipal Code, is the Zoning Board of Appeals referred to in this Ordinance.
 - 8.1.4.1.1 Jurisdiction

The Zoning Board of Appeals shall have the following duties:

 - 8.1.4.1.1.1 Hear and make written recommendations to the City Council on all petitions for amendments to the text and map of this Ordinance.
 - 8.1.4.1.1.2 Hear petitions for special uses and planned unit developments subject to the applicable provisions of this Ordinance, and thereafter to file a written recommendation to grant or deny such special uses and planned unit developments.
 - 8.1.4.1.1.3 Hear and decide any appeals from any order requirement, decision or determination made by the Department of Economic and Community Development. (*Amended 08/17/15*)
 - 8.1.4.1.1.4 Hear petitions for variations from the requirements of this Ordinance in the manner and subject to the provisions set forth in this Article and thereafter to file a written recommendation with the City Council to grant or deny such variations.

- 8.1.4.1.1.5 Hear and decide matters relating to the interpretation of specific provisions of this Ordinance in accordance with this Article.
- 8.1.4.1.1.6 Hear and decide matters relating to the determination of “similar and compatible uses” in accordance with this Article.
- 8.1.4.1.1.7 Hear, decide and make recommendations upon all other matters referred to it by the City Council or upon which it is required to act under this Ordinance.
- 8.1.4.1.1.8 To visit the subject property, where applicable, prior to making any recommendations on petitions for map amendments, variations and special use permits.
- 8.1.4.1.2 Membership
- 8.1.4.1.2.1 The Zoning Board of Appeals shall be composed of seven (7) members appointed by the Mayor with the majority consent of the City Council. Such members shall receive an allowance for expenses and compensation for their time as may be provided for by the City Council in its annual appropriation ordinance.
- 8.1.4.1.2.2 All new and renewed terms of office for Zoning Board of Appeals members shall be four (4) members for three (3) years and three (3) members for two (2) years.
- 8.1.4.1.3 Appointment of Chairperson
- 8.1.4.1.3.1 The Mayor, with majority consent of the City Council, shall designate one (1) of the members of the Zoning Board of Appeals as Chairperson of said Zoning Board. The Chairperson shall hold office for a period of two (2) years at which time the Mayor, subject to majority consent of the City Council, may either reappoint said individual as Chairperson or designate another member of the Zoning Board of Appeals as Chairperson.
- 8.1.4.1.4 Rules of Procedure
- 8.1.4.1.4.1 The Zoning Board of Appeals shall adopt its own rules of procedure, not in conflict with this Ordinance or the North Chicago Municipal Code. An official copy of these rules shall be filed with the Department of Economic and Community Development, where they shall be public record. *(Amended 08/17/15)*
- 8.1.4.1.5 Meetings and Hearings
- 8.1.4.1.5.1 All meetings and hearings of the Zoning Board of Appeals shall be open to the public.

- 8.1.4.1.6 Call and Quorum
- 8.1.4.1.6.1 Meetings of the Zoning Board of Appeals shall be at the call of the Chairperson, or in his absence, the Vice-Chairperson, or at the request of any three (3) members at such times and places within the City as the Zoning Board may determine. Four (4) persons shall be necessary for a quorum at each meeting.
- 8.1.4.1.7 Testimony
- 8.1.4.1.7.1 All testimony by witnesses at any public hearing provided for in this Ordinance shall be given under oath. The Chairperson, or acting chairperson, may administer the oath.
- 8.1.4.1.8 Minutes and Records
- 8.1.4.1.8.1 The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. The minutes of all hearings and meetings and all recommendations, orders, requirements, decisions and determinations of the Zoning Board of Appeals shall be filed with the Department of Economic and Community Development and shall be of public record. *(Amended 08/17/15)*
- 8.1.4.1.9 Effect of Zoning Board of Appeals Action
- 8.1.4.1.9.1 In all instances, actions taken by the Zoning Board of Appeals shall be advisory to the City Council.
- 8.1.5 Plan Commission
- 8.1.5.1 The North Chicago Plan Commission, as established in accordance with the North Chicago Municipal Code, is the Plan Commission referred to in this Ordinance.
- 8.1.5.1.1 Authority
- The Plan Commission is hereby vested with the following jurisdiction and authority to:
- 8.1.5.1.1.1 Hear and make written recommendations to the City Council on petitions for annexations to the City of North Chicago.
- 8.1.5.1.1.2 Review on a periodic basis, of not more than five (5) years, this Ordinance, and provide written reports of its recommendations for changes to the City Council.

- 8.1.5.1.1.3 Make recommendations to the City Council to ensure that any changes in this Ordinance are in conformance with all aspects of the North Chicago Comprehensive Plan as the same may, from time to time, be amended.
- 8.1.5.1.1.4 Hear, decide and make recommendations upon all matters referred to it by the City Council or upon which it is required to pass under this Ordinance.
- 8.1.5.1.1.5 Review and make recommendations on preliminary and final subdivision plats.
- 8.1.5.1.1.6 Hear, review and make recommendations to the City Council on all matters pertaining to revisions, changes or amendments to the City's Comprehensive, Neighborhood or Special Areas Plans and planning process.
- 8.1.5.1.2 Membership
- 8.1.5.1.2.1 The Plan Commission shall be composed of seven (7) members appointed by the Mayor with the majority consent of the City Council. Such members shall receive an allowance for expenses and compensation for their time as may be provided for by the City Council in its annual appropriation ordinance.
- 8.1.5.1.2.2 All new and renewed terms of office for Plan Commission members shall be four (4) members for three (3) years and three (3) members for two (2) years.
- 8.1.5.1.3 Appointment of Chairperson
- 8.1.5.1.3.1 The Mayor, with majority consent of the City Council, shall designate one (1) of the members of the Plan Commission as Chairperson. The Chairperson shall hold office for a period of two (2) years at which time the Mayor, subject to majority consent of the City Council, may either reappoint said individual as Chairperson or designate another member of the Plan Commission as Chairperson.
- 8.1.5.1.4 Rules and Procedure
- 8.1.5.1.4.1 The Plan Commission shall adopt its own rules of procedure, not in conflict with this Ordinance or the North Chicago Municipal Code. An official copy of these rules shall be filed with the Department of Economic and Community Development, where they shall be public record. *(Amended 08/17/15)*
- 8.1.5.1.5 Meetings and Hearings
- 8.1.5.1.5.1 All meetings and hearings of the Plan Commission shall be open to the public.

