

NORTH CHICAGO ZONING ORDINANCE

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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 will 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 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 will 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 will be erected, built, constructed, enlarged, paved, made impervious, reconstructed or structurally altered, nor will 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 will 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 will 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 will remain in full force and effect within the area covered by the overlay district. These are as determined in accordance with the provisions of Article 4, and the Urban Redevelopment Overlay District, the Medical Educational Overlay District, the Cannabis

Dispensary Overlay District, and the Cannabis Manufacturing Overlay District, as shown on the zoning map. *(Amended 08/17/20)*

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.

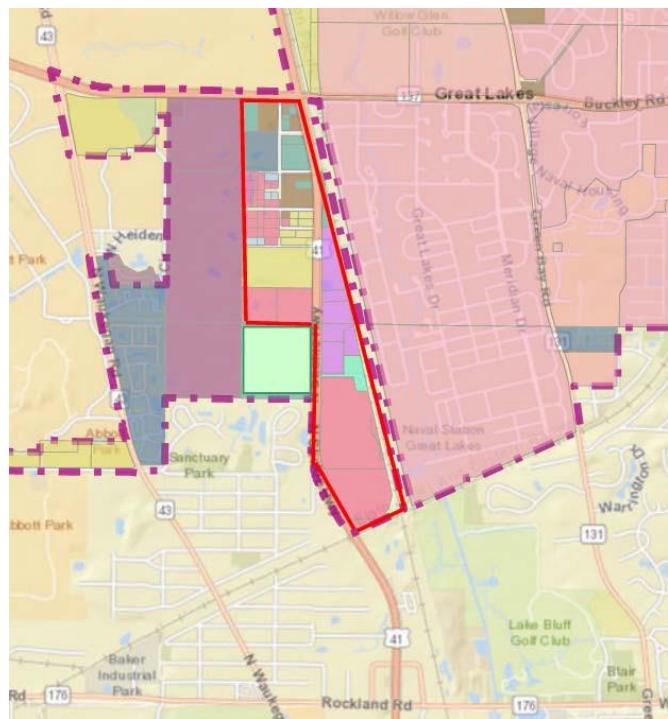
1.4.6.1.2 [MEO - Medical Educational Overlay District](#)

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 will not be limited to:

1.4.6.1.3 [CDO - Cannabis Dispensary Overlay District \(Amended 01/06/20\)](#)

This overlay district is established to allow the construction, operation, maintenance, repair and replacement of a Cannabis Dispensary Business, but not an Other Cannabis Business Establishment. The Cannabis Dispensary Overlay District shall be comprised of the area depicted in the following map:

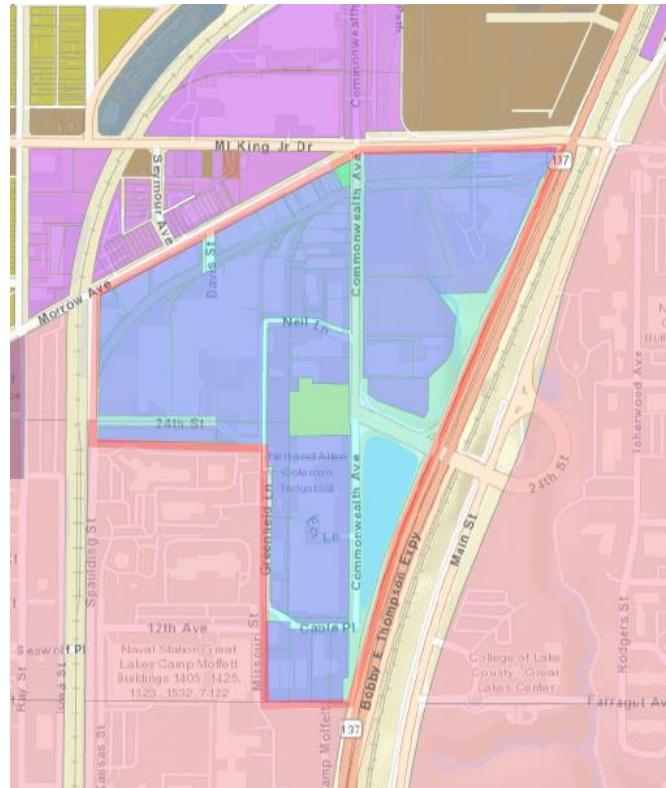
MAP OF CANNABIS DISPENSARY OVERLAY DISTRICT



1.4.6.1.4 CMO - Cannabis Manufacturing Overlay District (Amended 08/17/20)

This overlay district is established to allow the construction, operation, maintenance, repair and replacement of a Cannabis Manufacturing Business. The Cannabis Manufacturing Overlay District shall be comprised of the area depicted in the following map:

MAP OF CANNABIS MANUFACTURING OVERLAY DISTRICT



- 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, will be a part of this Ordinance and will 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 will 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 will 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 will be resolved using the following rules:

1.5.3.1.1 Where district lines follow or approximately follow municipal boundaries, the line will 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 will be the district boundary.

1.5.3.1.3 Where district lines approximately follow lot lines, the lot line will 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 will 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 will 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 will 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 will 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 will be classified as contained within the petition for annexation or will 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 will 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 will 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 will 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 will apply to this article and to the Ordinance generally:

2.1.1.1 Words in the singular number will include the plural and the words in the plural number will include the singular.

2.1.1.2 Words in the present tense will include the future.

2.1.1.3 The word “will” is mandatory and not discretionary.

2.1.1.4 The word “may” is permissive.

2.1.1.5 The term “used for” will include “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

2.2 DEFINITIONS

2.2.1 ACCESSORY BUILDING A building customarily incidental to, or subordinate to, the principal building. *(Amended 08/05/19)*

2.2.2 ACCESSORY STRUCTURE A structure customarily incidental to, or subordinate to, the principal building. The term “accessory structure” will include “accessory building”, and may be used interchangeably. *(Amended 08/05/19)*

2.2.3 ACCESSORY USE A use customarily incidental to, or subordinate to, the principal use. *(Amended 08/05/19)*

2.2.4 ACREAGE Any tract or parcel of land having an area of one acre or more which has not been subdivided or platted.

2.2.5 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)*

2.2.6 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.

2.2.7 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.

2.2.8 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.

2.2.9 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.

2.2.10 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)*

2.2.11 AREA FENCE A fence located immediately adjacent to a permitted patio, deck, or similar accessory structure, primarily used for privacy.

2.2.12 ATTACHED DWELLING A row or a cluster of two (2) or more dwelling units at least partially attached by a shared wall, each accessed without a common hallway. Included in this definition are townhouses, duplexes and two-flats. *(Amended 08/05/19)*

2.2.13 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.

2.2.14 AUTOMOBILE REPAIR, MINOR Incidental repairs, replacement of parts, and major service to automobiles, but not including any operation specified under "Automobile Repair, Major".

2.2.15 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 will be classified as a public garage. Automobile service stations will not include sale or storage of junkers or junkyards as defined herein.

2.2.16 AWNING A roof-like cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

2.2.17 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 will be counted as a story for height measurement (See also "Cellar").

2.2.18 BATTERY ENERGY STORAGE SYSTEM An electricity storage system built for the primary purpose of storing energy and then deploying that energy at some later time. *(Amended 11/18/24)*

2.2.19 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)*

2.2.20 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, shorelines of waterways or a corporate line of the city.

2.2.21 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)*

2.2.22 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)*

2.2.23 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, berthing, fencing and landscaping.

2.2.24 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 will be calculated using the high-water line and not property or setback lines covered by water.

2.2.25 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.

2.2.26 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).

2.2.27 BUILDING INTEGRATED SOLAR ENERGY SYSTEM A type of building mounted solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building. Building integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, skylights, shading devices, and similar architectural components. *(Amended 11/18/24)*

2.2.28 BUILDING MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that is mounted on the facade or roof of either a principal or accessory structure. *(Amended 11/18/24)*

2.2.29 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.

2.2.30 BUILDING PERMIT The written authority issued by the Economic and Community Development Director or his/her 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 07/17/17)*

2.2.31 BUILDING, PRINCIPAL A building in which is conducted the main use of a zoning lot on which it is located.

2.2.32 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.

2.2.33 **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.

2.2.34 **CANOPY** A roof-like structure of a permanent nature, which projects from the wall of the building and overhangs the public way.

2.2.35 **CANNABIS** means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indicia, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products. *(Amended 01/06/20)*

2.2.36 **CANNABIS DISPENSARY BUSINESS** means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation, or its successor agency, to acquire cannabis from a cultivation center, craft grower, infuser organization, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies to adult use recreational purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Ordinance, Dispensary Business shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1 *et seq.*, as the same may be amended from time to time, or adult use recreational Cannabis Dispensary Business. *(Amended 08/17/20)*

2.2.37 **CANNABIS MANUFACTURING BUSINESS** means a cultivation center, craft grower, infuser organization, processing organization or transporting organization, as such terms are defined in the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 *et seq.*, as the same may be amended from time to time. *(Amended 08/17/20)*

2.2.38 **CANNABIS-INFUSED PRODUCT** means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked. *(Amended 01/06/20)*

2.2.39 **CAR WASH** A building, or portion thereof, where automobiles are washed with the use of a chain conveyor and blower or steam-cleaning device.

2.2.40 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 will be allowed on a lot. A caretaker's residence will contain no more than one bedroom and no more than 1,000 square feet of gross floor area. *(Amended 01/21/14)*

2.2.41 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 will not be counted as a story for the purpose of height measurements.

2.2.42 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.

2.2.43 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)*

2.2.44 COMMUNITY CENTER Any building maintained by a governmental authority for public meetings or gatherings, whether educational or recreational in nature.

2.2.45 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)*

2.2.46 COMPOST FACILITY A facility where the composting of landscape waste occurs.

2.2.47 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.

2.2.48 COMPREHENSIVE PLAN The written and graphic document adopted by the City as a guide for future physical development in the City.

2.2.49 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)*

2.2.50 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)*

2.2.51 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.

2.2.52 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.

2.2.53 CORNER LOT, REVERSED A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

2.2.54 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.

2.2.55 CUL-DE-SAC A street having one end open, and one end permanently terminated by a vehicular turn around.

2.2.56 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 will 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 will be considered the curb level.

2.2.57 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)*

2.2.58 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.

2.2.59 DRIVEWAY An improved surface area connecting a designated parking area and the public right of way or access point. *(Amended 03/06/23)*

2.2.60 DENSITY The number of dwelling units per acre of land.

2.2.61 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.

2.2.62 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)*

2.2.63 DUPLEX A building designed or altered to provide dwelling units for occupancy by two (2) families, each accessed without a common hallway. *(Amended 08/05/19)*

2.2.64 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)*

2.2.65 DWELLING UNIT One or more rooms in a dwelling, hotel or motel designed for occupancy by one family, for living and sleeping purposes. *(Amended 08/05/19)*

2.2.66 *(Removed 08/05/19)*

2.2.67 DWELLING, SINGLE FAMILY A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling by space.

2.2.68 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)*

2.2.69 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)*

2.2.70 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.

2.2.71 FAA The Federal Aviation Administration.

2.2.72 FAÇADE An elevation or exterior face of a building.

2.2.73 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)*

2.2.74 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)*

2.2.75 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.

2.2.76 FCC The Federal Communications Commission.

2.2.77 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.

2.2.78 FENCE, AREA A fence located immediately adjacent to a permitted patio, deck, or similar accessory structure, primarily used for privacy.

2.2.79 FENCE, PERIMETER A fence located on or within six inches (6") of a property line.

2.2.80 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.

2.2.81 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.

2.2.82 FLUSH MOUNTED SOLAR ENERGY SYSTEM A type of building mounted solar energy system that is mounted flush with a finished surface. *(Amended 11/18/24)*

2.2.83 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.

2.2.84 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.

2.2.85 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.

2.2.86 GARBAGE Any animal or vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

2.2.87 GRADE A ground elevation established for the purposes of regulating the number of stories and the height of a building. The building grade will 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 will be determined by averaging the ground elevations for each building face.

2.2.88 GROUND MOUNTED SOLAR ENERGY SYSTEM A solar energy system mounted on a rack or pole that is attached to or ballasted on the ground. *(Amended 11/18/24)*

2.2.89 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)*

2.2.90 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).

2.2.91 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)*

2.2.92 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)*

2.2.93 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.

2.2.94 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.

2.2.95 HOTEL A building in which more than five (5) rooms or suites are reserved to provide living and sleeping accommodation for temporary guests.

2.2.96 IEPA Illinois Environmental Protection Agency.

2.2.97 IMPERVIOUS Incapable of being penetrated, as by moisture.

2.2.98 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.

2.2.99 INTERIOR LOT A lot other than a corner or reversed corner lot.

2.2.100 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.

2.2.101 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.

2.2.102 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.

2.2.103 LIMITED COMMERCIAL RESIDENCE One or two ground floor accessory dwelling units on a single parcel of land exclusively within the URO - Urban Redevelopment Overlay District, and for which the underlying zoning is B2 - General Business District. These accessory dwelling units must be located wholly within a principle building of at least two stories in height. Additionally, these accessory dwelling units and associated common areas must fully comply with the Americans with Disabilities Act and Illinois Accessibility Code, as well as be built with materials and fixtures that meet the City's adopted commercial building and fire codes. Within these accessory dwelling units, bathrooms and kitchen areas must be directly accessible from open living space, and not through a bedroom or other separate space. When a property is adjacent to Sheridan Road, these accessory dwelling units are only permitted on a corner parcel, must collectively account for no greater than 40 percent of the gross

ground floor area of a principal building, must be recessed at least twenty feet (20'-0") from any portion of the building façade facing Sheridan Road, and must have entrance access oriented to the side or rear of the building. A Special Use Permit is needed, and site plan review is required. *(Amended 05/03/21)*

2.2.104 LINE OF BUILDING A line parallel to the nearest lot line a distance there from equal to the required yard or setback.

2.2.105 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)*

2.2.106 LOT The word "lot" when used alone will mean a "zoning lot" unless the context of this Ordinance clearly indicates otherwise.

2.2.107 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.

2.2.108 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.

2.2.109 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.

2.2.110 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.

2.2.111 LOT FRONTAGE The front of the lot will 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.

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

2.2.113 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 will be that lot line that faces the access to the lot.

2.2.114 LOT LINE, REAR The lot line most nearly parallel to and most remote from the front lot line.

2.2.115 LOT LINE, SIDE Lot line which is not a front lot line or a rear lot line.

2.2.116 LOT, REVERSED CORNER A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

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

2.2.118 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 will be deemed front lot lines.

2.2.119 LOT WIDTH The minimum horizontal distance between the side lot lines, measured at the established building setback line.

2.2.120 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.

2.2.121 MARQUEE A roof-like structure of a permanent nature which projects from the wall of the building and overhangs the public way.

2.2.122 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)*

2.2.123 MEZZANINE An intermediate story between the floor and ceiling of a main story and extending over only part of the main floor.

2.2.124 MINI-WAREHOUSE A complex of two (2) or more small buildings individually leased for storage purposes.

2.2.125 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.

2.2.126 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.

2.2.127 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.

2.2.128 **MOTOR VEHICLE** Any passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

2.2.129 **MOTOR VEHICLE AFTERMARKET ENHANCEMENTS** An establishment engaged in aftermarket motor vehicle work, including but not limited to: reupholstery, decal application, vehicle wrapping, storage rack or trailer hitch installation, window replacement or treatment, lighting replacement or treatment, audio or visual installation, wiper blade or mirror installation, vehicle alarm installation, remote starter or entry installation, antenna or lock installation, license plate or wheel personalization, and other similar minor electronic or mechanical part installation. All operations, equipment, parts, products, and sales incidental to such work will be kept within an enclosed building. No service doors used for customer vehicles may open directly onto a public right-of-way. Only fully operational passenger vehicles and motorcycles associated with enhancements being conducted at the establishment may be stored outdoors exclusively in a fenced rear or side yard, for no greater than seventy-two (72) hours. Said vehicles will not utilize required off-street parking areas, nor adversely impacting site safety and traffic circulation. Vehicle storage, rental and sales, as well as transmission, engine, fluid, body, paint, minor or major auto repair work are expressly prohibited. *(Amended 01/07/19)*

2.2.130 **MULCH FACILITY** A facility where the mulching and screening of landscape waste occurs. *(Amended 01/07/19)*

2.2.131 **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.

