

## ARTICLE VII. AREA, BULK, AND DENSITY

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#### Sec. 150.701 Scope of Requirements.

Except as may be provided elsewhere in this Chapter, the provisions of this Article shall establish the necessary minimum and maximum requirements of area, bulk, density, and yards for every district established by this Chapter. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered in violation of the requirements of this Article.

#### Sec. 150.702 Bulk Conformance.

Any structure constructed in conformance with the bulk and setback regulations then in effect prior to the adoption of this Chapter shall not be deemed non-conforming with respect to the new bulk and yard regulations in this Article. However, any addition or enlargement to such structure must be made in conformance with the new regulations.

#### Sec. 150.703 Low Density Residential District Regulations.

The table below specifies the general minimum and maximum requirements of area, bulk, yards, and density for the low density residential zoning districts. These requirements may be modified as permitted elsewhere in this Chapter.

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## LOW DENSITY RESIDENTIAL REGULATIONS

ZONING DISTRICT		R1	R2	R3	R4	R5	R5A*	R6	R7
<b>LOT DIMENSIONS</b>	Minimum Area for Single-Family Residence	130,680 sq. ft.	80,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft.(a)	12,000 sq. ft.	10,000 sq. ft.	7,260 sq. ft.(b)	7,000 sq. ft.
	Minimum Area for Two-Family Residence	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	10,000 sq. ft.
	Average Width	250 ft.	200 ft.	100 ft.	85 ft.(a)	75 ft.	70 ft.	50 ft.(b)	50 ft.
<b>DENSITY</b>	Minimum Lot Area per Dwelling Unit, Single-Family	130,680 sq. ft.	80,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft.(a)	12,000 sq. ft.	10,000 sq. ft.	7,260 sq. ft.(b)	7,000 sq. ft.
	Minimum Lot Area per Dwelling Unit, Two-Family	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	5,000
<b>YARDS (c)</b>	Minimum Front Yard	50 ft.	50 ft.	40 ft.	40 ft.	40 ft.	25 ft.	25 ft.	25 ft.
	Minimum Side Yard	50 ft.	25 ft.	Total depth of all side yards must be a minimum of 30% of Lot Width, and in no event shall any side yard be less than 15 feet	Total depth of all side yards must be a minimum of 30% of Lot Width, and in no event shall any side yard be less than 12 feet	Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 9 feet	Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 6 feet	Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 6 feet (b)	Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 6 feet
	Minimum Rear Yard (Whichever is Less)	50 ft.	50 ft. or 20% of Lot Depth	40 ft. or 20% of Lot Depth	35 ft. or 20% of Lot Depth	30 ft. or 20% of Lot Depth	30 ft. or 20% of Lot Depth	25 ft. or 20% of Lot Depth	25 ft. or 20% of Lot Depth
<b>BULK</b>	Maximum Height of Principal Structure	35 ft.	35 ft.	35 ft.	32 ft.	32 ft.	30 ft.	30 ft.	30 ft.
	Maximum Height of Accessory Structure	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
	Floor Area Ratio (F.A.R.)*	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+

\*In the R2-R7 zoning districts, when the area of a lot in any given zoning district equals or exceeds the minimum lot area required in the next lower zoning district, then the F.A.R. shall be calculated as the F.A.R. of the next lower zoning district. (Deleted by Ord. 74-06, J. 32, p. 346-351, passed 11/13/06)

(a) In addition to all other applicable regulations, the subdivision of any lot in the LFOZ Overlay Zone for which a complete application is filed with the City after December 11, 2000, being the effective date of the LFOZ Overlay Zone and regulations shall comply, where applicable, with the "minimum area for a single family residence," "average width," and "minimum lot area per single-family dwelling unit" requirements set forth in Section 150.703.1 of this Code. (Ord. 33-01, passed 5/29/01)

(b) In addition to all other applicable regulations, lots existing in the SLOZ Overlay Zone on January 8, 2001, being the effective date of the SLOZ Overlay Zone and regulations, shall, to the extent applicable, comply with the "minimum area for a single family residence," "average width," "minimum lot area per single-family dwelling unit," and "minimum side yard" requirements set forth in Section 150.703.2 of this Code. (Ord. 32-01, passed 5/29/01)

(c) No air conditioning systems or units (as defined in Section 50.900 of the Code) installed after June 29, 2004, being the effective date of this regulation, shall be installed in any required yard; provided, however, that air conditioning systems and units that were located in a required yard with or without authority prior to June 29, 2004, may be replaced in the same location without a variation. (Ord. 45-04, J. 30, p. 173-174, passed 6/28/04)

+ (Ord. 46-04, J. 30, p. 175-180, passed 6/28/04)

### Sec. 150.703.1 Special Regulations for the LFOZ Lakefront Density and Character Overlay Zone.

(A) Purpose. The LFOZ Lakefront Density and Character Overlay Zone is intended to preserve the density and character of lots in the R4 Low-To-Moderate Density

