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Chapter 46
ZONING CODE

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ART. I SHORT TITLE

Sec. 46-1 SHORT TITLE-

This Chapter shall be known, and be cited, as "The Lake Forest Zoning Code".

2.1 ADDITIVE USES

Those uses identified in bold in Table 1, the Use Matrix that have been deemed to provide a desired use or to attract additional customers to the business districts.

ART. II RULES AND DEFINITIONS

Sec. 46-2 RULES AND DEFINITIONS---

In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following definitions of word usage shall apply:

(A) RULES----

- (1) Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.
- (2) The words "shall" and "must" are mandatory and not discretionary.
- (3) The word "may" is permissive.
- (4) The word "lot" shall include the words, "piece", "parcel" and "plot"; the word "building" includes all structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "occupied for", and "maintained for".
- (5) All "measured distances" shall be exact to the nearest one-tenth (1/10) foot.
- (6) Where any other "requirement" of this Chapter results in a fraction of a unit, the lower whole number shall be considered a whole unit and any fraction shall be disregarded.
- (7) The word "City" shall mean The City of Lake Forest.

(B) DEFINITIONS---

- (1) **ACCESS AREA** is that land area which is an extended portion of a lot-in-depth or an easement area used to provide ingress and egress to one or more lots in a lot-in-depth subdivision.
- (2) **ACCESSORY BUILDING OR USE** is a building or use which:
 - (a) is located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this Chapter. (See Appendix A.)
 - (b) is incidental to and subordinate in purpose to the principal building or use;
 - (c) is operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal building or use; and
 - (d) may, but need not, be limited to one or more of the following:
 - garden house, private greenhouse, or a children's playhouse
 - a garage, carport, shed or other storage building
 - the storage of merchandise or material normally carried in stock on the same zoning lot with any business or service
 - public utility facilities
- (3) **ALLEY** is a public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.
- (4) **AUTO LAUNDRY** is a manned facility, enclosed in a building, for washing automobiles or other vehicles and utilizing such devices as a vehicle conveyor, blowers, steam cleaners, waxers, or any other such mechanical devices.

- (5) AUTOMOBILE SERVICE STATION is a building or portion thereof, or premises used for dispensing, or offering for sale at retail, any automotive fuels or oils; or where battery, tire, and other similar services are rendered. Automobile service stations do not include open sales and rental lots, as defined herein, the rebuilding, reconstruction or repair of motor vehicles except such repair that can be accomplished in six (6) working hours or less in accordance with the Chilton Flat Rate Manual, or the storage of motor vehicles, other than the temporary storage of vehicles customarily incidental to the performance at such service station of services authorized to be performed hereunder. Facilities, other than auto laundry facilities, as defined herein, for the washing of not more than two (2) vehicles at any time are permitted if enclosed in a building.
- (6) BASEMENT is that portion of a structure which may have part, but not more than one-half, of its height above grade.
- (7) BLOCK is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shore lines or waterways, or municipal boundary lines.
- (8) BLUFF AREA - The Bluff Area shall include all property within or adjacent to a bluff beginning at the point of intersection of a line with the table land, said line extending from the toe of the slope upward at a vertical angle of twenty-two (22) degrees. (See Appendix A.)
- (9) BLUFF EDGE - That point on the lake side of the table land where the slope of the land first exceeds ten (10) percent. (See Appendix A.)
- (10) BOARDING HOUSE is a building other than a hotel where, for compensation and by prearrangement, lodging and meals are provided for at least three (3), but not more than twelve (12) persons who are not members of the principal family which occupies the building as a dwelling.
- (11) BORROW PIT is an excavation of rock, stone, sand, soil or other mineral as it is found in its natural state as part of the earth for the purpose of disposition away from the immediate premises and which shall be in excess of two (2) feet in depth, or at least ten (10) cubic yards in volume, that would be removed from one zoning lot in one year. Not included are excavations for buildings, structures, highways, streets, private roads, driveways, underground utilities, drainage improvements, or floodplain requirements which are authorized and controlled by other sections of the Ordinance, or other ordinances of The City of Lake Forest.
- (12) BUILDING is any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.
- (13) BUILDING AREA is the horizontal area of a building including all projections from the building.
- (14) BUILDING BULK is the term used to indicate the size and setbacks of buildings or structures and the location of a building or structure with respect to another building or structure, and includes the following:
- (a) size and height of buildings;
 - (b) location of exterior walls at all levels in relation to lot lines, streets, and other buildings or structures;
 - (c) gross floor area of buildings or structures in relation to lot area;
 - (d) all open spaces allocated to buildings; and
 - (e) amount of lot area provided per dwelling unit.
- (15) BUILDING, DETACHED, is a building surrounded by open space on the same zoning lot as the principal building but separated from the principal building by not less than ten (10) feet.
- (16) BUILDING HEIGHT is the vertical distance from existing grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof; or to the top of gable, hip and gambrel roof, or to the top of any structure of substance thereupon, excluding required chimneys. (Ord. No. 92-14, Sec. 1)
- (17) CAPACITY IN PERSONS or an establishment or use is the maximum number of persons that can avail themselves of the services (or goods) of such establishment, at any one time, with reasonable safety and comfort, as determined in the Fire Prevention Code of the City.
- (18) CLINIC, MEDICAL OR DENTAL, is an organization of physicians or dentists licensed by the State of Illinois who have their offices in a common building. A clinic shall not include in-patient care.
- (19) CLUBS, PRIVATE, are buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, of which no part of the income is distributed directly or indirectly to its members, owners, directors or officers.
- (20) DESIGNER SHOWCASE DISPLAY HOMES and/or other similar events are those events where the contents or rooms of a house and/or grounds are shown to the public for a period of time exceeding three (3) days in any two (2) week period and where the public pays an admission fee for such event.
- (21) DEVELOPMENT is any man-made change to improved or unimproved real estate, including but not limited to, construction of, or substantial improvements to, buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations.
- (22) DRIVE-IN ESTABLISHMENT is a place of business operated for the sale, dispensing, or serving of food, beverages, other commodities or services, or entertainment, designed and equipped to allow its patrons to be served or accommodated while remaining in their automobiles. It may also allow patrons to serve themselves and consume food, refreshments, or beverages in automobiles on the premises or elsewhere on the premises, but outside any completely enclosed structure. A place of business shall be considered a "drive-in" if, in addition to the consumption of food, refreshments or beverages in automobiles or elsewhere on the premises outside any completely enclosed structure, it allows the consumption of such products within a completely enclosed structure.
- (23) DRIVEWAY is an open space or a private thoroughfare, other than a street or alley, providing vehicular access to one zoning lot.
- (24) DWELLING IS a building, or portion thereof, designed or used as living quarters including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels or motels or rooming and boarding houses.
- (25) DWELLING, ATTACHED, is one which is joined to another dwelling at one or more sides by a party wall or walls or roof
- (26) DWELLING, DETACHED, is one which is entirely surrounded by open space on the same lot.
- (27) DWELLING UNIT consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall be included for each "dwelling unit."
- (28) DWELLING, SINGLE-FAMILY, is a building containing one (1) dwelling unit only.
- (29) DWELLING, TWO-FAMILY, is a building containing two (2) dwelling units only.
- (30) DWELLING, MULTIPLE-FAMILY, is a building, or portion thereof, containing three (3) or more dwelling units.
- (31) EFFICIENCY UNIT is a dwelling unit consisting of one principal room exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.
- (32) ESTABLISHMENT, BUSINESS, is a place of business the ownership, proprietorship, or management of which are separate and distinct from those of any other place of business.
- (33) FAMILY: Two (2) or more persons related to each other by blood, marriage, or legal adoption, living together as single housekeeping unit; or a group of not more than three (3) persons unrelated to each other by blood, marriage, or legal adoption, living together as a single housekeeping unit exclusive of the usual domestic servants.
- (34) FARM is an area which is used for growing farm products such as vegetables, fruit, trees, and grain, and their storage on the area. The term "farming" includes the operating of such an area for one or more of the above uses, including the necessary accessory uses for treating or storing the produce, provided however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities. The area may also be used for the raising of farm poultry and farm animals, but such use shall not include the slaughtering or processing of poultry or animals except for consumption by the person or persons owning or operating the farm, and provided further that farming does not include the feeding of garbage or offal to swine or other animals.
- (35) FENCE HEIGHT shall be the height measured from average ground level to top of fence; average ground level being the mean elevation measured two feet on each side of the fence alignment.
- (36) DELETED.
- (37) DELETED.
- (38) DELETED.
- (39) DELETED.
- (40) FLOOR AREA, for the purpose of determining off-street parking and loading requirements, shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the walls, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or

processing of goods, or to business or professional offices. However, floor area for the purpose of determining off-street parking and loading requirements shall NOT include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to utility purposes, stairwells, or elevator shafts; floor area devoted to off-street parking and loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than that area devoted to retailing activities, to production or processing of goods, or to business or professional offices.

- (41) FLOOR AREA, GROSS is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "gross floor area" of a building shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having headroom of seven feet ten inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in "gross floor area."
- The "gross floor area" of structures devoted to bulk storage of materials -- including, but not limited to, grain elevators and petroleum storage tanks -- shall be determined on the basis of height in feet; i.e., ten feet in height shall equal one floor.
- (42) FLOOR AREA RATIO is an intensity measured as a ratio derived by dividing the gross floor areas of a building or structure by the area of the zoning lot on which it is located.
- (43) FRONTAGE is all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
- (44) FRONT LOT in a lot-in-depth subdivision is a lot which fronts on a public street and could be developed and provided access without the use of an access area.
- (45) GARAGE, REPAIR, is a building or portion thereof, other than a private garage, designed or used for equipping, servicing, or storing motor driven vehicles, including doing general repair and body work.
- (46) GARAGE AND/OR HOUSE SALES are the sale of residential household or similar items on residential premises. This definition shall include such sales as yard sales, attic sales, lawn sales, auctions and similar type sales. It shall not be permitted for any merchandise to be sold that has been purchased or brought onto the property by the resident for the purpose of sale or resale.
- (47) GRADE EXISTING, shall be established by either:
- (a) the Building Pad Elevation, as shown on a subdivision grading plan as approved by the City Engineer; or
 - (b) where such plans do not exist, existing grade shall be the average elevation of the ground surface, in its natural state, measured at the corners of the proposed structure. For structures in excess of 100 feet in length, additional measurements, at 100 foot intervals, measured from the lower corner to the higher corner, shall also be included in establishing the average. This computation must be reviewed and approved by the City Engineer. (Ord. No. 92-14, Sec. 1).
- (48) GROUND FLOOR AREA is the area contained within the outer plane of the enclosing walls of a building at grade, exclusive of garages, carports, unenclosed porches, and unenclosed breezeways.
- (49) GUEST OR SERVANTS HOUSE is a detached accessory building located on the same zoning lots as the principal building and containing living quarters for temporary guests or servants.
- (50) GUEST, PERMANENT, is a person who occupies, or has the right to occupy, a hotel accommodation, boarding house or lodging house as his domicile and place of permanent residence.
- (51) GUEST, TEMPORARY, is a person who occupies, or has the right to occupy, a hotel or motel accommodation, boarding house, lodging house, or guest house as a transient and not as his domicile or place of permanent residence.
- (52) HOME OCCUPATION is any work conducted in a home resulting in the sale of goods or services, or resulting in the taking of orders for such goods and services, either in or out of the home. All such home occupations shall conform to the standards set forth in Section 46-36-(B)-(3) of this Zoning Code. The standards for home occupations are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood, and to clearly establish such home occupations as secondary and incidental in relation to the residential use of the property.
- (53) HOTEL is a building in which lodging, or boarding and lodging, is provided and offered to the public and in which access to all rooms is normally made through a supervised inside lobby or office. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or multiple-family dwelling and motel which are herein separately defined.
- (54) INCOMPATIBLE USE is a use or service which is unsuitable for direct association or contiguity with certain other uses because it is contradictory, incongruous, or discordant.
- (55) KENNEL is a building used for housing or confining more than three (3) dogs. The existence of more than three (3) dogs, age six (6) months or older, on a zoning lot, shall constitute a kennel and shall be subject to all regulations set forth herein.
- (56) LAKE, ARTIFICIAL, is a man-made basin other than a swimming pool, designed, or intended to permanently contain water, which shall have a depth of not less than two (2) feet or a minimum area of two hundred and fifty (250) square feet at the low water stage.
- (57) LIMITED ACCESS HIGHWAY is a traffic-way, including toll roads, for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic-way.
- (58) LOADING BERTH, OFF-STREET, is a space on privately owned property adequate for parking, loading and unloading service vehicles and trucks together with properly related access to a public street or alley. Required off-street loading space for three (3) or more vehicles shall have individual spaces marked and shall be designed, maintained and regulated so that no maneuvering incidental to parking, loading, or unloading shall be on or across any public way or right-of-way.
- (59) LOT is a parcel of land which is either a "lot of record" or a "zoning lot." (See Appendix A.)
- (60) LOT OF RECORD is a lot which is part of a duly recorded plat of subdivision; or a parcel of land which has been conveyed by the identical description by a deed of record recorded prior to November 5, 1923; or a parcel of land conveyed by a deed of record, if on the date of the recording of said deed all the requirements of the subdivision and zoning ordinance then in effect were met.
- (61) LOT, ZONING, is a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record. Every zoning lot must have access to a public street either by having frontage on a public street or by private road, as defined herein.
- (62) LOT-IN-DEPTH is a lot in which the width of the access area for ingress and egress is less than the minimum lot width required for a lot in the zoning district in which the property is located.
- (63) LOT-IN-DEPTH SUBDIVISION is any division of land which contains a lot-in-depth.
- (64) LOT, CORNER, is a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees. (See Appendix A.)
- (65) LOT, REVERSED CORNER, is a corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear. (See Appendix A.)
- (66) LOT, INTERIOR, is a lot other than a corner or reversed corner lot. (See Appendix A.)
- (67) LOT, THROUGH, is a lot having a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines. (See Appendix A.)
- (68) LOT AREA is the area of a horizontal plane bounded by the front, side, and rear lot lines.
- (69) LOT AREA, MINIMUM, is that area of a lot in any zoning district, exclusive of the area of any street, road, private road, or access area or access easement on or across such lot.
- (70) LOT DEPTH is the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries. (See Appendix A.)
- (71) LOT DEPTH, MINIMUM, is equal to the minimum lot width as required by the applicable zoning district but in no case shall said depth be less

than 125 feet.

- (72) LOT WIDTH, MINIMUM, is the horizontal distance between the side lot lines of a lot, measured at the front setback line, and said lot width minimum shall continue for a minimum depth of forty-five (45) feet.
- (73) LOT LINE, FRONT, shall be that boundary of a lot which abuts a public street, or where no public street exists, abuts a private road.
- (74) LOT LINE, REAR, shall be that boundary of a lot which is most distant from, and is or is most nearly, parallel to the front lot line.
- (75) LOT LINE, SIDE, shall be any boundary of a lot which is not a front lot line or a rear lot line.
- (75 A) MEMORIAL GARDEN, is a landscaped area, located on the grounds of a church that is used for the burial of cremated remains. (Ord. No. 92-58, Sec. 1)
- (76) MEZZANINE is an intermediate story between the floor and ceiling of a main story and extending over not more than twenty-five (25) percent of the main floor.
- (77) MOTEL is an establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single lot and designed primarily for use by tourists. A "motel" furnishes customary hotel services.
- (78) MOTOR VEHICLE is a passenger vehicle, motor scooter, motorcycle, truck, trucktrailer, trailer, or semi-trailer propelled or drawn by mechanical or electrical power.
- (79) NONCONFORMING BUILDING OR STRUCTURE is any building or structure which does not comply with all of the regulations of this Chapter or of any amendment hereto for the zoning district in which such building or structure is located.
- (80) NONCONFORMING USE is any use of land, buildings, or structures, lawful at the time of the enactment of this Chapter which does not comply with all of the regulations of this Chapter or of any amendment hereto governing use for the zoning district in which such use is located.
- (81) DELETED.
- (82) DELETED.
- (83) OPEN SALES AND RENTAL LOT is any land used or occupied for the purpose of buying, selling, or renting new or used motor vehicles, boats, trailers, aircraft, recreational or camping equipment, or other commodities, and for the storage thereof prior to sale or rental.
- (84) PARKING, OFF-STREET, is space adequate for parking standard passenger vehicles together with properly related access to a public street or alley.
- (85) PARKING AREA, EMPLOYEE, is off-street parking designed to minimum dimensions including arrangements of parking spaces which are accessible only through other spaces and made available only for parking of vehicles of the owner or employees associated with office or business use.
- (86) PARKING AREA, CUSTOMER, is off-street parking designed and arranged to an approved standard established by the City Surveyor and Engineer that provides parking for all standard passenger vehicles with a minimum of maneuvering and made available as an accommodation to occupants and patrons of the property.
- (87) PAVEMENT is the hard surface area used to provide access to one or more lots. Said hard surface may consist of stone if the pavement is used to serve a single residence or a bituminous or concrete surface if the pavement is used to serve more than one lot.
- (88) PRINCIPAL BUILDING OR USE is the main building or use of land or buildings as distinguished from an accessory building or use.
- (89) PRIVATE ROAD is a private thoroughfare other than a street or alley permanently reserved in order to provide a means of access to more than one zoning lot.
- (90) PLANNED DEVELOPMENT is a tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which may be of a substantially different character than that of surrounding areas. A planned development allows for flexibility not available under normal zoning district requirements.
- (91) PROPERTY LINES are the lines bounding a zoning lot, as defined herein.
- (92) PUBLIC WAY is any sidewalk, street, alley, highway, or other public thoroughfare.
- (93) RAVINE AREA - The Ravine Area shall include all property within or adjacent to a ravine beginning at the point of intersection of a line with the table land, said line extending from the toe of the slope upward at a vertical angle of twenty-two (22) degrees.
- (94) RAVINE EDGE - That point on the ravine side of the table land where the slope of the land first exceeds ten (10) percent.
- (95) RESERVOIR PARKING facilities are those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.
- (96) RESIDENTIAL BOUTIQUES AND HANDMADE CRAFT SALES are a form of Home Occupation, as defined herein, and shall be defined as any retail sale of goods, whether handcrafted in the residence or commercially produced, or any demonstration of available goods and services for the purpose of taking orders that are conducted in a residence and advertised to and held for the benefit of attracting the general public to the premises for the sale.
- (97) RESTAURANT is any building or part thereof, other than a boarding house, where food ready for consumption is sold at retail to the public. This shall include:
- (a) DRIVE-IN ESTABLISHMENTS operated for the sale, dispensing or serving of food, frozen desserts, or beverages, as defined in Section 46-2-(B)-(22) of this Chapter.
- (b) FAST FOOD RESTAURANT is any restaurant which does not meet the criteria for a STANDARD RESTAURANT or DRIVE-IN ESTABLISHMENT as herein defined, provided, however, that the foregoing definition shall not apply to the operation of a retail food store which incidentally prepares individual food orders such as sandwiches, meats, cheeses, salads, or similar items.
- (c) STANDARD RESTAURANT is any establishment where food, frozen desserts or beverages are available in a ready to consume state and where customers are normally provided with an individual menu are served their food or beverages from a kitchen fully equipped for the preparation of complete meals by a restaurant employee at the same table or counter at which said items are consumed, and typically the food, frozen dessert, or beverage are served with reusable dishes and utensils. The fact that a standard restaurant shall incidentally prepare food for off premises consumption in disposable containers shall not prevent it from being classified as a standard restaurant.

A standard restaurant shall include a cafeteria-type operation where food or beverage is served with reusable dishes and utensils is generally consumed on the premises.

- (98) SENIOR COTTAGE means any Dwelling Unit authorized as part of a Senior Cottage Development.
- (99) SENIOR COTTAGE DEVELOPMENT means any development of Senior Cottages pursuant to the standards found in Subsection 46-24(L)(13) of this Code.
- (100) SETBACK LINE, BUILDING, is the minimum horizontal distance between the front line of a building or structure and the street right-of-way line. In cases of pie-shaped lots where street frontage is less than the required lot width minimum, the front yard setback line shall be at the point where the lot width conforms to the minimum required.
- (101) STABLE is a structure for housing a horse or horses.
- (102) STORY is that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above. A half story is a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than sixty (60) percent of the floor area is finished for use.
- (103) STREET is public land improved or unimproved, which affords a primary means of access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, right-of-way or otherwise, but does not include private roads and driveways to buildings.
- (104) STRUCTURE is anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having a permanent location on the ground.
- (105) STRUCTURAL ALTERATION is any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building.

- (106) SWIMMING POOL, PRIVATE POOL, PRIVATE POOL or wading pool of over two (2) feet in depth or with a surface area exceeding two hundred and fifty (250) square feet located on private residential property including portable or temporary type pools installed entirely above ground elevation.
- (107) TABLE LAND - Land where the slope in any direction does not exceed ten (10) percent.
- (108) TOE OF SLOPE - The toe of the ravine or bluff slope is that point in the ravine or bluff where the slope is less than twenty-two (22) degrees or where the slope reverses direction. On compound slopes where there may be more than one possible toe location, the controlling point shall be whichever toe location provides the greater ravine or bluff area.
- (109) USE, OF PROPERTY, is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.
- (110) USE, PRINCIPAL, is the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted" or "special."
- (111) USE, PERMITTED, is a use which conforms with all requirements, regulations, and standards of a particular district.
- (112) USE, SPECIAL, is a use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts.
- (113) YARD is an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portions of a "structure" from the ground upward, except as otherwise permitted in Article III. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which the zoning lot is located. (See Appendix A.)
- (114) YARD, FRONT, is the area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed for each zoning district. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. On corner lots, the front yard shall be considered to be the yard which abuts on the narrowest street frontage of the lot. When a lot lies partially within a planned street or way indicated on the Official Map, as set forth in the Comprehensive Plan, and where such planned street or way is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street or way in the manner prescribed in this definition.
- (115) YARD, REAR, is the area extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots, the rear yard shall be in the rear of the front yard. (See Appendix A.)
- (116) YARD, SIDE, is the area between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto. (See Appendix A.)
- (117) YARD, TRANSITIONAL, is that yard which must be provided on a zoning lot in a B-1 or B-2 district when adjacent to an R or GR District. (See Appendix A.)

ART. III GENERAL PROVISIONS

Sec. 46-3 INTERPRETATION-

- (A) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the preservation of the present character of the City and the public improvements therein, for the conservation of the taxable value of land and buildings throughout the City, for the lessening or avoidance of congestion in the public streets, for securing adequate light, pure air, and safety from fire, flood and other dangers, and for the promotion of the public health, safety, comfort, morals, and welfare of the citizens of the City.
- (B) Where the conditions imposed by any provision of this Chapter, upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Chapter or of any other law, order, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- (C) This Chapter is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Chapter shall govern.
- (D) No building, structure, or use which was not lawfully existing at the time of the adoption of this Chapter or any amendment hereto shall become or be made lawful solely by reason of the adoption of this Chapter and to the extent that, and in any manner that, such unlawful building, structure, or use is in conflict with the requirements of this Chapter, such building, structure, or use remains unlawful hereunder.

Sec. 46-4 SEPARABILITY---

It is hereby declared to be the intention of the City, that the several provisions of this Chapter are separable, in accordance with the following:

- (A) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in such judgment.
- (B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building, or other structure, such judgment shall not affect the application of such provision to any other property, building, or structure not specifically included in such judgment.

Sec. 46-5 SCOPE OF REGULATIONS---

- (A) All buildings erected hereafter, all uses of land or buildings established hereafter, and any structural alteration or relocation of existing buildings occurring hereafter shall be subject to all regulations of this Chapter which are applicable to the zoning districts in which such buildings, uses, or land shall be located.
- (B) However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Chapter or any amendment hereto, and provided that construction is begun within ninety (90) days of such effective date and diligently prosecuted to completion, such building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied under a Certificate of Occupancy (See Article V) by the use for which originally designated--subject thereafter to the provisions of Article IV, Nonconforming Buildings, Structures, and Uses.
- (C) Where a lot is to be occupied for a permitted use without buildings, the side yards and front yard required for such lot shall be provided and maintained unless otherwise stipulated in this Chapter except that side yards shall not be required on lots used for garden purposes without buildings or structures, nor on lots used for public recreation areas without structures.
- (D) No land which is located in a Residence District shall be used for driveway, walkway, or access purposes to any land which is located in an Office or Business District.

Sec. 46-6 NUMBER OF BUILDINGS ON A ZONING LOT ---

Except in the ROS, RE, and OR-2 Districts or as otherwise permitted by a special use, not more than one principal detached building or structure shall be located on a zoning lot.

Sec. 46-7 MINIMUM LOT SIZE---

Subsequent to the effective date of this Chapter (January 15, 1972) no dwelling shall be erected except upon a lot or parcel of land in accordance with the lot size requirements of the district within which it is located, provided, however, that in Single Family Residence or General Residence districts a lot or parcel may be used to build a single family Residence if it is a "Lot-of-Record" regardless of the lot or parcel dimensions or lot area and provided further that all then current yard requirements of the applicable zoning district are met.

Sec. 46-8 LOT-IN-DEPTH SUBDIVISIONS---

- (A) **PURPOSE.** The regulations contained in this section have been created to minimize any adverse impact that subdivisions containing lots-in-depth may have on surrounding properties and existing developments.
- (B) **APPLICABILITY.** The regulations contained in this section are applicable only to lot-in-depth subdivisions approved after May 7, 1979, except for the provision's of Section 46-8-(D) (Yard Requirements) which shall apply to all lots-of-record unless otherwise designated on the Plat of Subdivision.
- (C) In order to provide setbacks as required in Paragraph 2 below and still retain a comparable building area as typically exists in standard subdivisions, the following minimum lot area and widths shall be required:

Zoning District	Minimum Lot Area (Square Feet)	Minimum Lot Width (At the Front Building Setback Line)
R-5	130,000	250 Feet
R-4	66,000	170 Feet
R-3	44,000	150 Feet
R-2	23,000	150 Feet
R-1	16,250	130 Feet

(D) YARD REQUIREMENTS--

- (1) For a lot-in-depth, the minimum front yard setbacks for the zoning district in which the property is located shall be required from all property lines and from the edge of any contiguous-access area abutting the lot as measured from the easement line of said access area.
- (2) For a front lot within a lot-in-depth subdivision the setbacks shall be as required in the applicable zoning district except that the yard adjacent to the contiguous access area shall also meet the required front yard setback of the applicable zoning district as measured from the easement line of said access area.

(E) ACCESS TO LOT-IN-DEPTH SUBDIVISIONS---

- (1) No more than three (3) lots-in-depth or five (5) total lots may be served by a new private road created by a subdivision approved after May 7, 1979. Approval of the further subdivision of an existing lot-in-depth where the number of lots exceeds the limits established above may be granted under unusual circumstances if it is determined that approval of such subdivision is consistent with the purpose of this section.
- (2) In subdivisions containing more than five (5) lots, no lot-in-depth shall be allowed, except as provided in paragraph (E)-(1) above, and no oversized lots shall be allowed wherein the lot thus created could only be further subdivided under this section.
- (3) The access area shall be part of the lot-in-depth, but said access area shall not be counted as part of the area necessary to satisfy the minimum lot area requirements.
- (4) Any portion of a driveway which is used to provide access for more than one lot shall be built in conformance with the standards set forth in The City of Lake Forest Engineering and Construction Standards manual.
- (5) In a subdivision containing more than one lot-in-depth:
- A named private road within the subdivision shall be used for ingress and egress. Such road shall be built in conformance with the standards set forth in The City of Lake Forest Engineering and Construction Standards manual.
 - All lots in a lot-in-depth subdivision shall be provided with all necessary easement rights.
 - All lots-in-depth shall be served from the public street by a single private road.
 - Two adjacent lot-in-depth subdivisions, each of which consists of one front lot and one lot-in-depth, may share a single private roadway located in either subdivision or partly on both.
- (6) A front lot within a lot-in-depth subdivision shall gain access to the public street from the contiguous private road, provided, however, that upon recommendation of the Plan Commission the City Council may waive such requirement if it finds that because of the topography of the area, existing development of the property, or other unique circumstances, such requirement would result in a hardship and waiver of the requirement would not produce adverse effects on adjacent properties, neighborhood or the City. If a waiver is granted and individual access is provided to a lot-in-depth, said access may comply with private driveway standards.
- (7) The pavement of a private road or driveway shall be located so as to have minimal impact on adjacent properties and existing vegetation. To provide for the access area necessary to allow for the installation of the required public improvements and pavement and to achieve the desired pavement location, the minimum width of the access area for a new private road or driveway shall be as follows:

Private Road Access Area Width	40 Feet
Private Driveway Access Area Width	33 Feet

Further subdivision of an existing lot in a lot-in-depth subdivision where the access area widths do not comply with the widths required above may be granted if it is determined that approval of such subdivision is consistent with the purpose of this section and that sufficient improvements can be made to adequately serve the lots created and protect adjacent property from adverse effects.

- (8) No buildings or structures except fences, walls and other similar landscaping materials shall be placed or constructed within the boundary lines of the access area.

(F) LANDSCAPE SCREENING---

- (1) Landscaping, or other suitable screening, shall be required so as to minimize the visual impact on the surrounding properties and the property being subdivided.
- (2) Existing natural vegetation may be used either totally or in part to fulfill the above landscape requirements.
- (3) A landscape plan showing existing and planned vegetation and screening, the exact location of the roadway and/or driveway, topography to two foot intervals, and all nearby improvements on subject and adjoining properties shall be required. Detailed specifications for landscape plan shall be determined by, and the resulting plan submitted to, the Director of Parks, Forestry and Public Works and approved by the Plan Commission.

Sec. 46-9 ACCESSORY BUILDINGS---

- (A) **TIME OF CONSTRUCTION.** No accessory building or structure constructed on any lot prior to the time of construction of the principal building to which it is accessory shall be used for living purposes.
- (B) **PERCENTAGE OF REQUIRED YARD OCCUPIED.** No detached accessory building or buildings or structures permitted by Section 46-9 shall occupy more than forty (40) percent of the area of a required yard in a Residence or General Residence District.
- (C) **HEIGHT.** No detached accessory building or structure shall exceed the height of twenty-five (25) feet in a Residence or General Residence District.
- (D) **ON CORNER LOTS.** On a reversed corner lot in a Residence or General Residence District, and within fifteen (15) feet of any adjacent property to the rear in a Residence or General Residence District, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to the required corner side yard of the principal building. Further, in the above instance, no such accessory buildings shall be located within five (5) feet of any part of a rear lot line which coincides with the side lot line or portion thereof of property in any Residence or General Residence District.

No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, nor upon the required side yard of a reversed corner lot which is adjacent to the street.

- (E) **DISTANCE FROM PRINCIPAL BUILDING OR STRUCTURE.** An accessory building or structure located closer than ten (10) feet to the principal building or structure shall be considered to be part of such principal building or structure and shall comply with the yard and construction requirements for such principal building or structure.

- (F) **IN THE R-1 AND R-2 DISTRICTS.** Detached accessory buildings shall not be constructed between the front lot line and the front of the principal building on the lot.

Sec. 46-10 BULK REGULATIONS---

- (A) CONTINUED CONFORMITY WITH BULK REGULATIONS. The maintenance of yards and other open space and minimum lot area required for a building shall be a continuing obligation of the owner of such building as long as the building is in existence.
- (B) DIVISION OF ZONING LOTS. No improved zoning lot shall hereafter be divided into two (2) or more zoning lots and no portion of any improved zoning lot shall be sold, unless all improved zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the zoning district in which the property is located, the provisions of Chapter 38, "Subdivisions," of The City Code of Lake Forest, 1971, as Amended, and Chapter 9, "Buildings," of The City Code of Lake Forest, 1971, as amended, Section 9-107.1. "Building Scale and Environment."
- (C) REQUIRED YARDS--EXISTING BUILDINGS. No yards, now or hereafter provided for a building existing on the effective date of this Chapter shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Chapter for equivalent new construction.
- (D) PERMITTED STRUCTURES IN REQUIRED YARDS. The following structures shall be permitted in the required yard of all lots:
- (1) IN ALL YARDS: Open patios or terraces not over eight (8) inches above the average level of the adjoining ground; open steps and platforms which are necessary for access to a permitted building; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; fences, walls, and plantings subject to the limitations contained in this Section 46-10.
 - (2) IN FRONT YARDS: Eaves and gutters projecting not more than eighteen (18) inches into the required yard.
 - (3) IN REAR YARDS: Open off-street parking spaces; fallout shelters; outside elements of air conditioning systems located within the setback requirements of accessory buildings; eaves and gutters projecting eighteen (18) inches or less into the yard; swimming pools and appurtenances thereto; tennis courts; and dog runs, provided such uses are not located within twenty (20) feet of any property line. Swimming pool cabanas may be located within the setback requirements for accessory buildings for the zoning district. (Ord. No. 96-15, Sec. 1).
- (E) FENCE, WALL, AND PLANTING LOCATION AND HEIGHT LIMITATIONS:
- (1) GENERAL LIMITATIONS. No fence or wall erected after July 6, 1981, and located in any required yard shall exceed seven (7) feet in height, except in cases of variations in topography. The Director of Community Development may modify such height limitation so as to permit a uniform fence top height throughout the length of the fence. Gates and gateposts exceeding this height limit and transitional fencing on either side of the gateposts necessary to make the transition to the higher gatepost may be approved by the Director of Community Development in those instances when the architecture or structure of the gate/gateposts, in conjunction with the primary residence structure on the property, necessitates more than seven (7) feet of height.

All fences or walls erected in any required yard after May 16, 1996 shall have their finished side facing the street or the abutting property, as applicable. However, the Director of Community Development may approve exceptions to this requirement when compelling evidence is presented showing that the intent of this requirement would still be served if the exception is granted. Such exceptions shall in no case be granted without prior written consent from the affected neighbor, and the Chairman of the Zoning Board of Appeals. (Ord. No. 96-18, Sec. 1).

- (2) ALONG MAJOR ARTERIALS. Fences or walls may be erected along major arterial streets, as indicated below, in conjunction with earthen mounds or berms (unless specifically prohibited by the City through subdivision or Special Use Permit approval process) so as to create a sight/sound barrier between such major arterial streets and the adjoining residential properties.
 - (a) Skokie Highway (U.S. Route 41)
 - (b) Waukegan Road (Illinois Route 43)
 - (c) Kennedy Road (Illinois Route 60)
 - (d) Tollway (Illinois Toll Highway 94)
 - (e) McKinley Road, from Westleigh Road to South City Limits
- (3) IN ANY YARD REQUIRED BY THE ZONING CODE, UNLESS OTHERWISE PROVIDED HEREIN:
 - (a) Fences and walls up to four (4) feet in height need not be setback from property lines.
 - (b) Fences or walls up to seven (7) feet in height may be located on any rear property line and interior side property line to a point within three (3) feet of the front property line and need not be set back from said rear or interior side property line.
 - (c) Fences or walls from four (4) to seven (7) feet in height may be located in any front yard or corner side yard provided such fences or walls are set back at least three (3) feet from the right-of-way. (Fences less than four (4) feet in height may be located on the front property line). The Director of Community Development may approve replacement fences or walls from four (4) to seven (7) feet in height to be located less than the required three (3) feet from the property line setback, should the location of the replacement fence or wall at three (3) feet from the front property line require the removal or destruction of significant mature landscaping or interfere with a pre-established line of fences or walls in the subject property's immediate area. For new or replacement fences or walls, landscape planting to be placed between the fence or wall and said street right-of-way. At the end of two growing seasons, the planting shall consist of landscape material that will provide a consistent year-round coverage of at least thirty (30) percent of the fence or wall area. A cash bond in an amount equal to eight dollars (\$8.00) per lineal foot of fence to be landscaped shall be posted with the Building Department. Said bond shall be returned when the Director of Community Development finds that the landscaping requirements of this paragraph have been met.
- (4) SIGHT AND VIEW RESTRICTIONS:
 - (a) At all street intersections, no fence, wall or planting exceeding three and one half (3 1/2) feet in height above the established street roadway grade shall be erected or maintained after July 6, 1981, within the triangle formed by the intersecting street right-of-way lines and a line joining the points a distance of twenty-five (25) feet from the point of street intersection.
 - (b) Gates or gaps in fences or walls located in front or corner side yards which are used for driveway access must be set back a minimum of twenty (20) feet from the street edge-of-pavement, and fences or walls connecting to the gate or gap shall be set back or angled for sufficient distance to provide safe sight for vehicles emerging to the street from the driveway.
 - (c) Fences or walls located in proximity to principal structures on adjacent lots shall be set back from said structures a distance equal to the height of the fence. (Ord. No. 94-10, Sec. 1).
- (F) HEIGHT EXCEPTIONS: The height limitations of this Chapter shall not apply to:
 - (1) Church spires and belfries.
 - (2) Water towers, fire towers, chimneys and flag poles.
 - (3) Cooling towers, elevator bulkheads and elements of air conditioning systems, which not exceed the height limitation by more than four (4) feet.
 - (4) Radio and television antennae or aerials, noncommercial.
- (G) AREA REGULATIONS: In any district, no building, used or designed for use as a dwelling, and its accessory buildings, shall occupy in excess of thirty (30) percent of the lot.

Sec. 46-11. EXCEPTIONS AND MODIFICATIONS TO USE REGULATIONS:

- (A) Existing railroads and utilities may continue to be operated and maintained in any district, but no new railroad or utility structure other than the usual poles, wires, and underground utilities shall be established in any district except when so authorized by the City Council by Special Use Permit.
- (B) Field offices, construction and storage buildings. (See Section 41-19 of the City Code.) (Ord. No. 92-35, Sec. 2).