- 8.1.5.1.6 Call and Quorum
- 8.1.5.1.6.1 Meetings of the Plan Commission shall be at the call of the Chairperson, or in his absence, the Vice-Chairperson, or at the request of any three (3) members at such times and places within the City as the Plan Commission may determine. Four (4) persons shall be necessary for a quorum at each meeting.
- 8.1.5.1.7 Minutes and Records
- 8.1.5.1.7.1 The Plan Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. The minutes of all hearings and meetings and all recommendations, orders, requirements, decisions and determinations of the Plan Commission shall be filed with the Department of Economic and Community Development and shall be of public record. *(Amended 08/17/15)*
- 8.1.5.1.8 Effect of Plan Commission Action
- 8.1.5.1.8.1 In all instances, action taken by the Plan Commission shall be advisory to the City Council.
- 8.1.6 City Council
- 8.1.6.1 The North Chicago City Council, as established in accordance with the North Chicago Municipal Code is the City Council referred to in this Ordinance.
- 8.1.6.1.1 Authority
- The City Council is hereby vested with the following jurisdiction and authority with regard to this Zoning Ordinance, to:
 - 8.1.6.1.1.1 Approve or disapprove all proposed amendments to this Ordinance, upon receipt of recommendations from either the Zoning Board of Appeals or the Plan Commission.
 - 8.1.6.1.1.2 Approve, disapprove or modify all proposed special uses and planned unit developments, upon receipt of recommendations from the Plan Commission.
 - 8.1.6.1.1.3 Approve or disapprove all requested variations from the requirements of this Ordinance in the manner and subject to the provisions set forth in this Article, upon receipt of recommendations from the Zoning Board of Appeals.
 - 8.1.6.1.1.4 Upon receipt of the recommendations from the Plan Commission, ensure that any changes in this Ordinance are in conformance with all aspects of the North Chicago Comprehensive Plan.

8.1.6.1.2 Finality of Decisions of the City Council

8.1.6.1.2.1 All decisions of the North Chicago City Council relating to the various provisions of this Ordinance, and specifically those concerned with zoning, amendments, annexations, special uses, planned unit developments and variations, after the proper procedure has been adhered to, shall, in all instances, be the final determination, subject to change only upon proper judicial review and order, or upon change in a ruling by the City Council.

8.2 INTERPRETATION OF THE ZONING ORDINANCE

8.2.1 Purpose

8.2.1.1 This Ordinance has been written and organized to provide comprehensive understanding of its many provisions. Over time certain specific provisions of this Ordinance will be the subject of debate as to their actual meaning and intent. In certain circumstances, new and justifiable uses of land will be found missing from zoning district listings of permitted and special uses. To better aid in the interpretation of those provisions of this Ordinance which may be subject to some ambiguity and those uses missing from district use listings, the City Council, acting upon the recommendations of the Plan Commission, may, in the manner set forth herein, render a definition of such provisions.

8.2.2 Interpretation of Specific Provisions

8.2.2.1 Economic and Community Development Determination *(Amended 08/17/15)*

8.2.2.1.1 The Economic and Community Development Director shall render within thirty (30) days an interpretation of any provision of this Ordinance which has been submitted in writing, for interpretation by any citizen or party with an interest in North Chicago. Any person aggrieved by a decision of the Economic and Community Development Director may appeal his decision to the Zoning Board of Appeals. *(Amended 08/17/15)*

8.2.2.2 Zoning Board of Appeals Determination

8.2.2.2.1 The Zoning Board of Appeals shall publicly discuss at a regularly scheduled meeting the interpretation of any provision of this Ordinance submitted to it. Within thirty (30) days of public discussion, the Zoning Board of Appeals shall render a final determination as to the meaning and interpretation of said provision.

- 8.2.3 Determination of Similar and Compatible Uses
- 8.2.3.1 Standing
- 8.2.3.1.1 A petition for inclusion as a special use of any use not listed as a permitted or special use in a particular zoning district may be made by any person owning or having an interest in a specific property within the City of North Chicago.
- 8.2.3.2 Filing
- 8.2.3.2.1 Such petition for inclusion as a special use shall be filed in writing with the Department of Economic and Community Development, and shall be accompanied by the following: *(Amended 08/17/15)*
- 8.2.3.2.1.1 The name, address and telephone number of the petitioner.
- 8.2.3.2.1.2 Description of proposed or requested action.
- 8.2.3.3 Zoning Board of Appeals Public Hearing
- 8.2.3.3.1 A public hearing shall be held in accordance with the requirements for public hearings established in this Article.
- 8.2.3.3.2 The Zoning Board of Appeals may decide that a use not listed as a permitted or special use in a particular zoning district be included as a special use in a district, upon consideration of the following criteria for similar and compatible use:
- 8.2.3.3.2.1 The use’s potential of being consistent, compatible and homogeneous with uses listed as permitted uses in the requested zoning district.
- 8.2.3.3.2.2 In what other zoning classifications, if any, the requested use is listed as permitted or special use and if the requested use might be better processed in another zoning district.
- 8.2.3.3.2.3 The extent to which the proposed use complies with the “Description of District” of the particular zoning classification.
- 8.2.3.3.2.4 The potential that the proposed use has of complementing or disturbing the rationale and integrity of the requested zoning district.
- 8.2.3.3.3 Within thirty (30) days after the close of the required public hearing, the Zoning Board of Appeals shall determine whether or not the proposed use is to be allowed legitimately as a special use in the zoning district.