2.2.132 **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.

2.2.133 **NOXIOUS MATTER** A 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.

2.2.134 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.

2.2.135 *(Removed 05/17/10)*

2.2.136 *(Removed 08/06/12)*

2.2.137 OCTAVE BAND A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

2.2.138 ORDINANCE A rule established by authority, such as a city council, which governs zoning, building, safety, etc. Reference to "Ordinance" herein will be construed to mean the North Chicago Zoning Ordinance.

2.2.139 PARCEL Any individually defined or described piece of land.

2.2.140 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.

2.2.141 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.

2.2.142 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.

2.2.143 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.

2.2.144 PERIMETER FENCE A fence located on or within six inches (6") of a property line.

2.2.145 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.

2.2.146 PLANNING AND ZONING COMMISSION (PZC) The Planning and Zoning Commission of the City of North Chicago. *(Amended 07/17/17)*

2.2.147 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" will include PUD and Planned Development (See Article 6).

2.2.148 PRINCIPAL BUILDING The main building upon a lot, or the building which houses the principal use of the premises.

2.2.149 PRINCIPAL USE The primary purpose for which land is used.

2.2.150 PROPERTY LINES The lines bounding a zoning lot, as defined herein.

2.2.151 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 wastewater treatment services.

2.2.152 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.

2.2.153 REFUSE Any toxic, chemical or solid wastes such as paper, cardboard, plastics, synthetics, metal, wood, glass, crockery or similar materials.

2.2.154 RESTAURANT A business establishment within which food is offered for sale and consumption only within the structure on the premises.

2.2.155 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.

2.2.156 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.

2.2.157 RESTAURANT, FAST FOOD An establishment whose principal business operation is the sale of food or beverages in a ready-to consume state, for consumption on or off the premises, and which is served in edible containers or in paper, plastic, or other disposable containers.

2.2.158 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.

2.2.159 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.

2.2.160 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)*

2.2.161 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)*

2.2.162 SELF-STORAGE FACILITY A building or collection of buildings that contain varying sizes of individual, compartmentalized and controlled access stalls or lockers that are rented out to customers for the storage of goods or wares. *(Amended 08/05/19)*

2.2.163 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)*

2.2.164 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)*

2.2.165 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.

2.2.166 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.

2.2.167 SOLAR ARAY A solar array is a group of panels wired together. An array consists of multiple solar panels. *(Amended 11/18/24)*

2.2.168 SOLAR ENERGY SYSTEM A device or structural design feature to provide for the collection, storage, and distribution of solar energy. *(Amended 11/18/24)*

2.2.169 SOLAR PANEL A device that is used to convert radiant solar energy into electrical current. *(Amended 11/18/24)*

2.2.170 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.

2.2.171 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 will be considered as an additional story for each fourteen feet (14') or fraction thereof.

2.2.172 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 will 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 will be counted as a story.

2.2.173 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, throughway, or however designated, but does not include alleys or driveways to buildings.

2.2.174 STREET LINE A line separating an abutting lot or parcel from a street.

2.2.175 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.

2.2.176 STRUCTURE Anything constructed or erected which requires location on the ground or is attached to something having location on the ground.

2.2.177 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)

2.2.178 TAVERN A building where liquors are sold to be consumed on the premises.

2.2.179 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.

2.2.180 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.

2.2.181 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 will be the distance measured from ground level to the highest point on the tower, even if said highest point is an antenna.

2.2.182 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 will be screened in accordance with this Ordinance.
(Amended 03/19/07)

2.2.183 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 accessed without a common hallway.
(Amended 08/05/19)

2.2.184 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 will be screened in accordance with this Ordinance.

2.2.185 TWO-FLAT A two-unit apartment building with one unit located above the other unit, each accessed without a common hallway. *(Amended 08/05/19)*

2.2.186 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.

2.2.187 USE, ACCESSORY A use customarily incidental to, or subordinate to, the principal use.

2.2.188 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.

2.2.189 USE, PRINCIPAL The primary purpose for which land is used.

2.2.190 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.

2.2.191 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.

2.2.192 UTILITY SOLAR ENERGY SYSTEM A solar energy system that is used to produce energy for commercial distribution. *(Amended 11/18/24)*

2.2.193 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.

2.2.194 VIBRATION The periodic displacement, measured in inches, of earth.

2.2.195 VIBRATION FREQUENCY The number of oscillations per second of a vibration.

2.2.196 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.

2.2.197 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.

2.2.198 YARD, REAR A yard extending the full width of the rear of the zoning lot between the rear lot line and a building line.

2.2.199 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.

2.2.200 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)*

2.2.201 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.

2.2.202 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.

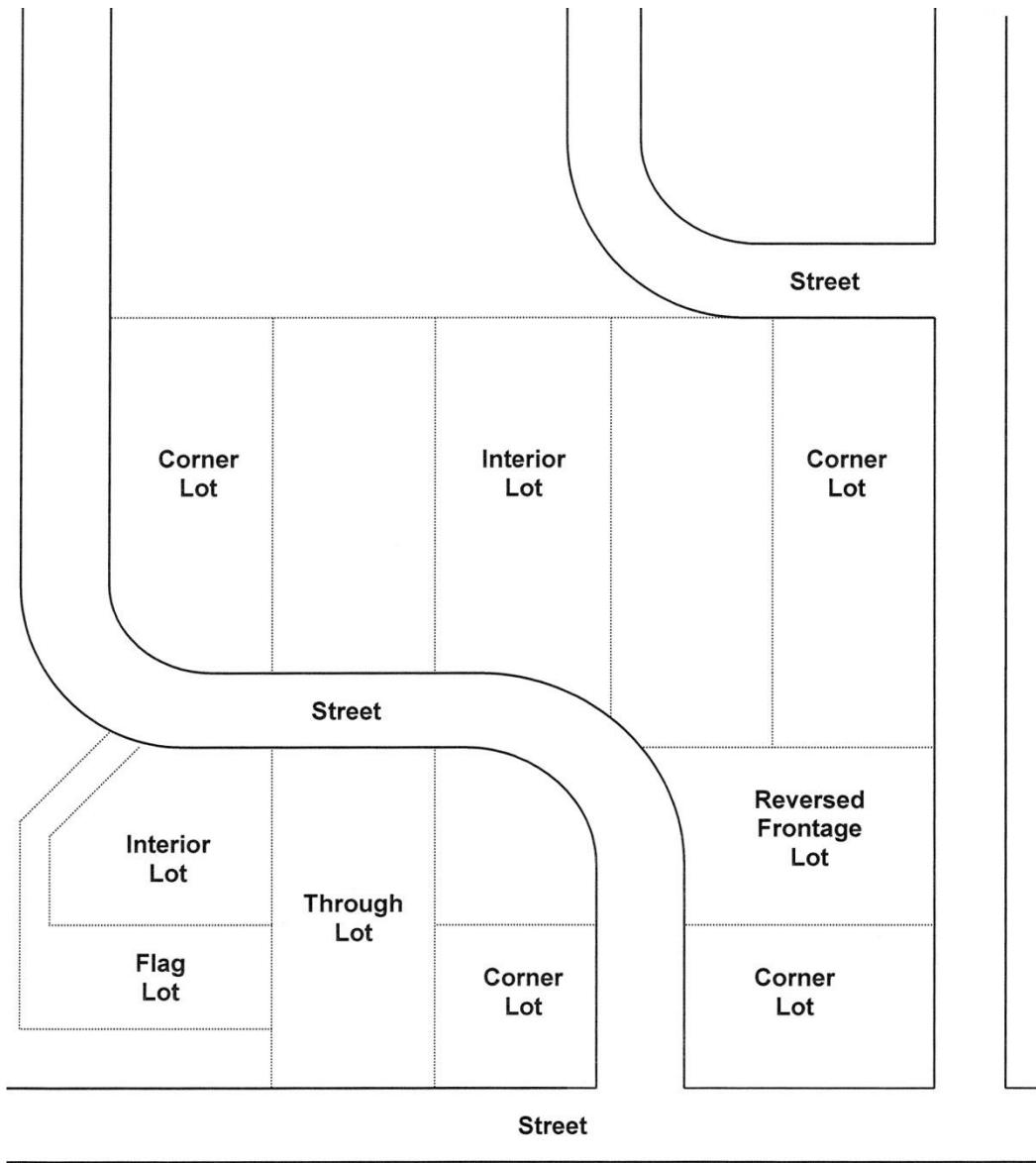
2.2.203 ZONING MAP The map or maps incorporated into this Ordinance as a part hereof, designating zoning districts.

2.2.204 *(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, will 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.

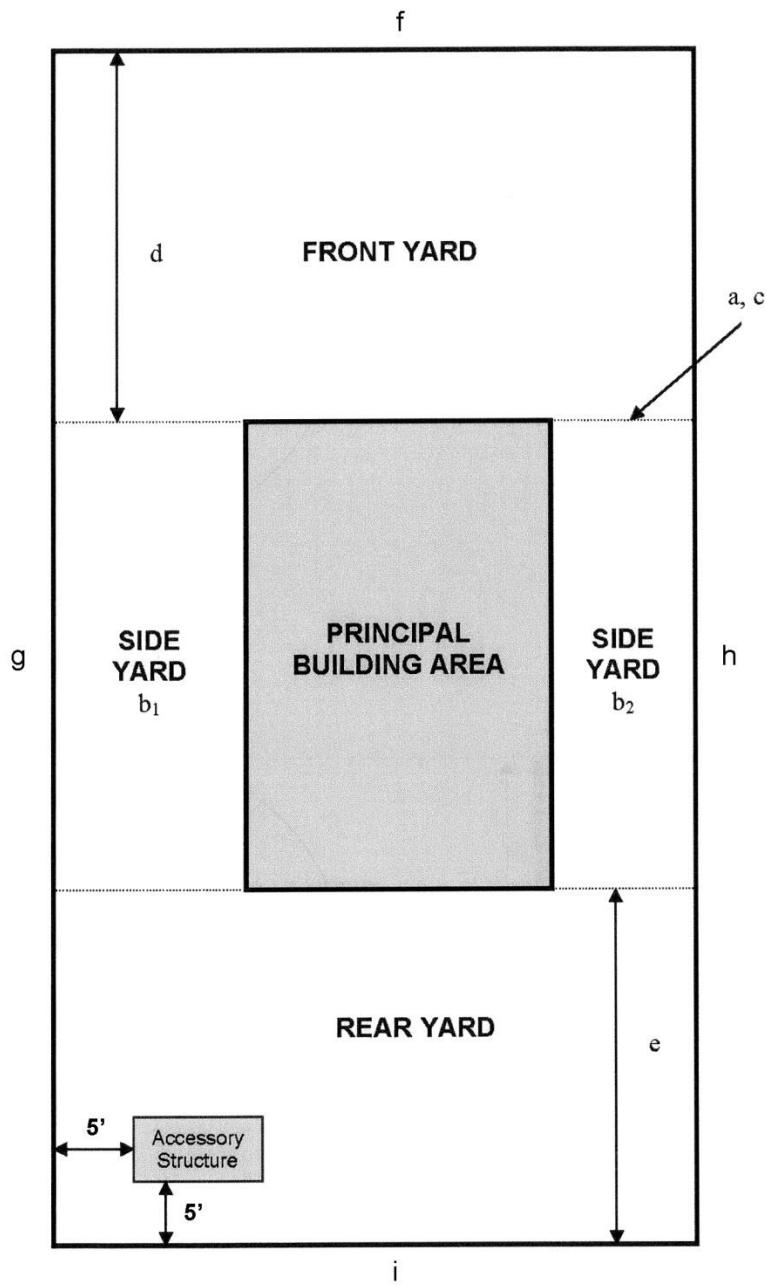
FLAG LOT - Not permitted in the City of North Chicago.

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 will 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

e = Rear Yard Setback

b₂ = Minimum Side Yard

f = Front Lot Line

b₁ + b₂ = Total Side Yard

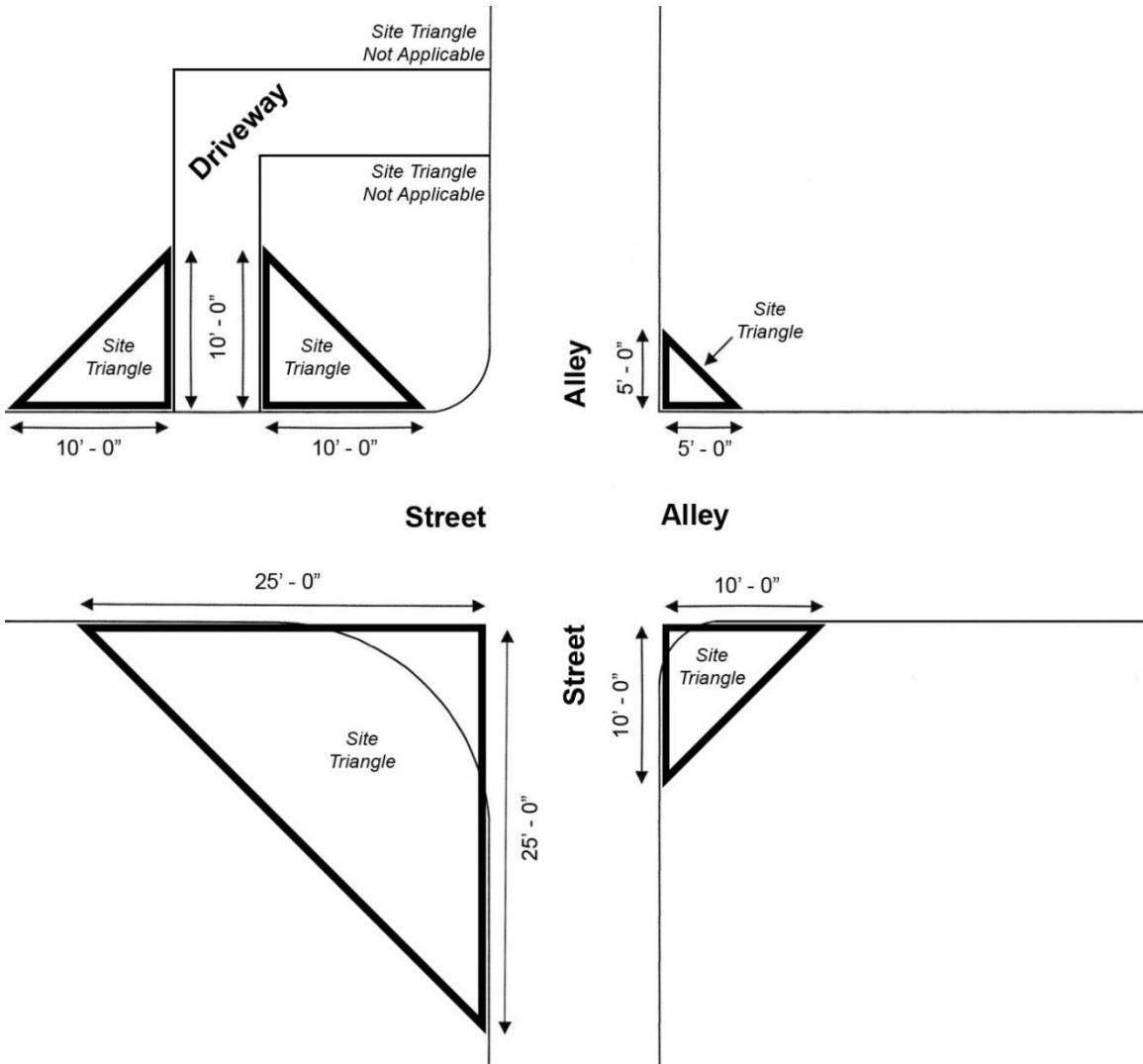
g, h = Side Lot Lines

c = Lot Width (Measured at "a")