Residential District located along the lakefront. Lake Michigan and the parcels located along the lakefront are important elements in defining the City's character. Many of the parcels along the lakefront have lot areas that are substantially larger than the minimum lot area requirements of the R4 District. The LFOZ Overlay Zone is intended to preserve the spacious character and existing density of the area. The preservation and appropriate development of the lakefront area requires, with certain exceptions, the establishment of special lot width and lot area regulations for newly subdivided lots in the LFOZ Overlay Zone. These new restrictions recognize the existing conditions of many of the lakefront lots and require new development in the LFOZ Overlay Zone to be consistent with these existing conditions. The LFOZ Overlay Zone is intended to address, among other things, a recent development trend in the City to subdivide larger lots along the lakefront. These new lots are, in many cases, inconsistent with the existing conditions along the lakefront. In addition to protecting the character and density of the area, the LFOZ Overlay Zone is intended to protect and preserve the ravines, lake bluffs, and beaches in the area, as well as Lake Michigan itself, and to prevent unnecessary erosion of properties in the LFOZ Overlay Zone, that may be affected or caused by increased development, whether on lots in the LFOZ Overlay Zone or within the abutting portions of Lake Michigan. This Section is specifically intended to permit property owners within the LFOZ Overlay Zone to develop their properties and to construct structures on the beach and in Lake Michigan, as further set forth in this Section and in the most environmentally and ecologically sensitive manner possible. The LFOZ Overlay Zone is consistent with the goals of the Lakefront District Neighborhood Strategic Plan, an element of the Master Plan, which plan was adopted by the City Council after numerous neighborhood planning meetings at which lakefront property owners and other City residents participated. The LFOZ Overlay Zone has been created and shall be mapped on the Zoning Map in furtherance of these public purposes. (Ord. 21-06, J. 32, p. 57-68, passed 3/13/06)

(B) Overlay Zone. The LFOZ Overlay Zone appears on the Zoning Map as an "overlay zone" imposed on top of certain properties located along the lakefront in the R4 District. Development of property in the LFOZ Overlay Zone must comply with the regulations of the LFOZ Overlay Zone and with the R4 District regulations. Except as required by Subsection (C) of this Section, the R4 District regulations shall apply to all lots in the LFOZ Overlay Zone. Where there is any conflict between the LFOZ Overlay Zone and the R4 District, the provisions of the LFOZ Overlay Zone shall apply.

(C) Zoning Relief. Nothing in this Section 150.703.1 shall be interpreted to deny the right of any property owner to seek a variation or other applicable zoning relief from the provisions of this Section, pursuant to the applicable procedures set forth in this Code.

(D) Special Bulk Regulations.

(1) Minimum Area for Single-Family Residence. Except only as provided in Paragraph (4) of this Subsection, no subdivision of any lot in the LFOZ Overlay Zone shall create any new lot that has a minimum area for a single-family residence of less than 40,000 square feet.

(2) Average Width. Except only as provided in Paragraph (4) of this Subsection, no subdivision of any lot in the LFOZ Overlay Zone shall create any new lot that has an average width of less than 100 feet.

(3) Minimum Lot Area Per Dwelling Unit, Single-Family. Except only as provided in Paragraph (4) of this Subsection, no subdivision of any lot in the LFOZ Overlay Zone shall create any new lot that has a minimum lot area per single-family dwelling unit of less than 40,000 square feet.

(4) Effective Date. The special bulk regulations set forth in this Subsection (D) shall only apply to subdivisions for which a complete application is filed with the City after December 11, 2000, being the effective date of the LFOZ Overlay Zone and regulations (the "Effective Date")

(5) Exceptions. The special bulk regulations set forth in this Subsection (D) shall not apply to any subdivision (i) that consists of a lot or lots the boundaries of which were described as property boundaries in a deed recorded prior to the Effective Date, or (ii) that results in the increase in size of any lot in the LFOZ Overlay Zone that, as of the Effective Date, was less than 40,000 square feet in size ("Existing Small Lot") and that does not result in the decrease in size of any other Existing Small Lot. (Ord. 33-01, passed 5/29/01)

(E) Lake Michigan Protection Regulations.

(1) Definitions.