8.3 AMENDMENTS

8.3.1 Purpose

8.3.1.1 The purpose of this section is to provide procedures and standards for changes in this Ordinance by the City Council acting upon the recommendations of the Zoning Board of Appeals. No amendment to this Ordinance, be it to the text or map, shall be made without due consideration of the intent and purposes for which this Ordinance is adopted.

8.3.2 Text Amendments

8.3.2.1 Petition for Text Amendment

8.3.2.1.1 Standing

8.3.2.1.1.1 A petition for text amendment to this Ordinance may be made by the City Council, the Plan Commission, and the Zoning Board of Appeals or by any person owning or having an interest in a specific property within the corporate limits of the City.

8.3.2.1.2 Filing

8.3.2.1.2.1 Petitions for text amendments shall be filed in writing on forms provided by the Department of Economic and Community Development and shall be accompanied by such documents and information as the Zoning Board may by rule require. Such documents and information shall include, but are not limited to, the following: *(Amended 08/17/15)*

8.3.2.1.2.1.1 The name, address and telephone number of the petitioner.

8.3.2.1.2.1.2 Description of proposed or requested action, including the article and section to be amended.

8.3.2.1.2.1.3 Such information as may be required by other applicable sections of this Ordinance.

8.3.2.2 Zoning Board of Appeals Public Hearing

8.3.2.2.1 The Zoning Board of Appeals shall hold a public hearing on a petition for a text amendment within sixty (60) days of receipt of a complete application.

8.3.2.2.2 Public notice shall be given as follows:

8.3.2.2.2.1 The Zoning Board of Appeals shall publish notice of the public hearing at least once, not more than thirty (30) days and not less than fifteen

(15) days before said hearing in a newspaper of general circulation in North Chicago.

8.3.2.2.2.2 The Zoning Board of Appeals shall post the public notice not more than thirty (30) days and not less than fifteen (15) days before said hearing.

8.3.2.2.2.3 The public notice shall contain, at a minimum, the following:

8.3.2.2.2.3.1 Date of public hearing

8.3.2.2.2.3.2 Place of public hearing

8.3.2.2.2.3.3 Time of public hearing

8.3.2.2.2.3.4 Purpose of public hearing

8.3.2.2.2.3.5 Name of petitioner

8.3.2.3 Zoning Board of Appeals Standards

8.3.2.3.1 The Zoning Board of Appeals may recommend to the City Council that a proposed text amendment to this Ordinance be granted when and only when it shall have determined from evidence presented to it that all of the following have been considered:

8.3.2.3.1.1 The effect of the proposed text amendment would have on a comprehensive planning in the community and the extent to which the proposed amendment would be consistent with North Chicago planning objectives.

8.3.2.3.1.2 The extent to which the proposed text amendment will ameliorate a condition in this Ordinance which is not conducive to proper community development or zoning administration.

8.3.2.3.1.3 The degree to which all property owners in the community, zoned in similar classifications, would be benefited or affected by the proposed text amendment, would or would not benefit, or affect a selected or small group of property owners.

8.3.2.3.1.4 The extent to which any formal, written protest pertaining to the proposed text amendment can be substantiated on a factual basis.

8.3.2.4 Zoning Board of Appeals Recommendation

8.3.2.4.1 Within thirty (30) days after the close of the required public hearing of a proposed text amendment, the Zoning Board of Appeals shall prepare and submit to the City Council written findings and recommendations to affirm, deny or modify the amendment.

- 8.3.2.5 City Council Determination
- 8.3.2.5.1 Within thirty (30) days of receipt of written findings and recommendations from the Zoning Board of Appeals, the City Council, upon the majority vote of its entire membership may affirm, deny or modify the amendment. If a proposed text amendment is adopted by the City Council, it shall be included in an ordinance passed by said City Council and shall thereupon become part of this Ordinance.
- 8.3.2.6 Effect of City Council Denial
- 8.3.2.6.1 No proposed text amendment which has been denied wholly or in part by the City Council shall be resubmitted for a period of one (1) year from the date of denial, except on grounds of new evidence or proof of changed conditions.
- 8.3.3 Map Amendments
- 8.3.3.1 Petition for Map Amendment
- 8.3.3.1.1 Standing
- 8.3.3.1.1.1 A petition for map amendment to this Ordinance may be made by the City Council, the Plan Commission, and the Zoning Board of Appeals or by any person owning or having interest in a specific property within the City of North Chicago.
- 8.3.3.1.2 Filing
- 8.3.3.1.2.1 Petitions for map amendments shall be filed in writing on forms provided by the Department of Economic and Community Development, and shall be accompanied by such documents and information as the Zoning Board may by rule require. Such documents and information shall include, but are not limited to, the following: *(Amended 08/17/15)*
- 8.3.3.1.2.1.1 The name, address and telephone number of the petitioner.
- 8.3.3.1.2.1.2 Disclosure of all beneficial interests, officers and directors in a land trust, corporation or partnership involved.
- 8.3.3.1.2.1.3 Description of proposed or requested action.
- 8.3.3.1.2.1.4 Legal description of subject property.
- 8.3.3.1.2.1.5 Common description of subject property.
- 8.3.3.2 Site Plan Review