i = Rear Lot Line

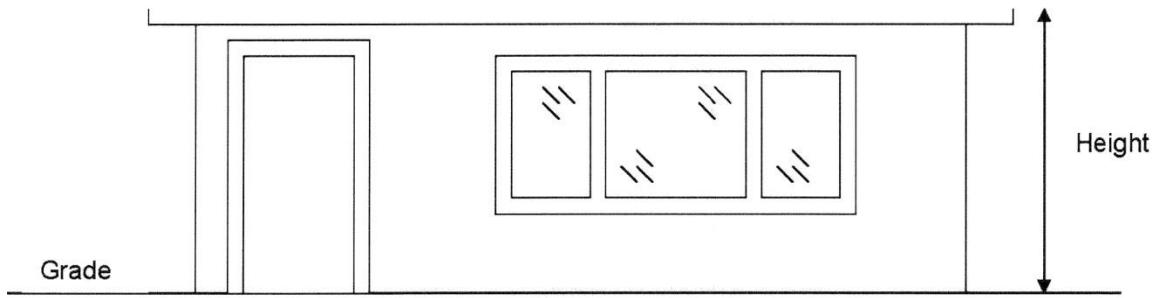
d = Front Yard Setback

FIGURE 3 - SIGHT TRIANGLE



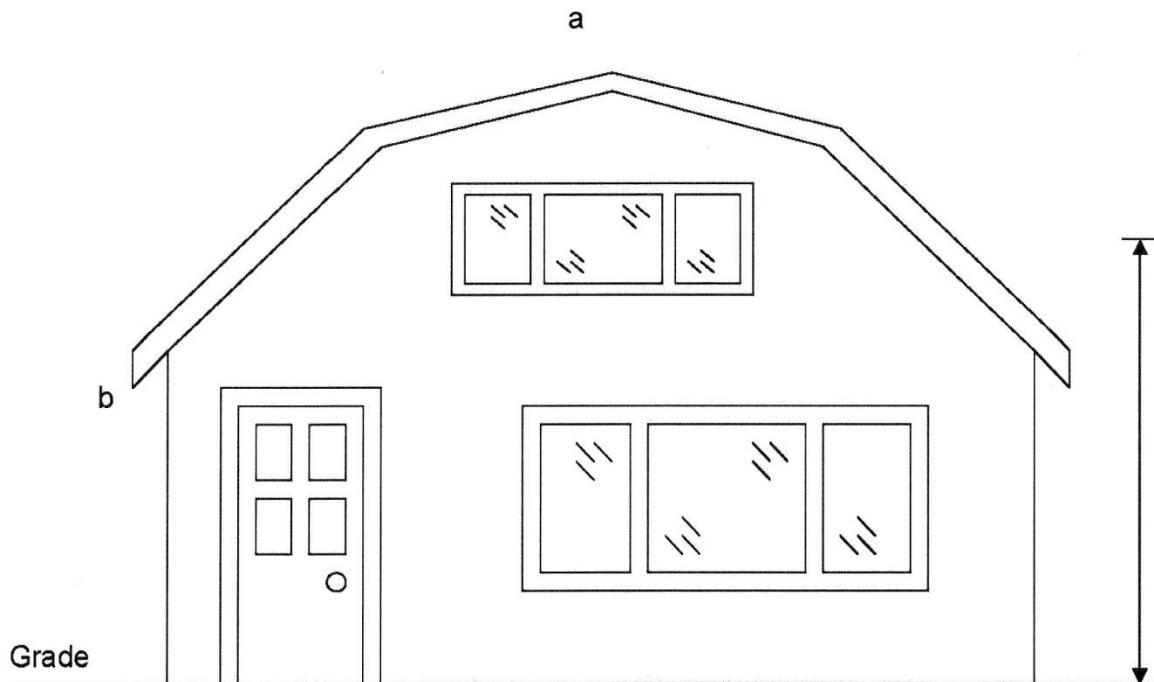
Sight Triangle - A triangular area established at the intersection of two streets, a street and an alley, a street and a driveway, or two alleys in which nothing is erected, planted, placed or allowed to grow so as to limit or obstruct the sight distance of pedestrians, cyclists or motorists.
(Amended 10/16/17)

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 will 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, duplexes, two-flats, townhouses and attached dwellings are permitted. A variety of compatible neighborhood uses are permitted. *(Amended 08/05/19)*

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 will 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 will 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.
- 3.2.4.5 CDO - Cannabis Dispensary Overlay District. In addition to the uses described in Table 1, Uses Permitted in Districts, within the CDO District a Cannabis Dispensary Business is a special use, subject to the conditions described in Section 4.17, and Other Cannabis Business Establishments are prohibited.
(Amended 01/06/20)

3.2.4.6 CMO - Cannabis Manufacturing Overlay District. In addition to the uses described in Table 1, Uses Permitted in Districts, within the CMO District a Cannabis Manufacturing Business is a special use, subject to the conditions described in Section 4.17. *(Amended 08/17/20)*

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 (Amended 01/07/19)													
<i>With the exception of Auto Parts Store and Car Wash, a Special Use Permit is required for all uses within the URO</i>													
Ambulance Service and Garage								X					
Agriculture Implement Sales								X					
Automotive Sales - New (Amended 05/05/14)								X		A	A		
Automotive Sales - Used (Amended 05/05/14)								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 (Amended 08/23/10)								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	
Motor Vehicle Aftermarket Enhancements (Amended 01/07/19)								X	X	X	X	X	
Commercial & Industrial Service													
Advertising Display Manufacturing								X	X	X	X	X	
Appliance Service Only									X	X			
Blueprint and Photostat Shop								X	X	X			

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
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				
Landscape Product Sales <i>(Amended 01/07/19)</i>										S	S		
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	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
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		

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Contractors Shop/Yard -Landscaping (Amended 03/03/14)								S	S	S	S		
Contractors Shop/Yard - Plumbing								S	S	S	S		
Contractors Shop/Yard – Roofing (Amended 03/03/14)								S	S	S	S		
Contractors Shop/Yard -Underground										S	S		
Lumber Yard								S	S	S	S		
Monument Works									S	S	S		
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
Credit Union (Amended 06/15/09)								X	X	X	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
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					

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Frozen Food Locker								X	X				
Ice Cream Shop						X	X						
Restaurant <i>(Amended 04/03/17)</i>						X	X	X					
Soft Drink Stand						A	A		A	A	A	A	A
Health Care													
Child Health Care Institution <i>(Amended 05/17/10)</i>						S	S						X
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		
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	
Feed Milling and Processing										X	X		
Food Processing										X	X	X	
Fuel Station, Bulk										X	X		
Grain Elevator										X	X		

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
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		
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 <i>(Amended 08/05/19)</i>									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			
Chemical Products <i>(Amended 08/05/19)</i>									X	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		

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Drugs									X	X	X	X	
Dyes and Pigments										X	X		
Electric Motors and Generators									X	X	X		
Electrical Products									X	X	X		
Felt and Felt Products									X	X	X		
Fermented Products										X	X		
Flammable Liquid Products (<i>Amended 08/05/19</i>)										S	S		
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		
Shoes and Boots										X	X		
Sporting and Athletic Goods										X	X		
Stamped Metal Products										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	

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
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	
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													
Battery Energy Storage System <i>(Amended 11/18/24)</i>									S	S	S	S	S
Cellular Antenna/Tower							S	S	S	S	S	S	S
Energy Generating Station									S	S	S		S

Gas Storage Tanks										X	X	X		
Pumping Station	S	S	S	S	S	S	S	S	S	S	S	S	S	X
Utility Solar Energy System, "Solar Farm" (Amended 11/18/24)													S	S

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL	
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	
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 (Amended 08/17/15)											S		S	
Recreation and Entertainment (Indoor)														
Auditorium (Amended 08/05/19)								S	S	S	S	S	S	X
Banquet or Reception Hall (Amended 08/23/10)								S	S					
Billiard Parlor								X						
Bowling Alley								X						
Community Center (Amended 08/05/19)	S	S	S	S	S	S	S							X
Community Resource Center (Amended 08/05/19)	S	S	S	S	S	S	S							X
Game Room / Video Gaming (Amended 04/03/17)							X	X	X					
Gymnasium (Amended 08/05/19)					A	X	X	X	X	X	X	X	X	X
Health Club (Amended 08/05/19)					A	X	X	X	X	X	X	X	X	X
Motion Picture Theater							X							X
Night Club (Amended 06/15/09)							S							
Club or Lodge, Private (Amended 06/15/09)							S	S						
Racquetball Club (Amended 08/05/19)							X	X	X	X	X	X	X	X
Skate Park (Amended 08/05/19)							X	X	X	X	X	X	X	X
Skating Rink							X	X						
Sports Arena (Amended 08/05/19)							S	S	S	S	S	S	S	
Sports Training Facility (Amended 08/05/19)							X	X	X	X	X	X	X	X
Swimming Pool (Amended 08/05/19)	A	A	A	A	A	X	X	X	X	X	X	X	X	X
Tavern (Amended 08/05/19)						S	S	S	S	S	S	S	S	
Tennis Club							X	X	X	X	X	X	X	X
Theater (Amended 08/05/19)						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	S	S	
Forest Preserve	S	S	S	S	S	S	S	S	S	S	S	S	S	X

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
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
Tennis Court	A	A	A	A	A	X							X
Tent Theatre							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								
Convent, 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 (Amended 08/05/19)													
Single Family Dwelling	X	X	X	X	X								
Attached Dwellings: 1-4 Units <i>(Amended 08/05/19)</i>			X	X	X								
Attached Dwellings: 5-8 Units				X	X								
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					
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

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Limited Commercial Residence (2 Units Max) URO Only								S					
Student Housing Residence <i>(Amended 05/04/15)</i>			S	S	S								S
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					
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 <i>(Amended 08/23/10)</i>								S	S				
Drug Store								X					
Dry Goods Store								X					
Farm Supply Store									X				
Fish Market							X	X					
Drive-thru as Accessory Use <i>(Amended 08/23/10)</i>								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					

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
Grocery Store: Less than 5,000 square feet						X	X						
Grocery Store: 5,000 square feet or more							X						
Hardware Store <i>(Amended 03/03/14)</i>							X	X					
Health Food Store							X	X					
Hobby Shop							X						
Household Furnishings Shop							X						
Jewelry Store							X						
Leather Goods							X						
Liquor Store - Package Goods <i>(Amended 06/15/09)</i>						S	S						
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						

TABLE 1 - USES PERMITTED IN DISTRICTS (CONTINUED)

USE	R1	R2	R3	R4	R5	B1	B2	CW	M1	M2	M3	OR	PL
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 Facility <i>(Amended 08/05/19)</i>							S	S	S	S	S		
Shoe Repair							X						
Tailor							X						
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 <i>(Amended 10/16/17)</i>							S	S	S	S	S	S	S
Bus Garage/Car Barn <i>(Amended 10/16/17)</i>								S		X	X		
Bus Station <i>(Amended 10/16/17)</i>							X						X
Heliport <i>(Amended 10/16/17)</i>							S	S	S	S	S	S	S
Moving Company								X	X	X	X		
Train Station <i>(Amended 10/16/17)</i>							X						X
Transfer Company <i>(Amended 10/16/17)</i>							S	S	S	S	S	S	S
Truck Terminal <i>(Amended 10/16/17)</i>							S	S	S	S	S	S	S
Parking Area, Private <i>(Amended 10/16/17)</i>							A	A	A	A	A	A	A
Parking Area, Public <i>(Amended 10/16/17)</i>							A	A	A	A	A	A	A
Garage/Ramp, Private <i>(Amended 10/16/17)</i>							X	X	X				
Garage/Ramp, Public <i>(Amended 10/16/17)</i>							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 will be used for conducting business, and the area set aside for the business will not exceed twenty percent (20%) of the floor area of the residence.

3.2.8.1.2.3 No sign will 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 will be no exterior storage, (or garage storage) of any equipment, materials, supplies or products. Nor will 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 will be allowed, including and particularly the creation of a separate entrance for the business.

3.2.8.1.2.9 Visitors, customers, or deliveries will 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 will not displace or impede use of parking spaces required by the Zoning Ordinance. No vehicles used by the home occupation will be parked on city streets.

3.2.8.1.2.11 Not more than two (2) vehicles will be utilized in the business and no commercially licensed vehicle exceeding three-quarters (3/4) tons will be used by the business.

3.2.8.1.2.12 No home occupation will be conducted between the hours of 9:00 PM and 8:00 AM.

3.2.8.1.2.13 There will be no use or storage of tractor trailers, semi-trucks, heavy equipment or construction equipment.

3.2.8.1.2.14 There will be no deliveries to or from a home occupation with a vehicle larger than a three-quarter (3/4) ton truck.

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 will 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 will require a Letter of Zoning Confirmation from the Economic and Community Development Director. The letter of Zoning Confirmation will address a specific use. The Director will base his/her decision upon the intent of the home occupation provisions and experience with similar uses. Anyone may appeal to the Planning and Zoning Commission. *(Amended 07/17/17)*

- 3.2.8.4.2 When requesting a Letter of Zoning Confirmation, the petitioner will 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, will 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 will 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 will mean a single-family dwelling existing on the effective date of this Ordinance.
 - 3.3.2.3 Single Family Dwelling: New Construction; which will 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 will 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 will 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 will 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 will 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 will be based on the total number of such dwellings in a building and will 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 will 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 will be based on the total number of dwellings in a building and will 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 will be increased in order to provide, as a minimum standard, the same width of the buildable area as required for interior lots. This will 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 will 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, will 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 will 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 will have two side yards, the total of which will 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 will 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 will 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 will 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 will 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 will 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 will 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 In order to match the general scale and character of existing structures found within the R1 and R2 zoning districts, detached dwelling units within said districts will have a minimum floor area of 1,000 square feet. *(Amended 08/05/19)*

3.3.14.2 Attics, cellars, basements, utility rooms, garages and other similar areas will not be included in calculating minimum floor area. *(Amended 08/05/19)*

3.3.14.3 *(Removed 08/05/19)*

3.3.15 **Exterior Design and Anti-Monotony Regulations (Amended 01/07/19)**

3.3.15.1 **Definitions**

The words contained in this article will 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 will 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 **Construction Standards for Single Family Dwellings and Attached Dwellings**

A. Generally.

- 1) Within the R1, R2, R3 and R4 Districts, no permit will be issued for the construction or erection of more than one (1) single family dwelling, duplex or two-flat building of the same or similar front elevation or façade. *(Amended 08/05/19)*
- 2) Front elevations or facades will 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 will 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 will 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 will 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 will be deemed sufficient to render buildings containing such changes to be dissimilar:
 - i. Changing from single windows to a multiple window arrangement (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) will 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 will 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 will 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.

3.3.15.3 Residential Design Guidelines (Amended 08/05/19)

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.

3.3.15.3.1 General Applicability (Amended 08/05/19)

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 will 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.

3.3.15.3.2 Special Cases (Amended 08/05/19)

A. Single Family Dwellings and Attached Dwellings - Infill Development.
(Amended 01/07/19)

- i. Applicability of guidelines for infill development. The guidelines in this Section apply to single family dwellings and attached dwellings that constitute "infill developments"; that is, buildings which entirely replace existing units or are constructed on vacant parcels. (Amended 01/07/19)

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 attached dwellings, a minimum amount equal to twenty five percent (25%) of the total net exterior wall area of each building elevation, excluding roofing, windows, doors, and related trim, will be modular 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 attached dwellings will not include the following: rough sawn or board and batten wood, smooth-faced Concrete Masonry Units (standard concrete block), smooth-faced 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 01/07/19)*
- 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. Single Family Dwelling and Attached Dwellings - Additions and Alterations. *(Amended 01/07/19)*

- 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 dwellings and attached dwellings. *(Amended 01/07/19)*
- 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 element 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, 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 of 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 guidelines multi-family buildings. 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.
(Amended 01/07/19)
- 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 homes.
- 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 twenty five percent (25%) of the total net exterior wall area of each building, excluding roofing, windows, doors, and related trim, will be modular 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 will not include the

following: rough sawn or board and batten wood, smooth-faced Concrete Masonry Units (standard concrete block), smooth-faced tilt-up concrete panels, field painted or prefinished standard corrugated metal siding, standard single or double tee concrete systems, or vinyl or aluminum siding. *(Amended 01/07/19)*

- 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 will 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 will 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.