Sec. 46-12. BUILDING SETBACK LINES---

Irrespective of any less restrictive requirements contained elsewhere in this Chapter, no permit shall be issued for the construction, relocation, enlargement, or extension of any building, or concrete or masonry wall within the following distances from certain highways or streets within the City.

- (A) Within seventy (70) feet of the established centerline of the right-of-way of that portion of Waukegan Road (Illinois State Highway Route 43) that is

located within the corporate limits of the City.

(B) Within thirty (30) feet of the westerly line of the existing right-of-way of that portion of Skokie Highway extending from Buena Road northerly to Old Elm Road.

(C) Within fifty-three (53) feet of the established centerline of the right-of-way of Everett Road, Telegraph Road, Conway Road, Old Elm Road, and Buena Road.

(D) Within twenty-four (24) feet and six (6) inches of the established centerline of Bank Lane between the southerly line of Illinois Road and the northerly line of Vine Avenue.

(E) Within twenty-eight (29) feet and six (6) inches of the established centerline of Forest Avenue between the southerly line of Westminster and the northerly line of Deerpath.

Sec. 46-13. EXISTING SPECIAL USES---

(A) Where a use is classified as Special Use under this Chapter and existed as permitted, special or lawful nonconforming use on the date of the adoption of this chapter (January 15, 1972) it shall be considered a lawful Special Use subject to the following:

- (1) A Special Use authorized by ordinance of the City Council prior to the adoption of this Chapter (January 15, 1972) may continue to exist subject to the provisions of such ordinance and may be expanded or extended only as provided therein, or in accordance with Section 46-24.
- (2) A use formerly considered a permitted or lawful nonconforming use and made a special use by the adoption of this Chapter (January 15, 1972) may continue in existence after the date of adoption of this Chapter but may not be expanded without first obtaining a Special Use Permit for any proposed expansion in accordance with Section 46-24.

(B) Where a use is not allowed as a special or permitted use under this Chapter or any amendments hereto, and exists as a Special Use at the date of the adoption of this Chapter, it shall be considered to be a nonconforming use and shall be subject to the applicable nonconforming use provisions of Article IV hereof.

Sec. 46-14. FLOODPLAIN REGULATIONS ---

SEE: Chapter 31, Article IV (Planning -- Watershed Development) of the City Code. (Ord. No. 92-35, Sec. 3).

Sec. 46-15. STEEP SLOPES

(A) **PURPOSE.** The provisions contained herein are adopted to protect public and private property from damage or destruction resulting from the natural erosion processes occurring within the ravines and bluffs along the shore of Lake Michigan, or abnormal or accelerated ravine and bluff erosion resulting from land development and construction activities occurring on adjacent or nearby properties, and to protect the fragile ravine and bluff ecosystem from unwarranted damage or destruction caused by land development and construction activities.

(B) **APPLICABILITY.** The provisions contained herein shall apply to all land development and construction activities on all properties abutting ravines and bluffs as delineated by hashed lines on Exhibit A, a copy of which is attached hereto and made a part hereof.

(C) REQUIREMENTS AND RESTRICTIONS.

(1) Building Setbacks:

(a) From Ravines:

All building construction shall be on Table Land, but in no case shall any structure or building foundation be located closer than twenty (20) feet to the Ravine Area.

(b) From Bluffs:

All building construction shall be on Table Land, but in no case shall any structure or building foundation be located closer than seventy-five (75) feet to the Bluff Area.

(2) Construction Activity:

(a) Adjacent to Ravines:

All construction activity; i.e., grading, excavating, filling, terracing, tree removal, stockpiling of excavated material, is prohibited within twenty (20) feet of the Ravine Area, except as may be necessary to provide site drainage improvements, as may be approved and/or required by the City Engineer.

(b) Adjacent to Bluffs:

All construction activity; i.e., grading excavating, filling, terracing, tree removal, stockpiling of excavated material, is prohibited within fifty (50) feet of the Bluff Edge, except as may be necessary to provide site drainage improvements, as may be approved and/or required by the City Engineer.

(3) **Site Landscaping:** Upon completion of construction activities, minimal grading and clearing of existing vegetation may be allowed within the Bluff or Ravine Area in order to install new vegetation and lawn landscaping. However, no such grading, clearing or landscaping will be permitted within twenty (20) feet of the Ravine Edge or within fifty (50) feet of the Bluff Edge.

(4) **Site Drainage:** A Site Grading Permit, approved by the City Engineer, shall be required before any site grading work may take place. Measures shall be required to control storm water runoff from impervious areas, lawns, and footing drains. Wherever feasible, such runoff shall be collected and carried to established storm drainage facilities located away from the Ravine or Bluff Area as the case may be. If discharge into an established storm drainage structure is not feasible, drainage shall be collected and discharged into the ravine channel or from the top of the bluff to its base in a manner which minimizes disruption of the ravine or bluff slope and potential erosion of the bluff toe or the ravine toe-and channel, subject to the specific approval of the City Engineer.

(5) **Channel Modification:** Where the City Engineer finds that an unstable ravine or bluff slope or toe exists or is likely, or where the configuration of the ravine channel has resulted in erosion or suggests the probability of future erosion, channel, toe or slope stabilization measures may be required by the City Engineer.

(6) **Required information:** Prior to submission to the City of a request for Tentative Approval of a Plat of Subdivision or review of an Application for a Building Permit, the owner or agent of the owner of property, subject to this Section, shall submit to the City Engineer all applicable site information, including but not limited to topography, existing trees and vegetation, ravine and/or bluff conditions (including establishment of the limits of the Ravine or Bluff Area), geological and soil conditions, proposed plans for landscaping and lawn installation, and such other information as may be deemed necessary by the City Engineer in order to implement the policy and requirements of this Section.

(D) REVIEW GUIDELINES AND APPROVAL PROCEDURES.

(1) The City Surveyor and Engineer may approve encroachments into the bluff or ravine setback area for the construction of landscape features, auxiliary buildings (slab foundation), bridges, wood decks or other similar facilities, if the City Surveyor and Engineer finds that:

(a) The proposed construction is appropriate only for the requested location.

(b) The proposed construction will have no significant impact on the ravine or bluff area.

(c) The proposed construction is of relatively low value, except for items related to ravines such as vehicular bridges.

(2) The Zoning Board of Appeals may consider variations from the requirements of this section for construction of habitable facilities such as room additions or new residences, and construction of significant auxiliary buildings. In considering such variations, the following guidelines, in addition to the four findings of fact as set forth in Section 46-21-(F)-(3), shall be considered:

(a) Construction in the twenty (20) foot setback for the twenty-two (22) degree slope intersect could be recommended if there exists adequate toe of slope improvements.

(b) Construction in the twenty-two (22) degree slope angle could be recommended if there exists adequate slope or other improvements that effectively increase the stable slope angle.

(c) Variation from building on land that exceeds ten (10) percent slope but is outside of the twenty (20) foot setback from the twenty-two (22) degree slope angle could be recommended if entire slope shows no indication of instability.

(d) Variation from any restriction could be recommended if the requested construction is less nonconforming than the existing residence and the ravine or bluff slope does not show any indication of instability; or if the applicant submits evidence based on current geotechnical engineering practices such as the Simplified Bishop Method of stability analysis whereby variables of soil shear strength,

ground water level, unit weight of soil and slope angles are considered which result in the determination that the particular slope is stable at an angle greater than twenty (22) degrees.

(INSERT RAVINE AREA MAP)

ART. IV NONCONFORMING BUILDINGS, STRUCTURES, AND USES

Sec. 46-16. STATEMENT OF PURPOSE---

This Chapter establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that nonconforming buildings, structures, and uses not be permitted to continue without restriction.

The purpose of this Article IV is to provide for the regulation of nonconforming buildings, structures, and uses, and to specify those circumstances and conditions under which those nonconforming buildings, structures, and uses shall be permitted to continue.

Sec. 46-17. AUTHORITY TO CONTINUE NONCONFORMING BUILDINGS, STRUCTURES, AND USES. Any nonconforming building, structure, or use which existed lawfully at the time of the adoption of this Chapter, or of any amendment hereto, and which remains nonconforming, and any building, structure or use which became or shall become nonconforming upon the adoption of this Chapter or any amendment hereto, may be continued subject to the following regulations.

Sec. 46-18. RESTRICTIONS ON NONCONFORMING BUILDINGS, STRUCTURES AND USES.

Any lawfully existing building, structure, or use which does not conform to the regulations of the district in which it is located may be continued, subject to the provisions of this Article IV, Section 46-18.

(A) REPAIRS AND ALTERATIONS TO BUILDINGS AND STRUCTURES.

(1) **BUILDING OR STRUCTURE DESIGNED OR INTENDED FOR A NONCONFORMING USE.** Repairs and alterations may be made to a nonconforming building or structure, all or substantially all of which building or structure is designed or intended for a use not permitted in the district in which it is located, provided that no structural alterations shall be made which increase the bulk of the building or structure. Repairs and alterations may be made which are required by law or which make the building or structure, or the use thereof, conform to the regulations of the district in which it is located. (Ord. No. 91-76, Sec. 1).

(2) **BUILDING OR STRUCTURE DESIGNED FOR A PERMITTED USE.** Repairs and alterations, including structural changes, may be made to a building or structure in which is located a nonconforming use, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, provided such repairs and alterations conform to the regulations of the district in which such building or structure is located.

(B) ADDITIONS AND ENLARGEMENTS TO NONCONFORMING BUILDINGS OR STRUCTURES. A nonconforming building or structure which is nonconforming as to bulk, and is designed or intended for a permitted use, shall not be added to or enlarged in any manner unless such additions or enlargements thereto are required by law or conform to all of the regulations of the district in which it is located. (Ord. No. 91-76, Sec. 1)

(1) Applicable regulations concerning the amount of lot areas provided per dwelling unit, as provided in this Chapter.

(2) The allowable floor area, as provided in this Chapter.

(C) RESTORATION OF DAMAGED BUILDING OR STRUCTURE DESIGNED OR INTENDED FOR A NONCONFORMING USE. A nonconforming building or structure which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty (50) percent of the cost of the restoration of the entire building new, shall not be restored unless said building or structure, and the use thereof, shall conform to all of the regulations of the district in which it is located, except as provided in Section 46-55-(G). In the event such damage or destruction is less than fifty (50) percent of the cost of restoration of the entire building new, repairs or reconstruction shall be started or positive procedures commenced to start such repairs or reconstruction within six (6) months from the date of such damage or destruction. If the restoration is not started within one (1) year of such calamity and diligently prosecuted to completion, the building or structure shall be removed and the area cleared.

(D) DISCONTINUANCE OF NONCONFORMING USE. If the nonconforming use of a building, structure or premises is discontinued for a continuous period of two (2) years, it shall not be renewed, and any subsequent use of the building, structure, or premises shall conform to the use regulation of the district in which such building, structures, or premises is located.

(E) EXPANSION OF NONCONFORMING USE.

(1) **BUILDING OR STRUCTURE DESIGNED OR INTENDED FOR NONCONFORMING USE.** The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use not permitted in the district in which it is located, shall not be expanded or extended beyond the area in which it exists.

(2) **BUILDING OR STRUCTURE DESIGNED OR INTENDED FOR A PERMITTED USE.** The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended beyond the area in which it exists, nor changed to any other nonconforming use.

(3) **LAND.** The nonconforming use of land, not involving a building or structure, or in connection with any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded or extended beyond the area it occupies.

(F) CHANGE OF NONCONFORMING USE.

(1) **BUILDINGS OR STRUCTURES DESIGNED OR INTENDED FOR NONCONFORMING USE.** The nonconforming use of a building or structure, all or substantially all of which was designed or intended for a use not permitted in the district in which it is located, shall not be changed to another use except a use permitted in the district in which it is located. In an Office or Business District a residence building or structure shall not be changed to an office or business use unless such building or structure complies with all City codes and ordinances pertaining to fire prevention and protection.

(2) **BUILDING OR STRUCTURE DESIGNED OR INTENDED FOR A PERMITTED USE.** The nonconforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use, shall not be changed to another use except a use permitted in the district in which it is located.

(3) **LAND.** The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of land, shall not be changed to any other use, except to a use permitted in the district in which the land is located.

(G) ELIMINATION OF CERTAIN USES. The use of vacant land for storage purposes (where such use is not an adjunct of any structure) which does not conform to the provisions of this Chapter shall be discontinued within five (5) years from the effective date of this Chapter and the same uses of land which become nonconforming by reasons of a subsequent amendment to this Chapter shall also be discontinued within five (5) years from the date of such amendment.

(H) CERTIFICATE OF OCCUPANCY. A Certificate of Occupancy shall be required of all lawful nonconforming business buildings or uses created by the adoption of this Chapter or amendments hereto.

Upon notification by the Administrative Officer, an application for a Certificate of Occupancy for a nonconforming building or use shall be filed with the Administrative Officer by the owner or lessee of the nonconforming building and the Administrative Officer shall issue such Certificate of Occupancy within ten (10) days of completion and filing of such application.

Failure to apply for a Certificate of Occupancy for a nonconforming building or use following notification by the Administrative Officer shall be evidence that such nonconforming building or use was either illegal or did not lawfully exist on the effective date of this Chapter.

Sec. 46-19. ORGANIZATION

The administration of this Chapter is hereby vested in the following:

Administrative Officer
Zoning Board of Appeals
Plan Commission

Sec. 46-20. ADMINISTRATIVE OFFICER

This Chapter shall be administered and enforced by an Administrative Officer who shall be the Director of Community Development or such other officer as may be designated from time to time by the City Manager. The Administrative Officer, in furtherance of such authority, shall:

- A. Issue all Certificates of Zoning Compliance to authorize any change of use, expansion of a use or issuance of building permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy, and make and maintain records thereof.
- C. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Chapter.
- D. Maintain permanent and current records of this Chapter including, but not limited to, all maps, amendments, special uses, variances, appeals and applications.
- E. Forward to the appropriate Board or Commission all applications, including, but not limited to those for Special Use Permits, variances, appeals and for amendments to this Chapter that are initially filed with the office of the Administrative Officer.
- F. Initiate, direct, and review, from time to time, the provisions of this Chapter, and make recommendations to the City Council regarding amendments if determined to be necessary..

Sec. 46-21. ZONING BOARD OF APPEALS.

CREATION, COMPOSITION, TERM

There is hereby created the Lake Forest Zoning Board of Appeals herein referenced as the Board.

- 1. The Mayor, with the advice and consent of the City Council, shall appoint seven Board members with one of the members appointed as Chairman. In accordance with State Statute, each member may serve a maximum of one, five (5) year term, with the terms of the various Commissioners being set to expire on a staggered basis relative to each other in order to maintain some continuity on the Board from year to year.
- 2. Board members may continue to serve beyond the expiration of the term if necessary until a replacement is appointed by the Mayor.
- 3. Four members of the Board shall constitute a quorum.
- 4. Members serve at the discretion of the Mayor.
- 5. The Board shall include persons of diverse backgrounds, to the extent possible, with each Board member demonstrating various skills, knowledge and expertise that facilitate the review of matters that come before the Board.
- 6. One member of the Zoning Board of Appeals may serve concurrently on the Plan Commission with the terms for each body being distinct and separate.
- 7. In the event of a vacancy, the Mayor, with the consent of the City Council, shall appoint a new Board member to fill the remainder of the term in question. Following completion of the term filled, said member may be appointed to a full term consistent with the provisions of this Section.
- 8.

B. PURPOSE

The Zoning Board of Appeals serves as a recommending body to the City Council on requests for variances from Chapter 46, the Zoning Code, of the City of Lake Forest Code as amended and on matters relating to Special Use Permits authorizing expansion of or changes to some existing special uses. With respect to appeals of administrative decisions, the Zoning Board of Appeals renders the final decision at the local level. The Zoning Board of Appeals provides a public forum for input and deliberation on all of the above matters.

C. POWERS AND DUTIES

The Zoning Board of Appeals shall discharge the following duties under this Chapter:

- 1. Review and render a final decision on all appeals from any order, requirement, decision, or determination made by the Administrative Officer, or the Officer's designee, under this Chapter. In rendering a final decision on administrative appeals, the Board may affirm, affirm with conditions, modify or, reverse the decision of the Administrative Officer or the Officer's designee.
- 2. Review and make a recommendation to the City Council on all applications for variances from the requirements of this Chapter
- 3. Review and make a recommendation to the City Council on all applications for Special Use Permits and amendments to existing special uses except those required by Section 46-27, Historic, Residential and Open Space Preservation District and Sections 46-52 thru 46.53.4, relating to the various business districts which are the purview of the Plan Commission.
- 4. Hold public hearings and make recommendations on other matters as appropriate consistent with this Chapter.
- 5. Conduct special studies as directed from time to time by the City Council.
- 6. All recommendations provide to the City Council recommendations with respect to all of the duties listed above shall include written documentation of the Board's findings in support of the recommended action in the manner prescribed herein.
- 7.

D. MEETINGS AND RULES OF THE BOARD

The Board shall conduct all proceedings in accordance with the following:

- 1. All meetings of the Board shall be held in accordance with the meeting schedule adopted by the Board on an annual basis subject to modification by the Chairman.
- 2. Decisions and recommendations of the Board shall be reached only after a public hearing for which notice has been provided in accordance with the requirements of this Chapter.
- 3. All hearings shall be open to the public.
- 4. At all hearings, any interested party may appear in person, or by agent or attorney, and offer evidence and testimony and cross-examine witnesses in accordance with the meeting procedures established by the Board .
- 5. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.
- 6. All witnesses shall be sworn or shall affirm their testimony in the manner required in courts of record.
- 7. All evidence and testimony shall be presented publicly. The Board may take judicial notice of facts to the same extent and in the same manner as courts of record and may consider any relevant facts within the personal knowledge of any member of the Board which are stated into the record by such member.
- 8. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. No hearing shall be conducted without a quorum of the Board being present, which shall consist of a majority of all the members then in office.
- 9.

E. ADMINISTRATIVE APPEALS

1. **Scope of Appeals.** An appeal may be filed by any person aggrieved by a decision of the Administrative Officer or the Officer's designee. Such appeal shall be submitted on a form provided by the City within forty-five (45) days of the action complained of, by filing with the Administrative Officer and with the Board, a notice of appeal specifying the grounds thereof.
2. **Hearing and Notice.** The Board shall hear the appeal within 60 days following the receipt of any appeal under this Chapter, or at the first regularly scheduled Zoning Board of Appeals meeting that has not been fully subscribed or such further time to which the appellant may agree. Notice of date time and place of said hearing shall be provided to the appellant and all parties who have heretofore indicated to the City an interest in the decision.
3. **Transmission of Record.** Prior to the hearing, the Administrative Officer shall transmit to the Board the complete record upon which the action appealed was taken at least five working days prior to the hearing.
4. **Findings on Appeals.** An appeal shall stay all proceedings in furtherance of the action appealed unless the Administrative Officer demonstrates to the satisfaction of the Board, that a stay would cause imminent peril to life or property. In this event the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a Circuit Court on application and on notice to the Administrative Officer from whom the appeal is taken, and on due cause shown.
5. **Disposition of Appeals.** The Board may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it deems necessary and to that end has all powers of the Administrative Officer. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer.
6. **Report to City Council.** The Board shall transmit to the City Council a written report stating the Board's decision on each appeal from an order, requirement, decision or determination of the Administrative Officer for information purposes.
7. **Administrative Review.** All final administrative decisions of the Board shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act," approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

F. VARIANCES

1. **Application for Variance.** An application for a variance shall be filed on a form provided by the City. Such applications shall be filed by or on behalf of the legal or beneficial owner of the property for which a variance is sought. A complete application shall include all of the following unless an item is specifically waived by the Administrative Officer.
 - a. A completed variance application form.
 - b. Disclosure of Beneficial Interests
 - i. If the applicant is a corporation, the application must be accompanied by a resolution of the corporation authorizing the execution and submittal of the application. In addition, the application shall indicate on its face the names of all directors and corporate officers of the corporation and also the names of all shareholders who own individually or beneficially 5% or more of the outstanding stock of the corporation.
 - ii. If the applicant is a general partnership, the application shall contain a list of all general partners who have a 5% or greater individual or beneficial interest in the partnership.
 - iii. If the applicant is a limited partnership, the application shall contain a list of all the names of general partners and the names of all limited partners having a 5% or greater individual or beneficial interest in the partnership.
 - c. Title Report, Warranty Deed or similar instrument.
 - d. Legal description of property and plat of survey
 - e. Statement of Intent addressing variance criteria
 - f. Site plan, elevations, floor plans, roof plans illustrating requested variance
 - g. Tree removal, landscape and grading plans
 - h. Any other materials determined to be necessary by the Administrative Officer
2. **Notice of Hearing.** The Administrative Officer shall have published in a newspaper of general circulation in the City a notice of the time and place of a hearing on a variance and also shall mail notice thereof to the residents and owners of record of all parcels of land, within the Lake Forest city limits, to a depth of three ownerships, but not to exceed 1,320 feet from the perimeter of the property being considered. The publication and mailing shall be made not more than thirty (30) nor less than fifteen (15) days before the date of the hearing.
3. **Transmission of Report and Recommendation.** Prior to the hearing, the Administrative Officer shall transmit to the Board a report, recommendation and background material upon which said report and recommendation are based. The complete application shall be on file and available for Board member and public review in the office of the Community Development Department.
4. **Standards for Variance.** The Board, after a hearing, may recommend a variance from the regulations of this Chapter in cases where there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of these regulations, but only when such variance is in harmony with the general purpose and intent of this Chapter. In reviewing a case, the Board shall require evidence to the effect that:
 - a. The variance, if granted, will not alter the essential character of the subject property, the surrounding area or the larger neighborhood in which the property is located;
 - b. The conditions upon which a petition for a variance are based are unique to the property for which the variance is sought, and are not applicable, generally, to other property with the same zoning classification;
 - c. The alleged difficulty or hardship in conforming with the requirements of this Chapter is caused by this Chapter and has not been created by the actions of any persons presently or formerly having an interest in the property; and
 - d. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - e.

G. DISPOSITION OF VARIANCES

1. **Recommendation by Board of Appeals.** The Board shall transmit its recommendation and written findings of fact to the City Council within thirty (30) days after the close of the hearing on a proposed variance. In its recommendation, the Board may recommend that such conditions and restrictions be placed upon the premises benefited by a variance as may be necessary to comply with the objectives of this Chapter. The concurring vote of four (4) members of the Board shall be necessary to recommend the authorization of any variance from this Chapter.
2. **Disposition by City Council.** Upon receipt of the recommendation of the Board, the City Council shall place such recommendation on its agenda within thirty (30) days and may, by ordinance without further hearing, grant variances from the provisions of this Chapter in accordance with the standards established in Section 46-21-(F)-(3), or may refer it back to the Board for further consideration. Every recommendation from the Board shall be accompanied by written findings of fact specifying the reason for granting such variance. Those applications which fail to receive the approval of the Board shall not be passed by the Council except by the favorable vote of two-third (2/3) of the aldermen then holding office.
3. **Duration of Variances.** No ordinance of the City Council granting a variance shall be valid for a period longer than two (2) years from the date of such ordinance unless within such period the building permit is obtained and the erection or alteration of a building is started or the use is commenced. (Ord. No. 2009-17)

A. CREATION, COMPOSITION, TERM

There is hereby created the Lake Forest Plan Commission herein referenced as the Commission.

1. The Mayor, with the advice and consent of the City Council, shall appoint seven Commissioners with one of the members appointed as Chairman. In order to maintain continuity among Commissioners, each member may serve a maximum of three, consecutive, two-year terms with said terms of the various Commissioners being set to expire on a staggered basis relative to each other.
2. Commissioners may continue to serve beyond the expiration of the term until a replacement is appointed by the Mayor.
3. Four members of the Commission shall constitute a quorum.
4. Members serve at the discretion of the Mayor.
5. The Commission shall include persons of diverse backgrounds with each Commissioner demonstrating various skills, knowledge and expertise that facilitate the review of matters that come before the Commission.
6. One member of the Plan Commission may serve concurrently on the Zoning Board of Appeals with the terms for each body being distinct and separate.
7. One member of the Plan Commission may serve concurrently on the Historic Preservation Commission with the terms for each body being distinct and separate.
8. In the event of a vacancy, the Mayor, with the consent of the City Council, shall appoint a new Commissioner to fill the remainder of the term in question.

B. PURPOSE

The Plan Commission serves as a recommending body to the City Council on matters pertaining to land use and development including, but not limited to, zone changes, Code amendments, subdivisions, Special Use Permits, the Comprehensive Plan and special studies. The Plan Commission provides a forum for public input and deliberation with a focus on long term planning in a manner that safeguards the character, traditions, quality of life and property values of the City of Lake Forest.

C. POWERS AND DUTIES

The Plan Commission shall discharge the following duties under this Chapter:

1. Review all applications for Subdivisions, Planned Preservation Subdivisions and Planned Developments, and for any other matters prescribed by the terms of this Chapter.
2. Review all applications for Special Use Permits for new developments as required by Section 46-27, Historic, Residential and Open Space Preservation District and Sections 46-52 thru 46.53.4, relating to the various business districts.
3. Review all applications for amendments to the official City Zoning Map and to this Chapter.
4. On an annual basis, update the official City Zoning Map.
5. Hold public hearings and make recommendations on other matters as appropriate which it is required to consider under this Chapter.
6. Recommend to the City Council amendments to Chapters 38 and 46 of the Lake Forest Code and the City of Lake Forest Comprehensive Plan as from time to time it deems appropriate after notice of and hearings with respect thereto in accordance with Section 46-23.
7. Conduct special studies as directed from time to time by the City Council.
8. Provide to the City Council recommendations with respect to all of the duties listed above along with documentation of the Commission's findings in support of the recommended action in the manner prescribed herein. (Ord. No. 2009-03)

Sec. 46-23. AMENDMENTS-

- (A) **INTENT.** The regulations imposed and the districts created by this Chapter may be amended from time to time by Ordinance after the Ordinance establishing same has gone into effect, but no amendments shall be made without a hearing before the Plan Commission.
- (B) **APPLICATION FOR AMENDMENT.** All applications for amendment to this Chapter shall be filed with the Administrative Officer in such form and accompanied by such information as required by the Plan Commission and shall include a disclosure of beneficial interests as required by Section 46-25 of the Lake Forest Zoning Code. In the case of applications to amend the Zoning District Map, such applications shall be filed by the legal or beneficial owner of the property for which an amendment is sought. All such applications shall be forwarded to the Plan Commission at the Plan Commission's next available agenda after all required notices have been provided in accordance with State Statutes and City Ordinances.
- (C) **HEARING ON APPLICATION.** Within sixty (60) days of receipt of any application by the Administrative Officer for an amendment, the Plan Commission shall hold a hearing on such application at such time and place as shall be established by the Plan Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Plan Commission may, by rule, prescribe from time to time.
- (D) **NOTICE OF HEARING.** Notice of time and place of such hearing shall be published at least once in a newspaper of general circulation in the City not more than thirty (30) nor less than fifteen (15) days before such hearing. Supplemental or additional notices may be published or distributed as the Plan Commission may, by rule, prescribe from time to time.
- (E) **FINDINGS OF FACT AND RECOMMENDATION OF THE PLAN COMMISSION.** The Plan Commission shall make written findings of fact and shall submit same together with its recommendations to the City Council within thirty (30) days after the close of the hearing on a proposed amendment. The Plan Commission's report to the City Council shall indicate the vote of each member present and voting upon every recommendation and shall contain a statement of reasons why a member or members did not vote in favor of a recommendation. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
- (1) the zoning classification of property within the general area of the property in question;
 - (2) existing uses of property within the general area of the property in question;
 - (3) the suitability of the property in question to the uses permitted under the existing zoning classification;
 - (4) the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification; and
 - (5) that there are chances of changing conditions in the applicable area of the amendment, or in the City generally, that make the proposed amendment reasonably necessary to the promotion of the public health, safety or general welfare.

The Plan Commission may recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the petitioner. The Plan Commission may recommend the adoption of an amendment changing the zoning classifications of the property in question to any higher classifications than that requested by the petitioner. For the purpose of this paragraph, the R-5 District shall be considered the higher classification and the B-2 District shall be considered the lowest classification.

(F) **ACTION BY THE CITY COUNCIL.**

- (1) The City Council shall not act upon a proposed amendment to this Chapter until it shall have received a written report and recommendation from the Plan Commission on the proposed amendment.
- (2) Upon receipt of a written report and recommendation from the Plan Commission, the City Council shall place such report and recommendation on its agenda within thirty (30) days. The City Council may grant or deny any application for an amendment, provided however, that in case of a written protest against my proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, is filed with the Clerk of the City, the amendment shall not be passed except by a favorable vote of two-thirds (2/3) of the aldermen then holding office or such vote as may be required by Division 11, Zoning, of Chapter 24 of the Illinois Revised Statutes.

(G) **REPEAL OF AMENDMENT.** In any case where a change of boundary lines of the Zoning District Map has been granted, and where no development has taken place within one and one-half (1-1/2) years, the Plan Commission may, after written notice to the owner of record of the property and after notice and hearing as herein provided for amendments, recommend to the City Council that such zoning be affirmed or repealed and rezoned to its most appropriate district classification.

Sec. 46-24. SPECIAL USES---

(A) **PURPOSE.** The development and execution of this Chapter is based upon the division of the community into districts, within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and the public need for particular use in the particular location. Such special uses fall into two categories:

- (1) Uses publicly operated or traditionally affected with a public interest.
- (2) Uses entirely private in character, but of such a nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(B) **APPLICATION FOR SPECIAL USE PERMIT.** An application for a Special Use Permit shall be filed with the Administrative Officer on a form prescribed by the Plan Commission and shall include a disclosure of beneficial interests as required by Section 46-25 of the Lake Forest Zoning Code. Such application shall be filed by the legal or beneficial owner of the property for which the Special Use Permit is sought. The application shall be accompanied by plans and data prescribed by the Plan Commission, and shall include a statement in writing by the applicant and adequate evidence that the proposed special use will conform to the standards set forth in Section 46-24-(E). All such applications shall be forwarded to the Plan Commission at the Plan Commission's next available agenda after all required notices have been provided in accordance with State Statutes and City Ordinances.

(C) **HEARING ON APPLICATION FOR SPECIAL USE PERMIT.** Within sixty (60) days of receipt of any application by the Administrative Officer for a Special Use Permit the Plan Commission shall hold a hearing on such application at such time and place as shall be established by the Plan Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Plan Commission shall prescribe.

(D) **NOTICE OF HEARING.** Notice of time and place of such hearing shall be published at least once in a newspaper of general circulation in the City not more than thirty (30) nor less than fifteen (15) days before such hearings. Supplemental or additional notices may be published or distributed as the Plan Commission may, by rule, prescribe from time to time.

(E) **FINDINGS OF FACT AND RECOMMENDATIONS OF THE PLAN COMMISSION**

The appropriate Board or Commission shall make written findings of fact and shall submit same together with its recommendations to the City Council within thirty (30) days after the close of the hearing on a special use. The Board's or Commission's report to the City Council shall indicate the vote of each member present and voting upon every recommendation and shall contain a statement of reasons why a member or members did not vote in favor of a recommendation. No special use shall be recommended by the Board or Commission for approval by the City Council unless the Board or Commission shall find that the petitioner has shown that:

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district, including in business districts, the special use will not negatively affect the overall character of the area or detract from the primary retail nature of the district.
4. The exterior architectural appearance and functional plan of any proposed structure will not be incompatible with either the exterior architectural appearance functional plan of structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district so as to cause a substantial depreciation in the property values within the neighborhood.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The special use shall conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council.

(F) **CONDITIONS.** The Plan Commission may recommend and the City Council may require such conditions or restrictions upon the construction, location and operation of a special use as shall be deemed necessary to secure the general objectives of this Chapter and maintain the value of property in the neighborhood. Such conditions may include, but not be limited to, provisions for the protection of adjacent property, the expiration of such Special Use Permit after a specified period of time, or off-street parking loading.

(G) **ACTION BY THE CITY COUNCIL.**

- (1) The City Council shall not act upon a proposed Special Use Permit until it shall received written findings of fact and a recommendation from the Plan Commission on the Special Use Permit.
- (2) Upon receipt of written findings of fact and recommendation from the Plan Commission, the City Council shall place such report on its agenda within thirty (30) days. Special Use Permits shall be authorized by the City Council by ordinance.

(H) **EFFECT OF DENIAL OF A SPECIAL PERMIT.** No application for a Special Use Permit which has been denied wholly or partly by the City Council shall be resubmitted for a period of one (1) year from the date of such denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Plan Commission.

(I) **USES AUTHORIZED.** Within each zoning district a Special Use Permit may include one (1) or more of the uses listed therein as special uses.

(J) **REVOCATION AND EXPIRATION.** In any case where a special use has not been established within one (1) year after the date of granting hereof, the Plan Commission shall review the Special Use Permit and recommend to the City Council whether or not the Special Use Permit should be revoked. Should a special use or uses authorized by Special Use Permits cease to exist for more than one (1) year, the Special Use Permit shall automatically expire and may be renewed only by complying with the provisions of Section 46-24.

(K) **SPECIAL USE DEVELOPMENT STANDARDS.** Except as herein provided, the minimum size for each zoning lot designed or used for a special use and the minimum yard requirements shall be recommended by the Plan Commission and specified by the City Council. (Ord. No. 94-49, Sec. 4)

(L) **USES REQUIRING A SPECIAL USE PERMIT - RESIDENCE AND GENERAL RESIDENCE DISTRICTS.** The following may be allowed by Special Use Permit in any Residence or General Residence District, as provide in this Section 46-24.

- (1) Cemeteries, but not on zoning lots of less than ten (10) acres in area with a minimum frontage of five hundred (500) feet.

- (1.1) Memorial Gardens.
- (2) Excavations and filling, as follows:
 - (a) Artificial lakes and ponds not associated with the subdivision of an existing zoning lot in which a lake and/or pond may be developed as a part of a drainage system for the subdivision and surrounding area.
 - (b) Borrow pits.
 - (c) Artificial mounds or berms for landscaping purposes exceeding seven (7) feet in height above the natural elevation of the surrounding land.
- (3) Funeral homes and mortuaries on zoning lots of ten (10) acres or more with a minimum frontage of five hundred (500) feet.
- (4) Governmental structures and facilities.
- (5) Institutions, but not on zoning lots of less than 40,000 square feet, including all uses, structures, and facilities customarily incidental to their operation, as follows:
 - (a) Colleges and universities.
 - (b) Elementary and high schools, private or public.
 - (c) Institutions for the mentally handicapped.
 - (d) Day, nursery, and other schools for the care and instruction of children except as permitted in the OR-2 district.
 - (e) Churches, chapels, temples, and synagogues, including associated rectories, parsonages, and parish houses.
 - (f) Hospitals and related health care facilities.
 - (g) Nursing homes.
 - (h) Libraries, art galleries, and museums open to the public.
 - (i) Philanthropic and charitable institutions--but not including businesses sponsored by such institutions except such as are accessory or incidental to and located in the same building as such institution proper.
 - (j) Continuing Care Retirement Communities. (Ord. No. 95-2, Sec. 1)
- (6) Planned Developments, in accordance with Sections 46-26 and 46-27, as follows:
 - (a) Planned Preservation Subdivisions in all districts.
 - (b) Planned Apartment Developments in the GR-4, GR-3, GR-2 and GR-1 Districts.
- (7) Private guest houses and detached living quarters in the R-5, R-4 and R-3 Districts for persons employed on the premises and their immediate family, but only when associated with a single family dwelling located on a zoning lot with twice the minimum area required by the zoning district in which the single family detached dwelling is located.
- (8) Private recreational and social clubs and civic and fraternal organizations on zoning lots of ten (10) acres or more with a minimum frontage of five hundred (500) feet except as permitted in the ROS, OR and OR-2 districts.
- (9) Public utility, service, and equipment facilities, including, but not limited to, telephone exchanges, electric substations and gas regulator stations.
- (10) Natural Preservation Areas, provided that such property must exist and remain in an undeveloped state as a nature preserve devoted exclusively to scientific and educational purposes, shall not be used for any residential, commercial or industrial purposes, and that public access be provided directly to the property or to adjoining property for which similar use is permitted.
- (11) Residential developments in existing buildings having historic architectural, or aesthetic significance, of educational institutions on zoning lots of ten (10) acres or more in existence on May 13, 1978, which historically have provided complete residence and educational facilities for its faculty and students. The residential densities in such existing buildings may exceed those permitted for the underlying classification only when it is determined to be necessary to accomplish the objectives and intent of this section. However, no new residential structures or additions may be constructed on the site which will further increase the density beyond that permitted by the zoning classification. No new accessory facilities or additions may be permitted on the site which are not in harmony with the intent of this section to preserve the historical, and architectural, aesthetic significance of existing structures and sites. In evaluating the appropriateness of the number of dwelling units proposed for such development, the following items, among other things, shall be considered: the historical residential population and use of the site during institutional use, the character of the surrounding area, the topography of the area, the bulk of the buildings existing on the site and the extent of the benefit to the welfare of the community to be derived from preserving the existing aesthetic appearance of the site.
- (12) Non-school related uses of public and private elementary and high school buildings and facilities which either are temporarily or permanently not needed or required for school purposes.
- (13) Senior Cottage Developments, as this term is defined in Subsection 46-2(B)(99) of this Code, shall only be permitted pursuant to a Special Use Permit, which permit may authorize variances from the floor area, setback, and other bulk and yard requirements of the zoning district in which the property in question is located. No such special use permit shall be granted unless the applicant demonstrates, to the satisfaction of the City Council that, in addition to the standards otherwise required for special permit uses as found in Section 46-24E of this Code, the following standards are also satisfied:

a. There is a demonstrable and immediate need for affordable, rental, senior housing units, as evidenced in a market analysis or other competent evidence, within the City of Lake Forest and its immediate vicinity.

b. The proposed Senior Cottage Development is reasonably accessible to commercial areas, public and private services, public transportation routes, or other identified senior magnets, including:

- (1) Market Square
- (2) Settlers' Square
- (3) Lake Forest High School
- (4) District 67 Schools
- (5) Barat Campus and Lake Forest College
- (6) Parks and Open Lands
- (7) Grove School

c. The proposed Senior Cottage Development is to be located on property owned by either the City, the Lake Forest Housing Foundation, or some other similarly situated not-for-profit corporation involved in the development and management of affordable senior housing for the Lake Forest community. Where the property is owned by a not-for-profit corporation other than the Lake Forest Housing Foundation, the not-for-profit corporation shall produce evidence, satisfactory in form and substance to the City Manager in consultation with the City Attorney, that it owns the property in fee simple. Notwithstanding anything provided in this Subparagraph 46-24(L)(13)(c), Senior Cottage Developments may be proposed on property where neither the City, the Lake Forest Housing Foundation, nor another similarly situated not-for-profit corporation has a fee simple or lesser interest in the property; provided, however, that the owner of the property is prepared to transfer ownership in fee simple to either the City, the Lake Forest Housing Foundation or a similarly situated not-for-profit corporation as a condition of the special use permit.

d. The proposed Senior Cottage Development is designed to be architecturally and structurally compatible and consonant in overall site design with surrounding properties. The determination as to whether a Senior Cottage Development is architecturally and structurally compatible and consonant in overall site design with surrounding properties shall be made by the Building Review Board, and, where appropriate, the Historic Preservation Commission.

e. Each Senior Cottage within a proposed Senior Cottage Development shall be designed to accommodate the independent living requirements of persons at least 65 years of age, and shall contain no more than 1,300 square feet of space with no more than one bedroom. Each Senior Cottage shall have an attached or detached single car garage or carport that shall contain no more than 330 square feet. All

square footage calculations for Senior Cottages shall be based on the City's Building Scale Ordinance. In addition, The Senior Cottage Development shall contain at least one Senior Cottage, but in no instance more than five Senior Cottages, and shall provide direct connections to public sidewalks.

f. Each Senior Cottage within a proposed Senior Cottage Development shall be made available exclusively for rental occupancy by a family of not more than two people, provided that at least one of the family-members is at least 65 years of age and the other family-member is at least 21 years of age.

g. Any Senior Cottage Development shall have a restrictive covenant recorded against its property. The restrictive covenant shall be in a form and substance acceptable to the City Attorney and shall contain such terms to assure compliance with the requirements of this Code, and include the following specific provisions:

(i) Each Senior Cottage within a proposed Senior Cottage Development shall be made available exclusively for rental occupancy by a family in accordance with the limitations of Subsection 46-24L(13)(f) of this Code.