Wherever the following words or phrases are used, they shall, for the purposes of this Subsection 170.703.1(E), have the meanings respectively ascribed to them in this Subsection 170.703.1(E), except when the context otherwise indicates:

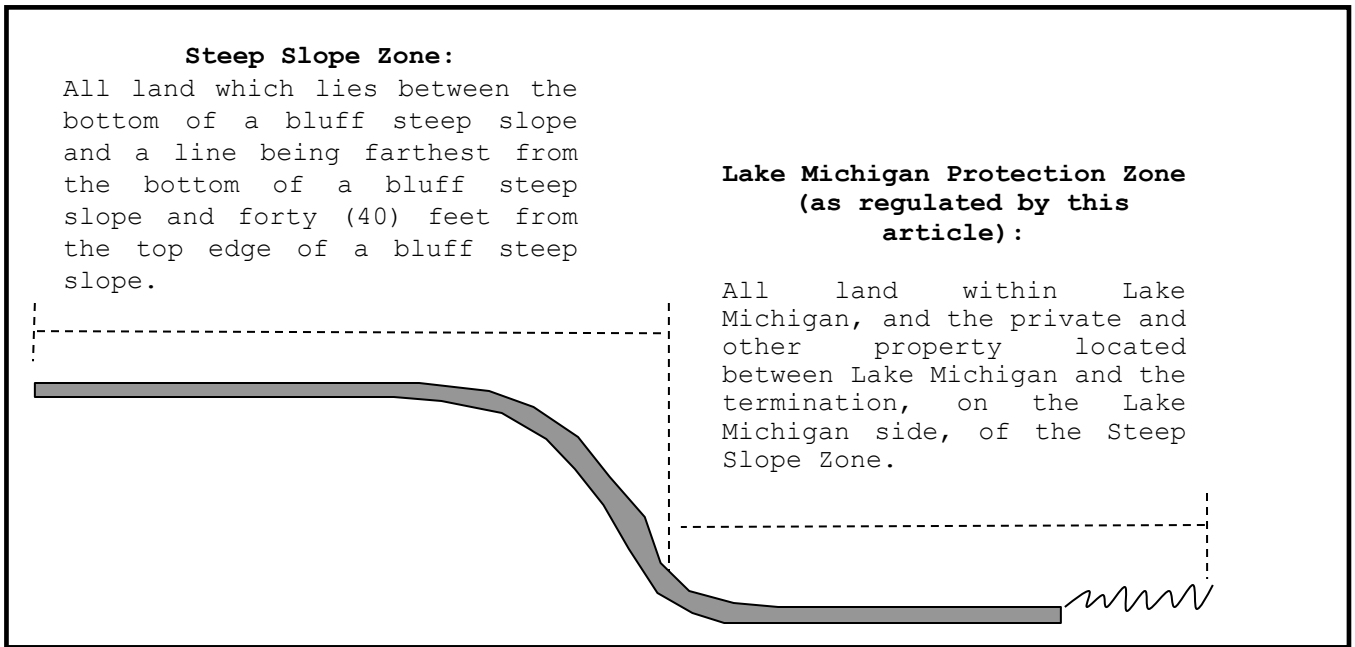
**"Adjacent Properties"** shall mean and include, whether or not located within the corporate limits of the City, (a) the first ten properties located upwater from the Subject Property, and (b) the first ten properties located downwater from the Subject Property.

**"Applicant"** shall mean the record owner of the Subject Property.

**"Commission"** shall mean the Natural Resources Commission. (Ord. 23-11, J. 37, p. 117-120, passed 2/28/11)

**"Lake Michigan"** shall mean that portion of Lake Michigan that borders the City of Highland Park, to the extent of three miles beyond the corporate limits, but not beyond the limits of the State.

**"Lake Michigan Protection Zone"** shall mean (a) Lake Michigan, and (b) the private and other property located between Lake Michigan and the termination, on the Lake Michigan side, of the Steep Slope Zone, as depicted below.



"**Permit Application**" shall mean the application for a permit to conduct a Regulated Activity in the Lake Michigan Protection Zone, as provided for in Subsection (E)(4) of this Section.

"**Pre-Application Meeting**" shall mean that meeting of the Commission at which the Applicant and the Commission shall discuss the proposed Structure and Regulated Activity prior to the submission of a Permit Application, as provided for in Subsection (E)(5)(a) of this Section.

"**Regulated Activity**" shall mean any act or process within the Lake Michigan Protection Zone involving (1) the construction, alteration, modification, demolition, or removal of any new or existing Structure, or (2) the adding, dumping, dredging, or removing of sand, rocks, or any refuse, garbage, or other discarded materials.

"**Steep Slope Zone**" shall have the meaning ascribed to it by Section 150.202 of this Zoning Ordinance.

"**Structure**" shall mean any improvement or structure in the Lake Michigan Protection Zone, including, without limitation, any revetment or groin.

"**Subject Property**" shall mean the property within or abutting that portion of the Lake Michigan Protection Zone on which the proposed Regulated Activity is to take place.

(2) Permit Required. Except as provided in Subsections (E)(9) and (E)(11) of this Section, no Regulated Activity shall be allowed in the Lake Michigan Protection Zone prior to the issuance of a permit in accordance with the procedures set forth in Subsections (E)(4), (E)(5), (E)(6) and (E)(7) of this Section and the standards set forth in Subsection (E)(3) of this Section.