3.3.15.4 Administration *(Amended 08/05/19)*

The provisions of this article will be administered by the Economic and Community Development Director of the city. The Director will 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)*

3.3.15.5 Variances and Appeals *(Amended 08/05/19)*

- A. In the event a building permit is denied to any applicant by reason of this article, the applicant will 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 will be held by the Mayor and City Council where evidence will 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 will be limited to those deviations from that section as will 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 will 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 will 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 will 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 will 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 will 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 <i>(Amended 05/06/02)</i>	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 <i>(Amended 05/04/15)</i>	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 will 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 will comply with the provisions of Article 6, Planned Unit Development.

CDO District – Cannabis Dispensary Overlay

All uses in this district shall conform to the bulk regulations of the underlying zoning district applicable to the subject property, provided that where the underlying property is in a residential zone, the bulk regulations applicable to the B2 - General Business District shall apply. *(Amended 01/06/20)*

CMO District – Cannabis Manufacturing Overlay

All uses in this district shall conform to the bulk regulations of the underlying zoning district applicable to the subject property. *(Amended 08/17/20)*

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 06/20/23)	A	B	C	D	E	F	G	H	I	J	K	
Any Permitted Use	10,000	50	15	5	10	5	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 will be located on a zoning lot and in no case will 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 will be constructed so that the main façade is situated toward the front lot line. The main façade will 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 will 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 will 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 incorporated into the main façade and directly accessible from the street or sidewalk via an improved surface. *(Amended 08/05/19)*

4.1.3.4 The floor slab for Split-level ranch style homes, English Basements, or other similar living areas below grade will not be more than 3 feet below final grade. *(Amended 03/19/07)*

4.1.4 Every building hereinafter erected will be constructed so that the main façade is situated toward the front lot line. The main façade will 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 will not be void of windows. Commercial Buildings in B1, B2 and CW Districts and all buildings in the Urban Overlay District will comply with the Design Guidelines provided by the Department of Economic and Community Development. Under no circumstances will 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 will 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 installation 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 01/07/19)*

4.2 REQUIRED SEWER AND WATER

4.2.1 Public sewer and water will 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 will 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 will 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, will 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 will 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 will be erected, maintained or moved within the area of a regulatory floodway, and no fill, material or substance of any kind will 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 will 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 will not authorize the issuance of a Special Use Permit that is contrary to the relevant factors specified in this Ordinance, and will 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 will 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 will be at least two feet (2'-0") above the regulatory flood base elevation.
- 4.3.4.1.8.1.1.4 The channel ward face of the fill will be protected against erosion. If protected by vegetative cover, slopes will be no steeper than three (3) horizontals to one (1) vertical. Steeper slopes will 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 will be of such material and so compacted to provide adequate support under saturated conditions and will 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 will 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 will be elevated at least two feet (2'-0") above the regulatory base elevation or adequately floodproofed.

4.3.4.1.8.1.3	<u>Structural Floodproofing</u>
	<p>Structural floodproofing will be permitted only in special circumstances where other techniques for flood base are impossible or impractical. Floodproofing measures will 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): <i>(Amended 08/17/15)</i></p>
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 will 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 will 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-Floatale Materials

4.3.4.1.9.2.1 Non-moveable machinery and other non-floatale 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, will 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 will 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 will 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
“Hydrologic Investigations Atlas” - United States Geological Survey (USGS).
(Amended 07/17/17)

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” (FHBMs), 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 will also mean regulatory floodway, and regulatory floodway regulations will 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 Planning and Zoning Commission, 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 will make appropriate map revisions indicating the new regulatory flood plain delineation.
(Amended 07/17/17)

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 will be observed, and substantial justice will be done. No variation will 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, will 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 will 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 will 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 will 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 and Structures

Each accessory use or structure will meet the following standards: *(Amended 08/05/19)*

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

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

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

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

4.4.2.5 It will 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 will 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 will exceed a maximum height as determined by site plan review. No other accessory building/structure will exceed ten feet (10'-0") in height.

4.4.2.7.1 No detached garage will 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 will be equipped with plumbing fixtures.

4.4.2.9 A detached accessory building or structure will 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 will 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 will 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 will 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 will 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 will be installed or maintained other than such as is customarily incidental to domestic use. There will 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 will be produced. Clinics, hospitals, dress shops, millinery shops, tearooms, restaurants, tourist homes, animal hospitals, and kennels, among others, will 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 will 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 will include but is not limited to sheds, gazebos, pools, children's playhouses, garden houses and private greenhouses. *(Amended 01/21/14)*

4.4.5 Solar Energy Systems as an Accessory Structure *(Amended 11/18/24)*

- 4.4.5.1 Compliance With Regulations. Solar energy systems must comply with all applicable requirements of this section, as well as all federal, state, county, and city ordinances, and regulations. No solar energy system shall be constructed or installed without first filing an application for and being issued a building permit in accordance with this section and the building code. The city may require all reasonable documentation, certifications, plans, data, schematics, or other system materials as part of the permit submittal as may be necessary to demonstrate compliance with all applicable rules, regulations, ordinances, and laws.

A solar energy system may be building-mounted or ground-mounted. Solar collectors must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways. Solar collectors shall be neutral in color.

4.4.5.2 Requirements For Building-Mounted Solar Energy Systems (Including Building Integrated And Flush-Mounted Solar Energy Systems):

- (A) Use. The primary purpose of a building-mounted solar energy system is to produce energy to support the permitted uses on the lot; provided, however, that excess energy produced by a building-mounted solar energy system may be sold to the local electric utility company.
- (B) Location. Building-mounted solar energy systems are allowed on permitted principal and accessory structures in any zoning district in the city.

- (C) Compatible Design. Roof-mounted and façade-mounted collectors shall generally match the color of the surface upon which they are installed or complement existing architectural elements.
- (D) Sloped Roof Forms. A sloped roof-mounted solar energy system may be mounted on the roof of a principal building or an accessory structure. Roof-mounted solar energy systems on structures with a sloped roof are exempt from the accessory structure and zoning district height standards; however, they shall be flushed-mounted and may not project more than one (1) foot above the roof, as measured perpendicularly from the surface upon which they are installed.
- (E) Flat Roof Forms. Flat roof-mounted solar energy systems mounted on a principal building or an accessory structure are exempt from the accessory structure and zoning district height standards; however, they may not project more than six (6) feet above the roof, as measured perpendicularly from the surface upon which they are installed.
- (F) Mounted on a Façade. Mounting is permitted on all building façades. If a front and/or corner façade is the location that optimizes solar access, a special use permit is required. Such equipment shall be located, screened, or sheathed to conceal the equipment from view from any public right-of-way or shall be incorporated into the building architecture. Solar energy systems may project up to four (4) feet from a façade. Façade mounted solar energy systems may project into a required yard but must be a minimum of five (5) feet from any property line.
- (G) Setback. Building-mounted solar energy systems shall comply with the setback regulations of the applicable zoning district, except as provided in this section.

4.4.5.3

Requirements For Ground-Mounted Solar Energy Systems:

- (A) Use: The primary purpose of a ground-mounted solar energy system is to produce energy to support the permitted uses on the lot; provided, however, that excess energy produced by a ground-mounted solar energy system may be sold to the local electric utility company.
- (B) Location: Ground-mounted solar energy systems are allowed in any zoning district in the city.
- (C) Setback: Ground-mounted solar energy systems shall comply with the setback regulations of the applicable zoning district. A ground-mounted energy system is permitted only in the rear yard or within the rear buildable envelope area of a lot and must be set back a minimum of five (5) feet from any lot line. Ground-mounted energy systems may not be located between a principal building and a property line abutting a

public street.

- (D) Height: A ground-mounted solar energy system shall not exceed fifteen (15) feet, as measured from adjoining grade at the base of the ground-mounted solar energy system to the highest elevation of the ground-mounted solar energy system.
- (E) Lot Coverage: The total solar panel surface area shall be included in calculating the maximum allowable lot coverage under the applicable zoning district regulations.
- (F) Maximum Lot Coverage. Within all zoning districts, no more than ten (10) percent of the applicable zoning district's maximum lot coverage area requirement may be utilized for ground-mounted systems.

4.5 TEMPORARY USE AND TEMPORARY STRUCTURE REGULATIONS

- 4.5.1 Uses identified as temporary uses in Table 1, Uses Permitted in Districts, will be permitted subject to the following regulations:
- 4.5.2 Application *(Amended 08/17/15)*
 - Application for a temporary use will be made in writing to the Department of Economic and Community Development and will 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 will sign the application.
 - 4.5.2.3 Operator of the temporary use, who will 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 will be responsible for the following and will post a bond of at least \$100.00, but not more than \$5,000.00, or will 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 will be provided as approved by the Department of Economic and Community Development. *(Amended 08/17/15)*
 - 4.5.3.2 A permit will be obtained for the installation of temporary lighting and electrical power. The Electrical Inspector will inspect such installation.

- 4.5.3.3 No building or other structure will be erected without a building permit and inspection.
- 4.5.3.4 Operation of the temporary use will be confined to the dates and times specified in the Temporary Use Permit. No Temporary Use Permit will 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 will 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 will 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 will 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 will 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, will 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 will 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 will 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 will 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 will 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 will 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 will be restored or continued in operation, and it will 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 will 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 will required parking facilities accessory to residential structures be used for the storage of commercial vehicles.

4.6.7.2 Up to two parking spaces for passenger automobiles (not including commercial vehicles or recreational vehicles) are permitted in the front yard of a property containing a single family, duplex or two-flat residence, if the total paved surface area in the front yard (including driveways) does not exceed 50% of the lot width. All other designated parking areas (excluding driveways) in all residential districts will be located behind the building setback line. *(Amended 03/06/23)*

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 will 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 will 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 will 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 will be by Special Use Permit. See Table 1, Uses Permitted in Districts. In addition, the following regulations will apply:

4.6.10.1.1 No parking facilities accessory to an apartment use will be located in an R1 or R2 District.

- 4.6.10.1.2 Parking facilities accessory to a business or manufacturing use will 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 will be used solely for the parking of passenger automobiles.
- 4.6.10.1.4 No commercial repair work or service of any kind will 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, will 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 will 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 (No Drive-thru)	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 (Amended 05/04/15)		
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 will 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 (Amended 05/04/15)		
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.	
CANNABIS DISPENSARY OVERLAY (Amended 08/17/20)		
Cannabis Dispensary Business	Six (6) Spaces per 1,000 square feet	
CANNABIS MANUFACTURING OVERLAY (Amended 08/17/20)		
Cannabis Manufacturing Business	One (1) Space per employee, plus One (1) Space per work vehicle, plus Three (3) Spaces for visitors or guests.	

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 will be forwarded to the Site Plan Review Committee along with any supporting information. It will 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 will 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

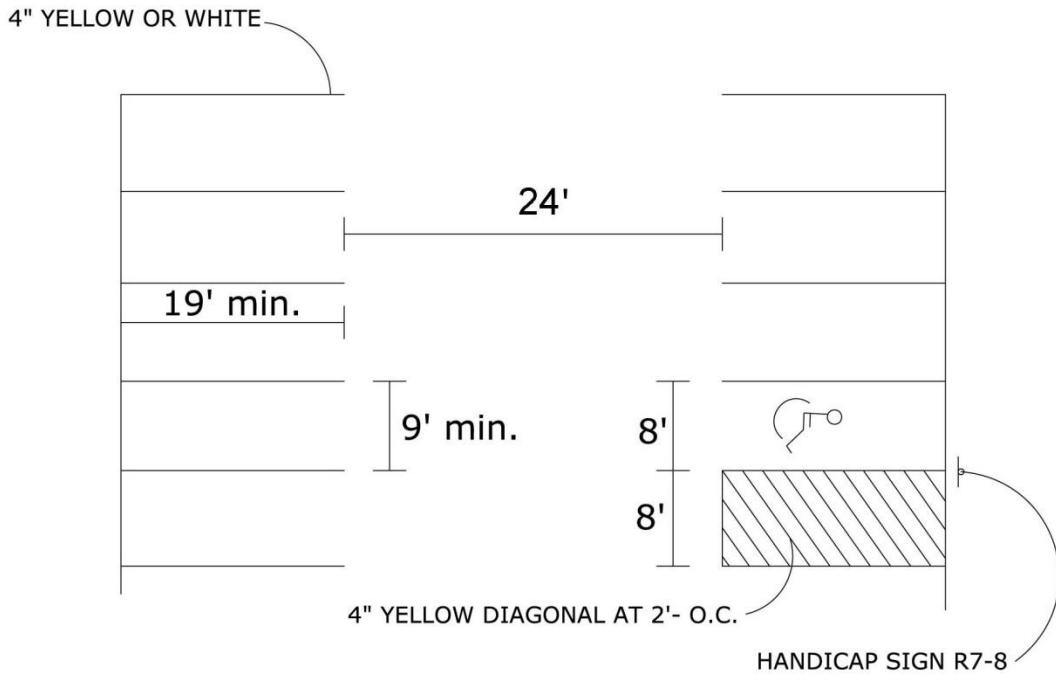
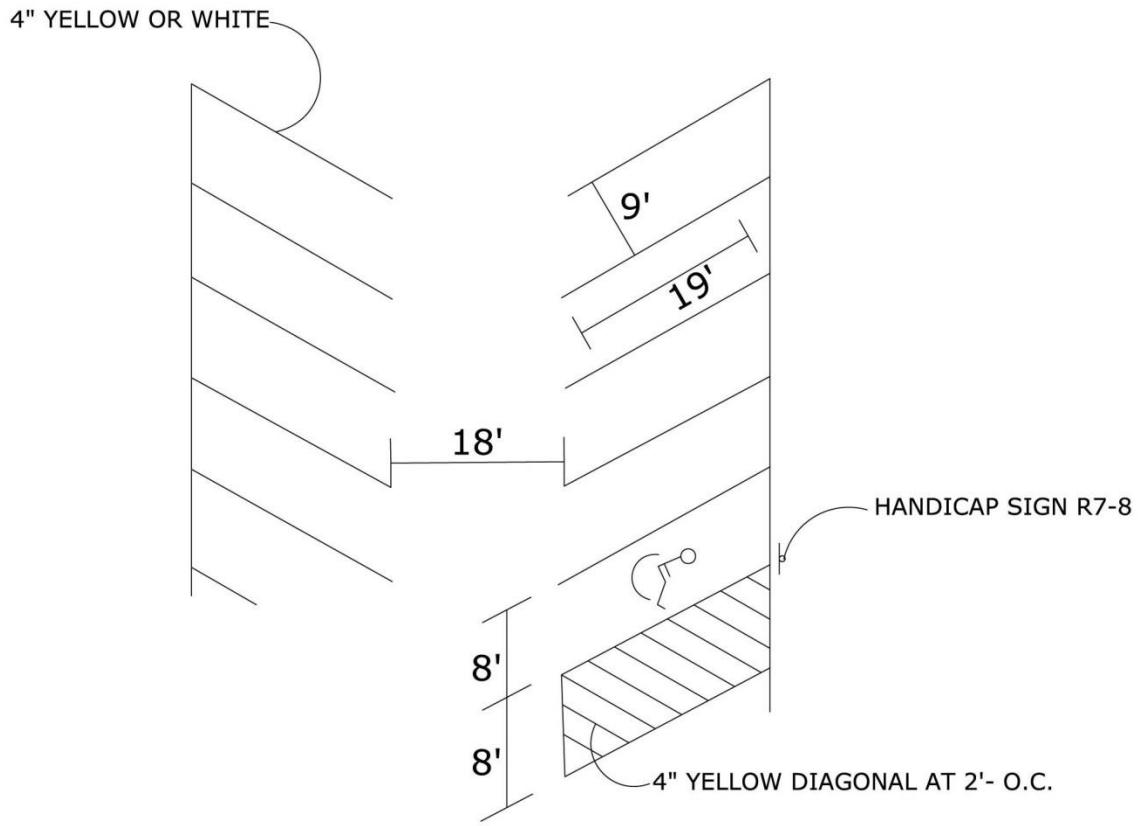


Diagram 2



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 will be clearly identified as spaces for compact cars only.