(ii) The Senior Cottage Development serves a demonstrable sector of the community in need of affordable, rental housing units that qualify as "low income housing" under the "safe harbor" provisions, adopted as Rev. Proc. 96-32, 1996-1 C.B. 717, by the Internal Revenue Service, (as it may be amended from time to time).

h. Any applicant for a Senior Cottage Development special use permit must demonstrate the financial capability, in form and substance satisfactory to the City Manager, to undertake and operate such development in compliance with the requirements of this Code. In evaluating such financial capability, the City shall consider whether the Senior Cottages and their residents would be eligible to participate in rental subsidy programs designed to serve persons of limited income.

i. Notwithstanding any contrary regulations of this Code, special use permits issued for any Senior Cottage Development may authorize multiple Senior Cottages on one zoning lot.

(M) **USES REQUIRING A SPECIAL USE PERMIT - OFFICE DISTRICT.** The following uses may be allowed by Special Use Permit in the Office District, as provided in this Section 46-24.

- (1) Multiple-family dwellings, independent structures with a minimum zoning lot area per dwelling unit of two thousand (2,000) square feet and Planned Apartment Developments, in accordance with Section 46-26.
- (2) Governmental structures and facilities, except offices.
- (3) Public utilities, service, and equipment facilities, including but not limited to, telephone exchanges, electric substations, and gas regulator stations.

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(O) **USES REQUIRING A SPECIAL USE PERMIT --- OR-2 OFFICE RESEARCH DISTRICT--**The following uses may be allowed by Special Use Permit in the OR-2 Office Research District, as provided in this Section 46-24:

- (1) Medical laboratories and scientific research laboratories (including, but not limited to, pure research, product development, and research manufacturing facilities) not otherwise permitted.
- (2) Sports complex and related facilities for indoor and outdoor athletic training, contests, events, exhibitions and other uses customarily associated with a professional football organization. (Ord. No. 95-41, Sec. 2).
- (3) Governmental structures and facilities, including offices owned by municipal corporations as authorized in a Special Use Permit, excluding active park and recreation facilities. (Ord. No. 06-46, Sec. 2)

(P) **TEMPORARY USE IN ANY DISTRICT---**The City Council may, after providing public notice as required by law, and after conducting a public hearing, direct the City Manager to grant approval of a temporary use of property or structures in any zoning district by charitable and not-for-profit entities for public or quasi-public educational, recreational or cultural uses including, but not limited to, the Lake Forest Symphony, the Deerpath Art League and the Historical Society, if determined by the City council to be in the public interest.

Such temporary uses shall be approved for a period of not more than two years. Established annual community events, that occur for not more than 5 consecutive days, once a year, may be approved by the City Manager without a public hearing or direction from the City Council. A newly proposed annual community event requires review and approval by the City Council prior to City Manager approval. (Ord. No. 98-52, Sec. 1).

(Q) **USES REQUIRING A SPECIAL USE PERMIT – TD TRANSITIONAL DISTRICT.** The following uses may be allowed by Special Use Permit in the TD Transitional District, as provided in this Section 46-24:

- (1) Single family residential dwellings that do not meet the requirements of the R-5 Zoning District.
- (2) Multiple family dwellings.
- (3) Office buildings, including accessory commercial uses for the convenience of the office building occupants.
- (4) Adaptive re-use buildings that may contain restaurants, educational facilities, daycare facilities, clubhouses, offices, and any other use approved by ordinance duly adopted by the City Council.
- (5) Civic, religious, institutional, recreational, and cultural uses.
- (6) Financial institutions.

Special uses proposed for any area within the TD Transitional District shall be consistent with the City's Comprehensive Plan, with consideration to the natural features on, and development adjacent to, the property.

Sec. 46-25 APPLICATION--DISCLOSURE OF INTERESTS.

All applications for variations (Section 46-21-(F)-(I)), amendments (Section 46-23-(B)- and Special Use (Section 46-24-(B)), shall set forth on their face the following information:

(A) If the applicant is a corporation, the application must be accompanied by a resolution of the corporation authorizing the execution and submittal of the instant application. In addition, the application shall indicate on its face the names of all directors and corporate officers of the corporation and also the names of all shareholders who own individually or beneficially 5 % or more of the outstanding stock of the corporation.

(B) If the applicant is a general partnership, the application shall contain a list of all general partners who have a 5 % or greater individual or beneficial interest in the partnership.

(C) If the applicant is a limited partnership, the application shall contain a list of all the names of general partners and the names of all limited partners having a 5 % or greater individual or beneficial interest in the partnership.

(D) If the applicant is a land trust or any other trust, the application shall contain the names and addresses of all beneficiaries of the trust together with their respective interests in the trusts. The application shall be further verified by the applicant in his capacity of trustee or by the beneficiary as a beneficial

owner of an interest in the trust and the application shall be signed individually by as many beneficiaries as are necessary to constitute greater than 50% ownership of the beneficial interest of the trust.

Sec. 46-26. PLANNED DEVELOPMENTS—

(A) **PURPOSE.** The regulations contained in this section are established to encourage imaginative design and to preserve natural features such as floodplains, woodlands, wetlands, bluffs and ravines, and also, to provide open space for landscaped berms, buffer areas, recreational facilities or storm water retention facilities. The standards contained in this section are intended to provide a development alternative to the zoning standards applicable to the underlying zoning for the property. To be eligible for approval, proposed developments must comply with all the provisions of this section, be in the public interest, be compatible with the character of Lake Forest, and be in accord with the Comprehensive Plan of The City of Lake Forest. A planned development shall be reviewed and evaluated for compliance with the statement of purpose and shall only be approved after a determination has been made by the Plan Commission subject to the approval of the City Council that the proposed development meets the purposes stated in this paragraph and the standards stated in the appropriate section. Additionally, each of the individual types of planned regulations was created for the following purposes:

- (1) **PLANNED PRESERVATION SUBDIVISION.** The Planned Preservation Subdivision provisions permit creation of developments which preserve and protect architecturally significant homes and estates, and significant parts of the landscape heritage of the City, through the dedication of common open space and the use of innovative subdivision design techniques for single family dwellings in residential districts.
- (2) **PLANNED APARTMENT DEVELOPMENT.** The Planned Apartment Development provisions are established to provide a safe and desirable living environment characterized by a unified building and site development plan, to preserve natural features of the site, and to provide adequate open space for recreation and other outdoor living purposes.
- (3) **PLANNED BUSINESS DEVELOPMENT.** The Planned Business Development provisions are established to strengthen the economic viability and to enhance the aesthetic qualities of the Central Business District through the promotion of larger scale developments of unified design and to increase the total value of business property for the benefit of the owner and the community.

(B) **DESIGN STANDARDS.** The design standards and definitions set forth in Sections 38-2 and 38-51 of the conventional Subdivision Ordinance shall be applicable to all planned residential developments.

(C) **PLANNED APARTMENT DEVELOPMENT.**

- (1) **PERMISSIBLE ZONES.** A Planned Apartment Development shall be permitted only in the GR-4, GR-3, GR-2, and GR-1 General Residence Districts.
- (2) **SITE STANDARDS.**
 - (a) A Planned Apartment Development shall be permitted on zoning lots the minimum size of which are in accordance with the provisions of each District.
 - (b) A Planned Apartment Development shall be served by public water supply and be connected to the public sanitary sewer system.
 - (c) The site for any Planned Apartment Development shall have public street frontage to construct the necessary road or roads needed to serve such development.
- (3) **DEVELOPMENT STANDARDS.**
 - (a) Except as otherwise provided herein, the maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the district or districts in which the development is located. Net development area shall be determined by subtracting from the gross development area the area set aside for nonresidential uses and the area devoted to public or private streets or roads. The area of land set aside for common open space or recreational use and off-street parking may be included in determining the number of dwelling units permitted.
 - (b) The land area covered by the main building or buildings shall not exceed thirty percent (30%) of the net development area.
 - (c) Along the periphery of the Planned Apartment Development, yards shall be provided as required by the regulations of the district in which such development is located; provided, however, that such requirement might be modified on a showing by the applicant of a more workable or compatible arrangement.
 - (d) The spacing between principal buildings shall be at least equivalent to such spacing as would be required between buildings similarly developed under the terms of this Chapter on separate zoning lots.
 - (e) Upon recommendation of the Plan Commission and approval by the City Council the lot area provided for each dwelling unit may be reduced to 2,650 square feet in the GR-2 District.
 - (f) Upon recommendation of the Plan Commission and approval by the City Council the lot area provided for each dwelling unit may be reduced to 1,700 square feet in the GR-1 District if underground parking is provided for at least seventy-five percent (75%) of all parking on the site.
- (4) **OPEN SPACE REGULATIONS AND MAINTENANCE.** In Planned Apartment Developments where ownership rests with those who reside within the development, the developers shall prepare and file with the Plan Commission, as companion documents with the proposed Planned Apartment Development plan, documents establishing a Homeowners Association composed of all future owners of the development with the responsibility of continuously regulating and maintaining all open space and other common elements of the development.
- (5) **REQUIRED PLANS, PLATS, AND PROCEDURES.**
 - (a) Any applicant for a Planned Apartment Development under these regulations shall file with the Plan Commission an application, including the following information:
 - 1) A statement describing the general character of the intended development together with such pertinent information as may be necessary to determine that the contemplated development conforms to the requirements of this Section and the general and specific standards established herein.
 - 2) A site plan indicating the arrangement and tentative location of buildings, uses permitted, land to be preserved as permanent common open space, parking and loading spaces, and other special features of the development plan.
 - 3) A draft of the proposed protective covenants whereby the owner proposes to regulate land use and otherwise protect the development.
 - 4) A draft of any proposed incorporation agreement and a draft of any bylaws or easement declaration concerning maintenance of open space and other common facilities.
 - 5) Architectural elevation and perspective drawings of all proposed structures and improvements.
 - 6) A development schedule indicating:
 - a) the approximate date when construction of the project can be expected to begin;
 - b) the stages in which the project will be built and the approximate dates when construction of each stage can be expected to begin;
 - c) the anticipated rate of development;
 - d) the approximate dates when development of each of the stages will be completed; and
 - e) the area and location of common open space that will be provided at each stage.
 - 7) A landscaping plan including a comprehensive drainage plan.
 - 8) A statement of proposed financing and financial assurance acceptable to the Plan Commission and City Council guaranteeing that once any stage of a development is started it will be completed.
 - 9) A tentative plat of subdivision prepared in accordance with all provisions of Chapter 38, "Subdivisions," of the City Code of Lake Forest, 1971, as Amended.
 - (b) The Planned Apartment Development shall be examined and evaluated by the Plan Commission in terms of the statement of purpose contained herein, and may be recommended for approval only after a determination has been made that the proposed development does in fact serve such purpose.
 - (c) No Planned Apartment Development shall be recommended by the Plan Commission for approval by the City Council unless such complies with all of the other standards provided in Chapter 38, "Subdivisions," of the City Code of Lake Forest, 1971, as Amended.

(D) **PLANNED BUSINESS DEVELOPMENT.**

- (1) **PERMISSIBLE ZONES.** A Planned Business Development shall be permitted only in the B-2 Community Business District.

- (2) SITE STANDARDS. A Planned Business Development shall be permitted only on zoning lots of 40,000 square feet or more.
- (3) DEVELOPMENT STANDARDS.
- (a) In a Planned Business Development, the total gross floor area shall not exceed three (3) times the area of the zoning lot on which the Planned Business Development is located.
 - (b) In a Planned Business Development, the bulk requirements of the B-2 District may be modified in accordance with a comprehensive site development plan.
 - (c) In a Planned Business Development, if seventy-five percent (75%) or more of all on-site off-street parking is located underground or in a basement substantially screened from view from the outside, the total gross floor area specified in paragraph (1) above, may be increased by fifteen percent (15%).
 - (d) In a Planned Business Development, if a twenty (20) foot setback is provided along one (1) or more streets on which the Planned Business Development fronts, the total gross floor area specified in paragraph (1) above, may be increased by five percent (5%) for each such street setback.
 - (e) In a Planned Business Development, multiple-family dwellings may be permitted with a minimum zoning lot area per dwelling unit of two thousand (2,000) square feet. Additionally, the gross floor area devoted to dwelling units shall not exceed the gross floor area devoted to business uses.
- (4) REQUIRED PLANS, PLATS, AND PROCEDURES.
- (a) Any applicant for a Planned Business Development under these regulations shall file with the Plan Commission an application, including the following information:
 - 1) A statement describing the general character of the intended development together with such pertinent information as may be necessary to determine that the contemplated development conforms to the requirements of this Section and the general and specific standards established herein.
 - 2) A site plan indicating the arrangement and tentative location of buildings, uses permitted, open space and landscaped areas, pedestrian walkway areas, parking and loading spaces and facilities, and other special features of the development plan.
 - 3) Architectural elevations and perspective drawings of all proposed structures and improvements.
 - 4) A development schedule indicating:
 - a) the approximate date when construction of the project can be expected to begin;
 - b) the stages, if any, in which the project will be built and the approximate dates when construction of each stage can be expected to begin;
 - c) the anticipated rate of development;
 - d) the approximate dates when development of each of the stages will be completed.
 - 5) A landscape plan including a comprehensive drainage plan.
 - 6) A statement of proposed financing and financial assurances acceptable to the Plan Commission and City Council guaranteeing that once any stage of a development is started it will be completed.
 - 7) A tentative plat of subdivision prepared in accordance with all provisions of Chapter 38, "Subdivisions," of the City Code of Lake Forest, 1971, as Amended.
 - (b) The Planned Business Development shall be examined and evaluated by the Plan Commission in terms of the statement of purpose contained herein, and the Plan Commission may recommend such Planned Business Development for approval by the City Council only after a determination has been made that the proposed development does in fact serve such purpose.
 - (c) No Planned Business Development shall be recommended by the Plan Commission for approval by the City Council unless such complies with all of the standards provided in Chapter 38, "Subdivisions," of the City Code of Lake Forest, 1971, as Amended.

Sec. 46-27. HISTORIC RESIDENTIAL AND OPEN SPACE PRESERVATION--

(A) PURPOSE.

- (1) The regulations contained herein are adopted pursuant to the Illinois Revised Statutes (Ill. Rev. Stat., Ch. 24, Paragraph 11-13-1) to ensure and facilitate the preservation of sites, areas, buildings, structures, landscaping, woods and other natural terrain features, and the character of surrounding areas which are individually and/or collectively of special historical, architectural, aesthetic, cultural and/or ecological significance to the City and its citizens, and are desirable in order to maintain the value of property within The City of Lake Forest and the distinct urban ambiance that characterizes The City of Lake Forest as a unique community in the United States. Because of the collective significance of the properties within the District, Special Use Permits, demolition of structures, and subdivisions of land within the district are of special concern to The City of Lake Forest and its citizens, thereby necessitating special standards and procedures for review and approval. To be eligible for approval under this section, proposed uses, actions and developments must comply with all provisions of this section and be compatible with the character of Lake Forest and the ambiance of the Historic Residential and Open Space Preservation District.
- (2) It is a further purpose of this section to preserve the architecturally significant homes and estate properties concentrated in The City of Lake Forest, and rarely found elsewhere in Illinois or in the Midwest, because such homes and properties comprise an irreplaceable historic resource embodying high standards of architectural design and craftsmanship that represent a significant period of residential development, which is important and rare in American history and whose continued existence is desirable in order to maintain the existence is desirable in order to maintain the distinct urban ambiance that characterizes The City of Lake Forest as a unique community in the United States; provided that such preservation can be accomplished without any material adverse effect upon the particular property involved.
- (3) It is also the purpose of this section to protect those areas or portions of property identified on the Historic Residential and Open Space Preservation Map as significant parts of the landscape heritage of Lake Forest, such as wetlands, floodplains, poor soils, woodlands, meadows, prairies, savannas, environmentally sensitive, and/or significant open space, from increasing development pressures while being sensitive to the rights of individual property owners to develop their properties in accordance with the rules and regulations as set forth by City standards. Innovative design and site planning solutions are encouraged when contemplating development to achieve the purposes of this section. It is not the primary intent of this ordinance to allow density transfers, thus preserving large areas of open space, for properties that would not otherwise be buildable, such as those areas listed above in this paragraph.

(B) DESIGNATION AND DEFINITION OF THE HISTORIC RESIDENTIAL AND OPEN SPACE PRESERVATION DISTRICT AND GENERAL PROVISIONS.

- (1) A Historic Residential and Open Space Preservation District is hereby created as a special district which is to function as a secondary zoning district superimposed on the existing zoning districts contained in the Official Map of The City of Lake Forest.
- (2) The Historic Residential and Open Space Preservation District which may comprise separate and distinct areas shall be labeled on the District Map of The City of Lake Forest as The Historic Residential and Open Space Preservation District, as provided in Section 46-34. The locations and boundaries of the district shall be as set forth on said District Map, as amended from time to time by the City Council.
- (3) The City Council may, from time to time, add to or delete from the Historic Residential and Open Space Preservation District.
- (4) In revising the boundaries of the district and in the Historic Residential and Open Space Preservation District map, the following criteria shall be considered:
 - (a) The historic, architectural, aesthetic and/or cultural significance or value of any area, site, building, structure, and/or landscaping, streetscape, road frontage, vistas, or terrain feature, either individually or in relation to each other or to natural or physical boundaries.
 - (b) The visual, geographic, and density relationship of any such site, building, structure, or feature to its surrounding area.
 - (c) The age, history, architectural or historical style or period, construction, craftsmanship, uniqueness, ecological value, topographical significance, or irreplaceability of any such building, structure, or feature, considered individually or collectively.
 - (d) The designation by governmental bodies of any area, site, building, structure, or feature, having any historic, architectural, aesthetic, ecological and/or cultural significance or value to the community.
 - (e) The establishment of naturally definable boundaries and buffer areas necessary to prevent encroachment of uses, development, or

other influences potentially adverse to the preservation purpose of this section.

- (f) Natural features on the site deemed worthy of preservation in accordance with standards set forth in the Environmental Plan and Open Space Plan for the preservation of streams, floodway and floodplain areas, wetlands, woodlands, savannas, prairie, bluffs, and ravines.

- (5) All property and structures contained within the Historic Residential and Open Space Preservation District are collectively significant and are hereby declared to be of a special historic, architectural, cultural, ecological and/or aesthetic significance to The City of Lake Forest by their very inclusion since each individually contributes to the ambiance existing within the District which is an irreplaceable resource.

(C) **APPLICATIONS REQUIRING SPECIAL REVIEW.** Applications for any of the following actions within the Historic Residential and Open Space Preservation District are subject to this section (C) and the following section (D) and the submission and approval requirements designated: (1) Application for Subdivision of any land; or (2) Application for a Special Use Permit as permitted according to the underlying zoning. Any application for a permit for the demolition of any structure within the Historic Residential and Open Space Preservation District is subject to this section and the submission and approval requirements designated.

- (1) **SPECIAL USE PERMIT REQUIRED FOR SUBDIVISION.** All applications for subdivision of land within the District shall be considered as a Special Use Permit application, pursuant to this Code, and be processed as a Planned Preservation Subdivision in accordance with the rules and procedures contained in Sections 46-24 and 46-26, provided, however, that:

- (a) Section 46-24-(G)-(2) shall not apply to Planned Preservation Subdivisions considered under this section.
(b) No minimum acreage shall be required for a subdivision to be considered as a Planned Preservation Subdivision.
(c) The underlying zoning of the subject property shall govern the number of lots permitted within any subdivision approved under this section, provided that the area of any street, road or access easement, on or across such property, shall be excluded, as in the conventional subdivision process.
(d) The size of lots in such subdivisions shall be determined based upon the purposes of this section. The lot area on which an existing structure is to be located may be required to be greater than the minimum allowed in order to preserve its aesthetic or environmental relationship to surrounding properties and/or to significant accessory structures, gardens, landscaped areas, and natural terrain features of the property or adjacent structures and property. Similarly, the areas of the remaining lots may individually be required to be greater or smaller than the minimum lot size allowed under the existing zoning classification for the purpose of protecting significant structural, architectural, or environmental features on the property or adjacent properties, provided that no more than the number of lots calculated in paragraph (c) above, shall be permitted.
(e) The City may approve a "conventional subdivision" plan in lieu of a Planned Preservation Subdivision if it finds that such subdivision more fully and appropriately meets the intent and purpose of this section.

- (2) **ALL OTHER SPECIAL USE PERMITS IN DISTRICT.** Special Use Permits allowed in the underlying zoning shall be processed in accordance with the rules and procedures contained in Section 46-24, in addition to any requirements and/or criteria in this section which may be more restrictive.

(D) **REVIEW CRITERIA.**

- (1) **REVIEW REQUIREMENTS.** Any property within the Historic Residential and Open Space Preservation District may be subdivided and/or used for any special use that is permitted under the underlying zoning upon approval of the City Council, after the review and consideration by the Plan Commission of the appropriateness of any such subdivision or special use, based on the criteria established in this section and in other applicable sections of the City Code.

- (2) **SUBMISSION DOCUMENTS REQUIRED.** The following information shall be filed with the Administrative Officer together with any other documentation requested by the Plan Commission or City Manager unless waived in whole or in part by the City Manager. The developer shall bear all costs associated with providing these items.

- (a) A full statement of reasons and purposes for which the application is made, a description of the action proposed to be taken and the manner and timing in which it is to be implemented, if approved.
(b) An inventory of features or elements worthy of preservation on the subject property may be required and, if required, shall include any features or elements having any historic, architectural, aesthetic, cultural and/or ecological value such as the main house, formal gardens, outbuildings, walls, reflecting pools or fountains, wetlands, floodplains, woodlands, and other such similar features or elements.
(c) An assessment of the subject property by a qualified specialists demonstrating whether adjoining ecosystems may be adversely affected. The developer shall provide to the City a detailed listing of the professional qualifications of all specialists to be used, along with any other information deemed necessary.
(d) All other information required for the review of conventional development pursuant to applicable City requirements.

- (3) **DETERMINING APPROPRIATENESS.** In considering the appropriateness of an application under this section, findings must be made, in addition to the findings required in other applicable sections of the City Code, that the application would not:

- (a) **Adversely Affect the Subject Property and/or any Structure.** Adversely affect the residential value, use or character of the property or structure nor deprive the structure of grounds of size, configuration and relative proportions necessary to preserve the integrity, value and character of the structure and to maintain its relationship with its surroundings.
(b) **Adversely Affect Other Property or Structures.** Be significantly detrimental to the residential value, character, or use of any sites, streets, or areas within the Historic Residential and Open Space Preservation District visually related to or surrounding the site or structure which is the subject of the Special Use Permit.
(c) **Materially Damages Destroy, Change or Neglect.** Materially damage, destroy, change or neglect: (1) those primary elements or features of a structure which enhance such structure's residential value, use or character; or (2) any other significant elements or features of the property that contribute to the ambiance of the Historic Residential and Open Space Preservation District.
1) If such damage, destruction, change, or neglect was effected in anticipation of said submission, or while said submission is under review, so as to avoid the requirements of this section, the application shall be construed by the Plan Commission and the City Council as proposing such damage, destruction, change, or neglect just as though it had not occurred. Further, the Plan Commission and the City Council may require repair, renovation, restoration or reconstruction of any damaged, destroyed or changed matter at the expense of the owner of and/or applicant for such property, if the City finds that said matter is a material element of the property in question and is necessary to meet the purpose of this section.

(E) **VARIATIONS.** Under special or unusual circumstances the City Council may grant variations to this section, or any other City Codes, that are found to be consistent with the purposes of this section and necessary to meet or fully realize said purposes provided that the underlying density is maintained and that new structures shall be in accordance with the existing zoning; provided, that the Construction Codes Commission shall consider any variances to the Construction Codes of The City of Lake Forest pursuant to Section 9-112 of the City Code.

(F) **OPEN SPACE PRESERVATION, REGULATION, AND MAINTENANCE.**

- (1) Any Planned Preservation Subdivision open space shall be common open space for the enjoyment or benefit of all residents. Each building site need not abut common open space; however, convenient access through permanent easement must be provided and perpetually guaranteed to all building sites not abutting common open space.

- (2) Common open space areas may be devoted to the following purposes, provided, however, that all such facilities have been approved by the City Council as part of a detailed landscape and amenities plan:

- (a) natural areas, consisting of existing or restored native vegetation, such as floodplains, woodlands, wetlands, savannas, prairies, ravines and bluffs and/or landscape areas, including landscaped berms;
(b) active or passive recreational facilities or amenities.
(c) farming and agricultural uses, such as pastures, meadows, and crop fields, consistent with the permitted uses as set forth by the underlying zoning district.

- (3) Common open space shall not be subject to further subdivision.

- (4) It is encouraged that property located adjacent to existing open space, during the design of any development, attempt to align all proposed open space with existing open space.

- (5) All or part of a common open space area to be dedicated to the City and operated as a City recreational or educational facility, a storm water detention facility, or for other appropriate public purposes.
 - (6) The required subdivision plat shall contain the appropriate notations and clauses reflecting dedications, easements, reservations, regulations, and requirements concerning ownership and responsibility for common space areas and facilities.
 - (7) When property is identified on the Historic Residential and Open Space Preservation District map as having wetlands, mature woodlands, significant road frontage or streetscape, and/or other similar features, the use of conservation easement, variations in lot sizes and setbacks above or below the minimums required by the District, may be encouraged to help achieve the purposes of this section.
- (G) MISCELLANEOUS.
- (1) Unless otherwise provided by this Ordinance, the provisions set forth in the Building Code, Zoning Code, and Subdivision Ordinance, and the Regulations and Policies of The City of Lake Forest, shall be fully applicable.

Section 46-27.1 Open Space Preservation Interim Ordinance.

- (A) Purpose. This interim Ordinance has been adopted to provide improved control over development proposals in the City that may be presented while the City is undertaking its review, consideration, and adoption of amendments to (i) the Lake Forest Official Comprehensive Plan of 1978, as amended, and (ii) the Historic Preservation and Open Space Ordinance of the Zoning Code. This interim Ordinance shall remain in effect for 18 months from the date of its adoption or until it is otherwise terminated by the City Council, whichever is earlier.
- (B) Rezoning. Except as provided in paragraph (D) of this Section, no rezonings shall be considered or granted to any parcel of property in the City. Development of all properties in the City shall be in conformity with the application provisions of the zoning district or districts of such properties as currently indicated on the District Map, Section 46-34 of the Zoning Code.
- (C) Significant Open Land.
 - (1) Definition: For purposes of this Section 46-27.1. "Remaining parcel" is any land, tract, parcel, block, lot, or property that is capable of being subdivided in conformity with the provisions of the Lake Forest Zoning Code and Subdivision Ordinance.

"Significant open land" is a parcel or parcels of land, or portions thereof, an area of water, or a combination of land and water that is either:

- (a) designated for public use or enjoyment under the Lake Forest Official Comprehensive Plan of 1978, as amended;
- (b) identified as important flood plains, wetlands, watercourses, prairies, or woodlands in the Lake Forest Official Comprehensive Plan of 1978, as amended, or
- (c) lands containing features such as: (i) unusual terrain, vegetation, or wildlife; (ii) valuable architectural, historic, or archaeological sites; (iii) potential active or passive recreational areas; (iv) scenic views or vistas; or (v) links providing access to or views of other significant open land.

"Subdivided" is the act or process of creating a "subdivision," as that term is defined in the Lake Forest Subdivision Ordinance.

- (2) Development Restrictions: Except as provided in paragraph (D) of this Section, for any remaining parcel that includes significant open land, no building or other development approval or permit shall be granted or issued unless such building or redevelopment:
 - (a) complies fully with all applicable zoning and other regulations of The City;
 - (b) is outside the area or areas of significant open land; and
 - (c) does not diminish or otherwise adversely affect any significant open land or any features of such significant open land, whether such significant open land is within or without the remaining parcel. By way of illustration and not a limitation on the foregoing, no building or development (including storm water detention areas) shall be permitted in ecologically sensitive areas such as flood plains, wetlands, or watercourses.
- (D) Exceptions. The foregoing provisions of this Section shall not apply in the following circumstances:
 - (1) Rezoning. The City may rezone a parcel only if the City Council determine that:
 - (a) such parcel does not contain any significant open land;
 - (b) such rezoning will be compatible with the uses of surrounding properties and will not adversely affect any adjacent parcels containing significant open land;
 - (c) such rezoning will not be inconsistent with the proposed amendments to either the Lake Forest Official Comprehensive Plan of 1978, as amended, or the Historic Residential and Open Space Preservation Ordinance of the Zoning Code that are being considered; and
 - (d) such rezoning otherwise satisfies the standards for rezoning set forth in Section 46-23 of the Zoning Code; provided, however, that the zoning or use recommendations currently set forth in the Lake Forest Official Comprehensive Plan of 1978, as amended, shall not be determinative of the satisfaction of such standards.
 - (2) Significant Open Land. The City Council may permit development of or building on remaining parcels that include significant open land and do not satisfy the conditions in Paragraph (C) (2) of this Section if:
 - (a) the owner of such remaining parcel petitions the City Council in writing for relief from the restrictions of this Section, which petition shall set forth with specifically the nature, type, and extent of building or development proposed as well as what, if any, hardship would be suffered by the owner if such development or building were to be prohibited as a result of this Section;
 - (b) after holding a hearing on such petition at its next regular meeting, the City Council determines that the hardship claimed by the owner outweighs any adverse effects that the proposed development or building might have on significant open lands. In making this determination, the City Council may consider any enhancements to significant open lands that the owner proposes in connection with the development of or building on the remaining parcel in question and may condition its decision on the implementation of such enhancements.
 - (3) Pending Approvals. Any subdivision that has received tentative plat approval from the City Council on or before the effective date of this Section 46-27.1 shall not be subject to the provisions hereof.
- (E) Interpretation. Except and to the extent that this Section 46-27.1 provides to the contrary, all other provisions of the Zoning Code and other Ordinances of the City shall remain in full force and effect. (Ord. No. 94-23, Sec. 1)

Sec. 46-28. ZONING CERTIFICATES---

Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee unless the application for such permit has been examined by the Administrative Officer and has affixed to it his certificate indicating that the proposed building or structure or use of land complies with all the provisions of this Chapter. Any permit or Certificate of Occupancy issued in conflict with the provisions of this Chapter shall be null and void.

Sec. 46-29. OCCUPANCY CERTIFICATES---

(A) CERTIFICATES OF OCCUPANCY. It shall be unlawful to use or permit the use of any building or premises or part thereof, hereafter created, erected, changed or converted wholly or partly in its use or structure, until a Certificate of Occupancy, to the effect that the building or premises or the part thereof so created, erected, changed or converted, and the proposed use thereof, conform to the provisions of this Chapter, shall have been issued by the Administrative Officer.

No change or extension of use and no alternations shall be made in a nonconforming use of premises without a Certificate of Occupancy having first been issued that such change, extension or alteration is in conformity with the provisions of this Chapter.

Copies of such certificates shall be furnished upon request to any persons having a proprietary or tenancy interest in the building affected.

(B) TEMPORARY CERTIFICATE. Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued for a period not

exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupation of the premises or any other matter covered by this Chapter, and such temporary certificate shall not be issued except under such restriction and provisions as will adequately insure the safety of the occupants.

Sec. 46-30. PLATS---

Each application for zoning certificates or for a Certificate of Occupancy shall be accompanied of a plat in duplicate, drawn to scale and in such form as may be prescribed by the Administrative Officer, showing the actual dimensions of the lot to be built upon, the size and location of the building or buildings to be erected, and such other information as may be necessary to provide for the enforcement of the regulations contained in this Chapter. A careful record of such applications and plats shall be kept in the office of the Administrative Officer.

Sec. 46-31. FEES---

Any person, firm, corporation, or agent who shall file an application for amendment or for an appeal, variation, or special use, or for any other certificate or license required under the terms of this Chapter, shall be charged a fee in accordance with a Schedule of Fees established by the City Council in order to defray the approximate cost of such review procedures. In addition thereto, all applicants for zoning amendments (text--map), appeals, variations or special uses, shall be required to pay all costs for publishing legal notices. All such additional expenses shall be paid to the Administrative Officer before any final action is taken by the Board of Appeals or Plan Commission and before the Board or Plan Commission shall transmit a recommendation to the City Council.

Sec. 46-32. VIOLATIONS AND PENALTIES---

(A) For any and every violation of the provisions of this Chapter the owner, general agent, or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owners, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor, or any person who commits, takes part in, or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall for each and every violation and for each and every day or part thereof that such violation continues, be subject to a fine of not more than five hundred dollars (\$500).

(B) In any case that any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Chapter or of any other ordinance or lawful regulation, the proper authorities of the City, in addition to the remedies herein provided, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to impose a penalty for such violation, or to restrain, correct or abate such violation, in order to prevent the occupancy of said building, structure or land contrary to the provisions hereof, or to prevent any illegal act, conduct, business or use in or about such premises.

ART. VI ZONING DISTRICTS

Sec. 46-33. DISTRICTS ---

For the purposes of this Chapter, the City is hereby organized into the following zoning districts:

RESIDENCE DISTRICTS

- R-5 - Single-Family Residence District
- R-4 - Single-Family Residence District
- R-3 - Single-Family Residence District
- R-2 - Single-Family Residence District
- R-1 - Single-Family Residence District
- GR-4 - General Residence District
- GR-3 - General Residence District
- GR-2 - General Residence District
- GR-1 - General Residence District
- OA - Open Area District
- ROS - Residential Open Space District
- RE - Single-Family Residence & Educational District
- TD - Transitional District

BUSINESS DISTRICTS

- O-1 - Office District
- OR - Office Research District
- OR-2 - Office Research District
- B-1 - Neighborhood Business District
- B-2 - Community Business District

Sec. 46-34. MAPS---

(A) The boundaries of the districts are shown on the map which is made a part of this Chapter, which map is designated as the "District Map." The District Map and all the notations, references, and other information shown thereon are a part of this Chapter and have the same force and effect as if the District Map and all the notations, references, and other information shown thereon were all fully set forth or described herein. The original of the District Map is properly attested and is on file with the City Clerk.

(B) Any area not included within one of the districts as shown on the District Map is a public street or alley and whenever any street, alley, or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Submerged land which may hereafter be reclaimed unless otherwise indicated on the District Map, shall be deemed to be in the same district as premises not now submerged to which such submerged lands are contiguous.

(C) **RULES WHERE UNCERTAINTY MAY ARISE.** Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Chapter, the following rules apply:

- (1) The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the District Map are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
- (2) Where the district boundaries are not otherwise shown, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the District Map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
- (3) In any unsubdivided property, the district boundary lines on the District Map shall be determined by use of scale appearing on the map.
- (4) The spaces above the surface of streets or alleys are to be regarded merely as explanatory of the map and shall not be deemed to be a part of the district to which it is adjacent.