- 8.3.3.2.1 Certain map amendments are subject to site plan review procedures as established in Section 8.1.3. Any such petition for a map amendment shall be accompanied by the plans and other required in Section 8.1.3.1.5, in addition to the normal petition requirements listed above.
- 8.3.3.3 Zoning Board of Appeals Public Hearing
- 8.3.3.3.1 The Zoning Board of Appeals shall hold a public hearing on a petition for a map amendment. A complete application will be brought before the Zoning Board within forty-five (45) days of submittal. *(Amended 12/15/08)*
- 8.3.3.3.2 Public notices shall be provided as follows:
- 8.3.3.3.2.1 By Petitioner
- 8.3.3.3.2.1.1 The petitioner shall provide notification of the public hearing by certified mail, return receipt, to each owner of property directly affected by the proposed map amendment and to each owner of property within two hundred fifty feet (250'-0") of the subject property and the alderman of the ward in which the property is located. The petitioner shall provide notification by regular first class mail to residents of property within two hundred fifty feet (250"-0") of the subject property. Such notice shall be given not more than thirty (30) days and not less than fifteen (15) days before said hearing. Evidence that the notice required herein has been given shall be presented at the public hearing. The petitioner must post not less than fifteen (15) days from the hearing a notice on the property no smaller than eleven (11) inches by seventeen (17) inches. Said notice shall contain the date of the hearing, the existing and proposed zoning district, intended use and petitioners name and phone number for inquires. Notice shall be clearly visible for the public right-of-way. The petitioner shall be responsible for re-notifying parties identified above in the prescribed manner should the hearing be rescheduled for any reason. *(Amended 12/15/08)*
- 8.3.3.3.2.2 By Zoning Board of Appeals
- 8.3.3.3.2.2.1 The Zoning Board of Appeals shall publish notice of the public hearing at least once, not more than thirty (30) days and not less than fifteen (15) days before said hearing, in a newspaper of general circulation in North Chicago.
- 8.3.3.3.2.2.2 The Zoning Board of Appeals shall post the public notice not more than thirty (30) days and not less than fifteen (15) days before said hearing.
- 8.3.3.3.2.3 Content *(Amended 03/19/07)*
- 8.3.3.3.2.3.1 The public notice provided by the applicant and published by the Zoning Board of Appeals shall contain, at a minimum, the following:

- 8.3.3.3.2.3.1.1 Name of petitioner and/or owner or beneficiary and contact phone number.
- 8.3.3.3.2.3.1.2 Date of public hearing.
- 8.3.3.3.2.3.1.3 Place of public hearing.
- 8.3.3.3.2.3.1.4 Time of public hearing.
- 8.3.3.3.2.3.1.5 Purpose of public hearing, including existing and proposed zoning district, and intended use.
- 8.3.3.3.2.3.1.6 Legal description of subject property.
- 8.3.3.3.2.3.1.7 Common description of subject property and/or address of property.
- 8.3.3.4 Zoning Board of Appeals Standards
- 8.3.3.4.1 The Zoning Board of Appeals may recommend to the City Council that a proposed map amendment be granted when and only when, it shall have determined from evidence presented to it that all of the following have been considered:
 - 8.3.3.4.1.1 The effect the proposed map amendment would have on comprehensive planning in the community and the extent to which the proposed amendment would be consistent with North Chicago planning objectives.
 - 8.3.3.4.1.2 The extent to which the proposed map amendment will ameliorate a condition which is not conducive to proper community planning.
 - 8.3.3.4.1.3 Whether the uses proposed by the proposed map amendment would be appropriate in the area concerned.
 - 8.3.3.4.1.4 The effect of the proposed map amendment upon adjacent areas and existing developments.
 - 8.3.3.4.1.5 Whether public facilities and services, such as sewer, water, schools, police and fire exist in adequate amounts to serve the needs of any additional development likely to occur as a result of the proposed map amendment.
 - 8.3.3.4.1.6 The amount of vacant land which is currently zoned for similar development in North Chicago, particularly in the vicinity of the area included in the proposed amendment and any special circumstances which may make part of such vacant land unavailable for development.

- 8.3.3.4.1.7 Whether other areas designated for similar development are likely to be so developed if the proposed map amendment is adopted, and whether the designation for such future development should be withdrawn from such areas by further amendment of this Ordinance.
 - 8.3.3.4.1.8 The extent to which property values are expected to be affected by the proposed map amendment.
 - 8.3.3.4.1.9 Whether the proposed map amendment is the minimum adjustment necessary to allow reasonable use of the subject property.
 - 8.3.3.4.1.10 The extent to which any formal, written protest pertaining to the proposed map amendment can be substantiated on a factual basis.
 - 8.3.3.5 Zoning Board of Appeals Recommendation
 - 8.3.3.5.1 Within thirty (30) days after the close of the required public hearing, the Zoning Board of Appeals shall prepare and submit to the City Council written findings and recommendations to affirm, deny or modify said map amendment.
 - 8.3.3.6 City Council Determination
 - 8.3.3.6.1 Within thirty (30) days of receipt of written findings and recommendations from the Zoning Board of Appeals, the City Council, upon the majority vote of its entire membership, may affirm, deny or modify said map amendment. If a proposed map amendment is adopted by the City Council, said amendment shall be included in an ordinance passed by the City Council and shall thereupon become part of this Ordinance.
 - 8.3.3.7 Effect of City Council Denial
 - 8.3.3.7.1 No proposed map amendment which has been denied wholly or in part by the City Council shall be resubmitted for a period of one year from the date of said order of denial, except on grounds of new evidence or proof of changed conditions.
 - 8.3.3.8 Repeal of Amendment
- In any case where a change in boundary line of a zoning district has been granted (property rezoned), and where no zoning certificate or building permit has been applied for within six months, the Zoning Board of Appeals may hold a public hearing after notice of public hearing has been given and recommended to the City Council, that such zoning be affirmed or repealed and re-zoned to its previous zoning designation. *(Amended 03/19/07)*

8.4 SPECIAL USES

8.4.1 Purpose

8.4.1.1 This Ordinance is based upon the division of the City into districts within which the use of land and the size and bulk of buildings and structures, are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, can only be properly classified in any particular districts upon consideration in each case of the impact of those uses upon neighboring land. Such special uses can be classified into those uses publicly operated or traditionally affected with a public interest and those uses entirely private in character but of an unusual nature where their operation may give rise to unique problems or benefit with respect to neighboring property, public facilities, or the City. Such uses are permitted only subject to the issuance of a Special Use Permit.