4.6.13.3 Parking facilities will 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. Parking is highly encouraged to be placed in the side or rear yard within residential districts. No driveway will exceed twenty feet (20'-0") in width at any property line adjacent to a street for any single family, duplex or two-flat residence (see Diagram 1). For all other properties no lane of entry and/or exit to a driveway adjacent to a street 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). *(Amended 03/06/23)*

Diagram 1: Single family, duplex or two-flat residences (Amended 08/05/19)

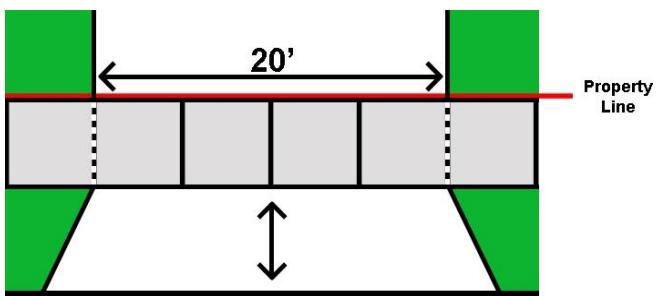
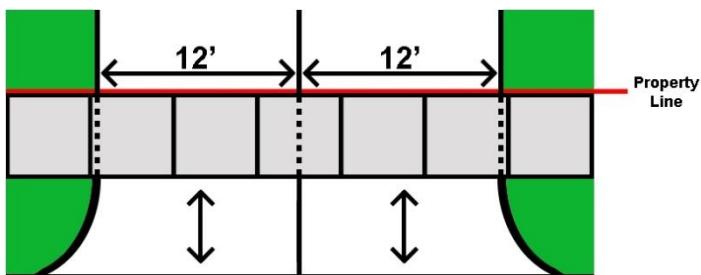
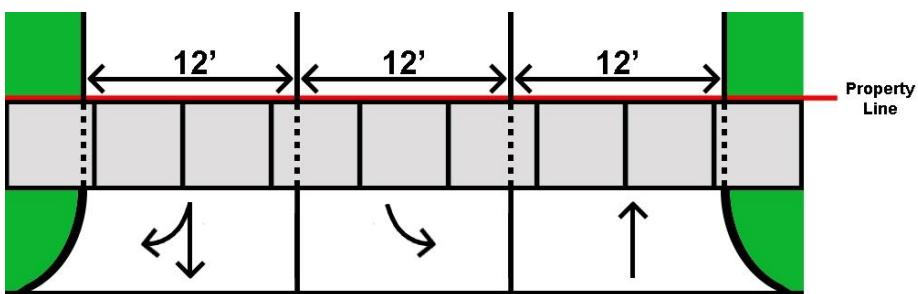


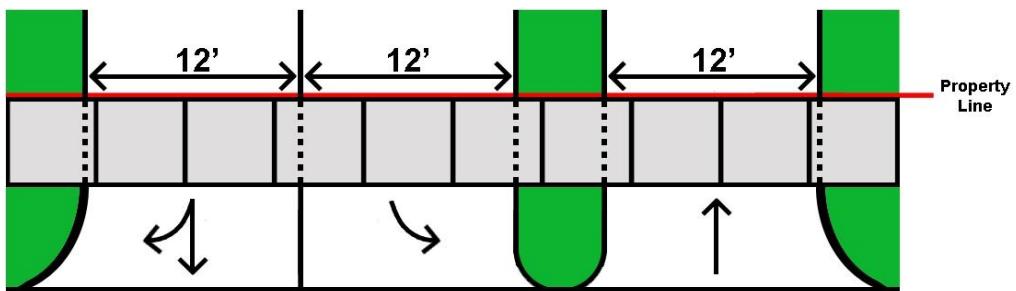
Diagram 2: All other properties



or



or



4.6.13.3.1 For any single-family residence or attached dwellings on a lot less than 10,000 square feet, a maximum of one (1) driveway is allowed per street frontage with no more than two (2) total street entrances per lot. For any single-family residence or attached dwellings on a lot 10,000 square feet or greater, two (2) driveways are allowed per street frontage when spaced at least 50 feet apart, with no more than two (2) total street entrances per lot. Driveway access from an alley will not be counted toward the aforementioned limitations. *(Amended 03/06/23)*

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): *(Amended 01/07/19)*

<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 1,000	2% of total parking spaces
Over 1,000	20 plus 1 for each 100 over 1,000

2. The dimensions of the accessible parking space will be per section 400.310.c.3. of the Illinois Accessibility Code or any future revision of said code. Specifically, the space will be 16 feet in width with 8 feet using a diagonal stripe and 8 feet using an accessible symbol. Appropriate signage will 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 will 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 will 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 will 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 will 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 will 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) will 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, will be lighted as follows:

4.6.14.1.1 An average minimum illumination of two (2) foot candles will 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 lie adjacent to a residential zoning district, the maximum illumination at the property line will be 0.5 foot-candles.

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

4.6.15.1 A landscaped buffer yard will be required. *(Amended 03/19/07)*

4.6.15.2 With the exception of single family, duplex or two-flat residences, and all properties in the CMO – Cannabis Manufacturing Overlay District, parking spaces directly adjacent to, abutting and accessible from a street will not be permitted. A seven foot (7'-0") wide landscaped buffer yard will be located between any off-street parking area, vehicular use area or open storage area and any adjacent street. Fences placed between any off-street parking area, vehicular use area or open storage area and any adjacent street must be ornamental in design, with no less than five feet (5'-0") of the required landscaping placed on the outside of the fencing, adjacent to the street. A two-foot (2'-0") car overhang may be included in the seven foot (7'-0") wide buffer yard. Additional planting will be installed around the perimeter of the parking area or in the interior of the parking area in accordance with the following standards. *(Amended 03/06/23)*

4.6.15.2.1 Any off-street parking area containing ten (10) or more parking spaces will be provided with additional landscaped areas in accordance with the following schedule: *(Amended 07/17/17)*

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, M3	80	1

4.6.15.2.2 Any parking area containing more than forty (40) spaces will have at least one-third of the above landscaping, exclusive of the required buffer yard, 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 will be no less than fifty (50) square feet and will 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 will 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 will be adequate to accommodate the vehicles which customarily service the use and will 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 will 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 will 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 will 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 will have an adequate number of loading spaces on the premises to accommodate service vehicles necessary for normal daily operation. Loading spaces will be separate from the required parking area, and will 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 will provide standing space for at least six (6) automobiles ahead of each teller or service window. Such magazine loading or standing space will be clear of any public way or access drive to required parking. This requirement will 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 will 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 will 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, will 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 will 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 will 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 will 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 will 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 Planning and Zoning Commission. *(Amended 07/17/17)*

4.7.4 Technical Guidelines

4.7.4.1 Noise

4.7.4.1.1 All uses of land will 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 will 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 will 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 will 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 will 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 will be expressed as displacement in inches and will 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 will 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 will 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 will 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 will conform to the laws and regulations of the State of Illinois and will 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 will 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 will 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 will 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 will 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 will be considered impact vibrations, and will 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 will 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 will 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 will 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 will 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 will be considered acceptable canopy trees: (Amended 12/15/08)

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

4.11.3.3 The following will be considered acceptable understory trees

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

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

Scientific Name	Common Name
<i>Syringa Japonica</i>	Japanese Treelilac
<i>Crataegus Phaenopyrum</i>	Washington Hawthorn

4.11.3.4 The following will be considered acceptable evergreens:

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

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

Scientific Name	Common Name
<i>Amorpha Fruticosa</i>	Indigo Bush
<i>Aronia Arbutifolia</i>	Red Chokeberry
<i>Aronia Melanocarpa</i>	Black Chokeberry
<i>Berberis Thunbergi</i>	Japanese Barberry
<i>Calycanthos Floridus</i>	Carolina Allspice

4.11.3.5 The following will be considered acceptable shrubs (continued):

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

4.11.3.5

The following will be considered acceptable shrubs (continued):

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

4.11.3.5 The following will be considered acceptable shrubs (continued):

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

4.11.3.6 The following will 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 will, 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 will be evergreen trees.

4.11.4 Bufferyards

4.11.4.1 Plant materials and fencing required in the installation of buffer yard will be determined in accordance with Table 5, Buffer yard Requirements.

4.11.4.2 Bufferyards will be located within the required side or rear yard and the type of buffer yard required between zoning lots in the various use districts will be determined in accordance with Table 6, Buffer Yard 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

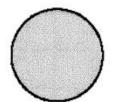
Type of Buffer yard	Canopy Trees	Understory/ Evergreen Trees	Shrubs	Fence
A	1	2	3	No
B	2	4	6	No
C	3	6	9	No
D	4	8	12	No
E	4	8	12	Yes
F	-	-	12	Yes

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

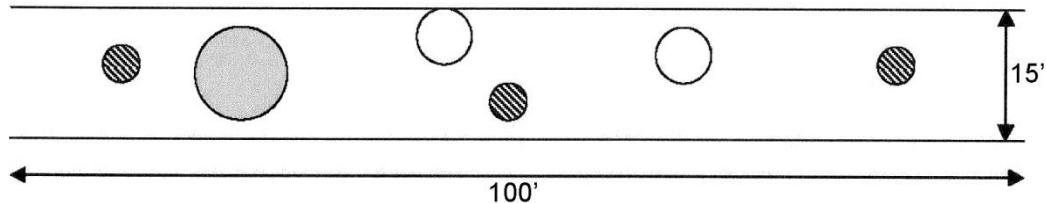


= Understory/Evergreen Tree

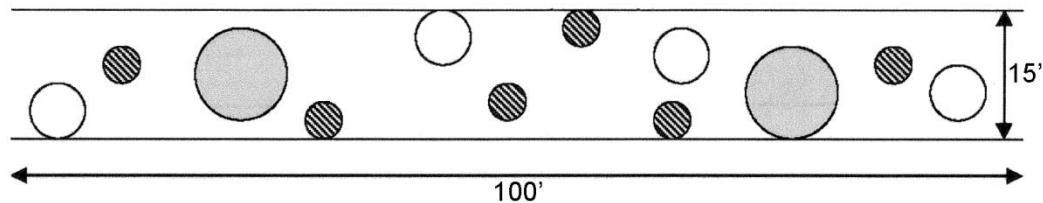


= Shrub

Buffer yard Type "A"



Buffer yard Type "B"



Buffer yard Type "C"

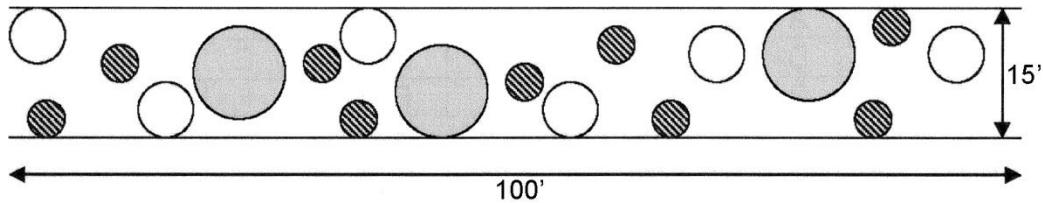
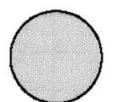


FIGURE 6b - BUFFERYARD TYPES



= Canopy Tree

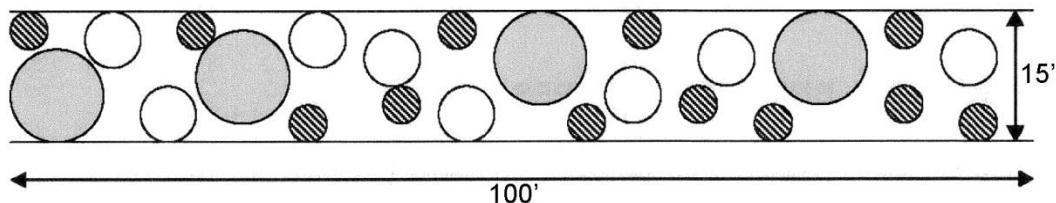


= Understory/Evergreen Tree

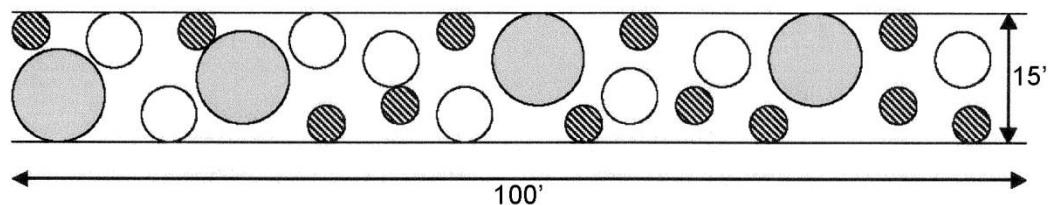


= Shrub

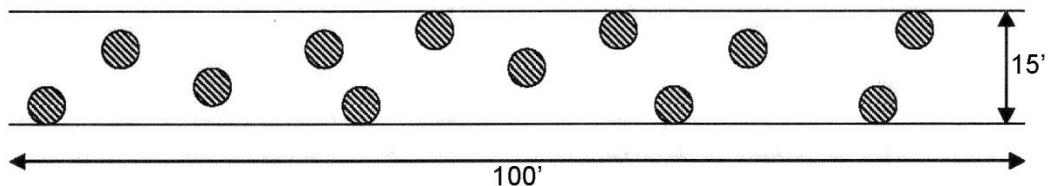
Buffer yard Type "D"



Buffer yard Type "E" (Fence also required)



Buffer yard Type "F" (Fence also required)



4.11.5 Street Trees

4.11.5.1 Street trees will be planted at a rate of one (1) canopy tree per sixty (60) linear feet of frontage in R1 districts, and one (1) canopy tree per fifty (50) linear feet of frontage in every other district. For corner lots and double frontage lots, trees will be required along each street. *(Amended 06/20/23)*

4.11.5.2 Street trees will be canopy trees and will be planted in accordance with the standards established in Section 4.11.3, and in accordance with all other applicable ordinances of the City. *(Amended 08/05/19)*

4.11.6 Maintenance of Buffer yard and Street Trees

4.11.6.1 Maintenance of buffer yards and street trees will 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 Buffer yard 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 will 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 buffer yard requirements to the degree that the waiver is consistent with the intent of the landscaping and buffer yard 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 will 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 When a fence intersects with a driveway, or the right-of-way of a street or alley, a sight triangle must be maintained according to the following standards. *(Amended 10/16/17)*

4.11.8.1.3.2.1 At the intersection of two streets, sight triangle legs of twenty-five feet (25'-0") must be measured along the curb or paved edge of each street (see Figure 3). *(Amended 10/16/17)*

4.11.8.1.3.2.2 At the intersection of a street and an alley, sight triangle legs of ten feet (10'-0") must be measured along the curb or paved edge of the street and along the right-of-way line of the alley (see Figure 3). *(Amended 10/16/17)*

4.11.8.1.3.2.3 At the intersection of a street and a driveway, sight triangle legs of ten feet (10'-0") must be measured along the curb or paved edge of the street and the curb or paved edge of the driveway (see Figure 3). *(Amended 10/16/17)*

4.11.8.1.3.2.4 At the intersection of two alleys, sight triangle legs of five (5'-0") must be measured along the right-of-way line of each alley (see Figure 3). *(Amended 10/16/17)*

4.11.8.1.3.3 All fences will 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 will 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 will be allowed along a lot line shared by two (2) zoning lots.
- 4.11.8.1.3.7 Fence location and construction will not restrict flow through any drainage swale. Fences located across drainage swales will be a minimum of six inches (6") above grade.
- 4.11.8.1.3.8 Fences will 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 will 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 will 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 will 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 will be erected, where permitted, so that the barbs are on the bottom. It will also be unlawful to construct or maintain a fence equipped with or having barbed wire, spikes or any similar device. Moreover, it will be unlawful to construct or maintain anywhere within the City a fence equipped with or having any electric charge sufficient to cause shock. *(Amended 07/17/17)*
- 4.11.8.2.3 Fences used for the purpose of screening in commercial and industrial districts will be of stockade or other solid, obscuring fence type.
- 4.11.8.2.4 Fences used for the purpose of screening building material, equipment or vehicle storage yard uses will have the following height limits: *(Amended 08/05/19)*

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 will 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 buffer yard. 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 will 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 will be enclosed by a solid obscuring fence or decorative masonry materials not less than six feet (6'-0") in height. The enclosure will be constructed of materials defined in Section 4.11 of this Ordinance to the standards of the City of North Chicago. *(Amended 07/17/17)*

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 will be constructed to meet or exceed the minimum velocity and construction standards specified in the North Chicago Building Code. All Wind Energy Facilities will 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 will 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 will not be located in any required yard except for rear yards and will conform with setback requirements specified for accessory buildings and structures.