(3) Standards

No permit for a Regulated Activity in the Lake Michigan Protection Zone shall be approved unless all of the following standards have been met or satisfied:

(a) The proposed Regulated Activity and/or Structure shall not unreasonably impede access to or pedestrian movement along the beach or to Lake Michigan;

(b) The proposed Regulated Activity and/or Structure shall not unnecessarily impede navigability within Lake Michigan;

(c) The proposed Regulated Activity and/or Structure shall not unreasonably impact the Subject Property or the Adjacent Properties;

(d) The Applicant has proposed appropriate long-term maintenance requirements and plans, as necessary, for the proposed Regulated Activity and/or Structure;

(e) The proposed means and methods of undertaking the Regulated Activity and/or Structure are consistent with appropriate design and aesthetics principles;

(f) The proposed Regulated Activity and/or Structure shall not create new nor amplify existing erosion problems on the Subject Property and on Adjacent Properties;

(g) The proposed Regulated Activity and/or Structure shall be for the purposes of erosion control, water gathering, and/or public access only;

(h) There will not be an unnecessary adverse environmental or ecological impact on the Subject Property or on any of the Adjacent Properties as a result of the proposed Structure and/or the Regulated Activity;

(i) The proposed Structure and/or the Regulated Activity is the least environmentally and ecologically intrusive means of achieving the stated purpose of the Structure; and

(j) The Applicant has properly obtained any and all permits required by the federal, state, and county governments for the Regulated Activity and/or the Structure.

(4) Application.

(a) The Applicant shall file a Permit Application with the Department of Public Works on forms provided by the City, which Permit

Application shall contain, without limitation, the following documents and information:

(i) A statement of the purpose and planning objectives to be achieved by the proposed Regulated Activity;

(ii) A plat of survey of the Subject Property;

(iii) A conceptual plan showing the Subject Property and the Adjacent Properties, including any and all existing Structures in the portion of the Lake Michigan Protection Zone abutting those properties;

(iv) Development and site plans showing the proposed Structure, if applicable;

(v) A demolition plan, if applicable;

(vi) An elevation plan, which shall include sectional views of the proposed Structure, if applicable;

(vii) Copies of any and all permits required by the federal, state, and county governments for the Regulated Activity and/or the Structure;

(viii) Engineering details of the proposed Structure and/or the Regulated Activity, which shall include, if applicable:

(A) the height, length, and width of the proposed Structure;

(B) the spacing between the proposed Structure and other Structures in the Lake Michigan Protection Zone abutting any of the Adjacent Properties; and

(C) the materials of which the proposed Structure will be composed;

(ix) A geo-technical investigation report of the site;

(x) A statement outlining structure success in various water levels;

(xi) A statement describing the long-term maintenance requirements and plan for the proposed Structure;

(xii) A written description of the proposed means and methods of undertaking the Regulated Activity;

(xiii) An explanation, in narrative form, of the following:

(A) Any and all erosion problems on the Subject Property for which the Structure and/or Regulated Activity is designed to correct or remedy;

(B) The environmental and ecological impact on the Property and the Adjacent Properties that are expected to result from the Structure and/or Regulated Activity;

(C) How the proposed Structure and/or Regulated Activity is the least environmentally and ecologically intrusive means of achieving the stated purpose; and

(D) The nature and composition of existing protections, including existing Structures, of the shoreline in that portion of the Lake Michigan Protection Zone abutting either the Subject Property or the Adjacent Properties, and the impact and effectiveness of those protections on the shoreline, the lakebed, and on erosion of the Subject Property and Adjacent Properties; and

(xiv) A non-refundable application fee, in the amount set forth in the City's Annual Fee Resolution. (Ord. 28-10, J. 36, p. 105-109, passed 3/22/10)

(b) All plans, specifications, and design analyses or calculations must be signed and sealed by a duly registered Professional Geologist, Structural Engineer or Professional Engineer experienced in the design and construction of shore and/or coastal facilities.

(5) Procedure and Notice

(a) Pre-Application Meeting.

(i) Prior to submission of a Permit Application pursuant to Subsection (E)(4) of this Section, the Applicant shall request, in writing to the Chairman of the Commission and to the Director of Public Works, a Pre-Application Meeting, and shall submit payment of a Pre-Application Review fee, in the amount set forth in the City's Annual Fee Resolution. (Ord. 28-10, J. 36, p. 105-109, passed 3/22/10)

(ii) Within 45 days following receipt of the written request of the Pre-Application Meeting, the Commission shall hold a Pre-Application Meeting with the Applicant, at which time the Commission may make any recommendations or requests for additional documentation and information to be included in the Permit Application.

(b) A Permit Application shall be filed no later than 60 days after the Pre-Application Meeting for the proposed Structure and Regulated



Activity.

(c) Upon receipt by the Department of Public Works of a Permit Application, the Director of Public Works shall forward copies of the Permit Application to the Chairman of the Commission and to the City Clerk.

(d) Within 45 days following receipt of a Permit Application by the City, a meeting of the Commission shall be held at which the Commission shall review the Permit Application.