8.4.2 Procedure for Special Uses

8.4.2.1 Standing

8.4.2.1.1 Petition for a special use may be made by the owner of the subject property or any person having a proprietary interest in said property.

8.4.2.2 Site Plan Review

8.4.2.2.1 All special uses are subject to the site plan review procedures established in Section 8.1.3.

8.4.2.3 Filing

8.4.2.3.1 Petitions for special uses shall be filed in writing on forms provided by the Department of Economic and Community Development, and shall be accompanied by such documents and information as the Plan Commission may by rule require. Such documents and information shall include, but are not limited to, the following: *(Amended 08/17/15)*

8.4.2.3.1.1 The name, address and telephone number of the petitioner.

8.4.2.3.1.2 The status of the petitioner in relationship to the subject property.

8.4.2.3.1.3 Disclosure of all beneficial interests, officers and directors if a land trust, corporation or partnership is involved.

8.4.2.3.1.4 Description of proposed or requested action.

8.4.2.3.1.5 Legal description of subject property.

- 8.4.2.3.1.6 Common description of subject property.
- 8.4.2.3.1.7 Such plans and information as may be required by Section 8.1.3.5, Application Requirements for Site Plan Review.
- 8.4.2.3.1.8 Such other information as may be required by Article 5, Special Uses, and Article 6, Planned Unit Development, of this Ordinance.
- 8.4.2.4 Zoning Board of Appeals Public Hearing
- 8.4.2.4.1 The Zoning Board of Appeals shall hold a public hearing on a petition for a Special Use Permit. A complete application will be brought before the Zoning Board within forty-five (45) days of submittal. *(Amended 12/15/08)*
- 8.4.2.4.2 Public notice shall be given as follows:
 - 8.4.2.4.2.1 By Petitioner
 - 8.4.2.4.2.1.1 The petitioner shall provide notification of the public hearing by certified mail, return receipt, to each owner of property directly affected by the proposed Special Use Permit and to each owner of property within two hundred fifty feet (250'-0") of the subject property and the alderman of the ward in which the property is located. The petitioner shall provide notification by regular first class mail to residents of property within two hundred fifty feet (250'-0") of the subject property. Such notice shall be given not more than thirty (30) days and not less than fifteen (15) days before said hearing. Evidence that the notice required herein has been given shall be presented at the public hearing. The petitioner must post not less than fifteen (15) days from the hearing a notice on the property no smaller than eleven (11) inches by seventeen (17) inches. Said notice shall contain the date of the hearing, the existing and proposed zoning district, intended use and petitioners name and phone number for inquires. Notice shall be clearly visible for the public right-of-way. The petitioner shall be responsible for re-notifying parties identified above in the prescribed manner should the hearing be rescheduled for any reason. *(Amended 12/15/08)*
 - 8.4.2.4.2.2 By Zoning Board of Appeals
 - 8.4.2.4.2.2.1 The Zoning Board of Appeals shall publish notice of the public hearing at least once, not more than thirty (30) days and not less than fifteen (15) days before said hearing, in a newspaper of general circulation in North Chicago.
 - 8.4.2.4.2.2.2 The Zoning Board of Appeals shall post the public notice not more than thirty (30) days and not less than fifteen (15) days before said hearing.
 - 8.4.2.4.2.3 Content *(Amended 03/19/07)*

8.4.2.4.2.3.1 The public notice provided by the applicant and published by the Zoning Board of Appeals shall contain, at a minimum, the following:

8.4.2.4.2.3.1.1 Date of public hearing.

8.4.2.4.2.3.1.2 Place of public hearing.

8.4.2.4.2.3.1.3 Time of public hearing.

8.4.2.4.2.3.1.4 Purpose of public hearing, including existing and proposed zoning district, and intended use

8.4.2.4.2.3.1.5 Legal description of subject property.

8.4.2.4.2.3.1.6 Common description of subject property and/or address of property.

8.4.2.4.2.3.1.7 Name of petitioner and/or owner or beneficiary and contact phone number.

8.4.2.5 Standards for Special Uses

8.4.2.5.1 The Zoning Board of Appeals may recommend to the City Council that a special use be granted when, and only when, it shall have determined from evidence presented to it that all of the following standards have been complied with:

8.4.2.5.1.1 That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety and general welfare.

8.4.2.5.1.2 That the nature and intensity of the activities involved and the size and placement of any structures proposed will be so planned that the special use will be compatible with existing development in the area and improvement of surrounding property, nor substantially diminish and impair property values within the area.

8.4.2.5.1.3 That public facilities and services, such as sewer, water, schools, police and fire exist in adequate amounts to serve the needs of any additional development likely to occur as a result of the special use.

8.4.2.5.1.4 That adequate measures have been taken or will be taken to ensure adequate access to the special use and to minimize its effect on traffic congestion in the surrounding area.

8.4.2.5.1.5 That the special use shall in all other respects conform to the applicable regulations of Article 5 and Article 6 of this Ordinance and other applicable City regulations, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Zoning Board of Appeals.

8.4.2.5.1.6 The extent to which any formal written protest pertaining to the special use can be substantiated on a factual basis.

8.4.2.6 Zoning Board of Appeals Recommendation

8.4.2.6.1 Within thirty (30) days of the required public hearing, the Zoning Board of Appeals shall prepare and submit to the City Council written findings and recommendations to grant, deny or modify said special use.

8.4.2.7 Conditions and Guarantees of Special Use

8.4.2.7.1 The City Council, acting upon the recommendations of the Zoning Board of Appeals, may impose such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the requested special use as deemed necessary for the protection of the public interest and to secure compliance with the standards of this Ordinance.