4.14.2.3 The height of all antenna towers or dishes will include any accompanying base or support structures and will 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 will be allowed by Special Use Permit only.

4.14.2.3.1.2 Ground-mounted dish antennas will 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 will be allowed by Special Use Permit only.

4.14.2.3.2.2 Ground-mounted dish antennas will not exceed the height of the building by which they are located.

4.14.2.4 The diameter of ground-mounted dish antennas will comply with the following:

4.14.2.4.1 Residential Zoning Districts

Ground-mounted dish antennas will not exceed ten feet (10'-0") in diameter.

4.14.2.4.2 Nonresidential Zoning Districts

Ground-mounted dish antennas will 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 will 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 will 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 will apply to the following:

4.14.3.3.1 Residential Districts

4.14.3.3.1.1 Roof-mounted antenna towers will 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 will 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 will 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 will 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 will 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 will not exceed three feet (3'-0") in diameter. Roof-mounted dish antennas located on educational, religious or city buildings will 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 will 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 will follow all regulations outlined within the Lake County Unified Development Ordinance, with the exception of permitted locations and setbacks which will 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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 will, 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 will not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City will 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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"), will 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 will 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 will not exceed twelve feet (12'-0") in height nor will 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 will be constructed in such a fashion to accommodate three (3) antenna/transmitter devices. Competitors will 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 will appoint an arbitrator, who collectively will select a third arbitrator, who will 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 will 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 will 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 will 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 Planning and Zoning Commission will hold a public hearing and make its recommendation to the City Council thereafter. The Special Use Permit process will 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 will govern the issuance of Special Use Permits for all tower and antenna installations: *(Amended 07/17/17)*
- 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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 will 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 will govern the landscaping surrounding towers:

4.15.3.7.1 Tower facilities will be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent properties. The standard buffer will consist of a landscaped strip at least four feet (4'-0") wide outside the perimeter of the compound. The perimeter of the installation site will 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 landforms on the site will 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 will be considered abandoned, provided that if there are two (2) or more users of a single tower, the tower will not be considered abandoned until all users cease using the tower. The owner of such installation will 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 will 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 will 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 will be approved for an adult use that:

4.16.4.1 Is located within one thousand feet (1,000'-0") of any existing school, religious institution, or day care center; *(Amended 01/07/19)*

4.16.4.2 Is located within five hundred feet (500'-0") of any existing public park, residentially zoned property, or adult use; *(Amended 01/07/19)*

4.16.4.3 Has more than one outdoor sign;

4.16.4.4 Has an outdoor sign exceeding ten feet (10'-0") in length or three feet (3'-0") in width; *(Amended 01/07/19)*

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 will 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 will 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 will be fined not more than seven hundred fifty (\$750.00) dollars per violation, and each day a violation exists will constitute a separate offense. Nothing in this Section will 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 will be deemed to be unconstitutional or otherwise invalid, the remaining section, subsection and clauses will not be affected thereby.

4.17 CANNABIS BUSINESS ESTABLISHMENTS (Amended 01/06/20)

4.17.1 Definitions: The following definitions apply throughout this Section:

4.17.1.1 CANNABIS SOCIAL EQUITY APPLICANT has the meaning described in Section 1-10 of the Cannabis Regulation and Tax Act, 410 ILCS 705/1-10, as the same may be amended from time to time.

4.17.1.2 ON-SITE CONSUMPTION means the use of cannabis, in any form, on the premises of any Cannabis Dispensary Business or Other Cannabis Business Establishment.

4.17.2 Special Use Permit Required: A special use permit is required to establish or operate a Cannabis Dispensary Business in the Cannabis Dispensary Overlay District or Cannabis Manufacturing Business in the Cannabis Manufacturing Overlay District. *(Amended 08/17/20)*

4.17.3 Special Use Permit Application: An application for a Cannabis Dispensary Business or Cannabis Manufacturing Business will be made pursuant to Section 8.4 of this Code. In addition to the application requirements generally applicable for special uses, the following supplemental requirements shall apply: *(Amended 08/17/20)*

4.17.3.1 Copies of all information submitted to the State of Illinois in an application for a license to operate a Cannabis Dispensary Business or Cannabis Manufacturing Business under the State of Illinois' Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 et seq., or the State of Illinois' Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1 et seq., as each may be amended from time to time; *(Amended 08/17/20)*

4.17.3.2 Any information from the applicant reasonably intended to demonstrate that the applicant qualifies as a Cannabis Social Equity Applicant; and

4.17.3.3 Proof that the applicant owns the property on which it proposes to operate the Cannabis Dispensary Business or Cannabis Manufacturing Business or, if the applicant does not own the property, a written statement from the property owner certifying the owner's consent to the use of the property for a Cannabis Dispensary Business or Cannabis Manufacturing Business; *(Amended 08/17/20)*

4.17.3.4 A map of the area surrounding the proposed Cannabis Dispensary Business or Cannabis Manufacturing Business: *(Amended 08/17/20)*

- (a) showing that no part of the property on which the proposed Cannabis Dispensary Business or Cannabis Manufacturing Business is located is within 1,000 feet, measured from property line to property line, of any existing public or private preschool, elementary school, middle school, high school, day care center, day care home, group day care home, or part-day childcare facility;
- (b) showing that no part of the property on which the Cannabis Dispensary Business or Cannabis Manufacturing Business is located is within 500 feet, measured from property line to property line, of any public park; and
- (c) identifying the businesses, and the nature of each business, in existence at the time that the application of a special use permit is filed with the City, located within 1,000 feet of any part of the property line of the proposed Cannabis Dispensary Business or Cannabis Manufacturing Business;

4.17.3.5 A sign plan for the proposed Cannabis Dispensary Business or Cannabis Manufacturing Business that describes and depicts all proposed signs, including, without limitation, the type of each proposed sign, the sign area and sign height of each proposed sign, the content of each proposed sign, the location of each proposed sign, and the illumination of each proposed sign, if any; *(Amended 08/17/20)*

4.17.3.6 A site plan drawn to scale of the proposed Cannabis Dispensary Business or Cannabis Manufacturing Business, that depicts the following features, if applicable and without limitation: streets, traffic direction, sidewalks, trees, alleys, property lines, buildings, parking areas, handicapped parking spaces, fences, exterior walled areas, garages, vehicle delivery access doors, hangars, security features, garbage enclosure areas, and outdoor areas; *(Amended 08/17/20)*

4.17.3.7.1 For only a Cannabis Dispensary Business: A demonstration that the proposed location is suitable for public access, the layout promotes safe dispensing of cannabis, it is sufficient in size, power allocation, lighting, parking, handicapped accessible parking spaces, ADA-accessible entry and exits, product handling, and storage; *(Amended 08/17/20)*

4.17.3.7.2 For only a Cannabis Manufacturing Business: A demonstration that the proposed site plan is designed to deter public access, enhance security, require safe truck movements which promote traffic safety, ensure secure loading and unloading areas for shipments and deliveries, and control access to waste products containing cannabis; and *(Amended 08/17/20)*

4.17.3.8 The Chairman of the Planning and Zoning Commission may require any such additional information from any applicant which is reasonably intended to achieve full disclosure relevant to their associated application under consideration by the Planning and Zoning Commission.

4.17.4 Limitation on Number of Special Uses. The number of Cannabis Dispensary Businesses and Cannabis Manufacturing Businesses allowed in the City may be established by resolution duly adopted from time to time by the City Council. Not more than the number of special use permits established for each use by such resolution shall be issued or outstanding at any one time for a Cannabis Dispensary Business or Cannabis Manufacturing Business to be located in the City. *(Amended 08/17/20)*

4.17.5 Limitation on Transferability of Special Uses. No special use permit for a Cannabis Dispensary Business or Cannabis Manufacturing Business shall be transferable to any person, business or organization except to the applicant to whom it is granted. The special use permit shall not be assigned, transferred, sold or disposed of, in whole or in part, by voluntary sale, sale and leaseback, merger, consolidation or otherwise or by forced or involuntary sale, without prior consent of the City Council, by ordinance duly adopted, and then on only such conditions as may therein be prescribed. Any sale, transfer or assignment not made according to the procedures set forth in this chapter shall render the special use permit void. The sale, transfer or assignment in bulk of the major part of the tangible assets of the applicant shall be considered an assignment and shall be subject to the provisions of this section. City Council consent shall not be required for a transfer in trust, mortgage, or other instrument of hypothecation, in whole or in part, to secure an indebtedness. Prior approval of the City Council shall be required where ownership or control

of 20 percent or more of a special use permit holder's business entity is acquired in any transaction or series of transactions by a person or group of persons acting in concert, none of whom owned or controlled 20 percent or more of such right to control, singularly or collectively on the effective date of the application for the special use permit. By its acceptance of the special use permit, an applicant specifically grants and agrees that any such acquisition occurring without prior approval of the City Council, by ordinance duly adopted, shall render the ordinance null and void. *(Amended 08/17/20)*

4.17.6 Special Use Permit Requirements: In addition to the special use standards presented in Section 5.4, the establishment, development, and operation of a Cannabis Dispensary Business or Cannabis Manufacturing Business must comply with the conditions and restrictions set forth below, as well as any additional conditions set forth in the ordinance granting the special use: *(Amended 08/17/20)*

4.17.6.1 No Cannabis Dispensary Business or Cannabis Manufacturing Business, measured from property line to property line, may be located within: (i) 1,000 feet of any existing public or private preschool, elementary school, middle school, high school, day care center, day care home, group day care home, or part-day child care facility; (ii) 500 feet of any public park; and (iii) 1,500 feet of another Cannabis Dispensary Business or Cannabis Manufacturing Business licensed by the State of Illinois; *(Amended 08/17/20)*

4.17.6.2 A Cannabis Dispensary Business or Cannabis Manufacturing Business must comply with all applicable State laws and regulations, as such laws and regulations may be adopted or amended from time to time; *(Amended 08/17/20)*

4.17.6.3 No consumption of cannabis may be permitted on the premises of any Cannabis Dispensary Business or Cannabis Manufacturing Business. The premises of a Cannabis Dispensary Business or Cannabis Manufacturing Business shall be deemed a public place; *(Amended 08/17/20)*

4.17.6.4 Signage and advertising. *(Amended 08/17/20)*

4.17.6.4.1 A Cannabis Dispensary Business or Cannabis Manufacturing Business shall be limited to one identifying sign, whether it is a ground sign or wall sign, which identifying sign may include only the dispensary's name and address. Such signs shall not: (x) be directly illuminated; or (y) obstruct the entrance or windows of the Cannabis Dispensary Business or Cannabis Manufacturing Business; *(Amended 08/17/20)*

4.17.6.4.2 A Cannabis Dispensary Business or Cannabis Manufacturing Business shall not have an electronic message board or any temporary signs on the exterior of the property, except a temporary sign may be erected during the first 120 days after the commencement of operations; *(Amended 08/17/20)*

4.17.6.4.3 No signage on the exterior of a Cannabis Dispensary Business or Cannabis Manufacturing Business may contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth, or any language terms referencing cannabis, or any slang or street terms commonly associated with cannabis; and *(Amended 08/17/20)*

4.17.6.4.4 Notwithstanding anything to the contrary in Section 4.17.6.4, a Cannabis Dispensary Business must post a sign with text that is clearly legible and conspicuous immediately adjacent to all entrances that includes the following language: "Persons under the age of 21 are prohibited from entering unless a qualifying patient with a prescription issued under the Compassionate Use of Medical Cannabis Program Act.;" *(Amended 08/17/20)*

4.17.6.5 Preference for a special use for a Cannabis Dispensary Business or Cannabis Manufacturing Business will be given to a Cannabis Social Equity Applicant; *(Amended 08/17/20)*

4.17.6.6 The exterior of all bags, sacks, totes or boxes provided to customers to carry cannabis out of the Cannabis Dispensary Business must be opaque and without text or graphics advertising or identifying the contents of the products contained within; *(Amended 08/17/20)*

4.17.6.7 Cannabis Dispensary Businesses that display or sell drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control Act, 720 ILCS 600/1 et seq., and the Cannabis Regulation and Tax Act; *(Amended 08/17/20)*

4.17.6.8 Cannabis Dispensary Businesses may not have a drive-through service window; *(Amended 08/17/20)*

4.17.6.9 Any cannabis waste on the premises of a Cannabis Dispensary Business or Cannabis Manufacturing Business must be stored within secure refuse containers always located within a restricted access area prior to the destruction and disposal thereof, which destruction and disposal must be performed pursuant to all applicable State laws and regulations, as may be amended from time to time; and *(Amended 08/17/20)*

4.17.6.10 All Cannabis Dispensary Businesses and Cannabis Manufacturing Businesses must be equipped with a secure loading and unloading space for the shipping or reception of deliveries of cannabis and cannabis infused products, which space must be: (a) located within an enclosed area of the principal structure in which the Cannabis Dispensary Business or Cannabis Manufacturing Business operates; (b) secured by doors that are closed and locked during all times that shipments or deliveries of cannabis or cannabis infused products are loaded or unloaded; and (c) a restricted access area. *(Amended 08/17/20)*

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 will 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 will be approved, and no special use permit will be issued unless the following standards are met.

5.4.2 General Standards

The following standards will 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 will 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 will 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 will 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 will 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 will 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") will 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 will be in accordance with the following conditions:
 - 5.4.3.2.3.1 Excavation will 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 will 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 will 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 will 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 will be cleared of debris, and a layer of soil capable of supporting vegetation will be spread over the premises to a depth of at least six inches (6") (except for areas under water) and will be seeded with grass or other ground cover to prevent erosion.

5.4.3.2.6 A corporate surety bond will be furnished to the City to assure compliance with the approved rehabilitation plan. The bond will 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 will 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 will comply with the following:

5.4.3.3.1 The gasoline filling station will be located on a parcel of land at least 20,000 square feet in area, with a frontage of not less than one hundred fifty feet (150'-0") on each principal street. *(Amended 01/07/19)*

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 will 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 will 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 Planning and Zoning Commission will 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 will be incorporated into the Special Use Permit as conditions for development and operation of the use. *(Amended 07/17/17)*

5.4.3.3.8 The site plan submitted by the applicant will reflect that the proposed structures to be built upon the tract in question and the grade upon the tract in question will 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 will 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 will 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 will 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 will be approved by the North Chicago Health Department and will 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 will 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 will be stored closer than five feet (5'-0") to any property line. No materials or equipment will be stored in the front yard or any yards adjacent to a street.

5.4.3.7.1.3 The premises will 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 will have installed around the perimeter an E buffer yard as defined in Article 4.11, Landscaping and Buffer yard Requirements.

5.4.3.7.1.5 Only equipment owned or leased by the owner of the contractor's yard will 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 will 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 will be stored closer than five feet (5'-0") to any property line. No materials or equipment will be stored in the front yard or any yards adjacent to a street.

5.4.3.8.1.3 The premises will 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 will have installed around the perimeter an E buffer yard as defined in Article 4.11, Landscaping and Buffer yard Requirements.

5.4.3.8.1.5 Only equipment owned or leased by the owner of the scavenger's yard will be stored in the yard.

5.4.3.8.1.6 No storage of collected garbage or refuse will 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 will 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 will 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 will be thoroughly washed before being parked in the scavenger's yard.
- 5.4.3.8.1.10 All uses will 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 will 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 will 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 overnight. *(Amended 07/17/17)*

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 will have installed around the perimeter the appropriate buffer yard and fencing as defined in Article 4.11, Landscaping and Buffer yard Requirements.