(e) Not more than 30 days but not less than 15 days prior to the meeting of the Commission at which the Permit Application will be reviewed, the City Clerk shall cause notice thereof to be sent to the record owners of those Adjacent Properties located within the corporate limits of the City, and to all homeowners associations of which at least one owner of an Adjacent Property is a member and which have registered with the City as desiring notice pursuant to this Subsection, which notice shall contain:

- (i) The legal description of the Subject Property;
  - (ii) The address of the Subject Property;
  - (iii) A brief statement of the nature of the requested permit;
  - (iv) The name(s) and address(es) of the Applicant(s);
- and
- (v) A statement of the date, time, and place of the meeting for which the notice is being given.

(6) Natural Resources Commission Recommendation. The Commission shall make and submit to the City Council its findings and recommendations concerning the Permit Application within 30 days after the meeting at which the Permit Application is reviewed. The failure of the Commission to provide such findings and recommendations within 30 days, or such further time to which the Applicant may, in writing, agree, shall be deemed a recommendation against the approval of the Permit Application. (Ord. 23-11, J. 37, p. 117-120, passed 2/28/11)

(7) Action by City Council. Following the City Council's receipt of the findings and recommendations of the Commission, the City Council may grant or deny the permit, or may return the Permit Application to the Natural Resources Commission for further consideration. (Ord. 23-11, J. 37, p. 117-120, passed 2/28/11)

(8) Amendments to Permit. Any substantial change in the character of an approved permit for a Regulated Activity, pursuant to this Subsection, shall require the approval of a new permit which shall reflect such changes in the proposed Structure and/or Regulated Activity; provided, however,

that the Director of Public Works may approve such minor changes to the proposed Structure and/or Regulated Activity if, in the Director's judgment, such minor changes do not constitute a substantial deviation from the proposed Structure and/or Regulated Activity for which the permit was approved.

(9) Public Safety Emergency Permits. A permit for the removal or demolition of an existing Structure may be granted by the City Director of Public Works upon his or her determination that the Structure poses an immediate threat to the public health, safety, or welfare. If the Director of Public Works makes such a determination, the provisions of Subsections (E)(4), (E)(5), (E)(6), and (E)(7) of this Section shall not apply.

(10) Recordation. The Applicant shall cause to be recorded against the Subject Property, in the office of the Lake County Recorder, the following:

(a) Any permit approved and granted pursuant to this Subsection; and

(b) A restrictive covenant, requiring the Applicant, and all of the Applicant's transferees, heirs, assigns, and successors in interest to the Subject Property, to perform, at the Applicant's sole cost and expense, all regular maintenance and upkeep of the Structure.

(11) Partial Exemption for Structures Also Regulated Within The Steep Slope Zone. The review and permitting processes set forth in Section 150.703.1(E) of these Lake Michigan Protection Zone regulations shall not be necessary if the proposed Structure meets all of the following criteria:

(a) The proposed Structure is of a type, other than fences, to which Section 150.1906(C) of the Steep Slope Zone regulations of this Zoning Code applies;

(b) The proposed Structure is located in part in the Lake Michigan Protection Zone and in part in the Steep Slope Zone;

(c) The portion of the proposed Structure that is located within the Lake Michigan Protection Zone is necessary to the structural or functional integrity of the Structure as a whole;

(d) The proposed Structure protrudes no further than 15 feet into the Lake Michigan Protection Zone; and

(e) The portion of the proposed Structure that is located within the Lake Michigan Protection Zone is no larger than 75 square feet.

(Section 150.703.1 (E) added by Ord. 21-06, J. 32, p. 57-68, passed 3/13/06)

Sec. 150.703.2 Special Regulations for the SLOZ South Green Bay Road Small Lot Overlay Zone.

(A) Purpose. The SLOZ South Green Bay Road Small Lot Overlay Zone includes those lots in the R6 Medium Density Residential District generally bounded on the west by Green Bay Road, on the north by Ravinia Road and Ridgewood Road, on the east by the railroad tracks, and on the south by Blackstone Place and existing on January 8, 2001, being the effective date of the Overlay Zone and regulations. Many of the lots in the SLOZ Overlay Zone have lot areas, lot widths, and side yards that are substantially smaller than the minimum requirements under the R6 District. The special lot area, lot width, and side yard regulations for the SLOZ Overlay Zone are intended to make these smaller lots conforming under the provisions of the SLOZ Overlay Zone. The SLOZ Overlay Zone is consistent with the goals of the South Green Bay Road District Plan, an element of the Master Plan, which plan was adopted by the City Council after neighborhood planning meetings at which owners of property within the SLOZ Overlay Zone and other City residents participated. The SLOZ Overlay Zone has been created and shall be mapped on the Zoning Map in furtherance of these public purposes.