Sec. 46-35. ZONING OF ANNEXED LAND---

On land hereafter annexed to, or consolidated with, the City, no building or structure shall be erected, enlarged, or moved or no change in the use of land or existing buildings or structures shall be made until an ordinance designating the zoning district classification of such annexed land is duly adopted by the City Council. Within thirty (30) days of the annexation, the Plan Commission shall file an application for an amendment to establish the zoning district classification of such land. However, if no action is taken regarding the classification of annexed land within ninety (90) days of the date of annexation, such land shall acquire the R-5 District classification and shall remain so zoned until properly reclassified.

ART. VII RESIDENCE AND GENERAL RESIDENCE DISTRICTS

Sec. 46-36. GENERAL REQUIREMENTS---

(A) **PERMITTED USES.** Permitted uses of land or buildings, as herein listed, shall be permitted in the districts indicated under the conditions specified. No building or land shall be devoted to any use other than a use permitted in the zoning district in which such building or land is located, with the following exceptions:

- (1) Uses lawfully established on or before the effective date of this Chapter (January 15, 1972) or any amendment hereto; and
- (2) Special uses, allowed in accordance with the provisions of Section 46-36-(B).

Uses established on or before the effective date of this Chapter, January 15, 1972, or any amendment hereto and rendered nonconforming by the provisions hereof, shall be subject to the regulations of Article IV, Nonconforming Buildings, Structures and Uses.

(B) **REGULATION OF NON-RESIDENTIAL USES AND ACTIVITIES.** The following nonresidential uses and activities are permitted in the R-1 through R-5 Single Family Residence Districts, subject to the regulations and limitations as follows:

- (1) **DESIGNER SHOWCASE DISPLAY HOMES.** Designer Showcase Display Home or other similar events, may be conducted within The City of Lake Forest, if the City Manager determines that the conduct of the event is in full conformance with the following standards:
 - (a) The petitioner is a not-for-profit entity.
 - (b) The majority of the Board of Directors of the not-for-profit entity are Lake Forest residents.
 - (c) The majority of the neighbors in the immediate area (three deep) of the Designer Showcase Home must indicate by written statements their approval of the proposed use.
 - (d) The City Manager must receive an application for the date of the proposed Designer Showcase Home six months prior to the proposed event and must receive the application for the specific location of the proposed home no less than three months prior to the event.
 - (e) Such other conditions as the City Manager may deem appropriate and reasonable.
- (2) **RESIDENTIAL BOUTIQUES AND HANDMADE CRAFT SALES.**
 - (a) **PURPOSE:** It is the intent of this Chapter to regulate residential boutique and hand made craft sales in such a way so as to only permit activity that is deemed to be compatible with the character of a residential neighborhood.
 - (b) Residential Boutiques and Handmade Craft Sales may be conducted only by institutions such as churches, temples, community centers or other institutional public or private properties. Such institutions may hold or allow their premises to be used for sales for the benefit of Lake Forest not-for-profit organizations, provided however that prior to any sale, a permit must be obtained from the Building Department of The City of Lake Forest, in accordance with the provisions of Section 46-36-(B)-(4)-(a)-8) below, except that each sale shall be limited to not more than three (3) consecutive days.
- (3) **HOME OCCUPATIONS.**
 - (a) **PURPOSE:** It is the intent of this Chapter to permit as home occupations all uses that conform to the standards set forth herein. The standards for home occupations are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood, and to clearly establish such home occupations as secondary and incidental in relation to the residential use of the property.
 - (b) **PERFORMANCE STANDARDS:** All home occupations must be conducted in compliance with the following standards and limitations:
 - 1) The primary use of the dwelling unit shall remain residential.
 - 2) The home occupation shall be clearly incidental and subordinate to the primary residential use of the dwelling. The home occupation shall be conducted within the limits of the dwelling unit, but no more than 30% of the total square footage of the dwelling unit not to exceed 600 square feet shall be used in the conduct of the home occupation. In calculating the square footage being used in the conduct of the home occupation, all areas of the dwelling unit and accessory buildings which are in any way used toward the operation or conduct of the home occupation shall be included. If more than one (1) home occupation is operated in the residence, the combined total square footage devoted to all such home occupations shall not exceed 30% of the total square footage or 600 square feet, whichever is less. The use of accessory buildings for home occupation purposes may be approved by the City Manager if he finds such use consistent with the purpose and intent of this ordinance and in compliance with applicable performance standards.
 - 3) The operator or operators of the home occupation shall make the dwelling unit within which the home occupation is conducted his legal and primary place of residence.
 - 4) No one may participate in or assist with the conduct or operation of a home occupation except:
 - a) Individuals who meet the same residence requirements, set forth in paragraph 3) above, as must be met by the operator of the home occupation.
 - b) A non-resident assistant, subject to the following requirements and limitations:
 - (i) Participation by the non-resident assistant shall be in a subordinate capacity only, incidental to the conduct of the home occupation-as for example, the services of a nurse, receptionist or clerical assistant in the home occupation of a physician.
 - (ii) The non-resident assistant shall not participate, totally or partially, in the capacity of an additional operator of the home occupation, as an additional practitioner of the professional, craft or occupational service of the operator, or as a partner or professional associate thereof.
 - (iii) Participation by the non-resident assistant shall be limited to forty-five (45) hours per week. More than one (1) person may be used as a non-resident assistant provided that no more than one is on the premises at any time and further provided that the total hours of all such non-resident assistants do not exceed 45 hours as permitted herein.
 - (iv) If more than one (1) home occupation is conducted in the same dwelling unit, non-resident assistants may be used in all such home occupations, provided that no more than one is on the premises at anytime, and further provided that the total hours of all such non-resident assistants do not exceed the 45 hours as permitted herein.
 - 5) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.
 - 6) Alterations shall not be made to the interior of the dwelling which would render it undesirable for residential use.
 - 7) Additions, enlargements or exterior alterations that change the residential appearance of the dwelling or lot shall not be permitted. Any proposed exterior changes shall be subject to Building Review Board approval.
 - 8) No additional or separate exterior entrance that will cause a net increase in the number of entrances shall be constructed for the purpose of conducting the home occupation.
 - 9) Limited amounts of goods, commodities or stock in trade shall be received, retained, used or stored on or physically transferred from the premises.
 - 10) Except as provided in Section 13) below, no more than four (4) individual clients, customers, patrons, or service or delivery men may occupy the premises simultaneously. No vehicular traffic substantially greater than normal in the adjacent residential area is permitted.
 - 11) The use of electrical or mechanical equipment that would change the fire rating of the structure, create visible or audible interference in radio and television receivers or cause fluctuations in line voltage outside the dwelling unit is prohibited.

- 12) No permitted home occupation shall interfere with the reasonable use and enjoyment of adjacent residential properties.
- 13) No permitted home occupation shall be allowed at any time to offer any goods for retail sale to the general public from the location of the home occupation except as provided for in item 10) above, or except as follows:
- a) No more than one (1) private sale may be conducted at each home occupation location in any calendar year and may continue for a period not to exceed four days, provided, however, that such four day period may run consecutively or may be broken into lesser increments, but in no event shall the total exceed four days in any calendar year.
 - b) Notification of the sale shall be by personally addressed, private invitation. Sales shall not be offered to the general public. The use of general media advertising or by general distribution of sales information is prohibited.
 - c) GRANDFATHER CLAUSE: All Home Occupations within the City shall conform to the standards set forth herein, except that those Home Occupations in existence on the effective date of this ordinance that do not meet the criteria herein and meeting the following criteria may continue in operation for up to five years after the adoption of this ordinance, at which time they shall be terminated:
 - 1) The Home Occupation is located in R-1 through R-5 zoning districts.
 - 2) The Home Occupation has been in operation for a continuous period since July 1, 1972.
 - 3) The operator of the Home Occupation must provide The City of Lake Forest with documentation of its operations dating back to July 1, 1972.

Home occupations which do not meet the performance standards or the foregoing criteria shall be terminated not less than 60 days after passage and publication of this ordinance.

(4) GARAGE SALES AND HOUSE SALES.

(a) PERFORMANCE STANDARDS: All garage sales and house sales shall be conducted in compliance with the following standards and limitations:

- 1) Not more than one (1) sale may be conducted during a calendar year at any one (1) residence.
- 2) Not more than three (3) households may conduct a sale at any one (1) residence. When members of more than one (1) residence join in holding a sale, the sale shall be considered to have been held at the residence of each participating member.
- 3) Each sale shall be limited to not more than two (2) consecutive days.
- 4) The hours of operation shall be limited from 9:00 A.M. to 5:00 P.M.
- 5) No items for sale may be displayed in a required yard, as defined in the Lake Forest Zoning Code, nor shall any items for sale be displayed on the lawn area between the house and a public or private street.
- 6) Signs--One (1) sign, not to exceed four (4) square feet in area, may be located on the property where the sale is to take place. In addition, not more than three (3) off-premise directional ground signs may be placed in the public parkway at local intersections, provided the signs:
 - a) are made of an all-weather material and secured to the ground;
 - b) contain only the wording necessary to describe the sale (i.e., garage sale, house sale), the address where the sale is to be conducted and an arrow;
 - c) are white with red lettering; and
 - d) are not more than four (4) square feet in size and four (4) feet in height.

Such signs may only be displayed during the hours of the sale. No signs may be attached to any street poles, trees, fire hydrants, sign poles, light poles, or similar structures.

- 7) Publicity in advance of permitted sales shall be limited to the local press and shall be only such publicity as is the minimum reasonable amount necessary to notify the local public or local desired clientele of the specifics regarding the sale.
- 8) The City Manager or his designate shall have sole discretion to determine whether the advance publicity printed in conjunction with the sale is in accordance with the provisions of this Ordinance.
- 9) In addition to the conditions specifically noted herein, the City Manager may require any other conditions necessary to properly regulate the proposed sale to protect the health, safety and welfare of the area.
- 10) Approval Procedure--A person proposing to conduct a sale, as defined herein, shall submit an application for such sale not less than forty-eight (48) hours prior to the proposed sale. There is no fee for obtaining a permit for the conduct of a sale. The applicants shall certify that they will abide by the rules and regulations set forth above, and by all other applicable rules and regulations of The City of Lake Forest and any special conditions as may be required in accordance with paragraph 9), above. Applicant shall provide names and addresses of all persons and/or households who are to participate in said sale. The application shall be on file in the Office of the Director of Building and Zoning, and he shall review all such requested and approve conforming sales. A placard will be issued by the Building Department and shall be displayed at the site of the sale so as to be visible from the street.

The Director of Building and Zoning shall issue a Stop Order for sales which do not meet the performance standards or foregoing criteria. When a Stop Order is issued, such sales shall cease immediately.

(C) SPECIAL USES. Special uses may be allowed in each District as provided in Section 46-24.

(D) LOT SIZE REQUIREMENTS. Lot size requirements shall be as herein specified for each zoning district.

(E) YARD REQUIREMENTS.

- 1) Yard requirements shall be as set forth under each zoning district. Front, side, and rear yards shall be provided in accordance with these regulations and shall be unobstructed from the ground level to the sky, except as allowed in Section 46-10-(D).
- 2) All accessory buildings which are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building.

(F) HEIGHT REQUIREMENTS. The requirements established under each zoning district in this Article shall determine the maximum building height allowable within each district.

(G) SIGNS. Signs regulated as provided in Chapter 36 of the City Code.

(H) OFF-STREET PARKING. Off-street parking accessory to uses allowed in Single Family Residence and General Residence Districts shall be provided as required in Article IX.

(I) OFF-STREET LOADING. Off-street loading accessory to uses allowed in Single Family Residence and General Residence Districts shall be provided as required in Article IX.

(J) INCLUSIONARY HOUSING.

In addition to the requirements of this Section and the respective district requirements, certain developments shall be subject to the Inclusionary Housing requirements of Chapter 20A of the City Code, which requirements shall be satisfied in addition the provisions of this Chapter.

Sec. 46-37. R-5 SINGLE-FAMILY RESIDENCE DISTRICT---

(A) PERMITTED USES. The following uses are permitted in the R-5 District:

- (1) Single-family detached dwellings.
- (2) Parks, playgrounds, and community buildings operated by municipal agencies.
- (3) Farms, providing that no building in which farm animals and poultry are housed shall be located within two hundred (200) feet of any lot in any "R" District.

- (4) Stables and kennels, provided that no such stables or kennels shall be within two hundred (200) feet of any lot in an "R" District, and provided further that such stables or kennels shall not be operated and maintained as a part of or in connection with a veterinary or animal hospital.
- (5) Truck and flower-gardens and nurseries, provided, however, that the products shall not be sold at retail on the premises and no building shall be erected upon the premises other than a dwelling and the usual accessory buildings.
- (6) Accessory uses and buildings incidental to and on the same zoning lot as a principal use.

(B) SPECIAL USES. Special uses may be allowed in R-5 Districts as provided in Section 46-24.

(C) LOT SIZE REQUIREMENTS.

	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
Single-family detached dwellings	130,000 Sq. Ft.	250 Feet
Farms	10 Acres	500 Feet
Stables and kennels	10 Acres	500 Feet
Truck and flower gardens and nurseries	5 Acres	300 Feet

(D) REQUIREMENTS (Setbacks are given in linear feet).

(1) Permitted Uses.

	<u>Required Setbacks</u>			
	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Single-family detached dwellings	50	50	50	50
Parks, playgrounds, and community buildings operated by municipal agencies-- permanent structures	50**	50**	50**	50**
Farm--permanent structures, excluding single-family detached dwellings and fences	200	200*	200	200*
Stables and kennels	200	200*	200	200*
Truck or flower gardens and nurseries--permanent structures	100**	100**	100**	100**

*When structures housing horses, dogs, poultry, or farm animals are established—otherwise 50 feet.

**If no structures are established--no yard requirements.

(2) Accessory Uses.

	<u>Required Setbacks</u>			
	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Buildings, accessory	50	50*	50	10

*Unless an entire structure is located on the rear twenty-five percent (25%) of the lot; in which case only ten (10) feet shall be required.

(E) HEIGHT REQUIREMENTS. The maximum height of all principal buildings and structures shall be governed by Section 9-107. 1-(B)-(3), Building Scale and Environment, of the Building Code, and the maximum height of all accessory buildings and structures shall not exceed 25 feet. (Ord. No. 92-14, Sec. 2)

Sec. 46-38. R-4 SINGLE-FAMILY RESIDENCE DISTRICT---

(A) PERMITTED USES. The following uses are permitted in the R-4 District:

- (1) Single-family detached dwellings.
- (2) Parks, playgrounds, and community buildings operated by municipal agencies.
- (3) Farms, providing that no building in which farm animals and poultry are housed shall be within two hundred (200) feet of any lot in any "R" District.
- (4) Stables and kennels, provided that no such stables or kennels shall be within two hundred (200) feet of any lot in an "R" District, and provided further that such stables or kennels shall not be operated or maintained as a part of or in connection with a veterinary or animal hospital.
- (5) Truck and flower gardens and nurseries, provided, however, that the products shall not be sold at retail on the premises and no building shall be erected upon the premises other than a dwelling and the usual accessory buildings.
- (6) Accessory uses and buildings incidental to and on the same zoning lot as a principal use.

(B) SPECIAL USES. Special uses may be allowed in the R-4 District as provided in Section 46-24.

(C) LOT SIZE REQUIREMENTS.

	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
Single-family detached dwellings	60,000 Sq. Ft.	150 Feet
Farms	10 Acres	500 Feet
Stables and kennels	10 Acres	500 Feet
Truck and flower gardens and nurseries	5 Acres	300 Feet

(D) REQUIREMENTS (Setbacks are given in linear feet).

(1) Permitted Uses.

	<u>Required Setbacks</u>			
	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Single-family detached dwellings	50	20	50	50
Parks, playgrounds, and community buildings operated by municipal agencies - - permanent structures	50**	50**	50**	50**
Farm--permanent structures, excluding single-family detached dwellings and fences	200	200*	200	200*
Stables and kennels	200	200*	200	200*
Truck or flower gardens and nurseries -- permanent structures	100**	100**	100**	100**

*When structures housing horses, dogs, poultry, or farm animals are established—otherwise 50 feet.

**If no structures are established--no yard requirements.

(2) Accessory Uses.

Required Setbacks

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Buildings, accessory	50	20*	50	10

*Unless an entire structure is located on the rear twenty-five percent (25%) of the lot; in which case only ten (10) feet shall be required.

(E) HEIGHT REQUIREMENTS. The maximum height of all principal buildings and structures shall be governed by Section 9-107.1 -(B)-(3), Building Scale and Environment, of the Building Code, and the maximum height of all accessory buildings and structures shall not exceed 25 feet. (Ord. No. 92-14, Sec. 2)

Sec. 46-39. R-3 SINGLE-FAMILY RESIDENCE DISTRICT---

- (A) PERMITTED USES. The following uses are permitted in the R-3 District:
- (1) Single-family detached dwellings.
 - (2) Parks, playgrounds, and community buildings operated by municipal agencies.
 - (3) Truck and flower gardens and nurseries, provided, however, that the products shall not be sold at retail on the premises and no building shall be erected upon the premises other than a dwelling and the usual accessory buildings.
 - (4) Accessory uses and buildings incidental to and on the same zoning lot as the principal use.
- (B) SPECIAL USES. Special uses may be allowed in the R-3 District as provided in Section 46-24.
- (C) LOT SIZE REQUIREMENTS.

	Minimum Lot Area	Minimum Lot Width
Single-family detached dwellings	40,000 Sq. Ft.	125 Feet
Truck and flower gardens and nurseries	5 Acres	300 Feet

(D) REQUIREMENTS (Setbacks are given in linear feet).

(1) Permitted Uses.

	Required Setbacks			
	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Single-family detached dwellings	40	15	40	40
Parks, playgrounds, and community buildings operated by municipal agencies--permanent structures	50*	50*	50*	50*
Truck or flower gardens and nurseries--permanent structures	100*	100*	100*	100*

If no structures are established--no yard requirements.

	Required Setbacks			
	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Accessory Uses. Buildings, accessory	40	15*	30	10

*Unless an entire structure is located on the rear twenty-five percent (25%) of the lot; in which case only ten (10) feet shall be required.

(E) HEIGHT REQUIREMENTS. The maximum height of all principal buildings and structures shall be governed by Section 9-107.1-(B)-(3), Building Scale and Environment, of the Building Code, and the maximum height of all accessory buildings and structures shall not exceed 25 feet. (Ord. No. 92-14, Sec. 1)

Sec. 46-40. R-2 SINGLE-FAMILY RESIDENCE DISTRICT---

- (A) PERMITTED USES. The following uses are permitted in the R-2 District:
- (1) Single-family detached dwellings.
 - (2) Parks, playgrounds, and community buildings operated by municipal agencies.
 - (3) Truck and flower gardens and nurseries, provided, however, that the products shall not be sold at retail on the premises and no building shall be erected upon the premises other than a dwelling and the usual accessory buildings.
 - (4) Accessory uses and buildings incidental to and on the same zoning lot as the principal use.
- (B) SPECIAL USES. Special uses and buildings may be allowed in the R-2 District as provided in Section 46-24.
- (C) LOT SIZE REQUIREMENTS.

	Minimum Lot Area	Minimum Lot Width
Single-family detached dwellings	20,000 Square Feet	100 Feet
Truck and flower gardens and nurseries	5 acres	300 feet

(D) REQUIREMENTS (Setbacks are given in linear feet).

(1) Permitted Uses.

	Required Setbacks			
	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Single-family detached dwellings	40	12	40	35
Parks, playgrounds, and community buildings operated by municipal agencies-- permanent structures	40*	20*	20*	40*
Truck or flower gardens and nurseries--permanent structures	100*	100*	100*	100*

*If no structures are established--no yard requirements.

	Required Setbacks			
	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Buildings, accessory	40	12*	30	10

*Unless an entire structure is located on the rear twenty-five percent (25 %) of the lot; in which case only ten (10) feet shall be required.

(E) HEIGHT REQUIREMENTS. The maximum height of all principal buildings and structures shall be governed by Section 9-107.1-(B)-(3), Building Scale and Environment, of the Building Code, and the maximum height of all accessory buildings and structures shall not exceed 25 feet. (Ord. No. 92-14,

Sec. 46-41 R-1 SINGLE-FAMILY RESIDENCE DISTRICT---

- (A) PERMITTED USES. The following uses are permitted in the R-1 District:
 - (1) Single-family detached dwellings.
 - (2) Parks, playgrounds, and community buildings operated by municipal agencies.
 - (3) Truck and flower gardens and nurseries, provided, however, that the products shall not be sold at retail on the premises and no building shall be erected upon the premises other than a dwelling and the usual accessory buildings.
 - (4) Accessory uses and buildings incidental to and on the same zoning lot as the principal use.
- (B) SPECIAL USES. Special uses may be allowed in the R-1 District as provided in Section 46-24.
- (C) LOT SIZE REQUIREMENTS.

	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
Single-family detached dwellings	9,375 Square Feet	75 Feet
Truck and flower gardens and nurseries	5 acres	300 Feet

- (D) REQUIREMENTS (Setbacks are given in linear feet).
 - (1) Permitted Uses.

	Required Setbacks			
	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Single-family detached dwellings	40	10	40	35
Parks, playgrounds, and community buildings operated by municipal agencies--permanent structures	40*	20*	30*	40*
Truck or flower gardens and nurseries-- permanent structures	100*	100*	100*	100*

*If no structures are established - - no yard requirements.

	Required Setbacks			
	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Buildings, accessory	40	5	30	10

- (E) HEIGHT REQUIREMENTS. The maximum height of all principal buildings and structures shall be governed by Section 9-107. 1-(B)-(3), Building Scale and Environment, of the Building Code, and the maximum height of all accessory buildings and structures shall not exceed 25 feet. (Ord. No. 92-14, Sec. 2)

Sec. 46-42 GR-4 GENERAL RESIDENCE DISTRICT---

- (A) PURPOSE. The GR-4 General Residence District is a low density residence district primarily intended to be used to create transitional land use areas between business districts and surrounding single family residences; and for providing a zoning and land use alternative for parcels or tracts of land in the community that, because of location and other physical characteristics, and based on sound land planning principles, would best be developed as single family attached residences.
- (B) PERMITTED USES. The following uses are permitted in the GR-4 General Residence District:
 - (1) Single family detached dwellings.
 - (2) Single family attached dwellings. There shall be no more than six (6) attached dwelling units in any one (1) structure, with no more than two (2) continuous, attached dwellings located on the same building line. The minimum required jog in the building line shall be two (2) feet. Each such single family attached dwelling shall have its own separate front and rear entrance and have no floor area of an adjacent dwelling located above it.
 - (3) Parks, playgrounds, and community buildings operated by municipal agencies.
 - (4) Accessory uses and buildings incidental to and on the same zoning lot as a principal use. Recreational facilities, such as tennis courts, swimming pools, club houses and other similar facilities, intended for use by the occupants of the development, shall be permitted accessory uses and/or buildings in a single family attached dwelling development.
- (C) SPECIAL USES: Special uses may be allowed in the GR-4 General Residence District as provided in Section 46-24.
- (D) DENSITY. The gross density shall be not more than four (4) dwelling units per acre for all GR-4 (a) zoned properties, six (6) dwelling units per acre for all GR-4 (b) zoned properties. Such densities shall be calculated by dividing the gross land area (in square feet) of subject property (excluding all exterior abutting public and private streets, public access ways, access easements, and rights-of-way regardless of any property right the petitioner and/or owner may have to such property) by 10,890 of all GR-4 (a) zoned properties and 7,260 for all GR-4 (b) zoned properties. If the calculation results in a fraction, the permitted number of dwelling units shall be the same as the lower whole number.
- (E) LOT SIZE REQUIREMENTS.

	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
Single family detached dwellings	20,000 sq. ft.	100 feet
Developments containing single family attached dwellings	-- *	-- *

*There are no minimum lot area or width requirements for platting or development purposes, provided however that the density shall not exceed the maximums set forth in (D) above.

- (F) REQUIREMENTS (Setbacks are given in linear feet).
 - (1) External Relationships. (Setbacks from perimeter property line)
 - (a) Permitted Uses.

	Required Setbacks			
	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Single family detached dwellings	40	12	40	40
Single family attached dwellings	40	40	40	40
All other permitted uses	40	20	40	40

	Required Setbacks			
	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Buildings, accessory	40	10	40	10

- (2) Internal Relationships.
 - (a) A minimum setback of twenty (20) feet (eaves to eaves) shall be provided between all structures.
 - (b) Rear primary walls of structures shall have a minimum setback of one hundred (100) feet to the nearest rear primary wall of another structure, unless the line of sight between buildings is broken by landscaping, building orientation, etc.
 - (c) Primary walls of structures have a minimum setback of twenty (20) feet to the edge of pavement from the nearest street, if private, and from the right-of-way line, if dedicated.
- (G) HEIGHT REQUIREMENTS. The maximum height of all principal buildings and structures shall be governed by Section 9-107.1-(B)-(3) Building Scale and Environment, of the Building Code, and the maximum height of all accessory buildings and structures shall not exceed 25 feet. (Ord. 92-14, Sec. 2)
- (H) LAND COVERAGE.
 - (1) No more than twenty-five (25) percent of the land area shall be covered with buildings.
 - (2) Not more than fifty (50) percent of the land area shall be covered with impervious surfaces. The remaining fifty (50) percent of the property shall be preserved in open space and appropriately landscaped.
- (I) PARKING. REQUIREMENTS. Off-street parking shall be provided in accordance with the provisions of Section 46-60 (Off-Street Parking Table) of this Chapter.
- (J) ENGINEERING STANDARDS.
 - (1) All main and/or through streets, sanitary sewers, drainage and water distribution systems shall be built to the standards of The City of Lake Forest and dedicated to the City, unless otherwise approved.
 - (2) The plans and specifications for all public and private roadway and utility improvements must be reviewed and approved by the City Engineer, prior to any work on the site.
 - (3) Financial guarantees insuring proper installation of all public and private roadway and utility improvements shall be reviewed and approved by the City Engineer and City Attorney prior to any work beginning on the site.
- (K) DESIGN STANDARDS. The following standards shall be considered in reviewing all site and building plans. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as to provide a method of review for the City.
 - (1) TOPOGRAPHY. The topography shall be preserved wherever possible in its natural state by minimizing grade changes and alterations. The elevation of building sites and street locations should conform to existing land contours, to the extent possible.
 - (2) STREET LAYOUT. The streets shall be curved wherever possible to provide a gentle curvilinear street pattern. The streets shall be located wherever possible to preserve the natural elements of the site, as well as those of surrounding properties. Further, the number of new intersections with existing and/or proposed major or secondary arterials and/or collector/distributor streets shall be kept to a minimum.

The use of cul-de-sacs to provide access to the residences is encouraged so as to provide better privacy for the units, more variety in site planning, and better views, oriented away from neighbors' yards and units.

- (3) PRESERVATION OF LANDSCAPE. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, so that the resulting development will be in keeping with the general appearance of neighboring developed areas and will not adversely affect the ecology of the area. Wherever the natural landscape is not preserved or no vegetation existed, mature landscape materials, emphasizing the use of evergreens, shall be installed in accordance with a plan approved by the Director of Parks, Forestry and Public Works.
- (4) RELATION OF PROPOSED BUILDING TO ENVIRONMENT AND EXISTING DEVELOPMENT. Proposed structures shall be related harmoniously to the terrain and to existing structures that have visual relationship to the proposed structures. Development shall be in harmony with the prevailing development of Lake Forest, the existing development of the area and the Comprehensive Plan.
- (5) UTILITY SERVICES. Electric and telephone lines shall be underground. Any utility installations remaining above ground shall be located so as to have harmonious relation to neighboring properties and the site.
- (6) PARKING AREAS. Garage units, preferably attached, shall be provided for each residence. However, the garages shall be located and varied so as to not have a row of garage doors facing the access street or driveway. Visitors parking shall be provided in small groupings and be well landscaped so as to fit into the area and to minimize the parking lot look.
- (7) SITE PLANNING. The site planning shall provide; wherever possible, separate front entryways, attached garages, and variety in building lines and heights. (Ord. No. 1453, Sec. 1.)

Sec. 46-43. GR-3 GENERAL RESIDENCE DISTRICT---

- (A) PURPOSE. The GR-3 District is a two-family residence district used for the purpose of maintaining the character of those areas of the community traditionally zoned for two-family dwellings, partially developed by such uses, and in the best interests of the community, desirably maintained for one- and two-family dwelling use.
- (B) PERMITTED USES. The following uses are permitted in the GR-3 District:
 - (1) Single-Family detached dwelling.
 - (2) Parks, playgrounds and community buildings operated by municipal agencies.
 - (3) Two-family dwellings.
 - (4) Truck and flower gardens and nurseries, provided, on the premises and no building shall be erected upon the premises other than a dwelling and the usual accessory buildings.
 - (5) Accessory uses and buildings incidental to and on the same zoning lot as a principal use.
- (C) SPECIAL USES. Special uses may be allowed in the GR-3 District as provided in Section 46-24.
- (D) LOT SIZE REQUIREMENTS.

	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
Single-family detached dwellings	6,250 Square Feet	50 Feet
Two-family detached dwellings	6,250 Square Feet per dwelling	50 Feet

- (E) YARD REQUIREMENTS (Yard requirements are given in linear feet).

	<u>Required Setbacks</u>			
	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Single-family detached dwellings	40	6	12	30
Two-family detached dwellings	40	6	12	35
All other permitted uses	40	6	12	35

- (2) Accessory Uses.

	<u>Required Setbacks</u>			
	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Buildings, accessory	40	6	12	10

- (F) HEIGHT REQUIREMENTS. The maximum height of all principal buildings and structures shall be governed by Section 9-107. 1 -(B)-(3), Building Scale and Environment, of the Building Code, and the maximum height of all accessory buildings and structures shall not exceed 25 feet. (Ord. No. 92-14, Sec. 2)

Section 46-44.

GR-2 GENERAL RESIDENCE DISTRICT---

(A) **PURPOSE.** The GR-2 District is a moderate density multiple-family residence district to be used for the purpose of creating transitional residence areas between business and commercial uses and surrounding single-family residences; and providing an incentive for the gradual redevelopment of older areas of the community presently restricted to two-family residence development.

(B) **PERMITTED USES.** The following uses are permitted in the GR-2 District:

- (1) Single-family detached dwellings.
- (2) Parks, playgrounds, and community buildings operated by municipal agencies.
- (3) Two-family detached dwellings.
- (4) Multiple-family dwellings, but only on zoning lots of 20,000 square feet or more.
- (5) Truck and flower gardens and nurseries, provided, however, that the products shall not be sold at retail on the premises and no building shall be erected upon the premises other than a dwelling and the usual accessory buildings.
- (6) Accessory uses and buildings incidental to and on the same zoning lot as a principal use.

(C) **SPECIAL USES.** Special uses may be allowed in the GR-2 District as provided in Section 46-24.

(D) **LOT SIZE REQUIREMENTS.**

	Minimum Lot Area	Minimum Lot Width
Single-family detached dwellings	6,250 Square Feet	50 Feet
Two-family detached dwellings	6,250 Square Feet	50 Feet
	Per Dwelling	
Multiple-family dwellings	3,125 Square Feet	100 Feet
	Per Dwelling Unit	

(E) **YARD REQUIREMENTS** (Yard requirements are given in linear feet).

(1) **Permitted Uses.**

	Required Setbacks			
	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Single-family detached dwellings	40	6	12	30
Two-family detached dwellings	40	6	12	35
Multiple-family dwellings	40	20 (2-story) 30 (3-story)	15	35
All other permitted uses.	40	10	15	35

(2) **Accessory Uses.**

	Required Setbacks			
	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Buildings, accessory	40	6	12	10

(F) **HEIGHT REQUIREMENTS.** The maximum height of all principal buildings and structures shall be governed by Section 9-107. 1-(B)-(3), Building Scale and Environment, of the Building Code, and the maximum height of all accessory buildings and structures shall not exceed 25 feet. (Ord. No. 92-14, Sec. 2)

Sec. 46-45. GR-1 GENERAL RESIDENCE DISTRICT---

(A) **PURPOSE.** The GR-1 District is a moderate density multiple-family residence district to be used primarily for the purpose of creating transitional residence areas between the business and commercial uses of the Central Business District and the surrounding single-family and lower density multiple-family residence areas; and providing a zoning and land use alternative for areas of the community presently zoned for office, business, or service use but which in the interests of the general community and sound community planning would more desirably and appropriately be developed for residence purposes.

(B) **PERMITTED USES.** The following uses are permitted in the GR-1 District:

- (1) Single-family detached dwellings.
- (2) Parks, playgrounds, and community buildings operated by municipal agencies.
- (3) Two-family detached dwellings.
- (4) Multiple-family dwellings.
- (5) Truck and flower gardens and nurseries, provided, however, that the products shall not be sold at retail on the premises and no building shall be erected upon the premises other than a dwelling and the usual accessory buildings.
- (6) Accessory uses and buildings incidental to and on the same zoning lot as a principal use.

(B) **SPECIAL USES.** Special uses may be allowed in the GR-1 District as provided in Section 46-24.

(C) **LOT SIZE REQUIREMENTS.**

	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
Single-family detached dwellings	6,250 Square Feet	50 Feet
Two-family detached dwellings	6,250 Square Feet	50 Feet
	Per Dwelling Unit	
Multiple-family dwellings	2,000 Square Feet	50 Feet
	Per Dwelling Unit	

(D) **YARD REQUIREMENTS** (Yard requirements are given in linear feet).

(1) **Permitted Uses**

	Required Setbacks			
	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Single-family detached dwelling	40	6	12	35
All other permitted uses	40	10	15	35

(2) **Accessory Uses.**

	Required Setbacks			
	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Buildings, accessory	40	6	12	10

(E) **HEIGHT REQUIREMENTS.** The maximum height of all principal buildings and structures shall be governed by Section 9-107.1 -(B)-(3), Building Scale and Environment, of the Building Code, and the maximum height of all accessory buildings and structures shall not exceed 25 feet. (Ord. 92-14, Sec. 2)

Sec.46-45.A OPEN AREA DISTRICT

(A) Purpose: The new zoning classification would be placed on those parcels of land, identified as "OA" on the "District Map" of the Lake Forest Zoning Code, whose character has already been established as open in nature through private conservation easements, deed restrictions, plat covenants and the like.

(B) General: No building or structure shall be used or erected, enlarged or structurally altered on any parcel designated as "OA", except as specifically provided in this section.

(C) Permitted Uses: The following uses are permitted in the OA--Open Area District:

1. Private parks and open space.
2. Parks, playgrounds and community buildings operated by municipal agencies.
3. Golf courses and related buildings and facilities.
4. Farms, providing that no building in which farm animals or poultry are housed shall be located within 200 feet of any lot in any "W" District.
5. Stables and kennels, provided that no such stables or kennels shall be within 200 feet of any lot in an "R" district, and further provided that such stables or kennels shall not be operated and maintained as a part of, or in connection with, a veterinary or animal hospital.
6. Storm water detention and retention facilities.
7. Conservation areas, including wetlands, flood plains, woodlands and similar areas.
8. Hiking and horseback riding paths and trails.
9. Accessory uses and buildings incidental to and on the same lot as a principal use or structure.

(D) Special Uses: Special uses may be allowed in the OA Open Area District as provided in Section 46-24.

(E) Development Regulations: This Ordinance shall be in full force and effect from and after its passage, approval, recordation and publication, as provided by law.

1. No minimal parcel size.
2. Setback requirements.
All structures intended to house farm animals: 200 feet from all property lines
All other structures: 50 feet from all property lines
3. Height requirements: 25 feet maximum

(Ord. No. 94-39, Sec. 1).

Sec. 46-46. ROS SINGLE FAMILY RESIDENCE AND OPEN SPACE DISTRICT

(A) PURPOSE. The ROS Single Family Residence and Open Space District is to be used for the purpose of creating single family residential areas of varying types of overall low densities for the purpose of preserving significant quantities of open space and allowing flexibility of residential design.

(B) PERMITTED USES. The following uses are permitted in the ROS Single Family Residence and Open Space District:

- (1) Single family detached dwellings.
- (2) Attached dwellings, provided that such dwellings are of superior design with the purpose of maximizing open space.
- (3) Private parks and open space uses.
- (4) Parks, playgrounds and community buildings operated by municipal agencies.
- (5) Golf course and related facilities and buildings.
- (6) Farms, providing that no building in which farm animals or poultry are housed shall be located within two hundred (200) feet of any lot in any "R" District.
- (7) Stables and kennels, provided that no such stables or kennels shall be within two hundred (200) feet of any lot in an "R" District, and provided further that such stables or kennels shall not be operated and maintained as a part of or in connection with a veterinary or animal hospital.
- (8) Truck and flower gardens and nurseries, provided, however, that the products shall not be sold at retail on the premises and no building shall be erected upon the premises other than a dwelling and the usual accessory buildings.
- (9) Railroad passenger commuter station and related parking facilities.
- (10) Detention and retention facilities.
- (11) Accessory uses and buildings incidental to and on the same zoning lot as a principal use.

(C) SPECIAL USES. Special uses may be allowed in the ROS Single Family Residence and Open Space District, as provided in Section 46-24.

(D) MINIMUM PARCEL SIZE. The minimum parcel size required to be developed in the ROS Single Family Residence and Open Space District is three hundred (300) acres.

(E) MINIMUM OPEN SPACE. The minimum open space required to be preserved as permanent open space is one hundred (100) acres.