5.4.3.12.4 No materials or equipment will be stored within the buffer yards. No materials or equipment will be stored in the front yard or any yards adjacent to a street.

5.4.3.12.5 The premises will 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 will be stored in the yard.

5.4.3.12.7 All parking areas, drives and traffic lanes in the yard will 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 will 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 will 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 will 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 will 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), will be located within 500 feet of a business serving or selling alcohol, as measured from lot line to lot line.

5.4.3.14 Utility Solar Energy Systems (also known as a 'Solar Farm') and/or Battery Energy Storage Systems (Amended 11/18/24)

This special use can be applied to stand alone facility (Utility Solar Energy Systems or Battery Energy Storage Systems) or a combined facility (Utility Solar Energy System with a Battery Energy Storage System).

5.4.3.14.1 Purpose and Intent. To establish reasonable and uniform regulations for the location, installation, operation, and maintenance of solar energy systems.

To ensure that any development and production of solar systems is safe and to minimize any potentially adverse effects on the community.

To promote the supply of sustainable and renewable energy resources, in support of national, state, and local goals.

5.4.3.14.2 **Compliance With Regulations.** Utility solar energy systems or battery energy storage systems must comply with all applicable requirements of this section, as well as all federal, state, county, and city ordinances, and regulations. No utility solar energy system or battery energy storage system shall be constructed or installed without first filing an application for and being issued a building permit in accordance with this section and the building code.

5.4.3.14.3 **Lot Size.** There is no minimum lot size for a utility solar energy system or battery energy storage system. Both land uses may be constructed on the same zoning parcel where the size is prescribed by a utility solar energy system's need.

5.4.3.14.4 **Setback.** Solar panels shall be erected no less than thirty (30) feet from a front property line and twenty-five (25) feet from any other property line. All other secondary or accessory structures must meet the applicable zoning district setback regulations.

A battery energy storage system shall meet the regular setback requirements for the applicable zoning district.

5.4.3.14.5 **Height.** Utility solar energy systems shall not exceed twenty (20) feet at full tilt height, as measured from adjoining grade at the base of the ground-mounted solar energy system to the highest elevation of the ground-mounted solar energy system.

A battery energy storage system shall comply with building height requirements associated with the applicable zoning district.

5.4.3.14.6 **Lot Coverage.** The total solar panel surface area shall be included in calculating the maximum allowable lot coverage under the applicable zoning district regulations.

5.4.3.14.7 **Fencing Required.** Utility solar energy systems or battery energy storage systems shall be enclosed with a fence that restricts direct access to the public. Such fencing shall, at a minimum, encompass the entire system facility, contain a locking mechanism, and comply with the city's fence regulations. The perimeter fence shall be no taller than eight (8) feet in height. Attractive landscaping should be planted along the perimeter fencing to soften the fence's physical appearance. Particular attention shall be made to screen adjacent residential or open space/park uses.

5.4.3.14.8 **Power Lines.** On-site power lines shall be placed underground to the maximum extent possible.

5.4.3.14.9 **Utility authorization.** The operator of either a utility solar energy system or battery energy storage system connected to the utility grid shall provide the city with written authorization from the local utility company acknowledging and approving such connection (i.e., an interconnection agreement). Such

authorization shall be provided at the time of the building permit application submittal.

5.4.3.14.10 **Entryway.** Entry to office or guest facilities shall address the street, with direct access to office or guest facilities from street frontages and parking areas.

5.4.3.14.11 **Landscaping.** To assist with the overall community benefits, including, but not limited to, reduced storm water runoff, flooding, and erosion; improved soil health; and increased foraging habitat for game birds, songbirds, and pollinators, the city may require the operator of either a utility solar energy system or battery energy storage system to establish and maintain a vegetative ground cover landscape plan, consistent with the goals of the Pollinator-Friendly Solar Site Act and/or Agricultural Impact Mitigation Agreement (AIMA) plan.

5.4.3.14.12 **Decommissioning Plan and Assurances.** The operator must submit a decommissioning plan with cost estimates to the city as part of the special use application, which is prepared by a licensed engineer. Prior to receiving any building permits for a utility solar energy system or battery energy storage system, the operator or property owner shall provide a decommissioning agreement and post the required financial assurance instrument (i.e., a bond in its place).

5.4.3.14.13 **Decommissioning/Removal Requirements.** Any ground-mounted utility solar energy system, which has reached the end of its useful life or has been abandoned shall be removed. The same should be done for a battery energy storage system.

The operator or property owner shall notify the city by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning shall consist of the physical removal of all utility solar energy system or battery energy storage system components, equipment, security barriers, fencing (may remain in its place if structurally sound and in state of good repair), and electrical wiring and cables from the site; disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and stabilization or re-vegetation of the site as necessary to minimize erosion.

The city may allow the operator or property owner to leave the landscaping (if present and in good condition) to minimize erosion and disruption to vegetation. However, the property owner shall maintain the existing landscaping and comply with all applicable property maintenance regulations.

If the utility solar energy system, which has ceased to generate energy for a period of twelve (12) consecutive months, shall be removed from the property within one hundred eighty (180) days from the date of decommission or notice

by the City of North Chicago to ensure they are properly removed after their useful life, the same is required for a battery energy storage system.

Removal of a decommissioned system shall be the responsibility of the operator and/or property owner. The city may request an inspection or documentation to demonstrate the functionality of a utility solar energy system or a battery energy storage system.

If an inspection is denied or documentation demonstrating the functionality of the system is not provided within thirty (30) days of the city's request, the city may determine the utility solar energy system or battery energy storage system to be obsolete and may require its removal within one hundred eighty (180) days.

- 5.4.3.14.14 Application Checklist/Site Plan Requirements. An operator for a permit for a utility solar energy system or battery energy storage system must contain, at a minimum, the following information:
 - 5.4.3.14.14.1 Name, property address, email address, and telephone number of the operator and property owner.
 - 5.4.3.14.14.2 Name, property address, email address, and telephone number of the person, firm, or corporation constructing and installing the utility solar energy system or battery energy storage system.
 - 5.4.3.14.14.3 Elevation drawings (and/or photographs) and site plans showing the location, size and design details of the proposed utility solar energy system or battery energy storage system.
 - 5.4.3.14.14.4 Manufacturer specifications of the solar collectors and devices including: wattage capacity, dimensions of collectors, mounting mechanisms, and/or foundation details and structural requirements.
 - 5.4.3.14.14.5 A certificate of compliance or such documentation necessary to demonstrate that the proposed utility solar energy system or battery energy storage system conforms to applicable industry standards (for example, American National Standards Institute (ANSI) or equivalent).
 - 5.4.3.14.14.6 A certificate of compliance demonstrating that the utility solar energy system or battery energy storage system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
 - 5.4.3.14.14.7 Any other information to show full compliance with this section and other applicable ordinances.

5.4.3.14.14.8 For ground-mounted utility solar energy systems or battery energy storage systems only, the operator shall also submit scaled site plan drawings that include the following information:

- (A) Existing and proposed contours, at a minimum of two (2) feet intervals.
- (B) Location, setbacks, exterior dimensions, and square footage of all existing and proposed structures.
- (C) Location and size of existing waterways, wetlands, 100-year floodplains, sanitary sewers, storm sewers, drain tiles, and water distribution systems.
- (D) Location of any overhead or underground utilities and easements.
- (E) The operator of either a utility solar energy system or battery energy storage system connected to the utility grid shall provide the city with written authorization from the local utility company acknowledging and approving such connection (i.e., an interconnection agreement).
- (F) To prevent erosion, manage run-off, and provide ecological benefit, the utility solar energy system or battery energy storage system may require planted with “low-profile” native prairie species, and use a mix appropriate for this region and site-specific soil conditions that mimics the Pollinator-Friendly Solar Site Act and/or Agricultural Impact Mitigation Agreement (AIMA) landscaping requirements. Such landscape plan shall be submitted as part of the overall site plan package.
- (G) Signs on ground-mounted utility solar energy systems or battery energy storage systems shall comply with the signage requirements of the underlying zoning district. A sign consistent with the standards of §12-11-1, which is the “North Chicago Sign Ordinance,” shall be required to identify the owner and provide a 24-hour emergency contact phone number.
- (H) Lighting of ground-mounted utility solar energy systems or battery energy storage systems shall be consistent with §4.6.14. The lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the utility solar energy system shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

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 will 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 Attached dwellings, provided, however, that in the R1 and R2 Districts the number of attached dwellings will not exceed fifty percent (50%) of the total number of dwelling units in the planned development. *(Amended 08/05/19)*

6.3.3.1.3 Multiple family dwelling, provided, however, that in the R1 and R2 Districts the number of such units will not exceed ten percent (10%) of the total number of units; and that in the R3 and R4 Districts, the number will not exceed twenty-five percent (25%) of the total number of units. No apartment or dwelling unit located above the first floor will 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 will 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 will 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 will 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 will be no restriction on density subject to an approved development plan.

6.3.5 Design Standards

- 6.3.5.1 The development plan will 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 will 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 will be landscaped and improved with recreational facilities appropriate to the proposed development. Specifically, adequate play areas for children will be provided in all planned unit developments. A minimum of fifteen percent (15%) of the gross site will 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 will 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 will be designed so that the runoff from the developed site will 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 will 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 will 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 will have at least one parking space for the exclusive use of the dwelling.
- 6.3.5.1.9 All streets and street improvements will be designed by a registered professional engineer. The width of streets and the design of the pavement and other structures will be based upon their intended use and will be related to the overall design of the planned unit development. Any street dedicated to the public will be designed and constructed to the standards of the City of North Chicago.
- 6.3.5.1.10 All yards and setbacks will 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 will be provided with streetlights in accordance with the standards of the Subdivision Regulations of the City of North Chicago. Private streets and parking areas will be lighted in a similar manner provided however that ornamental standards and fixtures may be permitted.

6.4 PROCEDURES

The following regulations will 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 will schedule a pre-application conference with the Department of Economic and Community Development. The Department of Economic and Community Development will 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 will 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 will have thirty (30) days in which to make suggestions or recommendations to the developer prior to his/her filing of the application. Once the pre-application procedure is completed, the application will be made in writing and will be accompanied by a general development plan and supporting information as required in this section. *(Amended 07/17/17)*

6.4.2 Application

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

6.4.2.1.1 Development Plan

The preliminary development plan will 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 will 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 will be insufficient 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 will be prepared by a registered professional engineer and will 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 wastewater 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 crossroad 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 will 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/her plan be substituted for the standards of this Ordinance, provided: *(Amended 07/17/17)*

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 will 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 will 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 will 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 will transmit such application to the Planning and Zoning Commission who will 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 will be available at the public hearing and in the City Hall subsequent to the publication of the hearing notice. *(Amended 07/17/17)*

6.4.5 Recommendations

6.4.5.1 Upon consideration of the testimony given at the public hearing, the Planning and Zoning Commission will within thirty (30) days: *(Amended 07/17/17)*

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 Planning and Zoning Commission, the City Council will, within thirty (30) days: *(Amended 07/17/17)*

6.4.6.1.1 Approve the application and issue a Special Use Permit, including the recommendations of the Planning and Zoning Commission, or such other conditions as the City Council may deem appropriate. *(Amended 07/17/17)*

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 will issue the Special Use Permit or will 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 will establish the particular zoning requirements for the planned unit development.

6.5.2 Subdivision Regulations

6.5.2.1 The approved preliminary development plan will serve the purpose of an approved preliminary plat for the planned unit development, and the developer will 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 will 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 will 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 will 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 will 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 will 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, will 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 will conform to the established front yard.

7.2.2.1.3 Side Yard

7.2.2.1.3.1 The total side yard will 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 will be as specified for the district in which the legal nonconforming lot is located. Yards abutting streets and yards abutting residential zones will 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 will 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 that are continuous and with an area less than that required for the district in which they are located are held in common ownership, they will be considered an individual parcel for the purpose of this Article, and will be subject to the regulations for separate ownership, above. If the consolidation of any combination of said lots will help reduce or eliminate lot area or lot width nonconformities, such a consolidation or consolidations will be required prior to issuance of a permit to construct, repair or alter any structure on said property. *(Amended 08/05/19)*

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 will be permitted. *(Amended 08/05/19)*

7.2.5 Creation

7.2.5.1 It will 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 will 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 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 will not after being discontinued or abandoned, be re-established, and the use of the premises thereafter will conform to the regulations of the district in which it is located, except that nonconforming two unit attached dwellings located in a R1, R2 or R3 Single Family Residence District will be permitted to re-establish such nonconforming use so long as the building passes an inspection by the Department of Economic and Community Development and the building conforms with all lot and bulk requirements of the district in which it is located. *(Amended 08/05/19)*

In the event that nonconforming two unit attached dwellings located in a R1, R2 or R3 Single Family Residence District do not conform with all lot and bulk requirements of the district in which it is located, the building will be permitted to re-establish such nonconforming use so long as the 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: *(Amended 08/05/19)*

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 will 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 will constitute abandonment, and the property will 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 will not be considered a legal nonconforming use and will be discontinued and no use will 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, will 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 will 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 will 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, will 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 will 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 will 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 will 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 will 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 building or structure which is above the average ground elevation, such building or structure will not be rebuilt or reoccupied for any use except in accordance with the district regulations of the district in which it is located. *(Amended 08/05/19)*

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

7.4.2.3 Normal maintenance and repairs will be permitted.

7.4.2.4 Enlargements or alterations of an existing nonconforming structure will be permitted, provided that the enlargement or alteration is conforming and does not increase the nonconformance. A nonconforming structure will 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 will thereafter be deemed a lawfully established building.

7.4.2.6 Any nonconforming fence, nonconforming sign, or nonconforming accessory building on any zoning lot where a use has been discontinued or terminated for 6 months must immediately be removed or brought into conformance with the applicable zone regulations. *(Amended 01/07/19)*

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 will 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 will be altered in any way so as to increase the number of dwelling units therein.
- 7.5.3 *(Removed 08/05/19)*

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 Planning and Zoning Commission *(Amended 07/17/17)*

8.1.1.5 *(Removed 07/17/17)*

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 will possess the credentials and qualifications to equitably, impartially and knowledgeably administer and enforce the terms of this Ordinance. The Mayor and the City Council will 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 will:

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 will maintain complete records of all findings of fact and recommendations of the Planning and Zoning Commission and all determinations by the City Council relative to a proposed interpretation, amendment, special use, variation or appeal. Such records will be kept open to the public for inspection. *(Amended 07/17/17)*

- 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 will 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 will 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 will 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 will be made prior to the time of its occupation, construction, alteration, use or reuse. Such inspection will 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 will 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 will 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 will 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 will 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 will 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 uncompleted improvements. *(Amended 01/07/19)*

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: *(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 will be deemed a legal nonconforming use subject to the provisions of Article 7, Nonconforming Uses, Lots and Structures.

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 will 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

8.1.3.1.1.1.3.11 PL - Public Land District

8.1.3.1.1.1.4 All petitions to vary the terms of this Ordinance as they apply to:

8.1.3.1.1.1.4.1 Flood Plain Regulations

8.1.3.1.1.1.4.2 Off-Street Parking Requirements

8.1.3.1.1.1.4.3 Industrial Performance Standards

8.1.3.1.1.1.5 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.

8.1.3.1.1.2 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 will 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 Building Inspector *(Amended 08/05/19)*

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 will 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 will 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 will be filed in the Department of Economic and Community Development and will 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 will be accompanied by the following information which may be shown on one or more drawings, plats, or plans. Fifteen (15) copies will be submitted. *(Amended 08/05/19)*

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 will 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 will 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 firefighting 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 will 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 will 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 Planning and Zoning Commission (*Amended 07/17/17*)

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 will become the conditions of building permits, planned unit developments, special use permits, and variations.

8.1.4 Planning and Zoning Commission (*Amended 07/17/17*)

8.1.4.1 The Planning and Zoning Commission, as established in Title 4, Chapter 1 of the City Code of North Chicago, as amended, is the Planning and Zoning Commission referred to in this Ordinance.

8.1.4.1.1 Jurisdiction and Authority

The Planning and Zoning Commission will 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 and make written recommendations to the City Council on all petitions for special uses and planned unit developments.