(B) Overlay Zone. The SLOZ Overlay Zone appears on the Zoning Map as an “overlay zone” imposed on top of certain properties within the R6 District. Properties in the SLOZ Overlay Zone must comply with the regulations of the SLOZ Overlay Zone and with the R6 District regulations. Except as otherwise permitted by Subsection (D) of this Section, the R6 District regulations shall apply to all lots in the SLOZ Overlay Zone. Where there is any conflict between the SLOZ Overlay Zone and the R6 District, the provisions of the SLOZ Overlay Zone shall apply.

(C) Zoning Relief. Nothing in this Section 150.703.2 shall be interpreted to deny the right of any property owner to seek a variation or other applicable zoning relief from the provisions of this Section, pursuant to the applicable procedures set forth in this Code.

(D) Special Bulk Regulations.

(1) Minimum Area for Single-Family Residence.

(a) For any single-family residence on a lot existing in the SLOZ Overlay Zone that does not comply with the minimum lot area regulations of the R6 District as of January 8, 2001, being the effective date of the SLOZ Overlay Zone and regulations (“the “Effective Date”), the minimum area for any such lot shall be no less than 5,200 square feet.

(b) The special regulation set forth in Paragraph 1(a) of this Section shall not apply to any lot in the SLOZ Overlay Zone meeting the minimum lot area regulations of the R6 District or to any new lot created by a subdivision of any lot in the SLOZ Overlay Zone after the Effective Date.

(2) Average Width.

(a) For any single-family residence on a lot existing in the SLOZ Overlay Zone that does not comply with the minimum lot width regulations of the R6

District as of the Effective Date, the average width for any such lot shall be no less than 40 feet.

(b) The special regulation set forth in Paragraph 2(a) of this Section shall not apply to any lot in the SLOZ Overlay Zone meeting the minimum lot width regulations of the R6 District or to any new lot created by a subdivision of any lot in the SLOZ Overlay Zone after the Effective Date.

(3) Minimum Lot Area Per Dwelling Unit, Single-Family.

(a) For any single-family residence on a lot existing in the SLOZ Overlay Zone that does not comply with the minimum lot area per single-family dwelling unit regulations of the R6 District as of the Effective Date, the minimum lot area per single-family dwelling unit for any such lot shall be no less than 5,200 square feet.

(b) The special regulation set forth in Paragraph 3(a) shall not apply to any lot in the SLOZ Overlay Zone meeting the minimum lot area per single-family dwelling unit regulations of the R6 District or to any new lot created by a subdivision of any lot in the SLOZ Overlay Zone after the Effective Date.

(4) Minimum Side Yard.

(a) For any single-family residence on a lot existing in the SLOZ Overlay Zone that does not comply with the minimum area for single family residence regulations, average width regulations, or minimum lot area per single family dwelling unit regulations of the R6 District as of the Effective Date, the total depth of all side yards for any such lot shall be a minimum of 25 percent of the lot width and in no event shall any side yard be less than five feet.

(b) The special regulation set forth in Paragraph 4(a) shall not apply to any new lot created by a subdivision of any lot in the SLOZ Overlay Zone after the Effective Date. (Ord. 32-01, passed 5/29/01)

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Sec. 150.703.3 Regulations for Low Density Residential FAR.

(A) FAR Formula. The maximum FAR allowed on a legal lot of record in the R1 through R7 zoning districts shall be determined based on the formula set forth in the following table:

Lot/Parcel Size Range (Sq. Ft.)	FAR Formula	Bonus FAR Formula
<7,260	$\frac{(.40 \times \text{lot area}) + 0}{\text{lot area}} \times 100$	$\frac{(.40 \times \text{lot area}) + (.03 \times \text{lot area})}{\text{lot area}} \times 100$
7,260-9,999	$\frac{(.22 \times \text{lot area}) + 1325}{\text{lot area}} \times 100$	$\frac{[(.22 \times \text{lot area}) + 1325] + (.03 \times \text{lot area})}{\text{lot area}} \times 100$
10,000-11,999	$\frac{(.11 \times \text{lot area}) + 2400}{\text{lot area}} \times 100$	$\frac{[(.11 \times \text{lot area}) + 2400] + (.05 \times \text{lot area})}{\text{lot area}} \times 100$
12,000-19,999	$\frac{(.26 \times \text{lot area}) + 600}{\text{lot area}} \times 100$	$\frac{[(.26 \times \text{lot area}) + 600] + (.05 \times \text{lot area})}{\text{lot area}} \times 100$
20,000-39,999	$\frac{(.21 \times \text{lot area}) + 1600}{\text{lot area}} \times 100$	<p style="text-align: center;"><i>If Lot Area is &lt; 25,000 sq.ft.</i></p> $\frac{[(.21 \times \text{lot area}) + 1600] + (.05 \times \text{lot area})}{\text{lot area}} \times 100$ <p style="text-align: center;"><i>If lot area is = or &gt; 25,000 sq. ft.</i></p> $\frac{[(.21 \times \text{lot area}) + 1600] + (1250)}{\text{lot area}} \times 100$
40,000-79,999	$\frac{(.11 \times \text{lot area}) + 5600}{\text{lot area}} \times 100$	$\frac{[(.11 \times \text{lot area}) + 5600] + (1250)}{\text{lot area}} \times 100$
80,000-136,079	$\frac{(.1026 \times \text{lot area}) + 6188}{\text{lot area}} \times 100$	$\frac{(.1026 \times \text{lot area} + 6188) + (1250)}{\text{lot area}} \times 100$
=>130,080 *	$\frac{(.15 \times \text{lot area}) + 0}{\text{lot area}} \times 100$	$\frac{(.15 \times \text{lot area}) + (1250)}{\text{lot area}} \times 100$