8.4.2.8 City Council Determination

8.4.2.8.1 Within thirty (30) days of receipt of the written findings and recommendations of the Zoning Board of Appeals, the City Council, upon the majority vote of its entire membership, may grant, deny or modify said special use.

8.4.3 Effect of City Council Denial

8.4.3.1 No requested special use which has been denied wholly or in part by the City Council shall be resubmitted for a period of one year from the date of said order of denial, except on grounds of new evidence or proof of changed conditions.

8.4.4 City Council Revocation

8.4.4.1 In any case where a special use has been granted, and where no special use development has taken place within one (1) year, then without further action by the Zoning Board of Appeals or the City Council, said special use shall become null and void.

8.4.4.2 For this purpose, a special use shall be deemed to have been established on the date of issuance of a building permit for the special use or, if no construction is involved, the date of issuance of Certificate of Occupancy. If a special use is revoked by operation of this provision, and if such special use was granted in conjunction with an amendment to this Ordinance, such amendment shall be revoked pursuant to the procedure established for amendments.

8.5 VARIATIONS

8.5.1 Purpose

8.5.1.1 It is the intent of this Zoning Ordinance to use variations only to modify the application of the Zoning Ordinance to achieve parity among properties similarly located and classified. Specifically, it is to be used to overcome some exceptional physical condition which poses practical difficulty or particular hardship in such a way as to prevent an owner from using his or her property as intended by this Ordinance. Such practical difficulty must be clearly exhibited and must be a result of an external influence; it may not be self-imposed.

8.5.2 Authorized Variations

8.5.2.1 Variations from the regulations of this Ordinance shall be granted by the City Council upon receipt of written findings and recommendations of the Zoning Board of Appeals. The following types of variations may be permitted:

8.5.2.1.1 Lot Requirements

8.5.2.1.1.1 Variation from the applicable lot area and lot width requirements for uses permitted solely because of insufficient lot area or width, subject to the following limitations:

8.5.2.1.1.1.1 The minimum lot area requirement shall not be reduced by more than ten percent (10%).

8.5.2.1.1.1.2 The minimum lot width requirement shall not be reduced by more than fifteen percent (15%).

8.5.2.1.1.1.3 The minimum front yard, side yard, or rear yard shall not be reduced by more than fifteen percent (15%).

8.5.2.1.1.1.4 The building height shall not exceed the height limit by more ten percent (10%).

8.5.2.1.1.1.5 The City Council, acting upon written findings of fact and recommendations of the Zoning Board of Appeals, shall have the power to permit the use of building sites smaller or narrower than required where such combination and redivision cannot be done without substantial hardship to the owner or owners of the lots in question. Where a number of undersize or under-width lots are owned as a tract, the City Council, acting upon the recommendations of the Zoning Board of Appeals is directed to limit its variations to permit as little divergence as possible from the tract size and width required by this Ordinance. In its consideration the City Council shall consider both the hardship to the property owner and the type of building sites already used in the immediate neighborhood.

- 8.5.2.1.2 Bulk Regulations
- 8.5.2.1.2.1 Variations from the applicable bulk regulations, including maximum lot coverage and maximum floor area ratio, subject to the following limitations:
 - 8.5.2.1.2.1.1 The lot coverage shall not be increased by more than fifteen percent (15%).
 - 8.5.2.1.2.1.2 The floor area ratio shall not be increased by more than fifteen percent (15%).
- 8.5.2.1.3 Off-Street Parking and Loading
- 8.5.2.1.3.1 Variation from the applicable off-street parking and loading requirement subject to the site plan review procedure established in Section 8.1.3, Site Plan Review Committee, above.
- 8.5.2.1.4 Signs
- 8.5.2.1.4.1 Variation from the applicable sign regulations to permit an increase in the aggregate gross area of a sign or other advertising device of a maximum of twenty percent (20%).
- 8.5.2.1.5 Occupation of the Flood Plain
- 8.5.2.1.5.1 Variation from the applicable flood plain regulations subject to the procedures established in Section 4.3.7, Appeals and Variations, and subject to the site plan review procedures established in Section 8.1.3, Site Plan Review Committee.
- 8.5.2.1.6 Industrial Performance Standards
- 8.5.2.1.6.1 Variation from the applicable industrial performance standards subject to the site plan review procedures established in Section 8.1.3, Site Plan Review Committee.
- 8.5.3 Procedure for Variations
- 8.5.3.1 Standing
- 8.5.3.1.1 Petition for a variation from any provision of this Ordinance may be made by the owner of the subject property or any other person having a proprietary interest in said property.
- 8.5.3.2 Filing
- 8.5.3.2.1 Petitions for variations shall be filed in writing on forms provided by the Department of Economic and Community Development, and shall be accompanied by such documents and information as the Zoning Board of

Appeals may by rule require. Such documents and information shall include, but are not limited to, the following: *(Amended 08/17/15)*