(F) LOT SIZE REQUIREMENTS.

	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
Single family detached dwellings	No minimum requirement	
Attached dwellings	No minimum requirement	
Farms	10 acres	500 feet
Stables & kennels	10 acres	500 feet
Truck & flower gardens & nurseries	5 acres	300 feet
Railroad commuter station	No minimum requirement	
Detention & retention facilities	No minimum requirement	

(G) MINIMUM YARD REQUIREMENTS. (Given in linear feet.)

(1) Permitted Uses.

	<u>Required Setbacks</u>			
	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Single family detached dwelling	25	5	25	10*
Attached dwellings	25	No minimum requirement		10
Parks, playgrounds, and community buildings--permanent structures	50**	50**	50**	50**
Farm--permanent structures, excluding single family detached dwellings and fences	200	200***	200	200***
Stables and kennels	200	200***	200	200***
Truck or flower gardens and nurseries--permanent structures 100**	100**	100**	100**	
Railroad commuter station	50	25	50	50
Detention & retention	No yard requirements			

* Except on those lots abutting existing residential property.

** If no structures are established -- no yard requirements.

*** When structures housing horses, dogs, poultry or farm animals are established--otherwise 50 feet.

(2) Accessory Uses.

Required Setbacks

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Buildings, accessory	Not Permitted	5	10	10

(H) HEIGHT REQUIREMENTS. The maximum height of all buildings and structures shall not exceed thirty-five (35) feet.
 (I) PARKING REQUIREMENTS. Off-street parking shall be provided in accordance with the provisions of Section 46-60 (Off-Street Parking Table) of this Chapter.

(J) OPEN SPACE. The open space preserved shall be subject to the following conditions:

- (1) Open space areas may be devoted to the following purposes:
 - (a) Natural areas, such as floodplains, woodlands, wetlands, ravines and bluffs and/or landscaped areas including landscaped berms, trails and pathways;
 - (b) Recreational facilities or amenities;
 - (c) Storm water detention facilities.
- (2) No open space land shall be utilized for future residential building Sites.
- (3) The required subdivision plat shall contain the appropriate notations and clauses reflecting dedications, easements, reservation, regulations and requirements concerning ownership and responsibility for common space areas and facilities.
- (4) With respect to open space which is to be reserved for use solely by resident property owners, the developer shall prepare and file with the City Council and Plan Commission as companion documents with the proposed residential areas the following:
 - (a) Proposed Articles of Incorporation of a Homeowners Association or some comparable type of organization establishing equal common ownership of and criteria for maintenance of all common open space.
 - (b) Proposed Declaration of Covenants and Restrictions governing:
 - (i) Property rights in the common properties;
 - (ii) Declaration of lands subject to such covenants, including provisions for expansion where expansion is possible;
 - (iii) Voting rights of property owners;
 - (iv) Requirements pertaining to mandatory membership in the Homeowners Association and criteria for assessing and collecting maintenance fees;
 - (v) Exterior maintenance requirements, if any;
 - (vi) Architectural control committee functions, powers, duties and procedures, if any; and other general provisions, e.g., duration of covenants, notices, enforcement and severability clauses, etc.;
 - (vii) Through the operation of all provisions required under subsection (vi) above, the developer or subdivider shall maintain control of all such common open space(s) and be responsible for required maintenance until it has been determined that development sufficient to support the Homeowners Association has taken place. Such determination shall be provided for as a part of and in accordance with the Declaration of Covenants and Restrictions;
 - (viii) If, in the opinion of the appropriate City Official, a public nuisance is created on any part of the aforementioned common open space, The City of Lake Forest shall then place the developer, subdivider or Homeowners Association on notice by registered mail and specify corrective measures required. If, within ten (10) days after said notice, no action has taken place, the City may exercise its option to take corrective measures and invoice the responsible party.

(K) DESIGN STANDARDS. The following standards shall be used as a framework for evaluating a proposed ROS District:

- (1) Topography. The topography shall be preserved, wherever possible, in its natural state by minimizing grade changes and alterations. Building sites and street locations should conform to existing land contours, to the extent possible.
- (2) Street Layout. The streets shall be curved, wherever possible, to provide gentle curvilinear street patterns. Streets shall be located, wherever possible, to preserve the natural elements of site, as well as those of surrounding properties. Further, the number of new intersections with existing and proposed major or secondary arterials and collector/distributor streets shall be kept to a minimum.

The use of cul-de-sacs to provide access to the residences is encouraged so as to provide privacy for the units, more variety in site planning and views oriented away from neighbors' yards and units.

The property within the ROS Single Family Residence and Open Space District shall be developed in a manner consistent with its rural nature. The roadway and drainage systems therein may be developed with design appropriate to a "country lane" but shall meet the engineering standards of The City of Lake Forest. An adequate pedestrian circulation system appropriately lighted shall be provided and the drainage system may incorporate materials other than concrete curbs and gutters.

Principal through streets shall be developed in accordance with the standards of The City of Lake Forest and shall have a pavement width of not less than 20 feet. Secondary streets shall have a pavement width of not less than 16 feet. Streets serving six (6) or fewer dwelling units shall have a pavement width of not less than fourteen (14) feet.

- (3) Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, so that the resulting development will be in keeping with the general appearance of neighboring developed areas and will not adversely affect the ecology of the area. Wherever the natural landscape is not preserved or no vegetation existed, mature landscape materials, emphasizing the use of evergreens, shall be installed in accordance with a plan approved by the Director of Parks, Forestry and Public Works.
- (4) Relation of Proposed Building to Environment and Existing Development. Proposed structures shall be related harmoniously to the terrain and to existing structures that have visual relationship to the proposed structures.
- (5) Utility Services. Electric and telephone lines shall be underground. Any utility installations remaining above ground shall be located so as to have harmonious relation to neighboring properties and the site.

(L) MODIFICATIONS. The City Council may approve modifications in connection with a particular development plan which are consistent with the purposes of this Ordinance.

Section 46-47. RE SINGLE FAMILY RESIDENCE AND EDUCATIONAL DISTRICT

(A) PURPOSE. The RE Single Family Residence and Educational District is to be used for the purpose of creating single family residential areas of varying types at overall low densities in conjunction with the open setting of an educational campus and allowing flexibility of residential design.

(B) PERMITTED USES. The following uses are permitted in the RE Single Family Residence and Educational District:

- (1) Single family detached dwellings.
- (2) Private parks and open space uses.
- (3) Parks, playgrounds and community buildings operated by municipal agencies.
- (4) Accessory uses and buildings incidental to and on the same zoning lot as a principal use.

(C) SPECIAL USES. Special uses may be allowed in the RE Single Family Residence and Educational District, as provided in Section 46-24.

(D) MINIMUM PARCEL SIZE. The minimum parcel size required to be developed in the RE Single Family Residence and Educational District is one hundred and fifty (150) acres.

(E) DENSITY STANDARDS. The overall density of the residential development shall not exceed one (1) dwelling unit per 60,000 square feet of land area, based on a gross density calculation, less twelve percent (12%).

(F) LOT SIZE REQUIREMENTS. No minimum requirement for lot area or lot width.

(G) MINIMUM YARD REQUIREMENTS. (Given in linear feet.)

- (1) Permitted Uses.

Required Setbacks

	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Single family detached dwelling	25*	5*	25*	10*
Parks, playgrounds, and community buildings-- permanent structures	50	50	50	50

* All yard requirements shall be measured from the edge of right-of-way, whether streets are public or private.

(2) Accessory Uses.

	<u>Front Yard</u>	<u>Required Setbacks</u>		
		<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Rear Yard</u>
Buildings, accessory	Not permitted	5	10	10

(H) HEIGHT REQUIREMENTS. The maximum height of all principal buildings and structures shall be governed by Section 9-107.1-(B)-(3), Building Scale and Environment, of the Building Code, and the maximum height of all accessory buildings and structures shall not exceed 25 feet. (Ord. No. 92-14, Sec. 2)

(I) PARKING REQUIREMENTS. Off-street parking shall be provided in accordance with the provisions of Section 46-60 (Off-Street Parking Table) of this Chapter.

(J) OPEN SPACE. The open space preserved shall be subject to the following conditions:

- (1) Open space areas may be devoted to the following purposes:
 - (a) Natural areas, such as floodplains, woodlands, wetlands, ravines and bluffs and/or landscaped areas including landscaped berms, trails and pathways;
 - (b) Recreational facilities or amenities;
 - (c) storm water detention facilities.
- (2) No open space land used in calculation of residential densities shall be utilized for future residential building sites.
- (3) The required subdivision plat shall contain the appropriate notations, and clauses reflecting dedications, easements, reservation, regulations and requirements concerning ownership and responsibility for common space areas and facilities.
- (4) With respect to open space which is to be reserved for use solely by resident property owners, the developer shall prepare and file with the City Council and Plan Commission as companion documents with the proposed residential areas the following:
 - (a) Proposed Articles of Incorporation of a Homeowners Association or some comparable type of organization establishing equal common ownership of and criteria for maintenance of all common open space.
 - (b) Proposed Declaration of Covenants and Restrictions governing:
 - (i) Property rights in the common properties;
 - (ii) Declaration of land subject to such covenants, including provision for expansion where expansion is possible.;
 - (iii) Voting rights of property owners;
 - (iv) Requirements pertaining to mandatory membership in the Homeowners Association and criteria for assessing and collecting maintenance fees;
 - (v) Exterior maintenance requirements, if any;
 - (vi) Architectural control committee functions, powers, duties and procedures, if any; and other general provisions, e.g., duration of covenants, notices, enforcement and severability clauses, etc;
 - (vii) Through the operation of all provisions required under subsection (vi) above, the developer or subdivider shall maintain control of all such common open space(s) and be responsible for required maintenance until it has been determined that development sufficient to support the Homeowners Association has taken place. Such determination shall be provided for as a part of and in accordance with the Declaration of Covenants and Restrictions;
 - (viii) If, in the opinion of the appropriate City Official, a public nuisance is created on any part of the aforementioned common open space, The City of Lake Forest shall then place the developer, subdivider or Homeowners Association on notice by registered mail and specify corrective measures required. If, within ten (10) days after said notice, no action has taken place, the City may exercise its option to take corrective measures and invoice the responsible party.

(K) DESIGN STANDARDS. The following standards shall be used as a framework for evaluating a proposed RE District:

- (1) Topography. The topography shall be preserved, wherever possible, in its natural state by minimizing grade changes and alterations. Building sites and street locations should conform to existing land contours, to the extent possible.
- (2) Street Layout. The streets shall be curved, wherever possible, to provide gentle curvilinear street patterns. Streets shall be located, wherever possible " to preserve the natural elements of site, as well as those of surrounding properties. Further, the number of new intersections with existing and proposed major or secondary arterials and collector/distributor streets shall be kept to a minimum.

The use of cul-de-sacs to provide access to the residences is encouraged so as to provide privacy for the units, more variety in site planning and views oriented away from neighbors' yards and units.

The property within the ROS Single Family Residence and Open Space District shall be developed in a manner consistent with its rural nature. The roadway and drainage systems therein may be developed with design appropriate to a "country lane" but shall meet the engineering standards of The City of Lake Forest. An adequate pedestrian circulation system appropriately lighted shall be provided and the drainage system may incorporate materials other than concrete curbs and gutters.

Principal through streets shall be developed in accordance with the standards of The City of Lake Forest and shall have a pavement width of not less than 20 feet. Secondary streets shall have a pavement width of not less than 16 feet. Streets serving six (6) or fewer dwelling units shall have a pavement width of not less than fourteen (14) feet.

- (3) Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, so that the resulting development will be in keeping with the general appearance of neighboring developed areas and will not adversely affect the ecology of the area. Wherever the natural landscape is not preserved or no vegetation existed, mature landscape materials, emphasizing the use of evergreens, shall be installed in accordance with a plan approved by the Director of Parks, Forestry and Public Works.
- (4) Relation of Proposed Building to Environment and Existing Development. Proposed structures shall be related harmoniously to the terrain and to existing structures that have visual relationship to the proposed structures.
- (5) Utility Services. Electric and telephone lines shall be underground. Any utility installations remaining above ground shall be located so as to have harmonious relation to neighboring properties and the site.

(L) MODIFICATIONS. The City Council may approve modifications in connection with a particular development plan which are consistent with the purposes of this Ordinance.

ART. VIII OFFICE AND BUSINESS DISTRICTS

Sec. 46-48. GENERAL REQUIREMENTS---

(A) PERMITTED USES. Permitted uses of land or buildings, as herein listed, shall be permitted in the districts indicated under the conditions specified. No buildings or land shall be devoted to any use other than a use permitted in the zoning district in which such building or land is located, with the exception of the following:

(1) Uses established on the effective date of this Chapter or any amendment hereto; and

(2) Special uses, allowed in accordance with the provisions of Section 46-48-(B).

Uses already established on the effective date of this Chapter or any amendment hereto, and rendered nonconforming by the provisions hereof, shall be subject to the regulations of Article IV, Nonconforming Buildings, Structures, and Uses.

(B) SPECIAL USES. Special uses may be allowed in the District as provided in Section 46-24.

(C) LOT SIZE REQUIREMENTS. Lot size requirements shall be as set forth under each zoning district.

(D) YARD REQUIREMENTS.

(1) Yard requirements shall be as set forth under each zoning district in this Article for all buildings, structures, and uses, except as provided in Article III, General Provisions.

(2) If the property on a street frontage between intersecting streets is zoned partially Residence, or General Residence, and partially Business, the front yard requirement of the Residence and General Residence District shall be applied to the entire street frontage.

(3) Fuel pumps with a height of not over six (6) feet shall be exempt from the established front yard or corner side yard requirements, but all such dispensing devices shall be set back from the front lot line and the corner side lot line a distance of not less than fifteen (15) feet.

(4) All accessory buildings when attached to principal buildings shall comply with the yard requirements of the principal building.

(E) HEIGHT REQUIREMENTS. The requirements established under each zoning district in this Article shall determine the maximum building height allowable within each district.

(F) SIGNS. Signs regulated as provided in Chapter 36 of the City Code.

(G) OFF-STREET PARKING. Off-street parking, accessory to uses allowed in the Office, Neighborhood Business, Community Business, and Business Districts, shall be provided as required in Article IX.

(H) OFF-STREET LOADING. Off-street loading, accessory to uses allowed in the Office, Neighborhood Business, Community Business, and Business Districts, shall be provided as required in Article IX

(I) INCLUSIONARY HOUSING.

In addition to the requirements of this Section and the respective district requirements, certain developments shall be subject to the Inclusionary Housing requirements of Chapter 20A of the City Code, which requirements shall be satisfied in addition the provisions of this Chapter.

Sec. 46-49. O-1 OFFICE DISTRICT---

(A) PURPOSE. The O-1 district is designed to accommodate office, institutional buildings, and multiple-family structures in a mutually advantageous setting.

(B) PERMITTED USES. The following uses are permitted in the O-1, Office District:

(1) Offices, business, professional, and governmental, permitted only on ground floor, but not including offices used for the display, sale, lease, delivery, processing, storage, manufacturing servicing or advertising of merchandise, commodities or other chattels.

(2) Clubs and lodges, private.

(3) Multiple-family dwelling units.

(4) Funeral homes and mortuaries.

(5) Institutions, as follows, including all uses, structures, and facilities customarily incidental to their operations.

(a) Colleges and universities.

(b) Elementary and high schools.

(c) Institutions for the mentally handicapped.

(d) Day, nursery, and other schools for the care and instruction of children.

(e) Churches, chapels, temples, and synagogues, including rectories, parsonages, and parish houses.

(f) Hospitals and related health care facilities.

(g) Nursing homes.

(h) Libraries, art galleries, and museums.

(i) Philanthropic and charitable institutions, but not including businesses sponsored by such institutions, except such as are accessory or incidental to and located in the same building as such institution proper.

(6) Accessory uses.

(C) SPECIAL USES. Special uses may be allowed in the O-1 Office District as provided in Section 46-24.

(D) LOT SIZE REQUIREMENTS

(1) No lot in an O-1 Office District shall contain an area less than 6,250 square feet or have a width at the building line less than fifty (50) feet.

(2) There shall be no requirement for a minimum lot area per dwelling unit in the O-1 Office District.

(3) The parking requirements must be met on-site for all proposed dwelling units.

(4) If a lot or tract has less area or width than herein required and was of record at the time of the effective date of this Chapter, that lot may be used for any purpose permitted in the O-1 Office District, subject to compliance with other applicable requirements.

(E) YARD REQUIREMENTS.

(1) Front Yard: Twenty-five (25) feet.

(2) Side Yard:

(a) Five (5) feet.

(b) On a corner lot, a front yard setback shall be provided from each street right-of-way.

(3) Rear Yard: Thirty-five (35) feet. (Ord. 93-4, Sec. 1)

(F) HEIGHT REQUIREMENTS. The maximum height of all principal buildings and structures shall not exceed thirty-five (35) feet and the maximum height of all accessory buildings and structures shall not exceed twenty-five (25) feet.

Section 46-50. O-R OFFICE RESEARCH DISTRICT---

(A) PURPOSE. The O-R Office Research District is designed to allow for the establishment of corporate headquarters and research laboratories and facilities in a spacious setting containing large amounts of open space, which constitutes an appropriate entryway to The City of Lake Forest from the west.

(B) CONDITIONS OF USE. Uses allowed in the O-R Office Research District are subject to the following conditions:

(1) All business, servicing, processing and storage shall be conducted within, and all equipment shall be located in, completely enclosed buildings.

(2) No manufacturing or assembly shall be permitted, except as is incidental to or accessory to the principal use of the premises.

(3) No merchandise shall be displayed or handled on the premises except such as is incidental or accessory to the principal use of the premises.

(4) No use established in the O-R District shall produce any noise, vibrations, smoke, dust, odor or other similar noxious environmental impacts which can be measured outside of any building.

(C) PERMITTED USES. The following uses are permitted in the O-R Office Research District:

(1) Corporate headquarters.

(2) Offices: business, professional and governmental.

(3) Medical laboratories and scientific research laboratories including, but not limited to, pure research, product development and research manufacturing facilities; provided, however, that no such laboratories shall be utilized for animal research or experimentation nor shall any use of such laboratories result in offensive noises or odors, hazardous conditions or other similar noxious environmental impact.

(4) Accessory uses incidental to and located within an office structure, and primarily for service to and use of the employees of the office development as follows:

- (a) Banks and other financial institutions, not including drive-up facilities;
- (b) Retail sales for the convenience of the occupants of the development such as newsstands, tobacconists, drugstores and barber shops;
- (c) Recreational and health club facilities;
- (d) Private clubs, employee cafeterias and standard restaurant facilities;
- (e) Such accessory uses shall be subject to the following limitations:
 - (i) Such establishments shall not have an outdoor entrance or outdoor sign.
 - (ii) Not more than ten percent (10%) of the total gross floor area of any individual building may be devoted to such uses as set forth in subsection (b) of this Section (4).
 - (iii) Not more than twenty-five percent (25%) of the total gross floor area of any individual building may be devoted to such uses.

(5) Accessory buildings.

(D) SPECIAL USES. Special uses may be allowed in the O-R Office Research District as provided in Section 46-24.

(E) LOT SIZE, COVERAGE AND OPEN SPACE REQUIREMENTS.

- (1) Minimum Lot Size. Each lot shall contain not less than ten (10) acres.
- (2) Maximum Coverage by Structures. The sum total of the ground area covered by all structures shall not exceed twenty-five percent (25%) of the zoning lot.
- (3) Minimum Open Space. The sum total of the ground area continuously maintained unobstructed by buildings or other structures of off-street parking and loading and appropriately landscaped as permanent open space shall not be less than twenty-five percent (25%) of the zoning lot. Walkways and bicycle paths shall be counted as open space, even if covered with impervious surfaces.

(F) FLOOR AREA RATIO. The maximum gross square footage of building area permitted on the site shall not exceed a floor area ratio of .25.

(G) YARD REQUIREMENTS. No principal or accessory building shall be located closer to a property line than as follows:

- (1) Front Yard -- 100 feet, except 150 feet along Illinois Route 60.
- (2) Corner Side Yard -- 100 feet.
- (3) Interior Side Yard -- 40 feet.
- (4) Rear Yard -- 25 feet.
- (5) Transitional Yards Adjacent to Residential Districts -- 150 feet. In addition, parking shall not be permitted within 25 feet of a residential district and there shall be dense, year-round landscaping of that 25-foot space.

(H) HEIGHT REQUIREMENTS. The maximum height of any building shall not exceed forty-five (45) feet. Mechanical equipment or other utility components may be located on the roof of a building above such height but shall be screened from public view with materials harmonious with the building in order to minimize the appearance of any such mechanical equipment or other utility components, or they shall be located so as not to be visible from any public street, residential area or right-of-way.

(I) NUMBER OF BUILDINGS ON A ZONING LOT. Multiple principal buildings are allowed on a zoning lot, except that there shall be not less than fifty (50) feet between principal buildings, unless buildings are connected by pedestrian bridges.

(J) PARKING AND LOADING REQUIREMENTS. Required off-street parking and loading spaces shall be provided in accordance with the provisions of Article IX (Off-Street Parking and Loading) of this Chapter 46 of the City Code. In addition, no off-street parking lot shall be located within fifteen (15) feet of a side or rear lot line (25 feet adjacent to a residential district lot line), and no parking structure shall be located in any portion of any required yard.

(1) Land Banking of Required Parking Accessory to Office Uses. Notwithstanding any other provision of this Ordinance, the total number of off-street parking spaces required to be paved pursuant to Section 46-60 of the Zoning Code for office and research uses in the O-R District may be reduced by up to twenty percent (20%), subject to acceptance of the following conditions by the property owner:

- (a) The City Manager shall have the right to direct and require the property owner or his successor, at any time subsequent to the completion of the development, to increase the number of parking spaces provided to serve said development up to the maximum required by this Ordinance for the property in question as if no special permit for land banking had been granted.
- (b) An application for a reduction in parking spaces pursuant to this Section shall be accompanied by alternate detailed parking plans. One plan shall show the full number of parking spaces required pursuant to Section 46-60, above; the other plan shall show the reduced number of parking spaces proposed to be provided and shall also show the landscaping treatment of areas proposed to be reserved for future parking requirements. Both such plans shall show the location on the site of all parking areas, the exact number of parking spaces to be provided, and complete details for wheel stops, markings, drainage, surfacing, screening and landscaping, lighting and access. The location, arrangement, access, surface drainage, wheel stops and screening and landscaping, and illumination of such parking area shall be subject to the approval of the City Engineer.
- (c) As a condition of the grant of such reduction, the applicant shall file with the City Clerk his unconditional agreement that areas reserved for future parking shall be maintained as landscaped open space until and unless required to be used for off-street parking pursuant to such special permit. The agreement and covenant shall be recorded with the Recorder of Deeds of Lake County, Illinois.

(2) Loading Requirements.

- (a) For buildings with 50,000 to 250,000 square feet (gross), one loading space is required.
- (b) For buildings with more than 250,000 square feet (gross), two loading spaces are required.

(K) LANDSCAPE PLAN. Prior to the issuance of a building permit for any development in the O-R Office Research District, a landscape plan shall be submitted to and approved by the Director of Parks, Forestry & Public Works. All open space areas (areas not developed with a building or an impervious surface and not considered natural resources as described in paragraph (L), below) shall be appropriately landscaped in accordance with said plan and shall include the following, which shall be considered minimum requirements:

- (1) All areas required to be landscaped shall be covered with turf, ground cover and/or other plantings.
- (2) Only those portions of the lot or building site which are used directly for parking spaces, aisles, driveways or walkways, shall be paved.
- (3) One tree shall be provided for each one thousand (1,000) square feet of required open space, which trees shall be not less than three and one-half (3.5) inches in caliper. All trees shall be of the type and variety specified in the landscape plan and shall be located in general conformity with the landscape plan. Credit shall be given for existing trees.
- (4) In parking areas, at least one hundred twenty (120) square feet of landscaping shall be provided for every six (6) required parking spaces.
- (5) Any earth berms included in the landscaping plan shall be rounded and natural in character and shall be designed to obscure automobiles. No such berm shall have a slope steeper than one foot of vertical rise for every two feet of horizontal run.

(L) NATURAL RESOURCES. To the extent possible, the development of all site plans must incorporate the preservation of existing environmental features on the site. Said features to be preserved shall include floodplain, wetlands, woodlands, and all other natural features worthy of preservation.

(M) REFUSE COLLECTION AREAS. All refuse collection areas shall be contained within the walls of the office structure and shall be refrigerated if they contain food or other putrescible materials.

(N) OUTDOOR STORAGE. No outdoor storage shall be permitted.

(O) TELEPHONE AND ELECTRICAL SERVICE. All on-site electrical lines and telephone lines installed after the effective date of this Ordinance shall be placed underground. Transformer or terminal equipment shall be visually screened from view, from streets and adjacent properties.

(P) MODIFICATIONS. The City Council may approve modifications in connection with a particular development plan which are consistent with the purposes of this Ordinance.

Section 46-51. OR-2 OFFICE RESEARCH DISTRICT---

(A) PURPOSE. The OR-2 Office Research District is designed to allow for the establishment of corporate headquarters, business offices, research laboratories, and other compatible facilities in a spacious setting containing large amounts of open space, which can provide a land use buffer between the Illinois Tollway on the west and the natural resource and residential areas to the east and constitute an appropriate entryway to The City of Lake Forest from the west.

(B) CONDITIONS OF USE. Uses allowed in the OR-2 Office Research District are subject to the following conditions:

- (1) All business, servicing, processing and storage shall be conducted within, and all equipment (except as otherwise provided in subsection (H) hereof) shall be located in, completely enclosed buildings.

- (2) No merchandise shall be displayed or handled on the premises except as expressly permitted pursuant to Subsection C of this Section and except such as is incidental or accessory to the principal use of the premises.
- (3) No uses established in the OR-2 District shall produce any unreasonably offensive noise, vibration, smoke, dust, odor, or other similar noxious environmental impact which can be detected beyond the district boundary lines.

(C) PERMITTED USES. The following uses are permitted in the OR-2 Office Research District:

- (1) Corporate headquarters.
- (2) Offices: business, professional and governmental.
- (3) Medical laboratories and scientific research laboratories including, but not limited to, pure research, product development and research manufacturing facilities; provided, however, that no such laboratories shall be utilized for animal research or experimentation.
- (4) Day-care facilities.
- (5) Hotel, motel, and uses associated with such hotel or motel use on the same site provided such use is developed in an OR-2 District having a minimum gross area (including public and private rights-of-way) of 200 acres, and provided further that, except for restaurants, no outdoor signage may identify any permitted associated use. The following are specifically permitted associated uses:
 - (a) Restaurant;
 - (b) Banquet and ballroom facilities (including food and/or liquor service when required);
 - (c) Liquor service, including lounge areas;
 - (d) Live entertainment;
 - (e) Recreational, health and social facilities or clubs (including, but not limited to, game courts, swimming pools, and exercise areas limited to hotel guests or club members and their visitors);
 - (f) Meeting/conference rooms;
 - (g) Convenience item shops;
 - (h) Laundry and housekeeping facilities;
 - (i) Vending machines; and
 - (j) Retail business uses as listed in Section 46-52-(c) of this Code provided that such uses occupy no more than forty percent (40%) of the ground floor area on such hotel site.
- (6) Restaurants, recreational clubs, and health clubs when located within an office structure and not occupying more than twenty-five percent (25%) of the floor area of such structure.
- (7) Banks and other financial institutions, not including drive-up facilities when located in an office structure.
- (8) Accessory uses incidental to, and located within, an office structure, and primarily for service to, and use by, the employees within the OR-2 District, as follows:
 - (a) Retail sales for the convenience of the occupants of the district including, but not limited to, newsstands, tobacconists, drugstores, and office supply stores.
 - (b) Retail services for the convenience of the occupants of the district including, but not limited to, dry cleaning, tailoring, shoe repair, photocopying and blueprinting, travel bureaus, and barber shops;
 - (c) Private clubs and employee cafeterias;
 - (d) Such accessory uses shall be subject to the following limitations:
 - (i) Such establishments shall not have an outdoor entrance or outdoor sign.
 - (ii) Not more than ten percent (10%) of the total gross floor area of any individual building may be devoted to uses listed in subsection 8-(a) and 8-(b) above.
 - (iii) Not more than twenty-five percent (25%) of the total gross floor area of any individual building may be devoted to such uses.
 - (iv) Except for private clubs, the hours of operation of such uses shall generally coincide with the office hours maintained in the building.
- (9) Accessory buildings.
- (10) Temporary and permanent signs as permitted in Chapter 36 of the City Code, except as follows:
 - (a) one (1) free-standing sign per lot not exceeding one hundred (100) square feet in signage area may be erected provided that said sign shall:
 - (i) not exceed six (6) feet in height, if lighted;
 - (ii) not exceed ten (10) feet in height, if not lighted.
 - (b) one (1) wall sign shall be permitted on the front facade of a principal building having an area not exceeding twice the number of lineal feet of such facade or two hundred fifty (250) square feet, whichever is less.
- (11) Parking lots as a stand alone use if located on parcels in common ownership with an adjacent, OR-2 property which is already developed with a principal building in a manner consistent with the OR-2 zoning district. (Ord. No. 06-46, Sec. 2)

(D) SPECIAL USES. Special uses may be allowed in the OR-2 Office Research District as provided in Section 46-24.

(E) DISTRICT SIZE, LOT SIZE, COVERAGE AND OPEN SPACE REQUIREMENTS.

- (1) Minimum District Size. No area consisting of fewer than 150 contiguous acres (including public and private rights-of-way) may be classified in the OR-2 District.
 - (2) Minimum Lot Size. Each lot shall contain not less than five (5) acres.
 - (a) Except that a minimum lot size of two (2) acres shall be permitted for:
 - (i) Property in common ownership with any adjacent OR-2 property which is already developed in a manner consistent with the OR-2 zoning district, or
 - (ii) The property is to be used solely for open space.
 - (3) Maximum Coverage by Buildings. The sum total of the ground area covered by all buildings shall not exceed thirty-five percent (35%) of the zoning lot.
 - (4) Minimum Open Space. The sum total of the ground area continuously maintained unobstructed by buildings or other structures of off-street parking and loading and appropriately landscaped as permanent open space shall not be less than twenty-five percent (25%) of the zoning lot. Walkways, pedestrian areas, and bicycle paths shall be counted as open space, even if covered with impervious surfaces.
- (F) FLOOR AREA RATIO. The maximum gross square footage of building area permitted on a zoning lot shall not exceed a floor area ratio of .50.
- (1) Only the lot area as reflected on a current property survey shall be used to determine the maximum gross square footage of building area permitted except in the event that land is dedicated for State Highway purposes and all of the following criteria are met.
 - a) The property is zoned OR-2.
 - b) The property as been developed at the time of the right-of-way dedication.
 - c) The right-of-way is required for improvements to a State Highway.
 - d) The right-of-way dedication from a single zoning lot does not exceed one acre.
 - e) The dedication occurred after January 1, 2003.

(G) YARD REQUIREMENTS. Each principal or accessory building shall provide minimum yards as follows:

- (1) Front Yard -- 100 feet, except 150 feet along Illinois Route 60.
- (2) Total Side Yards -- 100 feet, with not less than 25 feet for any side yard, except 150 feet along Illinois Route 60.
- (3) Total Side Yards (corner lot) -- 100 feet, with not less than 25 feet for any interior side yard and not less than 50 feet for any corner side yard, except 150 feet along Illinois Route 60.
- (4) Rear Yard -- 25 feet, except 150 feet along Illinois Route 60.
- (5) Transitional Yards Adjacent to Residential Districts -- 100 feet. In addition, parking shall not be permitted within 25 feet of a residential district and there shall be dense, year-round landscaping of that 25-foot space.

(H) HEIGHT REQUIREMENTS. The maximum height of any principal building shall not exceed seventy-five (75) feet, and no accessory building shall exceed thirty (30) feet in height. Mechanical equipment or other utility components may be located on the roof of a building above such height but shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public street or residential area.

(I) NUMBER OF BUILDINGS ON A ZONING LOT. Multiple principal buildings are allowed on a zoning lot, except that there shall be not less than fifty (50) feet between principal buildings, unless buildings are connected by pedestrian bridges or parking decks.

(J) PARKING AND LOADING REQUIREMENTS.

- (1) General. Required off-street parking and loading berths shall be provided in accordance with Article IX (Off-Street Parking and Loading) of this Chapter 46 of the City Code. In addition, any off-street parking area shall be set back at least fifty (50) feet from any street line and no such parking area shall be located within fifteen (15) feet of a side or rear lot line (25 feet adjacent to a lot line of an existing residential use).
- (2) Land Banking of Required Parking Accessory to Office Uses. Notwithstanding any other provision of this Ordinance, the total number of off-street parking spaces required to be paved pursuant to Section 46-60 of the Zoning Code for uses in the OR-2 District may be reduced by up to twenty percent (20%) subject to approval of the City Manager and subject to the following:
 - (a) An application for a reduction in parking spaces pursuant to this Section shall be accompanied by alternate detailed parking plans. One plan shall show the full number of parking spaces required pursuant to Section 46-60; the other plan shall show the reduced number of parking spaces proposed to be provided and shall also show the landscaping treatment of areas proposed to be reserved for future parking requirements. Both such plans shall show the location on the site of all parking areas, the exact number of parking spaces to be provided, and complete details for markings, drainage, surfacing, screening and landscaping, lighting and access. The location, arrangement, access, surface drainage, screening and landscaping, and illumination of such parking area shall be subject to the approval of the City Engineer.
 - (b) As a condition of the approval of such reduction, the applicant shall file with the City Clerk his unconditional agreement and covenant, in form and substance approved by the City Attorney, that areas reserved for future parking shall be maintained as landscaped open space until and unless required to be used for off-street parking pursuant to subsection (c), below. The agreement and covenant shall be recorded with the Recorder of Deeds of Lake County, Illinois.
 - (c) At any time after the completion of the development, the City Manager may, in order to promote the safety and convenience of the public or to avoid parking congestion on the subject property, require the property owner to increase the number of parking spaces provided to serve said development up to the maximum required by this Ordinance as if no approval for land banking had been granted.

(K) LANDSCAPE PLAN. Prior to the issuance of a certificate of occupancy for any development in the OR-2 Office Research District, a landscape plan shall be submitted to and approved by the Director of Parks, Forestry & Public Works. All areas not developed with a building or an impervious surface and not considered natural resources as described in paragraph (L) below, shall be appropriately landscaped in accordance with said plan, but no such plan shall be disapproved that satisfies the following requirements:

- (1) All areas required to be landscaped shall be covered with turf, ground cover and/or other plantings.
- (2) Those portions of the lot that are used for parking spaces, aisles, or driveways shall be paved with a hard surface.
- (3) Trees shall be provided on each lot with a total caliper of three and one-half (3.5) inches for each one thousand (1,000) square feet of required open space; provided, however, that no required tree shall be less than two and one-half (2.5) inches in caliper. All trees shall be of the type and variety specified in the landscape plan and shall be located in general conformity with the landscape plan. Credit shall be given for existing trees.
- (4) Except for structured or covered parking areas, at least ninety (90) square feet of landscaping shall be provided for every six required parking spaces within parking areas. A reasonable landscaped buffer shall be provided adjacent to any free-standing parking structure.
- (5) Any earth berms included in the landscaping plan shall be rounded and natural in character. No such berm shall have a slope steeper than one (1) foot of vertical rise for every two (2) feet of horizontal run.
- (6) Landscaping shall be installed within a reasonable time unless an extension is granted by the Director of Parks, Forestry and Public Works, in which event a bond shall be posted to guarantee installation.

(L) NATURAL RESOURCES. To the extent possible, the development of all zoning lot plans must incorporate the preservation of existing environmental features on the lot, including floodplain, wetlands, woodlands, and all other natural features worthy of preservation. Such natural resource areas shall be included as required open space, but in no event shall this Section (L) require that the area available for buildings and other structures (including off-street parking and loading spaces) be reduced to less than sixty percent (60%) of the gross lot area.

(M) REFUSE COLLECTION AREAS. All refuse collection areas shall be contained within the walls of the office structure and shall be refrigerated if they contain food or other putrescible materials.

(N) OUTDOOR STORAGE. No outdoor storage shall be permitted.

(O) TELEPHONE AND ELECTRICAL SERVICE. All on-site electrical lines and telephone lines hereafter installed shall be placed underground. Transformer or terminal equipment shall be visually screened from view from streets and adjacent properties.

46-52. B-1 NEIGHBORHOOD BUSINESS DISTRICT

A. PURPOSE

The B-1 Neighborhood Business District is designed to accommodate small retail and service businesses required for the frequently recurring needs of persons residing in adjacent or nearby residential areas.

B. CONDITIONS OF USE

Uses allowed in the B-1 District are subject to the following conditions:

1. All business establishments shall be retail or service establishments dealing directly with consumers and oriented to the needs of residents in the surrounding neighborhoods. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All business, servicing, processing, displays, and storage shall be conducted within completely enclosed buildings, except for the following: outdoor dining, produce or flower markets, the sale of garden supplies and ornaments, the sale of new or used automobiles, the sale of gasoline, the sale of items of a seasonal nature including Christmas trees, bedding plants and small shrubs when authorized by a Certificate of Zoning Compliance.
3. Outdoor storage is permitted only when it is screened from view. The required screening may be fencing, landscaping, or walls, and must be of sufficient height and density that the storage area is screened from view, from ground level up to a point seven (7) feet above the ground level of the adjoining street or property. No outside storage is permitted to rise above the screening.
4. Outdoor uses, not including storage areas, must be located wholly on private property, shall not impede pedestrian or vehicle circulation, and shall not eliminate or encroach upon required parking spaces unless the parking spaces are designated only for employee parking. In addition, no more than three required on site parking spaces may be used, and permits for off site parking must be purchased prior to authorization of the outdoor use to replace the lost spaces on a one to one basis. The Director of Community Development may waive the requirement for purchase of permits for off site parking if documentation is submitted by the petitioner to demonstrate that adequate on site parking exists to meet the needs of the business.
5. No manufacturing or assembling shall be permitted, except as incidental to the business occupying the premises.