8.1.4.1.1.3 Hear and make written recommendations to the City Council on all petitions for variations from the requirements of this Ordinance.

8.1.4.1.1.4 Hear and make written recommendations to the City Council on petitions for annexations to the City of North Chicago.

8.1.4.1.1.5 Hear, review and make written 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.

- 8.1.4.1.1.6 Hear, review and make written recommendations to the City Council on preliminary and final subdivision plats.
- 8.1.4.1.1.7 Hear and decide any appeals from any order requirement, decision or determination made by the Department of Economic and Community Development or the Zoning Administrator.
- 8.1.4.1.1.8 Hear and decide matters relating to the interpretation of specific provisions of this Ordinance.
- 8.1.4.1.1.5 Hear and decide matters relating to the determination of “similar and compatible uses”.
- 8.1.4.1.1.6 To visit the subject property, where applicable, prior to making any recommendations on petitions for map amendments, variations and special use permits, subject to the requirements of the Open Meetings Act, 5 ILCS 120/1 *et seq.*
- 8.1.4.1.1.7 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.
- 8.1.4.1.1.8 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.
- 8.1.4.1.1.9 Hear, decide or 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 Reserved *(Amended 07/17/17)*
- 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 the Planning and Zoning Commission.
(Amended 07/17/17)

- 8.1.6.1.1.2 Approve, disapprove or modify all proposed special uses and planned unit developments, upon receipt of recommendations from the Planning and Zoning Commission. *(Amended 07/17/17)*
- 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 Planning and Zoning Commission. *(Amended 07/17/17)*
- 8.1.6.1.1.4 Upon receipt of the recommendations from the Planning and Zoning Commission, ensure that any changes in this Ordinance are in conformance with all aspects of the North Chicago Comprehensive Plan. *(Amended 07/17/17)*
- 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, will, 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 Planning and Zoning Commission, may, in the manner set forth herein, render a definition of such provisions. *(Amended 07/17/17)*
- 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 will 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/her decision to the Planning and Zoning Commission. *(Amended 07/17/17)*

8.2.2.2 Planning and Zoning Commission Determination (Amended 07/17/17)

8.2.2.2.1 The Planning and Zoning Commission will 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 Planning and Zoning Commission will render a final determination as to the meaning and interpretation of said provision. *(Amended 07/17/17)*

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 will be filed in writing with the Department of Economic and Community Development, and will 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 Planning and Zoning Commission Public Hearing (Amended 07/17/17)

8.2.3.3.1 A public hearing will be held in accordance with the requirements for public hearings established in this Article.

8.2.3.3.2 The Planning and Zoning Commission 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: *(Amended 07/17/17)*

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 Planning and Zoning Commission will determine whether or not the proposed use is to be allowed legitimately as a special use in the zoning district. *(Amended 07/17/17)*

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 Planning and Zoning Commission. No amendment to this Ordinance, be it to the text or map, will be made without due consideration of the intent and purposes for which this Ordinance is adopted. *(Amended 07/17/17)*

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 Planning and Zoning Commission or by any person owning or having an interest in a specific property within the corporate limits of the City. *(Amended 07/17/17)*

8.3.2.1.2 Filing

8.3.2.1.2.1 Petitions for text amendments will be filed in writing on forms provided by the Department of Economic and Community Development and will be accompanied by such documents and information as the Planning and Zoning Commission may by rule require. Such documents and information will include, but are not limited to, the following: *(Amended 07/17/17)*

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 Planning and Zoning Commission Public Hearing *(Amended 07/17/17)*

8.3.2.2.1 The Planning and Zoning Commission will hold a public hearing on a petition for a text amendment within sixty (60) days of receipt of a complete application. *(Amended 07/17/17)*

8.3.2.2.2 Public notice will be given as follows:

8.3.2.2.2.1 The Planning and Zoning Commission will 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. *(Amended 07/17/17)*

8.3.2.2.2.2 The Planning and Zoning Commission will post the public notice not more than thirty (30) days and not less than fifteen (15) days before said hearing. *(Amended 07/17/17)*

8.3.2.2.2.3 The public notice will 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 Planning and Zoning Commission Standards *(Amended 07/17/17)*

8.3.2.3.1 The Planning and Zoning Commission may recommend to the City Council that a proposed text amendment to this Ordinance be granted when and only when it will have determined from evidence presented to it that all of the following have been considered: *(Amended 07/17/17)*

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 Planning and Zoning Commission Recommendation *(Amended 07/17/17)*

8.3.2.4.1 Within thirty (30) days after the close of the required public hearing of a proposed text amendment, the Planning and Zoning Commission will prepare and submit to the City Council written findings and recommendations to affirm, deny or modify the amendment. *(Amended 07/17/17)*

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 Planning and Zoning Commission, 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 will be included in an ordinance passed by said City Council and will thereupon become part of this Ordinance. *(Amended 07/17/17)*

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 will 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 Planning and Zoning Commission or by any person owning or having interest in a specific property within the City of North Chicago. *(Amended 07/17/17)*

8.3.3.1.2 Filing

8.3.3.1.2.1 Petitions for map amendments will be filed in writing on forms provided by the Department of Economic and Community Development, and will be accompanied by such documents and information as the Planning and Zoning Commission may by rule require. Such documents and information will include, but are not limited to, the following: *(Amended 07/17/17)*

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 will 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 Planning and Zoning Commission Public Hearing (Amended 07/17/17)
 - 8.3.3.3.1 The Planning and Zoning Commission will hold a public hearing on a petition for a map amendment. A complete application will be brought before the Planning and Zoning Commission within forty-five (45) days of submittal. *(Amended 07/17/17)*
 - 8.3.3.3.2 Public notices will be provided as follows:
- 8.3.3.3.2.1 By Petitioner
 - 8.3.3.3.2.1.1 The petitioner will 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 will provide notification by regular first-class mail to residents of property within two hundred fifty feet (250"-0") of the subject property. Such notice will 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 will 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 will contain the date of the hearing, the existing and proposed zoning district, intended use and petitioners name and phone number for inquires. Notice will be clearly visible for the public right-of-way. The petitioner will 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 Planning and Zoning Commission (Amended 07/17/17)

8.3.3.3.2.2.1 The Planning and Zoning Commission will 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. *(Amended 07/17/17)*

8.3.3.3.2.2.2 The Planning and Zoning Commission will post the public notice not more than thirty (30) days and not less than fifteen (15) days before said hearing. *(Amended 07/17/17)*

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 Planning and Zoning Commission will contain, at a minimum, the following: *(Amended 07/17/17)*

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 Planning and Zoning Commission Standards *(Amended 07/17/17)*

8.3.3.4.1 The Planning and Zoning Commission may recommend to the City Council that a proposed map amendment be granted when and only when, it will have determined from evidence presented to it that all of the following have been considered: *(Amended 07/17/17)*

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 Planning and Zoning Commission Recommendation *(Amended 07/17/17)*

- 8.3.3.5.1 Within thirty (30) days after the close of the required public hearing, the Planning and Zoning Commission will prepare and submit to the City Council written findings and recommendations to affirm, deny or modify said map amendment. *(Amended 07/17/17)*

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 Planning and Zoning Commission, 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 will be included in an ordinance passed by the City Council and will thereupon become part of this Ordinance. *(Amended 07/17/17)*

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 will 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 Planning and Zoning Commission 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 07/17/17)*

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 will be filed in writing on forms provided by the Department of Economic and Community Development, and will be accompanied by such documents and information as the Planning and Zoning Commission may by rule require. Such documents and information will include, but are not limited to, the following: *(Amended 07/17/17)*

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 Planning and Zoning Commission Public Hearing *(Amended 07/17/17)*

8.4.2.4.1 The Planning and Zoning Commission will hold a public hearing on a petition for a Special Use Permit. A complete application will be brought before the Planning and Zoning Commission within forty-five (45) days of submittal. *(Amended 07/17/17)*

8.4.2.4.2 Public notice will be given as follows:

8.4.2.4.2.1 By Petitioner

8.4.2.4.2.1.1 The petitioner will 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 will provide notification by regular first-class mail to residents of property within two hundred fifty feet (250"-0") of the subject property. Such notice will 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 will 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 will contain the date of the hearing, the existing and proposed zoning district, intended use and petitioners name and phone number for inquires. Notice will be clearly visible for the public right-of-way. The petitioner will 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 Planning and Zoning Commission *(Amended 07/17/17)*

8.4.2.4.2.2.1 The Planning and Zoning Commission will 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. *(Amended 07/17/17)*

8.4.2.4.2.2.2 The Planning and Zoning Commission will post the public notice not more than thirty (30) days and not less than fifteen (15) days before said hearing. *(Amended 07/17/17)*

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 Planning and Zoning Commission will contain, at a minimum, the following: *(Amended 07/17/17)*

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 Planning and Zoning Commission may recommend to the City Council that a special use be granted when, and only when, it will have determined from evidence presented to it that all of the following standards have been complied with: *(Amended 07/17/17)*

- 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 will 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 Planning and Zoning Commission. *(Amended 07/17/17)*
- 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 Planning and Zoning Commission Recommendation *(Amended 07/17/17)*
 - 8.4.2.6.1 Within thirty (30) days of the required public hearing, the Planning and Zoning Commission will prepare and submit to the City Council written findings and recommendations to grant, deny or modify said special use. *(Amended 07/17/17)*
- 8.4.2.7 Conditions and Guarantees of Special Use
 - 8.4.2.7.1 The City Council, acting upon the recommendations of the Planning and Zoning Commission, 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. *(Amended 07/17/17)*
- 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 Planning and Zoning Commission, the City Council, upon the majority vote

of its entire membership, may grant, deny or modify said special use. *(Amended 07/17/17)*

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 will 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 Planning and Zoning Commission or the City Council, said special use will become null and void. *(Amended 07/17/17)*

8.4.4.2 For this purpose, a special use will 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 will 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/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. *(Amended 07/17/17)*

8.5.2 Authorized Variations

8.5.2.1 Variations from the regulations of this Ordinance will be granted by the City Council upon receipt of written findings and recommendations of the Planning and Zoning Commission. The following types of variations may be permitted: *(Amended 07/17/17)*

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 will not be reduced by more than fifteen percent (15%). *(Amended 07/17/17)*

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

8.5.2.1.1.1.4 The building height will not exceed the height limit by more fifteen percent (15%). *(Amended 07/17/17)*

8.5.2.1.1.1.5 The City Council, acting upon written findings of fact and recommendations of the Planning and Zoning Commission, will 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 Planning and Zoning Commission 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 will consider both the hardship to the property owner and the type of building sites already used in the immediate neighborhood. *(Amended 07/17/17)*

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 will not be increased by more than fifteen percent (15%).

8.5.2.1.2.1.2 The floor area ratio will 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 *(Removed 07/17/17)*

8.5.2.1.4.1 *(Removed 07/17/17)*

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 will be filed in writing on forms provided by the Department of Economic and Community Development, and will be accompanied by such documents and information as the Planning and Zoning Commission may by rule require. Such documents and information will include, but are not limited to, the following: *(Amended 07/17/17)*

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 Planning and Zoning Commission Public Hearing *(Amended 07/17/17)*

8.5.3.3.1 The Planning and Zoning Commission will hold a public hearing on a petition for variance. A complete application will be brought before the Planning and Zoning Commission within forty-five (45) days of submittal. *(Amended 07/17/17)*

8.5.3.3.2 Public notice will be given as follows:

8.5.3.3.2.1 By Petitioner

8.5.3.3.2.1.1 The petitioner will 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 will provide notification by regular first-class mail to residents of property within two hundred fifty feet (250"-0") of the subject property. Such notice will 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 will 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 will contain the date of the hearing, the existing and proposed zoning district, intended use and petitioners name and phone number for inquires. Notice will be clearly visible for the public right-of-way. The petitioner will 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 Planning and Zoning Commission (Amended 07/17/17)

8.5.3.3.2.2.1 The Planning and Zoning Commission will 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.

(Amended 07/17/17)

8.5.3.3.2.2.2 The Planning and Zoning Commission will post the public notice not more than thirty (30) days and not less than fifteen (15) days before said hearing.

(Amended 07/17/17)

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 Planning and Zoning Commission will contain, at a minimum, the following: *(Amended 07/17/17)*

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 Planning and Zoning Commission may recommend to the City Council that a variation be granted when, and only when, it will have determined from evidence presented to it, that all of the following standards have been complied with: *(Amended 07/17/17)*

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 Planning and Zoning Commission Recommendation *(Amended 07/17/17)*

8.5.3.3.2.5.1 Within thirty (30) days after the close of the required public hearing, the Planning and Zoning Commission will prepare and submit to the City Council written findings and recommendations to grant, deny or modify said variation. *(Amended 07/17/17)*

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 Planning and Zoning Commission, 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. *(Amended 07/17/17)*

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 Planning and Zoning Commission, the City Council, upon the majority vote of its entire membership, may grant, deny or modify said variation. *(Amended 07/17/17)*

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 will 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 Planning and Zoning Commission 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 07/17/17)*

8.6.2 [Stay of Proceedings](#)

8.6.2.1 An appeal will stay all proceedings in furtherance of the action appealed from, unless the Economic and Community Development Director certifies to the Planning and Zoning Commission after the notice of appeal has been filed that, by reason of facts stated in the application, a stay would in his/her opinion, cause imminent peril to life or property. *(Amended 07/17/17)*

8.6.3 [Procedure for Appeals](#)

8.6.3.1 [Planning and Zoning Commission Public Hearing](#) *(Amended 07/17/17)*

8.6.3.1.1 The Planning and Zoning Commission will hold a public hearing on a petition for an appeal. A complete application will be brought before the Planning and Zoning Commission within forty-five (45) days of submittal. *(Amended 07/17/17)*

8.6.3.1.2 Public notice will be given as follows:

8.6.3.1.2.1 By Petitioner

8.6.3.1.2.1.1 The petitioner will 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 will provide notification by regular first-class mail to residents of property within two hundred fifty feet (250"-0") of the subject property. Such notice will 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 will 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 will contain the date of the hearing, the existing and proposed zoning district, intended use and petitioners name and phone number for inquires. Notice will be clearly visible for the public right-of-way. The petitioner will 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 Planning and Zoning Commission (Amended 07/17/17)

8.6.3.1.2.2.1 The Planning and Zoning Commission will 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. *(Amended 07/17/17)*

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 Planning and Zoning Commission will contain, at a minimum, the following: *(Amended 07/17/17)*

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 Planning and Zoning Commission Determination *(Amended 07/17/17)*

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 Planning and Zoning Commission will, 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 07/17/17)

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 will 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 Planning and Zoning Commission. *(Amended 07/17/17)*

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 will be paid for at the time of filing. The amount of such fees will 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 will 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 will determine those instances in which the outside review is required. The estimated fee will be held in escrow by the City and any unexpended portions of the fee will be returned to the petitioner. *(Amended 08/17/15)*
- 9.1.3 All fees will be paid to the Comptroller.

9.2 VIOLATIONS

- 9.2.1 Failure to comply with any of the requirements of this Ordinance will constitute a violation, and any person upon conviction thereof will 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 will 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 will be fined not less than \$150.00, or more than \$750.00.

ARTICLE 10 SEPARABILITY

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

10.1.1 If any court or competent jurisdiction will adjudge invalid the application of any provision of this Ordinance to a particular property, building or other structure, such judgment will 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 will 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, April 3, 2017
AS AMENDED, May 18, 2009	AS AMENDED, July 17, 2017
AS AMENDED, June 15, 2009	AS AMENDED, October 16, 2017
AS AMENDED, May 17, 2010	AS AMENDED, January 7, 2019
AS AMENDED, August 2, 2010	AS AMENDED, August 5, 2019
AS AMENDED, August 23, 2010	AS AMENDED, January 6, 2020
AS AMENDED, November 15, 2010	AS AMENDED, August 17, 2020
AS AMENDED, December 6, 2010	AS AMENDED, May 3, 2021
AS AMENDED, June 6, 2011	AS AMENDED, March 6, 2023
AS AMENDED, January 17, 2012	AS AMENDED, November 18, 2023
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	