- 8.5.3.2.1.1 The name, address and telephone number of the petitioner.
- 8.5.3.2.1.2 Disclosure of all beneficial interests, officers and directors in a land trust, corporation or partnership involved.
- 8.5.3.2.1.3 Description of proposed or requested action.
- 8.5.3.2.1.4 Legal description of subject property.
- 8.5.3.2.1.5 Common description of subject property.
- 8.5.3.3 Zoning Board of Appeals Public Hearing
 - 8.5.3.3.1 The Zoning Board of Appeals shall hold a public hearing on a petition for variance. A complete application will be brought before the Zoning Board within forty-five (45) days of submittal. *(Amended 12/15/08)*
 - 8.5.3.3.2 Public notice shall be given as follows:
 - 8.5.3.3.2.1 By Petitioner
 - 8.5.3.3.2.1.1 The petitioner shall provide notification of the public hearing by certified mail, return receipt, to each owner of property directly affected by the proposed variance and to each owner of property within two hundred fifty feet (250'-0") of the subject property and the alderman of the ward in which the property is located. The petitioner shall provide notification by regular first class mail to residents of property within two hundred fifty feet (250'-0") of the subject property. Such notice shall be given not more than thirty (30) days and not less than fifteen (15) days before said hearing. Evidence that the notice required herein has been given shall be presented at the public hearing. The petitioner must post not less than fifteen (15) days from the hearing a notice on the property no smaller than eleven (11) inches by seventeen (17) inches. Said notice shall contain the date of the hearing, the existing and proposed zoning district, intended use and petitioners name and phone number for inquires. Notice shall be clearly visible for the public right-of-way. The petitioner shall be responsible for re-notifying parties identified above in the prescribed manner should the hearing be rescheduled for any reason. *(Amended 03/19/07) (Amended 12/15/08)*
 - 8.5.3.3.2.2 By Zoning Board of Appeals
 - 8.5.3.3.2.2.1 The Zoning Board of Appeals shall publish notice of the public hearing at least once, not more than thirty (30) days and not less than fifteen (15) days before said hearing, in a newspaper of general circulation in North Chicago.

8.5.3.3.2.2.2 The Zoning Board of Appeals shall post the public notice not more than thirty (30) days and not less than fifteen (15) days before said hearing.

8.5.3.3.2.3 Content (Amended 03/19/07)

8.5.3.3.2.3.1 The public notice provided by the applicant and published by the Zoning Board of Appeals shall contain, at a minimum, the following:

8.5.3.3.2.3.1.1 Date of public hearing.

8.5.3.3.2.3.1.2 Place of public hearing.

8.5.3.3.2.3.1.3 Time of public hearing.

8.5.3.3.2.3.1.4 Purpose of public hearing including existing and proposed zoning district, and intended use

8.5.3.3.2.3.1.5 Legal description of subject property.

8.5.3.3.2.3.1.6 Common description of subject property and/or address

8.5.3.3.2.3.1.7 Name of petitioner and/or owner or beneficiary, and contact phone number.

8.5.3.3.2.4 Standards for Variation

8.5.3.3.2.4.1 The Zoning Board of Appeals may recommend to the City Council that a variation be granted when, and only when, it shall have determined from evidence presented to it, that all of the following standards have been complied with:

8.5.3.3.2.4.1.1 That the requested variation does not allow a use otherwise excluded from the particular zoning district in which it is requested.

8.5.3.3.2.4.1.2 That special circumstances or topography apply to the property for which the variation is sought and that these conditions are not applicable generally to other property located within the same zoning district.

8.5.3.3.2.4.1.3 That the special circumstances or conditions which apply to the property have not resulted from any act of the applicant, or associated parties, subsequent to the adoption of this Ordinance, regardless of whether or not it is in violation of the provisions thereof.

8.5.3.3.2.4.1.4 That the requested variation is the minimum adjustment necessary for a reasonable use of the property.

8.5.3.3.2.4.1.5 That the requested variation is in harmony with the general purposes and intent of this Ordinance, and will not be detrimental to the public welfare or to other property or improvements in the neighborhood, and will not alter the essential character of the neighborhood.

8.5.3.3.2.4.1.6 That the requested variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion on public roads, increase the potential damage of fire, flood, or otherwise endanger the public safety.

8.5.3.3.2.5 Zoning Board of Appeals Recommendation

8.5.3.3.2.5.1 Within thirty (30) days after the close of the required public hearing, the Zoning Board of Appeals shall prepare and submit to the City Council written findings and recommendations to grant, deny or modify said variation.

8.5.3.3.2.6 Conditions of Variation

8.5.3.3.2.6.1 The City Council, acting upon the recommendations of the Zoning Board of Appeals, may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to reduce or minimize the injurious effect of such variation upon other property in the neighborhood and to better carry out the general intent of this Ordinance.

8.5.3.3.2.7 City Council Determination

8.5.3.3.2.7.1 Within thirty (30) days of receipt of the written findings and recommendations of the Zoning Board of Appeals, the City Council, upon the majority vote of its entire membership, may grant, deny or modify said variation.

8.5.4 Effect of City Council Denial

8.5.4.1 No requested special use which has been denied wholly or in part by the City Council shall be resubmitted for a period of one year from the date of said order of denial, except on grounds of new evidence or proof of changed conditions found to be valid by the City Council.

8.6 APPEALS

8.6.1 Scope of Appeals

8.6.1.1 An appeal may be taken to the Zoning Board of Appeals by a person, firm or corporation, or by any officer, department board or bureau aggrieved by an order, requirement, decision or determination of the Economic and Community Development Director or other city official acting within authority of this Ordinance. *(Amended 08/17/15)*

8.6.2 Stay of Proceedings

8.6.2.1 An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Economic and Community Development Director certifies to the Zoning Board of Appeals after the notice of appeal has been filed that, by reason of facts stated in the application, a stay would in his opinion, cause imminent peril to life or property. *(Amended 08/17/15)*

8.6.3 Procedure for Appeals

8.6.3.1 Zoning Board of Appeals Public Hearing

8.6.3.1.1 The Zoning Board of Appeals shall hold a public hearing on a petition for an appeal. A complete application will be brought before the Zoning Board within forty-five (45) days of submittal. *(Amended 03/19/07) (Amended 12/15/08)*

8.6.3.1.2 Public notice shall be given as follows:

8.6.3.1.2.1 By Petitioner

8.6.3.1.2.1.1 The petitioner shall provide notification of the public hearing by certified mail, return receipt, to each owner of property directly affected by the appeal and to each owner of property within two hundred fifty feet (250'-0") of the subject property and the alderman of the ward in which the property is located. The petitioner shall provide notification by regular first class mail to residents of property within two hundred fifty feet (250"-0") of the subject property. Such notice shall be given not more than thirty (30) days and not less than fifteen (15) days before said hearing. Evidence that the notice required herein has been given shall be presented at the public hearing. The petitioner must post not less than fifteen (15) days from the hearing a notice on the property no smaller than eleven (11) inches by seventeen (17) inches. Said notice shall contain the date of the hearing, the existing and proposed zoning district, intended use and petitioners name and phone number for inquires. Notice shall be clearly visible for the public right-of-way. The petitioner shall be responsible for re-notifying parties identified above in the prescribed manner should the hearing be rescheduled for any reason. *(Amended 03/19/07) (Amended 12/15/08)*

8.6.3.1.2.2 By Zoning Board of Appeals

8.6.3.1.2.2.1 The Zoning Board of Appeals shall publish notice of the public hearing at least once, not more than thirty (30) days and not less than fifteen (15) days before said hearing, in a newspaper of general circulation in North Chicago.