6. The parking of trucks at an accessory use, when used in the conduct of a permitted business listed in this section, shall be limited to vehicles of not over one and one-half (1-1/2) ton capacity when located within seventy-five (75) feet of a Residence or General Residence District boundary line.

7. A Certificate of Zoning Compliance must be obtained consistent with the provisions of Section 46-20, Administrative Officer, of this Code prior to any change of use, expansion of uses on a site, and prior to the issuance of a building permit.

8. The uses and development shall be consistent with the Comprehensive Plan.

C. PERMITTED USES

Permitted uses in the B-1 Neighborhood Business District are listed in Table 1. If an applicant demonstrates to the satisfaction of the Director of Community Development that a use not specifically listed in Table 1 is consistent with the intent of the zoning district, and is similar and compatible with the listed permitted uses in the B-1 District, the Director of Community Development may allow the new use. The Director of Community Development shall document all such decisions in writing, provide a copy of the decision to the Plan Commission for information, and make a copy available for public review upon request.

Applications for new developments for uses that are permitted outright in the B-1 Zoning District, shall be forwarded to the Building Review Board by the Director of Community Development after the following review standard has been satisfied.

The overall site plan and traffic study have been reviewed and found by the Public Works Engineering and Public Safety Departments to have no material adverse impacts upon the uses or users of the site, upon any adjacent site or facility, or upon the surrounding business district.

D. SPECIAL USE

Special uses may be allowed consistent with the provisions of Section 46-24 upon the granting of a Special Use Permit for the specific use in accordance with the terms of a Special Use Permit Ordinance therefor. Special uses in the B-1 Neighborhood Business District are set forth in Table 1, the Use Matrix. Special Use Permits may also be granted to allow increased lot coverage or reduced open space requirements as authorized by the B-1 Zoning District. In addition to the standard Special Use Permit criteria in Section 46-24 of the Code, the petitioner shall show that the following criteria are also be satisfied.

1. A traffic study in a form satisfactory to the City of Lake Forest Public Works, Engineering and Public Safety Departments shall be submitted and shall establish that the proposed use and development will not materially and adversely impair traffic convenience and safety.

2. For drive-thru facilities of any type:

§ Ingress and egress points are located in a manner that does not create safety hazards for pedestrians or other vehicles.

§ Pedestrian path ways are provided in areas that are separated from the drive-thru facility and separated from the ingress and egress points to the drive-thru facility.

§ Pedestrian access to automatic banking facilities is provided to encourage pedestrian activity in the area.

§ The drive-thru facility is sited, configured, and screened in a manner that is consistent with the character of the area through landscaping, grade change, fences, walls, or structures so as to minimize the visual impacts on the streetscape.

3. It has been demonstrated that the building can be adapted to different additive uses in the future.

4. For new buildings, the development provides pedestrian links between the development and nearby retail uses.

5. For new buildings and buildings over 5,000 square feet, additive uses, as identified in Table 1, the Use Matrix, are incorporated into the development.

6. If a determination is made by the Plan Commission that the proposed development is a meritorious project that materially advances the stated purposes of the B-1 District and provides specific and identifiable long term benefits to the community, a Special Use Permit may be granted even if criteria 4 and 5 are not fully satisfied.

E. LOT SIZE, COVERAGE, AND OPEN SPACE REQUIREMENTS

1. Minimum Lot Sizes. The zoning lot for each structure containing a permitted use(s) shall contain not less than 5,000 square feet.

2. Maximum Coverage by Structures. The sum total of the ground area covered by all structures shall not exceed thirty 30% of the zoning lot. A development bonus allowing coverage of up to forty-five (45%) of the zoning lot may be requested through a Special Use Permit.

F. YARD REQUIREMENTS.

1. Front Yard. Except as otherwise herein provided, all buildings and uses allowed in the B-1 District shall provide a front yard of not less than twenty (20) feet in depth.

2. Transitional Yards. In the B-1 district, the minimum transitional yard requirements shall not be less than those specified below.

a. Where a side lot line coincides with a side or rear lot line in an adjacent Residence or General Residence District, a yard shall be provided along such side lot line equal in dimension to the minimum side yard which would be required under this Chapter for a residential use on the adjacent residential lot.

b. Where a rear lot line coincides with a side lot line in an adjacent Residence or General Residence District, a yard shall be provided along such a rear lot line equal in dimension to the minimum side yard which would be required under this Chapter for a residential use on the adjacent residential lot.

c. Where a rear lot line coincides with a rear lot line in an adjacent Residence or General Residence District, a yard shall be provided along such rear lot line equal in dimension to the minimum rear yard which would be required for a residential use on the adjacent.

G. HEIGHT REQUIREMENTS

The maximum height of all principal buildings and structures shall not exceed thirty-five (35) feet and the maximum height of all accessory buildings and structures shall not exceed twenty-five (25) feet.

H. OPEN SPACE REQUIREMENT

At least fifteen percent (15%) of the zoning lot shall remain as permanent open space configured on the site to provide a gathering space to accommodate

the pedestrian uses associated with the use and other uses in the area. Such open space shall be designed to enhance the visual character of the streetscape in the vicinity of the lot. The open space shall be landscaped in accordance with an approved plan and shall be continuous ground area unobstructed by buildings or surface parking areas. Walkways, pedestrian gathering areas and bicycle paths shall be counted as open space even though they may be an impervious surface. A development bonus reducing the required amount of open space to 10% of the zoning lot may be requested through a Special Use Permit.

I. SITE PLAN AND DESIGN REVIEW

The unique character of the B-1 District is reflected by the orientation of buildings in relation to the heavily traveled streets, Waukegan and Everett Roads, which run through this area. Site plans are intended to allow and encourage customers to move between uses on the same side of the street, without driving from use to use. In order to ensure the orderly development of properties within the B-1 District in a manner consistent with the overall character of the District, all proposed development within the B-1 District shall be subject to the site plan and design review requirements of this Subsection I.

1. Application Requirements - All proposed developments within the B-1 District, shall be subject to the following Site Plan and Design Review standards. In addition to the application requirements for the Building Review Board, the following information shall be provided as part of the application; if applicable:

Lot Area.

A site plan showing building foot prints, landscaped areas, open space, locations of outdoor uses, parking areas and walkways.

A floor plan delineating the existing and proposed floor area.

Existing and proposed number of dwelling units.

Parking calculations showing the number of spaces required and the number of existing and proposed spaces. If parking requirements are to be met through a variance or Special Use Permit, this request must accompany the development application.

A narrative that explains how the proposed development meets the District Site Plan and Design Review Standards.

A traffic study shall be submitted including, but not limited to, the following information: the volume of traffic that will be generated by the proposed uses, the traffic circulation patterns, a study of how ingress and egress to parking lots and drive thru facilities will enhance or impair pedestrian activity, and how existing streets will be impacted.

A description of the proposed uses of the building and information on covenants or restrictions that will be placed on the development to ensure a mix of uses in the future.

A plan illustrating how the building and overall site can be adaptively reused in the future for an alternative use.

Such additional information as the Director of Community Development deems necessary to properly review the application.

2. Site Plan and Design Review Standards - All properties in this district are under the purview of the Building Review Board. In addition to the standard criteria used by the Building Review Board, development proposals should be reviewed to ensure that they preserve and enhance the character and value of the district, and are consistent with the Comprehensive Plan direction for the Settler's Square area. To make this determination, the Building Review Board shall evaluate the petition subject to the following standards.

The front of buildings should be oriented to Waukegan Road to create a continuous edge and a unified streetscape.

Parking lots should be placed to the rear of building envelopes and should be screened through landscaping, grade changes or other methods to minimize visibility from Waukegan Road.

Two story buildings should be constructed to provide a cohesive visual character along Waukegan Road.

All elevations of the building visible from the streetscape, pedestrian paths and gathering areas, or from adjacent residential neighborhoods, should be detailed to a consistent level.

Architectural styles, building elements, proportions, massing, materials, detailing, and signage should be consistent with, and complimentary to, existing buildings in the district and the overall character of Settler's Square.

The exterior of the building is designed in a manner that lends itself to adaptive reuse in the future.

- Natural, high quality building materials should be used for the exterior of buildings.

- Landscape and streetscape treatments shall include, but not be limited to burying utilities, screening all mechanical equipment, planting street trees and foundation plantings, installing street furniture, providing variety in building setbacks, constructing pedestrian connections and creating open spaces.

- Pathways should be designed to support and encourage pedestrian use and should provide the opportunity for pedestrians to move from one use to another.

- In order to enhance the character of the District and promote the commercial vitality of the area, outdoor dining and gathering spaces, as well as other amenities that will promote evening activities, should be incorporated into developments. In order to encourage additional pedestrian activity to enhance the commercial vitality of the area, small spaces such as gardens and courtyards should be designed and incorporated into developments.

3. Review of Development Proposals -Proposals for development in the B-1 Neighborhood Business District shall be reviewed consistent with the procedures for all properties reviewed by the Building Review Board. In the event that variances are requested, or a Special Use Permit is required, the project shall be forwarded to the appropriate Board or Commission prior to action by the Building Review Board.

46-53. CENTRAL BUSINESS DISTRICT ZONING PURPOSE

The B-2, B-3, and B-4 zoning districts comprise the Central Business District of the City of Lake Forest. As is the case in many other small cities, the success of individual enterprises is intrinsically tied to the other businesses within, and the overall quality of, the business core. Property owners and businesses within the central business district benefit from the synergies resulting from a well planned, appealing, and customer-friendly commercial center. In Lake Forest, this is especially true because of the continued success that historic Market Square has demonstrated. Accordingly, the purpose of the Central Business District regulations is to preserve and enhance the elements of the City's central business district that have brought value to the property, success to the merchants, and benefit to the residents of the City. The planned development provision included in this Section is intended to allow flexibility in order to achieve the stated intent.

A. PURPOSE

The B-2 Community Commercial Business District is oriented toward retail, service businesses and multi-family residential development. All or a significant portion of parking for individual developments is provided on site or on public streets; no public parking lots are available in this District. The B-2 District is located along Western Avenue at the north and south ends of the Central Business District. There are fewer historic buildings and there is less orientation to pedestrians than in the B-3 and B-4 Districts. The District's link to the other business districts is along Western Avenue and Bank Lane. The B-2 District provides for a greater variety of goods and services than permitted in the B-3 and B-4 Districts.

B. CONDITIONS OF USE

Uses allowed in the B-2 Community Commercial Business District are subject to the following conditions:

1. All business, servicing, processing, displays, and storage shall be conducted within completely enclosed buildings, except for the following: outdoor dining, produce or flower markets, the sale of new or used automobiles, the sale of gasoline, the sale of items of a seasonal nature including Christmas trees, bedding plants and small shrubs when authorized by a Certificate of Zoning Compliance.
2. Outdoor storage is permitted only when it is screened from view. The required screening may be fencing, landscaping, or walls, and must be of sufficient height and density that the storage area is screened from view from ground level up to a point seven (7) feet above the ground level of the adjoining street or property. No outside storage is permitted to rise above the screening.
3. Outdoor uses, not including storage areas, must be located wholly on private property, shall not impede pedestrian or vehicle circulation, and shall not eliminate or encroach upon required parking spaces unless the parking spaces are designated only for employee parking. In addition, no more than three of the required on site parking spaces may be used and permits for off site parking must be purchased prior to authorization of the outdoor use to replace the lost spaces. The Director of Community Development may waive the requirement for purchase of permits for off site parking if documentation is submitted by the petitioner to demonstrate that adequate on site parking exists to meet the needs of the business.
4. No manufacturing or assembling shall be permitted except as incidental to the business occupying the premises.
5. A Certificate of Zoning Compliance must be obtained consistent with the provisions of Section 46-20, Administrative Officer, of this Code prior to any change of use, expansion of uses on a site, and prior to the issuance of a building permit.
6. The uses and development shall be consistent with the Comprehensive Plan.

C. PERMITTED USES

Permitted uses in the B-2 Community Commercial Business District are listed in Table 1. If an applicant demonstrates to the satisfaction of the Director of Community Development, that a use that is not specifically listed in Table 1 is consistent with the intent of the zoning district, and is similar and compatible with the listed permitted uses, the Director of Community Development may allow the new use. The Director of Community Development shall document all such decisions in writing, provide a copy of the decision to the Plan Commission for information, and make a copy available for public review upon request.

D. SPECIAL USES

Special uses may be allowed consistent with the provisions of Section 46-24 upon the granting of a Special Use Permit for the specific use in accordance with the terms of a Special Use Permit Ordinance therefore. Special uses in the B-2 Community Business District are set forth in Table 1, the Use Matrix. Special Use Permits may also be granted to allow development incentives as provided for in Section 46-53.4, Planned Development. In addition to the standard Special Use Permit criteria in Section 46-24 of the Code, the petitioner shall show that the following criteria are also be satisfied.

1. A traffic study in a form satisfactory to the City of Lake Forest Public Works, Engineering and Public Safety Departments shall be submitted and shall establish that the proposed use and development will not materially and adversely impair traffic convenience and safety.
2. For drive-thru facilities of any type:
§ Ingress and egress points are located in a manner that does not create safety hazards for pedestrians or other vehicles.
§ Pedestrian path ways are provided in areas that are separated from the drive-thru facility and separated from the ingress and egress points to the drive-thru facility.
§ Pedestrian access to automatic banking facilities is provided to encourage pedestrian activity in the area.
§ The drive-thru facility is sited, configured, and screened in a manner that is consistent with the character of the area through landscaping, grade change, fences, walls, or structures so as to minimize the visual impacts on the streetscape.
3. It has been demonstrated that the building can be adapted to different additive uses in the future.
4. For new buildings, the development provides pedestrian links between the development and nearby retail uses.
5. For new buildings and buildings over 5,000 square feet, additive uses, as identified in Table 1, the Use Matrix, are incorporated into the development.
6. If a determination is made by the Plan Commission that the proposed development is a meritorious project that materially advances the stated purposes of the B-2 District and provides specific and identifiable long term benefits to the community, a Special Use Permit may be granted even if criteria 4 and 5 are not fully satisfied.

E. LOT SIZE AND COVERAGE

No specific requirements.

F. SETBACK REQUIREMENTS

1. Front Yard and Corner Side Yard. A setback of five (5) feet from the front and corner side property lines shall be required for all newly constructed and replacement buildings.
2. Where a side lot line of a property in the B-2 District coincides with a side or rear lot line in an adjacent Residence or General Residence District, a setback equal in dimension to the side yard setback required in the adjacent residential district shall be required.
3. Where a rear lot line of a property in the B-2 District coincides with a side lot line in an adjacent Residence or General Residence District, a setback equal in dimension to the side yard setback required in the adjacent residential district shall be required.
4. Where a rear lot line of a property in the B-2 coincides with a rear lot line in an adjacent Residence or General Residence District, a setback equal in dimension to the rear yard setback required in the adjacent residential district shall be required.

G. HEIGHT REQUIREMENTS

The maximum height of all principal buildings and structures shall not exceed thirty-five (35) feet and the maximum height of all accessory buildings and structures shall not exceed twenty-five (25) feet.

H. FLOOR AREA RATIO

The Floor Area Ratio for the B-2 District is 0.50. A higher floor area ratio may be considered through the Central Business District Planned Development

I. OPEN SPACE REQUIREMENT

Ten percent of the zoning lot shall remain as permanent open space configured on the site to provide a gathering space to accommodate pedestrian uses associated with the use and other uses in the area. Such open space shall be designed to enhance the visual character of the streetscape in the vicinity of the lot. The open space shall be landscaped in accordance with an approved plan and shall be continuous ground area unobstructed by buildings or surface parking areas. Walkways, pedestrian gathering areas and bicycle paths shall be counted as open space even though they may be an impervious surface.

J. SITE PLAN AND DESIGN REVIEW

The unique character of the B-2 District is reflected not only in the orientation of buildings and improvements as reflected on a traditional site plan, but also in the vertical orientation of buildings and the inter-relationship of buildings, landscaping, the streetscape and other features. In order to ensure the orderly development of properties within the B-2 District in a manner consistent with the overall character of the District, all proposed development within the B-2 District shall be subject to the site plan and design review requirements of this Subsection J.

1. Application Requirements - All proposed developments within the B-2 District, shall be subject to Site Plan and Design Review standards. In addition to the application requirements for the Building Review Board, the following information shall be provided as part of the application:

-Lot Area.

- A site plan showing building foot prints, landscaped areas, open space, locations of outdoor uses, parking areas and walkways.
- A floor plan delineating the existing and proposed floor area.
- Existing and proposed floor area ratio.
- Existing and proposed number of dwelling units.
- Parking calculations showing the number of spaces required and the number of existing and proposed spaces. If parking requirements are to be met through a variance or Special Use Permit, this request must accompany the development application.
- A narrative that explains how the proposed development meets the District Site Plan and Design Review Standards.
- A traffic study shall be submitted including, but not limited to, the following information: the volume of traffic that will be generated by the proposed uses, the traffic circulation patterns, a study of how ingress and egress to parking lots and drive thru facilities will enhance or impair pedestrian activity, and how existing streets will be impacted.
- A description of the proposed uses of the building and information on any covenants or restrictions that will be placed on the development to ensure specific uses in the future.
- A plan illustrating how the building and overall site can be adaptively reused in the future by an alternative use. Such additional information as the Director of Community Development deems necessary to properly review the application.

2. Site Plan and Design Review Standards - All properties in this district are under the purview of the Building Review Board. In addition to the standard criteria used by the Building Review Board, development proposals should be designed to preserve and enhance the character and value of the district through the application of the following standards.

- Bank Lane is the pedestrian spine of the Central Business District. Developments along Bank Lane should complement the pedestrian elements of Bank Lane, both north and south of Market Square, and south of Illinois Road, by incorporating the various standards listed below.
- Buildings should be of varying heights, roof lines and architectural styles, facades shall be detailed with windows and offsets of building elements, building setbacks, arcades, awnings and entryways to achieve a human scale and pedestrian friendly street edges.
- All elevations of the building visible from the streetscape or from adjacent residential neighborhoods, should be detailed to a consistent level.
- Architectural styles, building elements, proportions, massing, materials and detailing should be consistent with, and complimentary to, the overall historic character of the Central Business District.
- Natural, high quality building materials should be used for the exterior of buildings.
- Landscape and streetscape treatments shall include, but not be limited to burying utilities, screening all mechanical equipment, planting street trees and foundation plantings, installing street furniture, providing variety in building setbacks, constructing pedestrian connections and creating open spaces.
- Architectural design elements and landscaping should be incorporated to enhance the pedestrian nature and overall streetscape of Western Avenue consistent with the other districts.
- Alleyways and pathways should be designed to support and encourage pedestrian use.
- In order to enhance the character of the District and promote the commercial vitality of the area, outdoor dining and gathering spaces, as well as other amenities that will promote evening activities, should be incorporated into developments. In order to encourage additional pedestrian activity to enhance the commercial vitality of the area, small spaces such as gardens and courtyards should be designed and incorporated into developments.
- Retail uses should be located on the ground floor and residential uses above the ground floor.
- Existing dwelling units throughout the district should be maintained.
- Landscaping and building design elements should be incorporated into development adjacent to residential districts to create a transition from commercial to residential development.

3. Review of Development Proposals - Proposals for development in the B-2 Community Commercial Business District shall be reviewed consistent with the procedures for all properties reviewed by the Building Review Board. In the event that variances are requested, the variance shall be forwarded to the appropriate Board or Commission prior to action by the Building Review Board.

Section 46-53.2 B -3 TRADITIONAL BUSINESS DISTRICT

A. PURPOSE

The B-3 Traditional Business District consists of the blocks surrounding the Preservation District. To the north, it includes lots on the north side of Wisconsin Avenue. To the south, it extends to Illinois Road. These regulations are designed to preserve the community's quality of life and the "village" character of the area. In particular, these regulations are intended to preserve the historic buildings, the variety of building sizes and heights, various architectural styles and unique detailing. In addition, the intent is to ensure the continued commercial viability of the District by maintaining the use of quality building materials, encouraging pedestrian traffic, providing generous green space and preserving and enhancing the social gathering spaces in the District. The B-3 District is designed to accommodate a variety of uses in a mutually advantageous setting. Multiple family residential uses are encouraged in the district.

B. CONDITIONS OF USE

Uses allowed in the B-3 Traditional Business District are subject to the following conditions:

1. All business, servicing, processing, displays, and storage shall be conducted within completely enclosed buildings, except for the following: outdoor dining, produce or flower markets, the sale of new or used automobiles, the sale of gasoline, the sale of items of a seasonal nature including Christmas trees, bedding plants and small shrubs when authorized by a Certificate of Zoning Compliance.
2. Outdoor storage is permitted only when it is screened from view. The required screening may be fencing, landscaping, or walls, and must be of sufficient height and density that the storage area is screened from view from ground level up to a point seven (7) feet above the ground level of the adjoining street or property. No outside storage is permitted to rise above the screening.

3. Outdoor uses, not including storage areas, must be located wholly on private property, unless specifically authorized by permit from the City. Outdoor uses shall not impede pedestrian or vehicle circulation, and shall not eliminate or encroach upon required parking spaces unless the parking spaces are designated only for employee parking. In addition, no more than three of the required on site parking spaces may be used and permits for off site parking must be purchased prior to authorization of the outdoor use to replace the lost spaces. The Director of Community Development may waive the requirement for purchase of permits for off site parking if documentation is submitted by the petitioner to demonstrate that adequate on site parking exists to meet the needs of the business.
4. No manufacturing or assembling shall be permitted except as incidental to the business occupying the premises.
5. A Certificate of Zoning Compliance must be obtained consistent with the provisions of Section 46-20, Administrative Officer, of this Code prior to any change of use, expansion of uses on a site, and prior to the issuance of a building permit.
6. The uses and development shall be consistent with the Comprehensive Plan.
7. Non-Retail Percentage Rule
 - a. Definitions: For purposes of this subsection, the following definitions shall apply:
 - Area A - The area bounded by Deerpath on the south, Western Avenue on the east, the south side of Westminster on the north, and Forest Avenue on the west.
 - Ground Floor Space - Any space within Area A on the ground floor having frontage on a street, alley, or outdoor pedestrian walkway
 - Non Retail Use - Any use whose predominate activity does not produce sales tax for the City, including but not limited to, banks, brokerage offices, real estate offices, and other business or professional offices. Governmental offices are excluded from the provisions of this section.
 - Vacancy - A space not regularly occupied and open for business a minimum of 4 days per week on a monthly bases. An exception to allow for temporary business closure may be granted by the Director of Community Development upon written request provided that office equipment and furnishings will remain in the establishment and a date certain for the reopening of the establishment is provided.
 - b. Limitations on Ground Floor Space - Non-retail uses are permitted in Area A; however, the aggregate total ground floor space devoted to non-retail uses shall be limited to ten percent (10%) of the net rentable square footage of ground floor space within Area A and ten percent (10%) of the street frontage of ground floor space within Area A.
 - c. Such uses on the ground floor in Area A in excess of the allowed percentages maybe permitted by Special Use Permit.
 - d. When a non-retail use vacates a ground floor space in Area A, such ground floor space shall retain its non-retail status for a period of 6 months, provided that written notice of the vacation is delivered to the Director of Community Development within thirty (30) days following the vacancy. If written notice is received by the City within 30 days after the vacancy, the space may be reoccupied by a non-retail use so long as a Certificate of Zoning Compliance is granted within 6 months of the date of notification of the vacancy. A 3 month extension of this period may be granted by the Director of Community Development based on a written request from a property owner if building permits for interior renovations have been issued and if the work is progressing. Any vacancy in a ground floor space formerly occupied by a non-retail use for which the notice required in this subsection is not delivered shall lose it non-retail use status after the expiration of the 30-day notice period.

C. PERMITTED USES

Permitted uses in the B-3 Traditional Business District are listed in Table

1. If an applicant demonstrates, to the satisfaction of the Director of Community Development, that a use that is not specifically listed in Table 1 is consistent with the intent of the zoning district, and is similar and compatible with the listed permitted uses, the Director of Community Development may allow the new use. The Director of Community Development shall document all such decisions in writing, provide a copy of the decision to the Plan Commission for information, and make a copy available for public review upon request.

D. SPECIAL USES

Special uses may be allowed consistent with the provisions of Section 46-24 upon the granting of a Special Use Permit for the specific use in accordance with the terms of a Special Use Permit Ordinance therefore. Special uses in the B-3 Traditional Business District are set forth in Table 1, the Use Matrix. Special Use Permits may also be granted to allow development incentives as provided for in Section 46-53.4, Planned Development. In addition to the standard Special Use Permit criteria in Section 46-24 of the Code, the petitioner shall show that the following criteria are also be satisfied.

1. A traffic study in a form satisfactory to the City of Lake Forest Public Works, Engineering and Public Safety Departments shall be submitted and shall establish that the proposed use and development will not materially and adversely impair traffic convenience and safety.
2. For drive-thru facilities of any type:
 - § Ingress and egress points are located in a manner that does not create safety hazards for pedestrians or other vehicles.
 - § Pedestrian path ways are provided in areas that are separated from the drive-thru facility and separated from the ingress and egress points to the drive-thru facility.
 - § Pedestrian access to automatic banking facilities is provided to encourage pedestrian activity in the area.
 - § The drive-thru facility is sited, configured, and screened in a manner that is consistent with the character of the area through landscaping, grade change, fences, walls, or structures so as to minimize the visual impacts on the streetscape.
3. It has been demonstrated that the building can be adapted to different additive uses in the future.
4. For new buildings, the development provides pedestrian links between the development and nearby retail uses.
5. For new buildings and buildings over 5,000 square feet, additive uses, as identified in Table 1, the Use Matrix, are incorporated into the development.
6. If a determination is made by the Plan Commission that the proposed development is a meritorious project that materially advances the stated purposes of the B-2 District and provides specific and identifiable long term benefits to the community, a Special Use Permit may be granted even if criteria 4 and 5 are not fully satisfied.

E. LOT SIZE AND COVERAGE

No specific requirements.

F. SETBACK REQUIREMENTS

1. Front Yard and Comer Side Yard. A setback of five (5) feet from the front and comer side property lines shall be required for all newly constructed and replacement buildings.
2. Where a side lot line of a property in the B-3 District coincides with a side or rear lot line in an adjacent Residence or General Residence District, a setback equal in dimension to the side yard setback required in the adjacent residential district shall be required.
3. Where a rear lot line of a property in the B-3 District coincides with a side lot line in an adjacent Residence or General Residence District, a setback equal in dimension to the side yard setback required in the adjacent residential district shall be required.
4. Where a rear lot line of a property in the B-3 coincides with a rear lot line in an adjacent Residence or General Residence District, a setback equal in dimension to the rear yard setback required in the adjacent residential district shall be required.

G. HEIGHT REQUIREMENTS

The maximum height of all principal buildings and structures shall not exceed thirty-five (35) feet, or three stories, and the maximum height of all accessory buildings and structures shall not exceed twenty-five (25) feet.

H. FLOOR AREA RATIO

The Floor Area Ratio for the B-3 District is 0.75. A higher floor area ratio may be considered through the Central Business District Planned Development procedures in Section 46-53.4.

I. SITE PLAN AND DESIGN REVIEW

The unique character of the B-3 District is reflected not only in the orientation of buildings and improvements as reflected on a traditional site plan, but also in the vertical orientation of buildings and the inter-relationship of buildings, landscaping, the streetscape and other features. In order to ensure the orderly development of properties within the B-3 District in a manner consistent with the overall character of the District, all proposed development within the B-3 District shall be subject to the site plan and design review requirements of this Subsection I.

1. Application Requirements - All proposed developments within the B-3 District, shall be subject to Site Plan and Design Review standards listed below. In addition to the application requirements for the Building Review Board or the Historic Preservation Commission, the following information shall be provided as part of the application.

Lot Area.

A site plan showing building foot prints, landscaped areas, open space, locations of outdoor uses, parking areas and walkways.

A floor plan delineating the existing and proposed floor area.

Existing and proposed floor area ratio.

Existing and proposed number of dwelling units.

Parking calculations showing the number of spaces required and the number of existing and proposed spaces. If parking requirements are to be met through a variance or Special Use Permit, this request must accompany the development application.

A narrative that explains how the proposed development meets the District Site Plan and Design Standards.

A traffic study shall be submitted including, but not limited to, the following information: the volume of traffic that will be generated by the proposed uses, the traffic circulation patterns, a study of how ingress and egress to parking lots and drive thru facilities will impact pedestrian enhance or impair activity, and how existing streets will be impacted.

A description of the proposed uses of the building and information on any covenants or restrictions that will be placed on the development to ensure specific uses in the future.

A plan illustrating how the building and overall site can be adaptively reused in the future by an alternative use.

Such additional information as the Director of Community Development deems necessary to properly review the application.

2. Site Plan and Design Review Standards - Historic Preservation Commission - For properties under the purview of the Historic Preservation Commission, in addition to the standards in the Historic Preservation Ordinance, development proposals should be designed to preserve and enhance the character and value of the district through the application of the following standards.

Bank Lane is the pedestrian spine of the Central Business District. Developments along Bank Lane should complement the pedestrian elements of Bank Lane, both north and south of Market Square, by incorporating the various elements listed below.

Landscape and streetscape treatments shall include, but not be limited to burying utilities, screening all mechanical equipment, planting street trees and foundation plantings, installing street furniture, providing variety in building setbacks, constructing pedestrian connections and creating open spaces.

Bank Lane should be maintained and enhanced as an important pedestrian spine linking various elements of the Central Business District and providing pedestrian access to retail, residential and office uses from off site parking areas.

Alleyways and pathways designed to support and encourage pedestrian use.

In order to enhance the character of the District and promote the commercial vitality of the area, outdoor dining and gathering spaces, as well as other amenities that will promote evening activities, should be incorporated into developments.

In order to encourage additional pedestrian activity to enhance the commercial vitality of the area, small spaces such as gardens and courtyards should be designed and incorporated into developments.

Retail uses on the ground floor and residential uses and non-retail uses above the ground floor.

3. Site Plan and Design Standards - Building Review Board - For properties under the purview of the Building Review Board, in addition to the standard criteria used by the Building Review Board, development proposals shall be designed to preserve and enhance the character and value of the district through the use of the following elements.

Bank Lane is the pedestrian spine of the Central Business District. Developments along Bank Lane should complement the pedestrian elements of Bank Lane, both north and south of Market Square, by incorporating the various elements listed below.

Buildings shall be of varying heights, roof lines and architectural styles, facades shall be detailed with windows and offsets of building elements, building setbacks, arcades, awnings and entryways to achieve a human scale and pedestrian friendly street edges.

All elevations of the building visible from the streetscape shall be detailed to a consistent level.

Architectural styles, building elements, proportions, massing, materials and detailing shall be consistent with, and complimentary to, the historic

character of the district.

Natural, high quality building materials shall be used for the exterior of buildings.

Landscape and streetscape treatments shall include, but not be limited to burying utilities, screening all mechanical equipment, planting street trees and foundation plantings, installing street furniture, providing variety in building setbacks, constructing pedestrian connections and creating open spaces.

Bank Lane shall be maintained and enhanced as an important pedestrian spine linking various elements of the Central Business District and providing pedestrian access to retail, residential and office uses from off site parking areas.

Alleyways and pathways shall be designed to support and encourage pedestrian use.

In order to enhance the character of the District and promote the commercial vitality of the area, outdoor dining and gathering spaces, as well as other amenities that will promote evening activities, should be incorporated into developments.

In order to encourage additional pedestrian activity to enhance the commercial vitality of the area, small spaces such as gardens and courtyards should be designed and incorporated into developments.

Retail uses shall be located on the ground floor and residential uses above the ground floor.

Existing dwelling units throughout the district shall be maintained.

Landscaping and building design elements shall be incorporated into development adjacent residential districts to create a transition from commercial to residential development.

4. Review of Development Proposals - All proposals for development in the B-3 Traditional Business District shall be reviewed consistent with the procedures for all properties reviewed by the Building Review Board and Historic Preservation Commission. In the event that variances are requested, the variance shall be forwarded to the appropriate Board or Commission prior to action by the Building Review Board or Historic Preservation Commission.

Section 46-53.3 B-4 PRESERVATION BUSINESS DISTRICT

A. PURPOSE

The B-4 Preservation Business District is designed to preserve the unique attributes of the historic retail, residential and office core of the City. This District consists entirely of buildings that are within the National Register District and the local historic district. Any changes to the buildings are subject to review by the Lake Forest Historic Preservation Commission. Little or no on-site parking is available within the District.

These regulations are designed to preserve the community's quality of life and the "village" character of the core area. In particular, these regulations are intended to preserve the historic buildings and the variety of building sizes, heights, and architectural styles and detailing. In addition the district is intended to ensure the continued commercial viability of the District by maintaining the use of quality building materials, encouraging pedestrian traffic, providing generous green space and preserving and enhancing the social gathering spaces in the District. At the heart of the district is Market Square, the community's shared front yard for special events. It conveys the social spirit and exemplifies the historic character of the entire City. The B-4 District is designed to accommodate a variety of uses in a mutually advantageous setting. Multiple-family residential uses are encouraged above the first floor.

B. CONDITIONS OF USE

Uses allowed in the B-4 Preservation Business District are subject to the following conditions:

1. All business, servicing, processing, displays, and storage shall be conducted within completely enclosed buildings, except for the following: outdoor dining, produce or flower markets, the sale of new or used automobiles, the sale of gasoline, the sale of items of a seasonal nature including Christmas trees, bedding plants and small shrubs when authorized by a Certificate of Zoning Compliance.
2. Outdoor storage is permitted only when it is screened from view. The required screening may be fencing, landscaping, or walls, and must be of sufficient height and density that the storage area is screened from view from ground level up to a point seven (7) feet above the ground level of the adjoining street or property. No outside storage is permitted to rise above the screening.
3. Outdoor uses, not including storage areas, must be located wholly on private property, unless specifically authorized by permit from the City. Outdoor uses shall not impede pedestrian or vehicle circulation, and shall not eliminate or encroach upon required parking spaces unless the parking spaces are designated only for employee parking. In addition, no more than three of the required on site parking spaces may be used and permits for off site parking must be purchased prior to authorization of the outdoor use to replace the lost spaces. The Director of Community Development may waive the requirement for purchase of permits for off site parking if documentation is submitted by the petitioner to demonstrate that adequate on site parking exists to meet the needs of the business.
4. No manufacturing or assembling shall be permitted except as incidental to the business occupying the premises.
5. A Certificate of Zoning Compliance must be obtained consistent with the provisions of Section 46-20 of this Code prior to any change of use, expansion of uses on a site, and prior to the issuance of a building permit.
6. The uses and development shall be consistent with the Comprehensive Plan.
7. Non-Retail Percentage Rule

a. Definitions: For purposes of this subsection, the following definitions shall apply:

Area A - The area bounded by Deerpath on the south, Western Avenue on the east, the south side of Westminster on the north, and Forest Avenue on the west.

Ground Floor Space - Any space within Area A on the ground floor having frontage on a street, alley, or outdoor pedestrian walkway

Non Retail Use - Any use whose predominate activity does not produce sales tax for the City, including but not limited to, banks, brokerage offices, real estate offices, and other business or professional offices. Governmental offices are excluded from the provisions of this section.

Vacancy - A space not regularly occupied and open for business a minimum of 4 days per week on a monthly bases. An exception to allow for temporary business closure may be granted by the Director of Community Development upon written request provided that office equipment

and furnishings will remain in the establishment and a date certain for the reopening of the establishment is provided.

b. Limitations on Ground Floor Space

Non-retail uses are permitted in Area A; however, the aggregate total ground floor space devoted to non-retail uses shall be limited to ten percent (10%) of the net rentable square footage of ground floor space within Area A and ten percent (10%) of the street frontage of ground floor space within Area A.

c. Such uses on the ground floor in Area A in excess of the allowed percentages may be permitted by Special Use Permit.

d. When a non-retail use vacates a ground floor space in Area A such ground floor space shall retain its non-retail status for a period of 6 months, provided that written notice of the vacation is delivered to the Director of Community Development within thirty (30) days following the vacancy. If written notice is received by the City within 30 days after the vacancy, the space may be reoccupied by a non-retail use so long as a Certificate of Zoning Compliance is granted within 6 months of the date of notification of the vacancy. A 3 month extension of this period may be granted by the Director of Community Development based on a written request from a property owner if building permits for interior renovations have been issued and if the work is progressing. Any vacancy in a ground floor space formerly occupied by a non-retail use for which the notice required in this subsection is not delivered shall lose its non-retail use status after the expiration of the 30-day notice period.

C. PERMITTED USES

Permitted uses in the B-4 Preservation Business District are listed in Table

1. If an applicant demonstrates to the satisfaction of the Director of Community Development, that a use that is not specifically listed in Table 1 is consistent with the intent of the zoning district, and is similar and compatible with the listed permitted uses, the Director of Community Development may allow the new use. The Director of Community Development shall document all such decisions in writing, provide a copy of the decision to the Plan Commission for information, and make a copy available for public review upon request.