\* (Amended by Ord. 74-06, J. 32, p. 346-351, passed 11/13/06)

(B) Bonus FAR.

(1) Applicability. Bonus FAR shall be allowed on a legal lot of record that is not a lot or parcel in a Planned Unit Development in the R1 through R7 zoning districts on which an addition to an existing building (referred to herein as “addition”) is proposed to be constructed, subject to the rules and conditions set forth in Section 150.703.3(B)(3). (Ord. 74-06, J. 32, p. 346-351, passed 11/13/06)

(2) Bonus FAR Formula. The maximum Bonus FAR allowed on a legal lot of record in the R1 through R7 zoning districts shall be determined based on the formula set forth in the table in Section 150.703.3.(A).

(3) Rules and Conditions. The following rules and conditions shall be used in determining the applicability of Bonus FAR for building additions on legal lots of record in the R1 through R7 zoning districts:

(a) The proposed addition shall be attached to an existing building, and:

(i) such existing building shall have been constructed prior to January 1, 1990 and no addition requiring a building permit was attached to such building after June 28, 2004; or

(ii) if such building was constructed after January 1, 1990, or an addition requiring a building permit was attached to such building after June 28, 2004, no addition requiring a building permit has been attached to the building in the seven years preceding the date on which a building permit application is submitted for the proposed addition; and

(b) No demolition activity, as defined in Subsection 170.040(E) of the Code, is proposed to occur during the construction of the proposed addition; and

(c) With the exception of maximum FAR, the building and the proposed addition will be in compliance with all applicable bulk regulations; provided, however, that for purposes of this Section 150.703.3(B)(3) only, the term “bulk regulations” shall mean only those types of regulations that are specifically set forth in Article II, and shall not include private restrictions or covenants, and (Ord. 74-06, J. 32, p. 346-351, passed 11/13/06)

(d) No part of the proposed addition shall be located within a steep slope zone; and

(e) No part of the proposed addition shall be attached to a building that was issued its initial certificate of occupancy within seven years preceding the date of the submittal of the building permit application for the proposed addition; and

(f) The existing building to which the proposed addition is to be attached shall not have:

(i) utilized the maximum Bonus FAR calculation for any addition prior to the proposed addition; and

(ii) had a portion of the building that was, prior to the submission of the building permit application for the proposed addition, partially removed or destroyed by any act or process within the control of a person that was the owner of the building at the time of such removal or destruction; and

(iii) any portion of the existing building that was not removed or destroyed, as set forth in Section 150.703.3(B)(3)(f)(ii) above, removed or destroyed by the applicant prior to the construction of the new addition. An applicant shall record a restrictive covenant, in a form acceptable to the Zoning Administrator, that prohibits, for a period of at least 20 years after the issuance of a certificate of occupancy for the addition, the removal or destruction of any portion of the building that was not removed or destroyed, as set forth in Subparagraph 150.703.3(B)(3)(f)(ii). (Ord. 46-04, J. 30, p. 175-180, passed 6/28/04)

Sec. 150.704 Multiple Family Residential and Health Care District Regulations.

(A) The following table specifies the general maximum and minimum requirements of area, bulk, yards, and density for the Multiple Family Residential and Health Care zoning districts. These requirements may be modified as permitted elsewhere in this Chapter. (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

**MULTIPLE FAMILY RESIDENTIAL AND HEALTH CARE DISTRICT REGULATIONS**

	ZONING DISTRICT		RM1	RM1A	RM2	RO	HC
<b>LOT DIMENSIONS</b>	Minimum Average Width for Any Use	Sq. Ft.	50	50	50	50	Not Applicable
	Minimum Lot Area for Multiple-Family Use	Sq. Ft.	10,000	21,780 *	21,780	21,780	Not Applicable
	Minimum Lot Area for Single-Family Use	Sq. Ft.	7,000	7,000 *	7,000	7,000	Not Applicable
<b>DENSITY</b>	Minimum Lot Area per Single-Family Unit	Sq. Ft.	7,000	7,000 ^	7,000	7,000	Not Applicable
	Minimum Lot Area per Multiple-Family Unit for Lots Greater Than or Equal to 90 Percent of the Minimum Lot Area for Multiple Family Use (f) ~	Sq. Ft.	2,904	1,980@^	1,442	871	Not Applicable ~
	Minimum Lot Area per Multiple-Family Unit for Lots Smaller than 90 Percent of Minimum Lot Area for Multiple Family Use (f) ~	Sq. Ft. ~	(f) ~	(f) ~	(f) ~	(f) ~	Not Applicable ~