8.6.3.1.2.3 Content *(Amended 03/19/07)*

8.6.3.1.2.3.1 The public notice provided by the applicant and published by the Zoning Board of Appeals shall contain, at a minimum, the following:

- 8.6.3.1.2.3.1.1 Date of public hearing.
- 8.6.3.1.2.3.1.2 Place of public hearing.
- 8.6.3.1.2.3.1.3 Time of public hearing.
- 8.6.3.1.2.3.1.4 Purpose of public hearing, including existing and proposed zoning district, and intended use
- 8.6.3.1.2.3.1.5 Legal description of subject property.
- 8.6.3.1.2.3.1.6 Common description of subject property and/or address of property.
- 8.6.3.1.2.3.1.7 Name of petitioner and/or owner or beneficiary and contact phone number.

- 8.6.3.2 Zoning Board of Appeals Determination

- 8.6.3.2.1 Within thirty (30) days after the close of the required public hearing of an appeal of an order, requirement, decision or determination of the Economic and Community Development Director or other city official acting within the authority of this Ordinance, the Zoning Board of Appeals shall, upon the majority vote of its entire membership, grant, deny or modify said order, requirement, decision or determination from which the appeal was taken. *(Amended 08/17/15)*

- 8.6.4 Effect of Denial

- 8.6.4.1 No appeal which has been denied wholly or in part in accordance with the provisions herein established shall be resubmitted for a period of one (1) year from the date of said order of denial, except on grounds of new evidence or proof of changed conditions found to be valid by the Zoning Board of Appeals.

ARTICLE 9 FEES, VIOLATIONS AND PENALTIES

9.1 FEES

- 9.1.1 Fees for the filing of all petitions or applications for interpretations, determination of similar and compatible use, map amendments, text amendments, special uses, planned unit developments, variations and appeals shall be paid for at the time of filing. The amount of such fees shall be as established from time to time by separate ordinance of the City Council.
- 9.1.2 In addition, any petition or application for a special use, planned unit development or other special use for which site plan review is a requirement of this Ordinance shall be accompanied by an additional fee equal to the estimated cost of the review fees of an outside consultant in the area of city planning, landscape architecture and engineering or traffic engineering. The Economic and Community Development Director shall determine those instances in which the outside review is required. The estimated fee shall be held in escrow by the City and any unexpended portions of the fee shall be returned to the petitioner. *(Amended 08/17/15)*
- 9.1.3 All fees shall be paid to the Comptroller.

9.2 VIOLATIONS

- 9.2.1 Failure to comply with any of the requirements of this Ordinance shall constitute a violation, and any person upon conviction thereof shall be subject to the penalties set forth below. Proceedings may be commenced by warrant, arrest or summons.
- 9.2.2 Each day that a violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains a violation may each be found guilty of a separate offense and subject to the penalties set forth below.
- 9.2.3 The City may also take other lawful action as is necessary to prevent or remedy any violation.

9.3 PENALTIES

- 9.3.1 Any person who violates this Ordinance upon conviction thereof shall be fined not less than \$150.00, or more than \$750.00.

ARTICLE 10 SEPARABILITY

10.1 The several provisions of this Ordinance shall be separable, in accordance with the following:

10.1.1 If any court or competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building or other structure, such judgment shall not affect the application of the provisions to any property, building or other structure not specifically included in the judgment.

ARTICLE 11

11.1 All ordinances and parts of ordinances in conflict herewith are hereby repealed.

ARTICLE 12

12.1 This Ordinance shall be in full force and effect after passage, approval and publication in pamphlet form according to law

Approved by:

Jerry L. Johnson

MAYOR

ATTEST:

Catherine Collins

City Clerk

AYES: Merritt, Franklin, Rockingham, Swopes, Hightower, Miceli

NAYS: None

ABSENT: Fisher

PASSED: October 5, 1998 APPROVED: October 5, 1998

AS AMENDED, February 4, 2002

AS AMENDED, May 5, 2014

AS AMENDED, May 6, 2002

AS AMENDED, November 3, 2014

AS AMENDED, October 21, 2002

AS AMENDED, December 15, 2014

AS AMENDED, June 19, 2006

AS AMENDED, May 4, 2015

AS AMENDED, March 19, 2007

AS AMENDED, August 17, 2015

AS AMENDED, March 11, 2008

AS AMENDED, July 5, 2016

AS AMENDED, December 15, 2008

AS AMENDED, August 15, 2016

AS AMENDED, March 2, 2009

AS AMENDED, May 18, 2009

AS AMENDED, June 15, 2009

AS AMENDED, May 17, 2010

AS AMENDED, August 2, 2010

AS AMENDED, August 23, 2010

AS AMENDED, November 15, 2010

AS AMENDED, December 6, 2010

AS AMENDED, June 6, 2011

AS AMENDED, January 17, 2012

AS AMENDED, August 8, 2012

AS AMENDED, December 17, 2012

AS AMENDED, August 5, 2013

AS AMENDED, September 16, 2013

AS AMENDED, December 16, 2013

AS AMENDED, January 21, 2014

AS AMENDED, March 3, 2014