D. SPECIAL USES

Special uses may be allowed consistent with the provisions of Section 46-24 upon the granting of a Special Use Permit for the specific use in accordance with the terms of a Special Use Permit Ordinance therefore. Special uses in the B-4 Preservation District are set forth in Table 1, the Use Matrix. Special Use Permits may also be granted to allow development incentives as provided for in Section 46-53.4, Planned Development. In addition to the standard Special Use Permit criteria in Section 46-24 of the Code, the petitioner shall show that the following criteria are also satisfied. .

1. A traffic study in a form satisfactory to the City of Lake Forest Public Works, Engineering and Public Safety Departments shall be submitted and shall establish that the proposed use and development will not materially and adversely impair traffic convenience and safety.
2. For drive-thru facilities of any type:
 - § Ingress and egress points are located in a manner that does not create safety hazards for pedestrians or other vehicles.
 - § Pedestrian path ways are provided in areas that are separated from the drive-thru facility and separated from the ingress and egress points to the drive-thru facility.
 - § Pedestrian access to automatic banking facilities is provided to encourage pedestrian activity in the area.
 - § The drive-thru facility is sited, configured, and screened in a manner that is consistent with the character of the area through landscaping, grade change, fences, walls, or structures so as to minimize the visual impacts on the streetscape.
3. It has been demonstrated that the building can be adapted to different additive uses in the future.
4. For new buildings, the development provides pedestrian links between the development and nearby retail uses.
5. For new buildings and buildings over 5,000 square feet, additive uses, as identified in Table 1, the Use Matrix, are incorporated into the development.
6. If a determination is made by the Plan Commission that the proposed development is a meritorious project that materially advances the stated purposes of the B-4 District and provides specific and identifiable long term benefits to the community, a Special Use Permit may be granted even if criteria 4 and 5 are not fully satisfied.

E. LOT SIZE AND COVERAGE

No specific requirements.

F. YARD REQUIREMENTS

Front Yard and Corner Side Yard - A setback of five (5) feet from the front and corner side yard property lines shall be required for all newly constructed and replacement buildings. There are no other setback requirements in this district.

G. HEIGHT REQUIREMENTS

The maximum height of all principal buildings and structures shall not exceed thirty-five (35) feet, or three stories, and the maximum height of all accessory buildings and structures shall not exceed twenty-five (25) feet.

H. FLOOR AREA RATIO

The maximum Floor Area Ratio for the B- 4 District is 1.25. A higher floor area ratio may be considered through the Central Business District Planned Development procedures in Section 46-53.4.

I. SITE PLAN AND DESIGN REVIEW

The unique character of the B-4 District is reflected not only in the orientation of buildings and improvements as reflected on a traditional site plan, but also in the vertical orientation of buildings and the inter-relationship of buildings, landscaping, the streetscape and other features. In order to ensure the orderly development of properties within the B-4 District in a manner consistent with the overall character of the District, all proposed development within the B-4 District shall be subject to the site plan and design review requirements of this Subsection I.

1. Application Requirements - All proposed developments within the B- 4 Preservation District shall be subject to the Site Plan and Design Review standards listed below. In addition to the application requirements for the Historic Preservation Commission, the following information shall be provided as part of the application.

Lot Area.

A site plan showing building foot prints, landscaped areas, open space, locations of outdoor uses, parking areas and walkways.

A floor plan delineating the existing and proposed floor area.

Existing and proposed floor area ratio.

Existing and proposed number of dwelling units.

Parking calculations showing the number of spaces required and the number of existing and proposed spaces. If parking requirements are to be met through a variance or Special Use Permit, this request must accompany the development application.

A narrative that explains how the proposed development meets the District Site Plan and Design Standards.

A traffic study shall be submitted including, but not limited to, the following information: the volume of traffic that will be generated by the proposed uses, the traffic circulation patterns, a study of how ingress and egress to parking lots and drive thru facilities will enhance or impair pedestrian activity, and how existing streets will be impacted.

A description of the proposed uses of the building and information on any covenants or restrictions that will be placed on the development to ensure specific uses in the future.

A plan illustrating how the building and overall site can be adaptively reused in the future by an alternative use.

Such additional information as the Director of Community Development deems necessary to properly review the application.

2. Site Plan and Design Review Standards - Historic Preservation Commission - In addition to the standards in the Historic Preservation Ordinance, development proposals shall be designed to preserve and enhance the character and value of the district through use of the following standards.

Bank Lane is the pedestrian spine of the Central Business District. Developments along Bank Lane. Developments along Bank Lane should complement the pedestrian elements of Bank Lane, both north and south of Market Square, by incorporating the various elements listed below.

Landscape and streetscape treatments shall include, but not be limited to burying utilities, screening all mechanical equipment, planting street trees and foundation plantings, installing street furniture, providing variety in building setbacks, constructing pedestrian connections and creating open spaces.

Bank Lane shall be maintained and enhanced as an important pedestrian spine linking various elements of the Central Business District and providing pedestrian access to retail, residential and office uses from off site parking areas.

Alleyways and pathways shall be designed to support and encourage pedestrian use.

In order to enhance the character of the District and promote the commercial vitality of the area, outdoor dining and gathering spaces, as well as other amenities that will promote evening activities, should be incorporated into developments.

In order to encourage additional pedestrian activity to enhance the commercial vitality of the area, small spaces such as gardens and courtyards should be designed and incorporated into developments.

Retail uses shall be located on the ground floor with residential uses and non-retail uses above the ground floor.

3. Review of Development Proposals - Proposals for development in the B-4 Preservation Business District shall be reviewed consistent with the procedures for all properties reviewed by the Historic Preservation Commission. In the event that variances are requested, the variance shall be forwarded to the appropriate Board or Commission prior to action by the Historic Preservation Commission.

Section 46-53.4 CENTRAL BUSINESS DISTRICTS - PLANNED DEVELOPMENT

A. Purpose

The purpose of the CBD planned development provisions is to allow flexibility to achieve the goals of maintaining a vital business districts, preserving the village character and historic significance of the community, enhancing the vitality and synergy within the business districts, and ensuring that the development is consistent with the available infrastructure. This provision provides a process for the Plan Commission and City Council to consider development incentives that vary from the standards in the B-2, B-3 and B-4 zoning district through the Special Use Permit process established in Section 46-24 of the Code.

B. Permissible Zones

A Planned Development shall be permitted only pursuant to a Special Use Permit in the B-2, B-3 and B-4 Districts.

C. Site Standards

A Planned Development shall not require a minimum lot area.

D. Development Incentives

The CBD Planned Development process provides the opportunity for development incentives in the zoning district as described below.

- a. The maximum floor area ratios in each zoning district maybe increased up to the limits listed below if the development criteria are met, the standard criteria for a Special Use Permit and the other standards of the zoning district are satisfied, and the variance incentive is found to further development that is consistent with the purpose of Section 46-53 of the Code.

B-2 Community Commercial, floor area ratio cap - 1.0

B-3 Traditional Business, floor area ratio cap - 1.25

B-4 Preservation Business, floor area ratio cap - 2.0

- b. The required parking spaces may be modified through payment in-lieu-of parking if one or more of the development criteria are met, the standard criteria for a Special Use Permit and the other standards of the zoning district are satisfied, and the incentive is found to further development that is consistent with the purpose of Section 46 of the Code.

E. Development Criteria

In addition to the standard criteria for a Special Use Permit, the criteria in the applicable zoning district, and the other standards of the zoning district, the following criteria shall be satisfied to achieve the density bonuses offered by the Planned Development provisions.

- a. In the B-2 district, above the first floor, the project shall be entirely residential, or at least 50% of the first floor is occupied by retail uses.
- b. In the B-3 district, at least 50% of the floor area shall be committed to residential use or at least 60% of the first floor is occupied by retail uses.
- c. In the B-4 district, residential uses above the first floor are provided unless the applicant demonstrates that such uses will not further the overall purpose of the District at the proposed site.
- d. If a drive-thru is proposed in any district as part of the development, it is located off site, located within a building, or is constructed to avoid the construction of additional curb cuts.
- e. The building and landscape concepts have received conceptual approval from the Historic Preservation Commission or the Building Review Board.

In addition to the above criteria, one or more of the following criteria shall be satisfied.

- x. At least 50% of the required parking spaces are located underground or all of the parking spaces are located in parking deck one level of which is constructed below grade.
- y. At least 25% of the site is retained as open space, exclusive of parking islands.
- z. An increased setback of at least 5' is provided along the streetscape side of the building or a "pocket park" is created with a visual and pedestrian link to the public street.

F. Application Materials

Any applicant for a CBD Planned Development shall file the following information along with the information required under the Special Use Permit procedures with the Director of Community Development.

- a. A statement describing the proposed uses, overall character of the development and a detailed narrative outlining how the development satisfies the criteria in this section, the Special Use Permit criteria and the intent of this section to preserve the character of the Central Business District.
- b. Calculations and an annotated floor plan of the floor area ratio.
- c. A site plan showing building locations, parking areas, open space, landscape areas, pedestrian walkways, loading docks, location of mechanical equipment and any other pertinent features of the plan to the overall character of the site.
- d. A copy of the proposed protective covenants whereby the owner proposes to regulate land use and ensure specific uses in the future.
- e. A draft of proposed incorporation agreement and a draft of bylaws or easement declaration concerning maintenance of open space and other common facilities if needed for the proposed development.
- f. Architectural elevations and perspective drawings of all proposed structures and improvements.
- g. A traffic study shall be submitted including, but not limited to, the following information: the volume of traffic that will be generated by the proposed uses, the traffic circulation patterns, a study of how ingress and egress to parking lots and drive thru facilities will enhance or impair pedestrian activity, and how existing streets will be impacted.
- h. A plan illustrating how the building and overall site can be adaptively reused in the future by an alternative use.
- i. A comprehensive landscape plan for the site.
- j. Preliminary engineering plans.
- k. A development schedule indicating:
 - 1) The approximate date when construction of the project will begin.
 - 2) The construction phases, if any, in which the project will be built, and the approximate dates when construction of each stage will begin and end.
 - 3) The anticipated completion date of the entire project including landscaping.
- 1. A statement of proposed financing and financial assurances acceptable to the Plan Commission and City Council guaranteeing that once any stage of a development is started it will be completed in. Such additional information as the Director of Community Development deems necessary to properly review the application.
- m. Such additional information as the Director of Community development deems necessary to properly review the application.
- n. A study of the financial impacts of the proposed development on the City and other affected taxing bodies.
(Ord. No. 03-39, Sec. 5)

ART. VIII-A TRANSITIONAL DISTRICTS

Section 46-53.5 TD TRANSITIONAL DISTRICT---

(A) **PURPOSE.** The TD District is designed to accommodate high quality developments in limited land areas located in close proximity to the Illinois toll way having significant natural features (including without limitation forested areas, bodies of water, wetlands, or special habitats) requiring special treatment or preservation, and lying between existing land uses of distinctly different character. Although the TD District allows by right large tract residential uses and other uses permitted in the R-5 District that can provide adequate buffering and transition elements onsite, it also offers an array of complementary special uses. The appropriateness of such special uses will be determined by surrounding uses as well as the site plan for and orientation of uses on the property in question. Appropriate developments for this District will (i) provide, to the extent applicable, interaction between residential, retail, office uses, and other related uses, (ii) preserve in a reasonable manner the natural features on or adjacent to the development, (iii) protect and enhance the range of living, entertaining, and business opportunities within the City while not adversely impacting adjoining residential areas, and (iv) provide uses that are complementary or additive to nearby office developments.

(B) **PERMITTED USES.** The following uses are permitted in the TD Transitional District:

(a) All uses permitted in the R-5 Single-Family Residence District pursuant to Subsection 46-37(A) of this Code.

(C) **SPECIAL USES.** Special uses may be allowed in the TD Transitional District as provided in Subsection 46-24(P).

(D) **MINIMUM DISTRICT SIZE.** No area consisting of fewer than 20 acres (including public and private rights-of-way) may be classified in the TD District.

(E) **DISTRICT LOCATION AND CHARACTERISTICS.** No area shall be classified in the TD District unless more than half of the acreage of the area is located within (a) 1,600 feet of Illinois Route 60 and (b) 3,200 feet of a tollway operated by and under the jurisdiction of the Illinois Toll Highway Authority, or

its successor agencies. In addition, no area shall be classified within the TD District unless (i) it is located between existing development of distinctly different character for which careful transitional uses and development is necessary and appropriate, and (ii) there exist on or adjacent to the area significant natural features or resources that can be managed most efficiently through the approval and implementation of a detailed site plan. For purposes of clause (i) in this Subsection, adjacent vacant properties should be disregarded for determining the nature of nearby development.

(F) REGULATIONS FOR PERMITTED USES.

- (1) LOT SIZE REQUIREMENTS. All permitted uses in the TD District shall be subject to the lot size requirements applicable to the R-5 District as set forth in Subsection 46-37(C) of this Code.
- (2) YARDS. All permitted uses in the TD District shall be subject to the yard requirements applicable to the R-5 District as set forth in Subsection 46-37(D) of this Code.
- (3) HEIGHT. All permitted uses in the TD District shall be subject to the height requirements applicable to the R-5 District as set forth in Subsection 46-37(E) of this Code.
- (4) SIGNS. All permitted uses in the TD District shall be subject to the sign requirements applicable to the R-5 District as set forth in Subsection 46-36(G) of this Code.
- (5) PARKING. All permitted uses in the TD District shall be subject to the parking requirements applicable to the R-5 District as set forth in Subsection 46-36(H) of this Code.
- (6) LOADING. All permitted uses in the TD District shall be subject to the loading requirements applicable to the R-5 District as set forth in Subsection 46-36(I) of this Code.
- (G) REGULATIONS FOR SPECIAL USES.

Although each development within a TD District shall be evaluated in its overall context, it is intended that the bulk, height, lot, and yard requirements for special uses in the TD District will generally conform to the requirements of the adjoining district from which the proposed use serves as a transition (e.g., residential uses in the TD District will conform to an adjoining residential district).

- (1) LOT SIZE, COVERAGE, AND OPEN SPACE. All special uses in the TD District shall be subject to the lot size, coverage, and open space requirements set forth in the ordinance approving the special use permit.
- (2) FLOOR AREA RATIO. All special uses in the TD District shall be subject to the maximum floor area ratio set forth in the ordinance approving the special use permit, but a particular use shall not exceed the floor area ratio limitations generally applicable for the same use on a zoning lot abutting the use in question, except upon a finding in the ordinance approving the special use permit that a greater floor area ratio is warranted based on the standards for granting variations under the City's codes.
- (3) YARD REQUIREMENTS. All special uses in the TD District shall be subject to the yard requirements set forth in the ordinance approving the special use permit. Unless expressly provided in the ordinance approving the special use permit, a 150-foot transition yard shall be maintained between a non-residential use within the TD District and an abutting zoning lot zoned within a residential district.
- (4) HEIGHT REQUIREMENTS. All special uses in the TD District shall be subject to the height requirements set forth in the ordinance approving the special use permit.
- (5) NUMBER OF BUILDINGS ON A ZONING LOT. Multiple principal buildings are allowed on a zoning lot, subject to the limitations set forth in the ordinance approving the special use permit.
- (6) PARKING AND LOADING. All special uses in the TD District shall be subject to the following parking and loading regulations:
 - (a) RESIDENTIAL USES. Unless otherwise provided in the ordinance approving the special use permit, all residential uses approved as part of a special use permit shall comply with the parking and loading requirements applicable to the R-5 District as set forth in Subsections 46-36(H) and (I) of this Code.
 - (b) NON-RESIDENTIAL USES. Unless otherwise provided in the ordinance approving the special use permit, all non-residential uses approved as part of a special use permit shall comply with the parking and loading requirements contained in Sections 46-60 through 46-63 of this Code as may be applicable to the respective use or uses. Where appropriate, to preserve open space or protect natural features on the property, shared parking should be utilized.
- (7) SIGNS. Signs located on properties subject to a special use permit shall comply with the following sign regulations:
 - (a) RESIDENTIAL USES. Unless otherwise provided in the ordinance approving the special use permit, all residential uses approved as part of a special use permit shall comply with the sign requirements applicable to the R-5 District as set forth in Subsection 46-36(G) of this Code.
 - (b) NON-RESIDENTIAL USES. Unless otherwise provided in the ordinance approving the special use permit, all non-residential uses approved as part of a special use permit shall comply with the sign requirements contained in Chapter 36 of this Code that are applicable to the respective use.

(8) VARIATIONS; CUSTOMARY APPROVALS. Nothing in this Section shall preclude the owner of any property within the TD District from seeking any authorized variations or exceptions from the generally applicable regulations prescribed herein. In addition, unless expressly provided in a special use permit, all customary reviews, approvals, and permits shall be required in connection with the development of any special use in the TD District.

(H) PROCEDURE.

- (1) APPLICATION. The owner shall submit to the City a written application for approval of a tentative development plan on forms supplied by the City. The application shall be accompanied by payment of requisite filing fees and a development plan, as described in Paragraph (3) below.
- (2) TENTATIVE DEVELOPMENT PLAN. The tentative development plan shall be prepared by a licensed architect, land surveyor, civil engineer, or planning consultant and shall include the following:
 - (a) A survey showing existing features of the property, including contours, buildings, structures, conditions and species of trees over four inches in trunk diameter, streets, utility easements, right of way, land use and other data required by the City's Subdivision Ordinance for tentative plat approval, the Tree Preservation and Landscape Ordinance, and other applicable City codes, ordinances, and regulations.
 - (b) A site plan showing proposed building location and land use areas on the property in question. The site plan shall identify all bulk, space, and yard information relating to the property in question.
 - (c) An area map identifying uses and showing the buildings, natural features, roadways, pedestrian ways, and other significant characteristics of the land lying adjacent to and within at least 500 feet of the property in question. In addition, the area map shall identify the nearest adjacent zoning districts to the various areas of the property in question.
 - (d) Traffic circulation, parking areas, sidewalks, and pedestrian walks.
 - (e) Landscaping plans, including site grading, tree preservation, and landscaping design.
 - (f) Preliminary drawings for buildings to be constructed in each phase, including floor plans, exterior elevations, and sections, and an artist's renderings thereof, all of which shall have been submitted to the Building Review Board for its report and recommendation prior to the consideration of the development plan pursuant to Section 46-53.5 H4 of this Code, unless otherwise approved in the ordinance approving the

special use. A copy of the report and recommendation of the Building Review Board shall be submitted with the final development plan.

- (g) Preliminary engineering plans, including street, yard, and open space lighting, street improvements, drainage system, sewer system, and public utility extensions, shall be prepared. Such preliminary engineering plans shall demonstrate compliance, or the ability to comply with, the requirements of the Subdivision Ordinance, the Watershed Development Ordinance, and all other applicable regulations and shall address, inter alia, top of foundation heights, base flood elevations, off-site stormwater impacts, wetland and other buffering requirements, and tree removal and tree preservation activities.

(3) **REVIEW OF TENTATIVE DEVELOPMENT PLAN; HEARING.** The Plan Commission shall hold a public meeting on an application for approval of a tentative development plan for the TD District. In the course of its review, the Plan Commission may require the owner to supplement the information provided, including without limitation the preparation and delivery of engineering or other feasibility studies on the handling of anticipated problems arising out of or in connection with the development. The Plan Commission, following its review of a tentative development plan, shall recommend to the City Council approval, approval with modifications, or disapproval of the tentative development plan. Any approval may be with conditions, but it shall be recommended only upon findings that:

- (a) The proposed uses will not be detrimental to present and potential surrounding uses.
- (b) The bulk, space, and yard standards reflected in the tentative development plan are consistent with those in adjoining zoning districts, subject to the need for transitioning among the adjacent uses, consistent with Section 46-53.5(G)(2). For this purpose, adjacent vacant properties should be disregarded for determining the nature of nearby uses of property. Any departures from those standards must be warranted by the design of and amenities in the proposed development.
- (c) The proposed development is consistent with the general intent of the Comprehensive Plan, with consideration to the natural features on, development adjacent to, and the ingress to and egress from, the property.
- (d) Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed development and in the vicinity of the proposed development, as well as to avoid conflicts in the character and patterns of traffic. To the extent private streets are included in the tentative development plan, adequate provisions must be made for the long-term maintenance of such streets to ensure that they do not become a financial burden on the City. Provision in deed restrictions acceptable to the City requiring that such maintenance be performed and paid for by a mandatory owners association is deemed adequate provision.
- (e) Existing and proposed utility services are adequate for the proposed development.
- (f) The proposed development, or each phase of the proposed development if construction will be in stages, will contain the required parking spaces, landscape, and utility areas necessary for creating and sustaining a desirable and suitable environment.
- (g) Construction, installation, or performance of all mass grading, stormwater facilities, all underground utility mains and appurtenances, private roads or public streets (through first lift) and sidewalks, and major landscaping elements (such as perimeter berms, detention ponds and the like) is capable of completion within two years.
- (h) The tentative development plan complies with all other criteria and the stated purpose set forth in this Article.

(4) **CONSIDERATION OF TENTATIVE DEVELOPMENT PLAN.** The City Council shall, within 60 days after receipt of the recommendation from the Plan Commission on the tentative development plan, approve, approve with modifications, or disapprove the tentative development plan; any approval may be with conditions. If the Council fails to act within such 60-day period, the tentative development plan shall be deemed disapproved; provided that, if the applicant requests an extension to such period, then the period will be so extended until the Council takes action on the tentative development plan.

(5) **ORDINANCE APPROVING TENTATIVE DEVELOPMENT PLAN.** Upon approval of a tentative development plan in the TD District, the City Council shall pass an ordinance approving the tentative development plan. No ordinance approving a tentative development plan shall be effective unless all of its terms and conditions are accepted and agreed to by the owner within 10 days after its passage by the City Council. Such ordinance approving the tentative development plan shall constitute tentative plat approval. The City may grant the tentative development plan approval contemporaneously with the special use permit ordinance.

(6) **FINAL DEVELOPMENT PLAN; SPECIAL USE PERMIT APPROVAL.** The Plan Commission shall hold a public hearing on an application for approval of a final development plan. Notice shall be given in accordance with the provisions of the Zoning Code relating to special uses. The owner shall submit a final development plan in accordance with the ordinance approving the tentative development plan and the final platting requirements in the City's Subdivision Ordinance. The final development plan shall be processed contemporaneously with, and in accordance with, the procedures for a final plat and for a special use permit, and shall include at least the following information:

- (a) All submittal requirements for (i) a final plat under the Subdivision Ordinance, (ii) the Watershed Development Ordinance, and (iii) other applicable City codes, ordinances, and regulations (including the ordinance approving the development plan). The information required for all of the foregoing, and demonstration of compliance, shall be fully presented, including without limitation provision for construction of underground electrical and telephone service. Final engineering plans, including street, yard, and open space lighting, street improvements, drainage system, sewer system, and public utility extensions, shall be prepared. Location of garbage and refuse collection points and of mail pickup points shall also be specified.
- (b) Any required declarations of covenants shall be presented for review and approval by the City Attorney.
- (c) Construction sequence and time schedule for completion of improvements, infrastructure, buildings, parking spaces, and landscaped areas within the TD District development shall be set forth as part of the final development plan.
- (d) Any information required pursuant to the ordinance approving the tentative development plan. Following the public hearing, the Plan Commission shall recommend the terms for approval of the special use permit for the final development plan. Thereafter, such Plan Commission recommendation shall be forwarded to the City Council for consideration of the approval of the final development plan pursuant to a special use permit ordinance, which shall also serve as the final plat approval for the property. Until a final development plan designating the land subdivided into conventional lots, if any, as well as the division of other lands not so subdivided into common open areas and building sites is recorded with the Lake County Recorder of Deeds, no development activity on the property in question shall be permitted unless expressly authorized in the ordinance approving the tentative development plan. The recording of the special use permit ordinance and final development plan (including the final plat) shall inform all who deal with the TD District development of the restrictions placed upon the land and act as a zoning control device. The final development plan for the TD District development shall contain appropriate legends or notations on its face reflecting the special use permit ordinance and all of the covenants, restrictions, dedications, regulations, and requirements of and for the plan and pertaining to the development, and shall be certified by the Plan Commission as being in compliance with this Article prior to its being recorded. No building permit shall be issued for any structure until the certification and recording of the final development plan has been completed.

(7) **CONTEMPORANEOUS APPROVALS.** Nothing in this Section shall prevent an owner from seeking and obtaining contemporaneous approvals, provided that all elements of a development plan and other matters requiring approval are in a form acceptable to the City. To the extent feasible, contemporaneous reviews and approvals of development plans and other matters should be encouraged, and the fact that proceedings affecting various elements of a development plan have occurred prior to the designation of an area into the TD District shall not affect the validity of such proceedings nor require their repetition provided that all required notices and procedures were satisfied as part of such proceedings.

(8) **MODIFICATIONS TO THE FINAL DEVELOPMENT PLAN.**

- (a) **MINOR MODIFICATIONS.** The City Engineer, in his or her discretion and with the consent of the Director of Community Development, may authorize in writing minor modifications to a particular final development plan if such adjustments are necessary in light of technical or engineering considerations first discovered during actual development and do not materially affect the nature or character of the approved final development plans. Other changes necessitated by engineering considerations that may affect the nature or character of the final development plans may also be so approved by the City Engineer, within the Engineer's sole discretion, pursuant to this subsection; provided, however, that such minor modifications shall be limited to the following:

- (i) Altering the location or dimensions of any structure, group of structures, or vehicular drive by not more than five feet;
- (ii) Altering the location of any open space by not more than five feet; and

(iii) Altering the final grade by not more than 5% of the originally planned grade.

- (b) MAJOR MODIFICATIONS. Any modification to a particular final development plan not specifically authorized in Paragraph 46-53.5H(8)(a) shall be considered to be a major modification and shall be granted only upon application to, and approval by the City Council, by resolution duly adopted. The City Council may, but shall have no obligation to, require that the application for a major modification be considered at a public hearing before the City Council or such other board or commission as the City Council shall require.

Section 46.43.5 C(1) RESTAURANTS – PERFORMANCE STANDARDS

In addition to all other applicable provisions of the Code, all types of restaurants must be found to be in compliance with the following Performance Standards prior to the issuance of a building permit.

1. Applicable parking requirements of the Code must be satisfied or any necessary variances must be approved by the appropriate Board or Commission and the City Council.
 2. A parking plan detailing number of employees, the location for employee parking, estimated customers at various times, the location of customer parking, and information on valet parking if provided or required, must be submitted for review and approval.
 3. The review and approval process of the Building Review Board or Historic Preservation Commission must be completed. The approval must include all required elements including: new construction, storefront alterations, additions, demolitions, screening of mechanical equipment, and trash enclosures.
- Approval of landscaping, awnings, lighting and signage by the appropriate Board or Commission must occur prior to the issuance of an occupancy permit.
4. The City Council review and approval process for any liquor license, if applicable, must be completed. The hours of operation of the restaurant shall conform to any requirements of the liquor license.

For restaurants that do not require liquor licenses, the hours of operation shall conform to the hours of existing restaurants in the community.

5. Details of the air filtration system and an operation and maintenance schedule for the exhaust and filter systems must be provided in the building permit submittal application. Issuance of the building permit shall not occur until the systems along with the operation and maintenance schedules have been approved.
6. No loudspeakers or amplification of sound are permitted, outside the building.
7. Schedules for deliveries and trash pickup must be submitted and found to be acceptable to the City.
8. For all restaurants egress and access to the site, trash enclosures, and delivery areas shall be located to minimize the impact of traffic, light and noise on the single family homes. (Ord. 04-02, Sec. 2)

ART. IX OFF-STREET PARKING & LOADING

Sec. 46-54. SCOPE OF REGULATIONS---

The off-street parking and loading provisions of this Chapter shall apply as follows:

- (A) Off-street parking and loading facilities shall be provided by the owner or owners or lessee acting with the written consent of the owner for all buildings and structures existing or erected and all uses existing or established after the effective date of this Chapter as required by the regulations contained herein. However, where a building permit has been issued prior to the effective date of this Chapter or any amendment hereto and provided that construction is begun within six (6) months after such effective date and diligently prosecuted to completion, parking and loading facilities required at the time of the issuance of such building permit may be provided in lieu of those required by this Chapter, except that such building shall thereafter be subject to the provisions of Section 46-55-(H).
- (B) Whenever the intensity of use of any existing building, structure, or premises is increased through a structural addition, the addition of dwelling units, floor area, seating capacity, or other units or measurements specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided by the owner or owners or lessee acting for the owner for such new addition or any such increase in intensity of use. (Ord. No. 02-16)
- (C) Whenever the existing use of a building, structure or premises shall hereafter be changed to a new use of a different parking or loading class, parking or loading facilities shall be provided by the owner or owners or lessee acting for the owner as required for such new use. However, if such building or structure was erected prior to the effective date of this Chapter or any amendment hereto, additional parking or loading facilities must be initially provided only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this Chapter.

Sec. 46-55. GENERAL REQUIREMENTS---

- (A) UTILIZATION. Required off-street parking spaces shall be solely for the parking of vehicles used for the transportation of occupants, patrons, or employees. Each required space shall be kept available at all times for parking of such vehicles. No required parking space shall, be rented, leased, or used for any purpose other than that for which such space is required. No sales or repair work, except of an emergency nature, shall be permitted in required parking spaces.
- (B) CUSTOMER AND EMPLOYEE PARKING AREAS. Off-street facilities provided in accordance with the provisions of this Chapter may be located in customer and employee parking areas as defined in Article II; however, in no case shall more than fifty percent (50%) of such required off-street parking be located in an employee parking area.
- (C) COLLECTIVE PROVISIONS. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the spaces required for each use served. If a collective parking facility serves uses which do not generate automobile parking at the same times, upon request by the owners of such use, the City Council may authorize a reduction in the total number of parking spaces to the minimum required by those uses which generate automobile parking at the same time.
- (D) CONTROL OF OFF-SITE PARKING FACILITIES. In cases where parking facilities are permitted on a lot other than the zoning lot on which the building or use served is located, the party in possession of such lot shall be the same as the party in possession of the zoning lot occupied by the building or use to which the off-site parking facilities are accessory. Possession of the off-site parking facilities may be either by deed or lease, the term of such lease to be approved by the City Council, and such deed or lease shall be filed in the Office of the Recorder of Deeds of Lake County. The deed or lease shall require such possessor and his, her, or its successors, heirs and assigns to maintain the required number of parking facilities on the off-site lot for the duration of the use served or of the deed or lease, whichever shall terminate sooner.
- (E) EXISTING PARKING FACILITIES. Accessory off-street parking facilities in existence on the effective date of this Chapter (January 15, 1972) or any amendment hereto and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements of this Chapter for such building or use; provided, however, such off-street parking facilities may be relocated or otherwise provided in accordance with the provisions of this Chapter. Such existing off-street facilities that do not conform to all the requirements of Section 46-56 may, however, be included as required off-street parking, provided that the items of nonconformance do not prevent or unduly hamper the required usage, have not been detrimental to the public health, safety, and welfare and have not caused undue traffic congestion on the public street.

(F) PERMISSIBILITY. Any building or use which is in existence on the effective date of this Chapter or any amendment hereto, which is subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired within two (2) years of damage or destruction, off-street parking or loading facilities equivalent to those maintained at the time of such damage or destruction shall be restored or continued in operation. Any conforming or nonconforming building or use reconstructed, reestablished, or repaired after two (2) years of such damage or destruction shall provide off-street parking and loading facilities in accordance with the requirements of this Chapter. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Chapter for equivalent new uses or construction.

(G) DAMAGE OR DESTRUCTION. For any conforming or nonconforming building or use which is in existence on the effective date of this Chapter or any amendment hereto, which is subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired within two (2) years of damage or destruction, off-street parking or loading facilities equivalent to those maintained at the time of such damage or destruction shall be restored or continued in operation. Any conforming or nonconforming building or use reconstructed, reestablished, or repaired after two (2) years of such damage or destruction shall provide off-street parking and loading facilities in accordance with the requirements of this Chapter. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Chapter for equivalent new uses or construction.

(H) SUBMISSION OF PLAN. Any application for a building permit, or for any Occupancy Certificate where no building permit is required, shall include therewith a plan, drawn to scale and full dimensions, showing any off-street parking or loading facilities to be provided in compliance with this Chapter.

(I) COMPUTATION. When determination of the number of off-street parking spaces required by this Chapter results in a requirement of a fractional space, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one (1) parking space.

(J) PAYMENT IN LIEU OF PROVIDING OFF-STREET PARKING.

- (1) When, in the O-1 Office and B-2 Commercial Business Districts, additional off-street parking is required to be provided, either because of the erection of a new building or addition, or an increase of usable floor area for retail and/or office previously used for storage, utility or similar use or change in use necessitating the provision of additional parking, off-street parking required herein may be provided by way of a payment of a fee only if authorized by a Special Use Permit.

A payment in lieu of parking shall be considered recognizing that the City has limited opportunities to provide additional spaces in the B-2 and O-1 districts. In addition to the standards required to be met in Section 46-24 E, such Special Use Permit may be granted to allow for payment in lieu of parking only upon a showing that the proposed use is needed and desired as a component of the District, beneficial to the overall community and appropriate at the proposed location. In addition, it shall be demonstrated by the parties seeking the Special Use Permit that providing parking on-site, in conformance with required ratios, will have a negative impact on the character of the immediate area and the District as a whole.

The Plan Commission recommendation on a request for a Special Use Permit shall be forwarded to the City Council for action consistent with standard Special Use Permit procedures. A fee for parking shall be established by the City Council based on the cost of constructing parking spaces and other related factors and the fees shall be updated periodically along with other fees and charges established by the City Council.

- (2) All fees collected and all interest earned thereon under the provisions of Section 46-55-(J) shall be placed in the Parking Facilities Fund established by the City Council and shall be used only for the acquisition of land, improvement, or maintenance of municipally owned or leased off-street parking facilities for the benefit of those buildings, structures, and uses in the O-1 and B-2 Districts and the general community. (Ord. No. 99-8, Sec. 1)

Sec. 46-56. LOCATION, DESIGN AND CONSTRUCTION---

(A) All parking spaces required to serve buildings and structures erected or uses established after the effective date of this Chapter or any amendment hereto shall be located on the same zoning lot as the building, structure or use served, except that parking spaces to serve business buildings or uses may be located in a business zoned area of the zoning lot on which the building structure or use served is located by Special Use Permit.

Buildings, structures or uses existing on the effective date of this Chapter or any amendment hereto which are subsequently altered or enlarged so as to require the provision of parking spaces under this Chapter may be so served by parking facilities located on land other than the zoning lot on which the building or use served is located, but such parking facilities shall be allowed only by Special Use Permit. Owners of property, nonconforming as to parking, who elect to provide parking and become conforming, may locate such parking on land other than the zoning lot on which the building or use is located, as allowed in this Article.

Off-street parking spaces, open to the sky, may be located in any yard, except the required front yards in a Residence, General Residence and Office District. Enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements.

(B) DESIGN AND CONSTRUCTION. All off-street parking spaces required by this Chapter, except those required for one- and two-family dwellings, shall be designed and constructed in accordance with the Standard Specifications for Design and Construction of Parking Lots of the City, on file in the office of the City Surveyor and Engineer.

- (1) Screening and Landscaping. All open off-street parking areas containing more than three (3) parking spaces shall be screened by fencing, landscaping or a combination of both on all sides in a General Residence, Business, or Office District, pursuant to the provisions of the Trees and Shrubbery Ordinance and the fencing provisions in Section 46-10 of the Code.
- (2) Lighting and Speaker Systems. Any lighting used to illuminate off-street parking areas shall be directed away from Residence or General Residence District zoned property and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) footcandles measured at the lot line. Loudspeaker systems are not permitted.
- (3) Identification and Marking. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any public street or walk.

Sec. 46-57. CLEANING AND MAINTENANCE---

No cleaning or maintenance of parking lots utilizing motorized equipment may be performed between 11:30 P.M. and 6:00 A.M. each day, except snow plowing.

Sec. 46-58. SHELTER BUILDING---

No parking lot for accessory off-street parking shall have more than one (1) attendant shelter building and such building shall conform to all setback requirements for structures in the district.

Sec. 46-59. SIGNS---

Accessory signs shall be permitted on parking areas in accordance with the provisions of Chapter 36 of the City Code.

Sec. 46-60. OFF-STREET PARKING TABLE---

Off-street parking spaces shall be provided for the specific PARKING CLASSES set forth in the OFF-STREET PARKING TABLE. Parking spaces for accessory uses not specifically enumerated within a parking class shall be assumed to be included in the principal (permitted or special) use requirement. If, for any reason, the classification of any use, for the purpose of determining the number of off-street parking spaces is not readily determinable hereunder, the parking class of such use shall be fixed by the Administrative Officer. Where floor area is specified as the basis for determining the number of off-street parking spaces, e.g. "1/1000 square feet of floor area," the floor area used shall be in accordance with the definition of Floor Area contained in Article II "Floor area, for the purpose of determining off-street parking and loading requirements,..."

When students or employees, or both, are specified as the basis for determining the number of off-street parking spaces, e.g. "1/each employee plus 1/six

(6) students," the number of students or employees, or both, occupying the facility during a regular operating day shall be used as the basis for determining the number of off-street parking spaces. If the design capacity of a facility is not readily determinable because of the absence of design standards for a particular use, the average number of students or employees, or both, occupying the premises during a regular operating day during the year preceding the adoption of this Chapter shall be used as the basis for determining the number of off-street parking spaces.

OFF-STREET PARKING TABLE

PARKING CLASS	USES:	PERMITTED OR SPECIAL	REQUIRED SPACES
Class #1	a.	Dwellings, detached single-family	2/dwelling unit
Class #2	a.	Hotels	1/dwelling unit or habitable living unit
	b.	Motels	
	c.	Motor hotels	
Class #3*	a.	Dwellings, two-family	1.5/dwelling unit
	b.	Dwelling, all other dwelling units:	
		1) 1 or 2 Bedrooms	1.83/dwelling unit
		2) 3 or more Bedrooms	2.33/dwelling unit
		3) Visitor Parking	Included in the above is the requirement of 0.33 parking spaces per unit which shall be for visitor parking and shall be open at all times for such purposes.
*In developments where private streets are built to standards which do not allow on-street parking, additional off-street parking may be required to compensate for the lack of on-street parking available.			
Class #4	a.	Nursing homes	1/1000 square feet of floor area
	b.	Parsonages, rectories, or parish houses	
Class #5	a.	Aquariums	2/1000 square feet of floor area
	b.	Historic sites	
	c.	Hospitals	
	d.	Libraries, museums or art galleries, public	
	e.	Philanthropic and charitable institutions	
	f.	Nursery schools or child care centers	
Class #6	a.	Animal hospitals and veterinary	4/1000 square feet of floor area
	b.	Art galleries and studios	
	c.	Banks and savings and loan associations	
	d.	Business machine sales and service stores	
	e.	Catering services	
	f.	Clubs or lodges, private	
	g.	Dressmaking, seamstress shops	
	h.	Interior decorating shops	
	i.	Laboratories, medical, dental, or optical	
	j.	Locksmiths	
	k.	Medical and dental offices or clinics	
	l.	Office equipment stores	
	m.	Physical culture and health services	
	n.	Post offices	
	o.	Recreational and community center buildings	
	p.	Schools: music or dance	
	q.	Tailor shops	
	r.	Telegraph offices	
	s.	Telephone exchange and equipment buildings	
	t.	Travel bureau and transportation ticket offices	
Class #7	a.	Offices, business, professional, and governmental	4/1000 square feet of floor area,
Class #8	a.	Corporate headquarters	2.5/1000 square feet of floor area
	b.	Offices: business, professional, governmental in the OR and OR-2 zoning districts	
	c.	Medical laboratories	
	d.	Retail businesses associated	with a hotel or motel
Class #9	a.	Antique stores	5/1000 square feet of floor area, except 4/1000 square feet of floor area in the "B-2" district
	b.	Art and school supply stores	
	c.	Auto accessory stores	
	d.	Bakeries, retail	

- e. Barber shops
- f. Bicycle stores
- g. Book, stationery or office supply stores
- h. Camera and photographic supply stores
- i. Candy, ice cream, and confectionery stores
- j. Catalog sales stores
- k. China and glassware stores
- l. Cigar, cigarette and tobacco stores
- m. Clothing stores
- n. Currency exchanges
- o. Dairy products stores
- p. Delicatessens
- q. Department stores
- r. Dormitories
- s. Dry cleaning and laundromats-self-service
- t. Dry cleaning and laundry pickup stations
- u. Dry cleaning and pressing establishments
- v. Drug stores
- w. Dry goods stores
- x. Electrical appliance and supply stores
- y. Employment agencies
- z. Floor covering stores
- aa. Florists
- bb. Fraternity houses
- cc. Furniture stores
- dd. Furrier shops
- ee. Garden supply and seed stores
- ff. Gift and novelty stores
- gg. Groceries, meat, fish, and fruit stores
- hh. Hardware stores
- ii. Hearing aid stores
- jj. Hobby shops
- kk. Household-appliance stores
- ll. Jewelry and watch repair stores
- mm. Leather goods and luggage stores
- nn. Lodging houses
- oo. Millinery shops
- pp. Musical instruments sales and service
- qq. Newspaper distribution
- rr. Optical goods shops
- ss. Package liquor stores
- tt. Paint and wallpaper stores
- uu. Pet shops
- vv. Phonograph record, and sheet music stores
- ww. Photography studios
- xx. Picture framing stores
- yy. Reading rooms
- zz. Repair, rental, and servicing of any item, the retail sale of which is permitted in the B-1 and B-2 district
- aaa. Rooming houses
- bbb. Second-hand stores and rummage shops
- ccc. Shoe and hat stores
- ddd. Sorority houses
- eee. Sporting goods stores
- fff. Variety stores

Class #10	a.	Auto service stations	10/1000 square feet of floor area, except 4/1000 square feet of floor area in the "B-2" district
	b.	Funeral homes and mortuaries	
	c.	Standard restaurants	
	d.	Taverns	
Class #11	a.	Drive-in type restaurants	30/1000 square feet of floor area
	b.	Fast-food restaurants	
Class #12	a.	Elementary and Junior high schools, public or private	1/each employee
	b.	Radio and television stations	
	c.	Warehouses	
Class #13	a.	Greenhouses and nurseries, retail	1/1000 square feet of floor area, plus 1/2000 square feet of land area
Class #14	a.	Golf courses, public and private	100/9 holes (regular golf)

Class #15	a.	Zoos or zoological gardens	1/2000 square feet of land area
Class #16	a.	Athletic fields	1/5000 square feet of land area, or 1/75 square feet of water area, when a public swimming pool is an isolated use
	b.	Botanical gardens	
	c.	Forest preserves	
	d.	Polo fields	
	e.	Public parks and playgrounds	
	f.	Public swimming pools	
	g.	Recreation clubs, noncommercial	
Class #17	a.	Auto laundries	1/each two (2) employees, plus 1/ manager-owner, plus parking spaces equal to five (5) times the maximum capacity of auto washing unit
Class #18	a.	Schools: business, commercial or trade	1/each two (2) students
Class #19	a.	Senior high schools	1/each employee, plus 1/each six (6) students
Class #20	a.	Churches, chapels, temples, and synagogues	1/each four (4) seats in auditorium
Class #21	a.	Colleges, junior colleges and	1/each four (4) students
Class #22	a.	Gas regulator stations	2/each three (3) employees
	b.	Laundry and dry cleaning plants	
	c.	Sanitary landfills	
	d.	Sewage treatment plants	
	e.	Water works, reservoirs, pumping stations and filtration plants	
	f.	Bakeries	
	g.	Electric substations	
	h.	Microwave relay towers	
	i.	Radar installations and towers	
	j.	Radio and television towers	
Class #23	a.	Building material yards, sales and storage	2/each employee
	b.	Contractor's offices and shops	
	c.	Motor vehicle sales, service, repair and storage, including body repair, painting and engine rebuilding	
	d.	Plumbing, printing, electrical,	heating, air conditioning, furniture, upholstery, paint, paperhanging,
		decorating, and other similar shops and services	
Class #24	a.	Cemeteries, columbariums, crematories and mausoleums	Spaces as required by the Administrative Officer, after review by the Plan Commission
	b.	Greenhouses and nurseries, wholesale	
Class #25	a.	Drive-in banking facilities	Reservoir space sufficient to accommodate a number of automobiles equal to five (5) times the number of teller windows

Sec. 46-61. GENERAL REQUIREMENTS - OFF-STREET LOADING---

(A) LOCATION. All required loading berths shall be located on the same zoning lots as the use served. All motor vehicle loading berths which abut a Residence or General Residence District or an intervening alley separating a Residence or General Residence District from a Business District shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight (8) feet in height. No permitted or required loading berth shall be located within thirty (30) feet of the nearest point of intersection of any two streets. No loading berth shall be located in required front or side yard, and any loading berth located in a required rear yard shall be open to the sky.

(B) DESIGN AND CONSTRUCTION. All off-street loading spaces required by this Chapter shall be designed and constructed in accordance with the Standard Specifications of Design and Construction of Off-Street Loading Facilities of the City on file in the Office of the City Surveyor and-Engineer.

(C) REPAIR AND SERVICE. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities.

(D) UTILIZATION. Space allocated to any off-street loading shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

(E) CENTRAL LOADING. Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:

- (1) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at grade.
- (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Area of types of uses may be totaled before computing number of loading berths.)
- (3) No zoning lot served shall be more than five hundred (500) feet removed from the central loading area.
- (4) The tunnel or ramp connecting the central loading area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

(F) MINIMUM FACILITIES. Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the

minimum prescribed for such required facilities shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning drive.

Sec. 46-62. RESIDENCE AND GENERAL RESIDENCE DISTRICTS--

Off-street loading facilities accessory to uses allowed in the several Residence and General Residence Districts shall be provided in accordance with the following minimum requirements.

- (A) For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one (1) additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 20,000 square feet in gross floor area shall be not less than twelve (12) feet in width by fifty-five (55) feet in length.
 - (1) Health and medical institutions.
- (B) For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 200,000 square feet of gross floor area, plus one (1) additional loading berth for each additional 200,000 square feet of gross floor area or fraction thereof.
 - (1) Educational and cultural institutions.
 - (2) Philanthropic and charitable institutions.
 - (3) Religious institutions.
- (C) PLANNED DEVELOPMENTS. Loading berths shall be provided on the basis of the required berths for each individual use.
- (D) RECREATIONAL AND SOCIAL CLUBS. For buildings containing 10,000 to 100,000 square feet of gross floor area, one (1) loading berth shall be provided, and for each additional 100,000 square feet of gross floor area up to 500,000 square feet, one (1) additional loading berth shall be provided, plus one (1) additional loading berth for each additional 500,000 square feet of gross floor area or fraction thereof in excess of 500,000 square feet.
- (E) For all other nonresidential uses, loading facilities shall be provided in accordance with the following requirements:
 - (1) For buildings containing less than 10,000 square feet of gross floor area, there shall be provided on the same zoning lot adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive, or open space.
 - (2) For buildings containing 10,000 to 100,000 square feet of gross floor area, one (1) off-street loading berth shall be provided.
 - (3) For buildings containing over 100,000 square feet of gross floor area, there shall be provided one (1) loading berth for each 100,000 square feet of gross floor area or fraction thereof.
- (F) MULTIPLE-FAMILY DWELLINGS AND ROOMING HOUSES. For buildings containing 20,000 to 200,000 square feet of gross floor area, one (1) additional loading berth for each additional 200,000 square feet of gross floor area or fraction thereof.

Sec. 46-63. BUSINESS AND OFFICE DISTRICTS--

Off-street loading spaces accessory to uses allowed in the several Business or Office Districts shall be provided in accordance with the following minimum requirements:

- (A) Any use listed in a Residence or General Residence District that is also permitted in any of the several Business or Office Districts shall provide loading spaces as established for that use in the preceding section for Residence or General Residence Districts.
- (B) Business or Office establishments containing less than 7,000 square feet of floor area shall be provided with adequate facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot.
- (C) For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 7,000 to 40,000 square feet of floor area. For buildings containing 40,000 to 100,000 square feet of floor area two (2) loading berths shall be provided, plus one (1) additional loading berth for each additional 100,000 square feet of floor area or fraction thereof. Each such loading berth for buildings in excess of 10,000 square feet of floor area shall be not less than twelve (12) feet in width by fifty-five (55) feet in length.
 - (1) Mail order houses.
 - (2) Warehousing, storage, and wholesale establishments.
- (D) For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of floor area; for each additional 100,000 square feet of floor area up to 500,000 square feet, one (1) additional loading berth for each additional 500,000 square feet of floor area or fraction thereof in excess of 500,000 square feet.
 - (1) Banks and financial institutions.
 - (2) Medical and dental clinics
 - (3) Offices, business and professional.
- (E) For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 150,000 square feet of floor area, plus one (1) additional loading berth for each additional 150,000 square feet of floor area or fraction thereof. Each such loading berth for buildings in excess of 20,000 square feet of floor area shall be not less than twelve (12) feet in width by fifty-five (55) feet in length.
 - (1) Clubs and lodges (nonprofit) -- containing retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices (other than accessory).
 - (2) Radio and television broadcasting studios.
 - (3) Hotels and motels--containing retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices.
- (F) For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 200,000 square feet of gross floor area, plus one (1) additional loading berth for each additional 200,000 square feet of gross floor area or fraction thereof.
 - (1) Clubs and lodges (nonprofit)--containing no retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices.
 - (2) Hotels and motels -- containing no retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices.
 - (3) Meeting halls.
 - (4) Schools -- music, dance, business, commercial and trade.
 - (5) Theaters, indoor.
- (G) UNDERTAKING ESTABLISHMENTS, FUNERAL HOMES, AND MORTUARIES. For buildings containing 7,000 to 100,000 square feet of gross floor area, one (1) loading berth shall be provided, plus one (1) additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof.
- (H) FOR ALL OTHER USES, loading facilities shall be provided in accordance with the following schedule:

Gross Floor Area of Establishments in <u>Square Feet</u>	Required Number and <u>Size of Berths</u>
7,000 to 20,000	1 (12 feet X 30 feet)
20,001 to 35,000	2 (12 feet X 30 feet, each)
35,001 to 60,000	2 (12 feet X 55 feet, each)
60,001 to 100,000	3 (12 feet X 55 feet, each)

For each additional 200,000 square feet of gross floor area or fraction thereof over 100,000 square feet of gross floor area, one (1) additional loading berth shall be provided; such additional berth to be at least twelve (12) feet in width by fifty-five (55) feet in length.

- (I) FOR ALL OR-2 DISTRICT USES. The provisions of this Sub-Section will apply to loading berths in the OR-2 Office Research District, notwithstanding any provision in this Section or Section 46-61 to the contrary. In the OR-2 District, buildings with more than 250,000 square feet of gross floor area shall have two (2) required loading berths, buildings with 50,000 to 250,000 square feet of gross floor area shall have one (1) required loading berth, and no loading berths shall be required in buildings with fewer than 50,000 square feet of gross floor area. In addition, no loading berth shall be required to exceed twelve (12) feet in width or fifty (50) feet in length.

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BUILDING HEIGHT

(See page 133 of the scanned image for illustration)

EXAMPLE OF LOT TYPES

(See page 134 of the scanned image for illustration)

LOT WIDTH AND LOT DEPTH EXPLAINED

(See page 135 of the scanned image for illustration)

REQUIRED YARDS ILLUSTRATED

(See page 136 of the scanned image for illustration)

BUILDINGS-PRINCIPAL AND ACCESSORY

(See page 137 of the scanned image for illustration)

EXAMPLE OF LOT IN- DEPTH SUBDIVISION WITH AN EXISTING HOUSE. FOR PROPERTY ZONED R-2

(See page 138 of the scanned image for illustration)

ART. X PERSONAL WIRELESS SERVICE FACILITIES

SECTION:

- 46-64. Purpose and Interpretation
- 46-65. Definitions
- 46-66. Policy Statement
- 46-67. Site Selections
- 46-68. Personal Wireless Service Facilities Overlay District
- 46-69. Overlay District Requirements
- 46-70. Co-location
- 46-71. Design Criteria for New Support Structures
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- 46-73. Landscaping/Screening
- 46-74. Non-Use/Abandonment
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- 46-77. Remedies
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- 46-79. Provisions for Amending the Overlay District
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Sec. 46-64. PURPOSE AND INTERPRETATION--

- (A) The purpose of this Ordinance is to provide specific regulations for the placement, construction and modification of personal wireless service facilities. The provisions of this Ordinance are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of personal wireless services, nor shall the provisions of this Ordinance be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services. To the extent that any provision or provisions of this Ordinance are inconsistent with or in conflict with any other provision of the City Code or any Ordinance of the City, the provisions of this Ordinance shall be deemed to control.
- (B) In the course of reviewing any request for any approval required under this Ordinance made by an applicant to provide personal wireless services or to install personal wireless service facilities, the Zoning Board of Appeals, Plan Commission or the City Council, as the case may be, shall act within a reasonable period of time after the request is duly filed with the City, taking into account the nature and scope of the request. Any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record.

Sec. 46-65. DEFINITIONS-

For the purpose of this Ordinance, the following terms shall have the meaning ascribed to them below:

- (A) ANTENNA shall mean any exterior apparatus or apparatuses at a fixed location designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of electromagnetic waves, including equipment attached to a tower or building for the purpose of providing personal wireless services, including, for example, "cellular", "paging", "low power mobile radio", and personal communications services' telecommunications services, and their attendant base stations.
- (B) ANTENNA HEIGHT shall mean the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antennas, base pad, and other appurtenances and shall be measured from the finished grade of the site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.
- (C) ANTENNA SUPPORT STRUCTURE shall mean any pole, telescoping mast, tower, tripod or other structure which supports a device used in the transmitting or receiving of radio frequency signals.
- (D) CELL SITE shall mean a tract or parcel of land that contains the personal wireless service facilities including any antenna, its support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless services.
- (E) FAA shall mean the Federal Aviation Administration.
- (F) FCC shall mean the Federal Communications Commission.
- (G) GOVERNING AUTHORITY shall mean the governing authority of the City, namely the City Council.
- (H) PERSONAL WIRELESS SERVICES and PERSONAL WIRELESS SERVICE FACILITIES as used in this Ordinance, shall be defined in the same

towers as in 47, United States Code, Section 332 (c)(7)(C), as they may be amended now or in the future.

(l) TOWER shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities, radio transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

Sec. 46-66. POLICY STATEMENT---

The purpose of this Ordinance is to establish general guidelines for the siting and size of towers and antennas. The goals of this Ordinance are to: (i) minimize the total number of towers throughout the City; (ii) encourage strongly the joint use of new and existing tower sites; (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on residential areas of the City is minimal; (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and (v) enhance the ability of the providers of personal wireless services to provide such services throughout the City quickly, effectively, and efficiently. Accordingly, the City Council finds that the promulgation of this Ordinance is warranted and necessary:

- (A) To direct the location of towers in the City;
- (B) To protect residential areas and land uses from potential adverse impacts of towers through proper engineering and siting of antennas and their support structures;
- (C) To minimize adverse visual impacts of towers through careful design, siting, landscape screening, and innovative camouflaging techniques;
- (D) To accommodate the growing need for towers;
- (E) To promote and encourage shared use/co-location of existing and new towers as a primary option rather than construction of additional single-use towers, and to reduce the number of such structures needed in the future.

New Uses: All new towers and antennas shall comply with this Ordinance after the date of passage.

Existing Uses: All towers and antennas existing on the date of passage of this Ordinance shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such existing towers and antennas. New construction other than routine maintenance on existing towers and antennas shall comply with the requirements of this Ordinance.

Sec. 46-67. SITE SELECTION CRITERIA-

In recognition of the need to designate appropriate areas for the siting of personal wireless service facilities, a zoning overlay district known as the "Personal Wireless Service Facilities Overlay District" is hereby created. All new antennas and/or support structures shall be located in areas designated on the overlay district map. Should a personal wireless services provider find that facilities are required in an area not designated as part of the overlay district, the provider may petition the City Council of The City of Lake Forest to have the proposed site added to the overlay district.

Given the visual impact of towers on their surrounding environment, no antenna support structures may be constructed on a speculative basis. Applications for permits will only be processed when the applicant is either an FCC licensed personal wireless services provider (if so required to be licensed by the FCC), or has in place agreements with an FCC licensed personal wireless services provider (if so required to be licensed by the FCC) for use or lease of the support structure, proof of which must be offered by the applicant.

Personal wireless service facilities should be located and designed to minimize any adverse effect they may have on residential property values and to minimize the impact of the site on the surrounding neighborhood. Sites should be placed in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.

Sec. 46-68. PERSONAL WIRELESS SERVICE FACILITIES OVERLAY DISTRICT---

Wireless telecommunications facilities that meet the definition of personal wireless service facilities, as referenced in Section 2, shall be considered a permitted use in the Personal Wireless Service Facilities Overlay District, provided that the proposed facilities meet the requirements of this Ordinance, as well as the requirements of the individual district in which the facility is proposed to be located. New personal wireless service facilities will not be permitted in any area other than those areas contained within the overlay district, which are as follows:

- (A) Those portions of the OR-2 (Office Research), B-1 (Neighborhood Business), R-4 (Single Family Residence), R-2 (Single Family Residence) and OA (Open Area) Zoning Districts, as depicted on Attachments A.
- (B) That portion of the R-4 (Single Family Residence) and R-3 (Single Family Residence) Zoning Districts lying east of Waukegan Road, north of Deerpath, south of Gage Lane, as depicted on Attachment B.
- (C) Those portions of the GR-2 (General Residence), R-4 (Single Family Residence), and OA (Open Area) Zoning Districts, as depicted on Attachments C.
- (D) Those portions of the R-5 (Single Family Residence), R-4 (Single Family Residence), and R-1 (Single Family Residence) Zoning Districts, as depicted on Attachments D.

Sec. 46-69. OVERLAY DISTRICT REQUIREMENTS---

The installation of personal wireless service facilities, as defined in Section 2, are permitted by right in the Personal Wireless Service Facilities Overlay District, subject to the provisions enumerated below:

- (A) The personal wireless service facility is located in one of the Districts referenced in Section 5, (A)-(D);
- (B) The personal wireless service facility conforms to all standards of this Ordinance, and also conforms to all applicable federal laws and regulations concerning use and operation;
- (C) The personal wireless service facility is affixed to the walls or roof of an existing structure pursuant to the requirements of Section 9, and the height of the antennas do not exceed ten (10) feet above the parapet of the roof of the existing structure; or, if a free standing antenna support structure, the support structure is designed to accommodate additional users and the height above grade of the antennas and support structure does not exceed the height limit noted below for each district:
 - (1) District A - Height limit of 160 feet;
 - (2) District B - Height limit of 120 feet;
 - (3) District C - Height limit of 90 feet;
 - (4) District D - No free standing antenna support structure shall be permitted;
- (D) If the proposed personal wireless service facility meets the requirements of 6(A) through 6(C), then the facility is permitted by right, and no special use permit hearing is required.
- (E) If the proposed personal wireless service facility meets the requirements of 6(A) and 6(B), but is either not designed to accommodate additional users or is proposed for a height in excess of the limit established in 6(C), then the facility may be permitted only by special use permit.
- (F) In Overlay Districts A and B, proposed antennas may co-locate onto existing towers. Provided such co-location is accomplished in a manner consistent with the provisions contained in this Ordinance, then such co-locations are permitted by right and new or additional special use approval is not required. To provide further incentive for co-location as a primary option, towers in Districts A and B that are in existence as of the date of passage of this Ordinance may be modified or reconstructed to accommodate the co-location of additional antennas, provided the additional antennas shall be of the same type as that on the existing tower. This is permitted by right, subject to the following criteria being met:
 - 1. Height: An existing tower may be modified or rebuilt to a taller height, not to exceed twenty feet over the tower's existing height, to accommodate the co-location of additional antennas. The height increase permitted under this provision allows the total height to exceed the height limit of the overlay district.
 - 2. Onsite Location: A tower which is being rebuilt to accommodate the co-location of additional antennas may be moved onsite within 50 feet of its existing location so long as it remains within the same zone and complies with the other provisions of this Ordinance.

Sec. 46-70. CO-LOCATION---

In order to minimize adverse visual impacts associated with the proliferation of towers, co-location of antennas by more than one provider on existing or new towers shall take precedence over the construction of new single-use towers. The City may deny an application to construct a new tower if the applicant has not made a good faith effort to mount the antennas on an existing structure. If a new tower structure is necessary, then it should be designed to accommodate antennas for more than one user. The site plan shall delineate an area near the base of the tower to be used for the placement of additional equipment and buildings for other users. If the tower structure is not designed to accommodate antennas for more than one user, the tower may be permitted only by special use permit. As part of the special use process, the applicant should demonstrate, based on economic, technical or physical reasons, why designing the tower structure to accommodate antennas for more than one user is not feasible.

Sec. 46-71. DESIGN CRITERIA FOR NEW SUPPORT STRUCTURES ---

- (A) **Compatibility:** Personal wireless service facilities should be architecturally compatible with the surrounding buildings and land uses in the zoning district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. Site location and development shall preserve the preexisting character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques should be evaluated, taking into consideration the site as built.
- (B) **Setback Provisions:**
1. **Minimum Setbacks:** Tower setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Towers shall comply with the minimum setback requirements of the area in which they are located in all zoning districts.
 2. **Exceptions from Setback Requirements:** These setback provisions are intentionally designed to be flexible to take into account individual site characteristics and the nature of surrounding properties. Standardized setback provisions could harm one of the primary intents of this Ordinance, which is to minimize the aesthetic impact of tower structures. The goal of minimizing the aesthetic impact of the tower structure may be best accomplished by an individual site review, with the petitioner bearing the burden of proving that their chosen tower location on the subject parcel is the least aesthetically intrusive. The City, in its reasonable discretion and upon finding that the intent of this Ordinance would be furthered, may approve placement of an antenna support structure within the required setback areas based on one or more of the following criteria:
 - a. The location and nature of the principal structure, if any, on the parcel;
 - b. The location, size and nature of any structure on the subject parcel which would lend itself to partial concealment of the tower structure;
 - c. The location, height, density and nature of any trees on the subject parcel;
 - d. The relative location of the subject parcel to adjacent streets, alleys, roads or thoroughfares;
 - e. The near field and far field visual impact of the tower location on the subject parcel;
 - f. Adjacent property structures, uses and layouts;
 - g. The Comprehensive Land Use Plan.
- (C) **Color:** Support structures and antennas shall have a non-contrasting blue, gray or black finish, or a similar color that minimizes their visibility, unless a different color is required by the FCC or FAA.
- (D) **Lights, Signals and Signs:** No signals, lights or signs shall be permitted on towers unless required by the FCC or the FAA.
- (E) **Equipment Structures:** Ground level equipment and buildings and the tower base shall be screened from public streets and residentially zoned properties. The standards for the equipment buildings are as follows:
 1. The maximum floor area is 300 square feet and the maximum height is 12 feet.
 2. Ground level buildings shall be screened from all adjacent properties by landscape plantings, fencing or other appropriate means, as provided for in Section 10 of this Ordinance.
- (F) **Federal Requirements:** All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within three (3) months of the effective date of such standards and regulations, unless a more stringent or lenient compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (G) **Structural Design:** Towers shall be constructed to the Electronic Industries Association ("EIA") Standards, which may be amended from time to time, and all applicable construction/building codes. Further, any improvements and/or additions to existing towers shall require submission of site plans sealed and verified by a professional engineer which demonstrate compliance with the EIA Standards and all other good industry practices in effect at the time of said improvement or addition. Said plans shall be submitted and reviewed at the time building permits are requested.
- (H) **Building Codes: Safety Standards:** To ensure the continuing structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable City building codes and the applicable standards for towers that are published by the EIA and FCC, as amended from time to time. If, upon inspection made at the discretion of the City, the City concludes that a tower fails to comply with such codes or standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have sixty (60) days to bring such tower into compliance with such standards and codes. If the owner fails to bring such tower into compliance within said sixty (60) days, the City may remove such tower at the owners expense.
- (I) **Fencing/Screening:** Support structures and equipment shelters shall be fenced to prohibit unauthorized access. Access to the support structure and equipment shelters shall be through a locked gate. Fencing shall be generally consistent with previously approved installations. The City may permit any combination of existing vegetation, topography, walls, decorative fences or other features if they achieve the goal of minimizing the visual impact of the site.
- (J) **Antenna height:** The applicant shall demonstrate that the antennas are the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.
- (K) **Antenna support structure safety:** The applicant shall demonstrate that the proposed antennas and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
- (L) **Required parking:** Adequate parking shall be required for maintenance workers.
- (M) **Signal Interference:** No antenna shall cause localized interference with the reception or transmission of any other communications signals including, but not limited to television and radio broadcast signals.
- (N) **Location:** No antenna, tower or other facility for personal wireless services shall be located upon any lot or parcel except as provided in this Ordinance.

Sec. 46-72. DESIGN CRITERIA FOR INSTALLATION OF ANTENNAS ON EXISTING STRUCTURES--

Antennas may be mounted to the walls or roof of an existing structure, as outlined in this section. If antennas are to be mounted on an existing structure, a wall mount is considered preferable to a roof mount, as it is typically less visually obtrusive.

- (A) **Wall Mounted Antennas:** Antennas may be mounted on the walls of an existing structure, subject to the following criteria:
- (1) The antennas must be architecturally compatible with the building or wall on which they are mounted, and designed and located so as to minimize any adverse aesthetic impact.
 - (2) The antennas shall be mounted in a configuration as flush to the wall as technically possible and shall not project above the wall on which they are mounted unless for technical reasons the antennas need to project above the roof line. If required to project above the roof line, the antennas may not project above the parapet of the roof by more than ten (10) feet.
 - (3) The antennas shall be constructed, painted and fully screened to match as closely as possible the color and texture of the building and wall on which they are mounted.

- (4) No such antenna array, or support structure shall be erected or maintained closer to any street than the minimum setback for the zone in which it is located.
- (5) No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing building to which such antenna, antenna array, or support structure is attached.
- (6) If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character, materials and color. The structure must be architecturally and visually (color, size, bulk) compatible with surrounding existing buildings, structures and uses, or those likely to exist under the terms of the

underlying zoning. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facility. The use of colors and facility designs should be compatible with surrounding buildings and/or uses in the area or those likely to exist in the area and should prevent, to the extent possible, the facility from dominating the surrounding area.

(B) Roof Mounted Antennas: Antennas may be mounted on the roof of an existing structure, subject to the following criteria:

- (1) The City finds that it is not technically possible or aesthetically desirable to mount the antennas on a wall.
- (2) No portion of the antennas may exceed 10 feet above the parapet of the roof.
- (3) Roof mounted antennas and related base stations are to be completely screened from ground level view, which shall be defined as a point two hundred and fifty feet in any direction from the facility, by materials that are consistent and compatible with the design, color, and materials of the building.
- (4) If the equipment shelter is to be constructed on the ground adjacent to the structure on which the antennas are mounted, the shelter shall comply with the provisions of Section 8, Item E of this Ordinance.
- (5) Equipment mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof mounted antennas may also be located within the building on which the antennas are mounted.

(C) Other Conditions:

- (1) No antenna owner or lessee or officer or employee thereof shall act to exclude or attempt to exclude any other competitor from using the same building for the location of other antennas.
- (2) No antenna owner or lessee or officer or employee thereof shall fail to cooperate in good faith to accommodate other competitors in their attempts to use the same building for other antennas. If a dispute arises about the feasibility of accommodating another competitor, the City Manager may require a third party technical study, at the expense of either or both parties, to resolve the dispute.

Sec. 46-73. LANDSCAPING/SCREENING--

Landscaping: Landscaping shall be required to screen, to the greatest extent possible, the support structure, the fence surrounding the support structure and any other ground level features (such as a building), and in general soften the appearance of the personal wireless service facilities. The City may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening. If the antennas are mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required.

Sec. 46-74. NON-USE/ABANDONMENT---

Abandonment: In the event the use of any tower has been discontinued for a period of 60 consecutive days, the tower may be deemed to be abandoned. Determination of the date of abandonment will be made by the Director of Community Development, who shall have the right to request documentation and/or affidavits from the tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional 60 days within which to:

- (A) Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or
- (B) Dismantle and remove the tower. If such tower is not removed within said sixty (60) days, the City may remove such tower at the owners expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(C) The applicant shall agree to deposit with the City a cash bond or irrevocable Letter of Credit in the amount of \$5,000, in a form acceptable to the City. The Letter of Credit shall contain a provision by which the provider of the Letter of Credit shall be responsible for giving a seventy five (75) day notice of expiration of the Letter of Credit in writing, by certified mail, to The City of Lake Forest City Manager, City Attorney, City Clerk and Director of Community Development. In no event shall the Letter of Credit or the obligations contained within expire except upon the aforementioned written notice, it being expressly agreed that the provider of the Letter of Credit shall extend the established expiration date to comply with the notice provision.

At the earlier of sixty (60) days from the date of abandonment without reactivation or transfer or upon completion of dismantling and removal, City approval for the tower shall automatically expire.

Sec. 46-75. APPLICATION REQUIREMENTS-

Applicants for permitted uses and special uses may utilize any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information:

- (A) An applicant for a new antenna support structure shall demonstrate that a diligent effort has been made to locate the proposed facilities on an appropriate existing structure, and that due to valid considerations including physical constraints, economic or technological feasibility, no other appropriate location is available. Additionally, the applicant must demonstrate that they have contacted other personal wireless service providers to determine co-location opportunities for the site under consideration.
- (B) The applicant must demonstrate by technological evidence that the height requested is the minimum height necessary to fulfill the site's function within the intended grid system. Further, the applicant must demonstrate use of the best available technology to minimize the number of total sites required in the community. At the time of application, the applicant should demonstrate how the proposed site fits into its overall grid inside the City limits and in contiguous communities;
- (C) A scaled site plan clearly indicating the location, type, and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower support structure, building, fencing, buffering, and all other items required in this Ordinance;
- (D) A current map and aerial showing the location of the proposed tower;
- (E) Legal description of the parcel;
- (F) A map indicating the separation distance from residential areas, approximate distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties;
- (G) A landscape plan showing specific landscape materials;
- (H) Method of fencing and finished color and, if applicable, the method of camouflage and illumination;
- (I) A notarized letter signed by the applicant stating the tower will comply with all EIA Standards and all applicable federal and state laws and regulations and the City Code;
- (J) A statement by the applicant that the tower will accommodate co-location of additional antennas for future users, unless the applicant is petitioning for a special use permit so that the tower need not be designed for co-location, and that requests for co-location will be considered in good faith;
- (K) The telecommunications provider must demonstrate that it is licensed by the FCC, if so required to be licensed by the FCC. The applicant, if not the telecommunications provider, shall submit proof of lease agreements with an FCC licensed telecommunications provider, if the provider is so required to be licensed by the FCC;
- (L) This Ordinance shall apply to all applications which were filed prior to the effective date hereof and which have not been approved by the City Council as of the effective date of this Ordinance, and to all applications filed thereafter.

Sec. 46-76. THIRD PARTY REVIEW ---

Personal wireless services providers use various methodologies and analysis tools, including geographically based computer software, to determine the specific technical parameters of personal wireless service facilities, such as expected coverage area, antenna configuration, and topographic constraints

that affect signal paths. In certain instances there may be a need for expert review by a third party of the technical data and facilities proposed by the personal wireless services provider. The selection of the third party expert may be by mutual agreement by the applicant and City, or at the discretion of the City, with a provision for the applicant and interested parties to comment on the proposed expert and review its qualifications. The expert review is intended to be a site-specific review of technical aspects of the personal wireless service facilities and not a subjective review of the site selection. Such review shall address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, and the validity of the conclusions and any specific technical issues outlined by the City Council, Plan Commission, Zoning Board of Appeals, city staff, or other interested parties. Based on the results of the third party review, the City may require changes to the application for the personal wireless service facilities to comply with the recommendations of the expert. The expert review of the technical submission shall address the following:

- (A) The accuracy and completeness of the submission;
- (B) The applicability of analysis techniques and methodologies;
- (C) The validity of conclusions reached;
- (D) Any specific technical issues designated by the City.

Sec. 46-77. REMEDIES --

Any person, firm or corporation violating any of the provisions or terms of this Ordinance upon conviction shall be punishable by a fine not to exceed the sum of seven hundred and fifty dollars (\$750) for each day during which the offense continued. In addition to receiving any monetary remuneration, the City shall have the right to seek injunctive relief for any and all violations of this Ordinance and all other remedies provided at law or in equity.

Sec. 46-78. SEVERABILITY --

Should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared invalid or unconstitutional by a court or agency of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases or words of this Ordinance, all of which will remain in full force and effect.

Sec. 46-79. PROVISIONS FOR AMENDING THE OVERLAY DISTRICT--

Should the application of this Ordinance have the effect of prohibiting a person or entity from providing personal wireless services to all or a portion of the City, such provider may petition the City Council for an amendment to this Ordinance. The City Council, upon receipt of such a petition, shall promptly undertake review of the petition and shall make a determination on the petition within a reasonable period of time, taking into account the nature and scope of the petition, and any decision to deny such petition shall be in writing and supported by substantial evidence contained in a written record. The person or entity proposing to amend the Ordinance is required to demonstrate, using technological evidence, that the amendment to the overlay district is necessary in order to satisfy the service requirement of the respective grid system. The person or entity, if requesting an amendment to the overlay district in order to install a new antenna support structure, is required to demonstrate that it contacted the owners of structures in excess of forty five feet in height within a one mile radius of the site proposed, asked for permission to install the antennas on those structures, and was denied for reasons other than economic ones. The information submitted by the applicant shall include a map of the area to be served by the tower and its relationship to other antenna sites in the applicant's grid network, and an evaluation of existing buildings taller than forty five feet, existing personal wireless service towers and water tanks within one mile of the proposed tower.

Sec. 46-80. NECESSITY --

This Ordinance is necessary to protect the public health, safety and welfare of the residents of the City, and covers matters of local concern. The City Council finds that an emergency exists due to the need for personal wireless services to be provided to potential customers, who are residents and property owners of The City of Lake Forest.

(Ord. No. 98-6, Sec. 1; Ord. No. 99-16, Sec. 1).

Attachment A
OR-2

(See page 148 of the scanned image for illustration)

Attachment A
B-1

(See page 149 of the scanned image for illustration)

Attachment
R

(See page 150 of the scanned image for illustration)

Attachment A
OA

(See page 151 of the scanned image for illustration)

Attachment B
R-4

(See page 152 of the scanned image for illustration)

Attachment C
R-4

(See page 153 of the scanned image for illustration)

Attachment C
R-4

(See page 154 of the scanned image for illustration)

Attachment D
R1/GR3

(See page 155 of the scanned image for illustration)

Attachment D

(See page 156 of the scanned image for illustration)

Attachment D
R-5

(See page 157 of the scanned image for illustration)

CHAPTER 46 ZONING CODE
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