**MULTIPLE FAMILY RESIDENTIAL AND HEALTH CARE DISTRICT REGULATIONS  
(Continued)**

	ZONING DISTRICT		RM1	RM1A	RM2	RO	HC
<b>YARDS</b>	Minimum Front Yard	Feet	25	10 *	25	25	Not Applicable; See Below for HC Zoning District Yards ~
	Minimum Side Yard	Feet	10	10 *	10	10	
	Minimum Rear Yard	Feet	25 or 20% of Lot Depth (Whichever is less)	10; or 20, if adjacent to a residential district ^)	25 or 20% of Lot Depth (Whichever is less)	25 or 20% of Lot Depth (Whichever is less)	
	Minimum Setback in the HC District from those Principal or Accessory Structures which are not Single or Two-Family Residences to any Street R.O.W. (including Parking Decks but exclusive of surface parking) ~	Feet	Not Applicable	Not Applicable *	Not Applicable	Not Applicable	25 plus 2 for each foot of building over 15 feet in height <sup>(b)</sup>
	Minimum Setback in the HC District from those Principal or Accessory Structures which are not Single or Two-Family Residences to any directly adjoining residential property line ~	Feet	Not Applicable	Not Applicable *	Not Applicable	Not Applicable	25 plus 3 for each foot of building over 15 feet in height <sup>(c)</sup>
	Minimum Front Yard in the HC District for Single and Two-Family Residential Structures	Feet	Not Applicable	Not Applicable *	Not Applicable	Not Applicable	25
	Minimum Side Yard in the HC District for Single and Two-Family Residential Structures ~	Feet	Not Applicable	Not Applicable *	Not Applicable	Not Applicable	10
	Minimum Rear Yard in the HC District for Single and Two-Family Residential Structures ~	Feet	Not Applicable	Not Applicable *	Not Applicable	Not Applicable	25 feet or 20% of Lot Depth (Whichever is less)
	Minimum Setback in the HC District from surface parking to any property line ~	Feet	Not Applicable	Not Applicable *	Not Applicable	Not Applicable	5 feet
<b>HEIGHT</b>	Maximum Height of Principal Structure	Feet	35	40; maximum of three stories ^	40; maximum of three stories *	51; maximum of four stories #	60
	Maximum Height of Accessory Structure	Feet	15	15 *	15	15	35
<b>BULK</b>	Maximum F.A.R.		Not Applicable	Not Applicable *	Not Applicable	Not Applicable	1.0 <sup>(a)</sup>
	Maximum Lot Coverage	%	33.3	33.3 *	33.3	33.3	70.0

\* Ord. 41-02, J. 28, p. 309-312, passed 7/8/02

^ Added by Ord. 57-02, J. 28, p. 410-473, passed 9/9/02

| Amended by Ord. 40-04, J. 30, p. 155-158, passed 6/28/04

~ Amended by Ord. 81-07, J. 33, p. 694-703, passed 11/13/07

# Amended by Ord. 41-15, J. 41, p. 120-156, passed 4/13/15

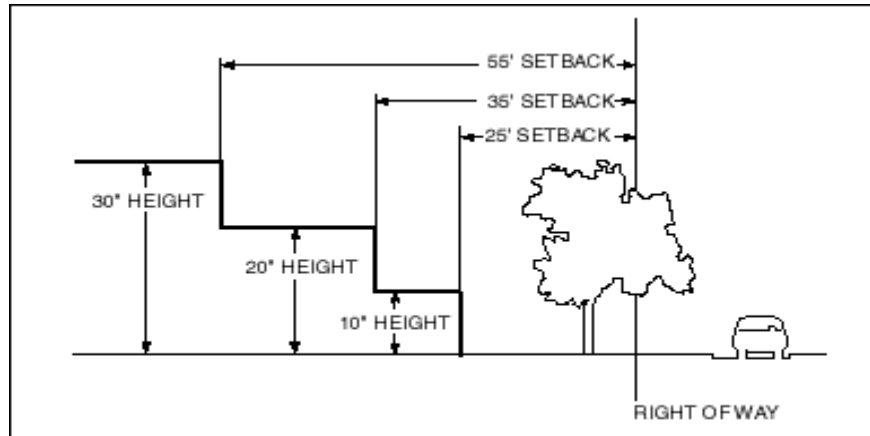
(a), (b), (c), (d), (e), (f) — See explanation of footnotes following. (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)



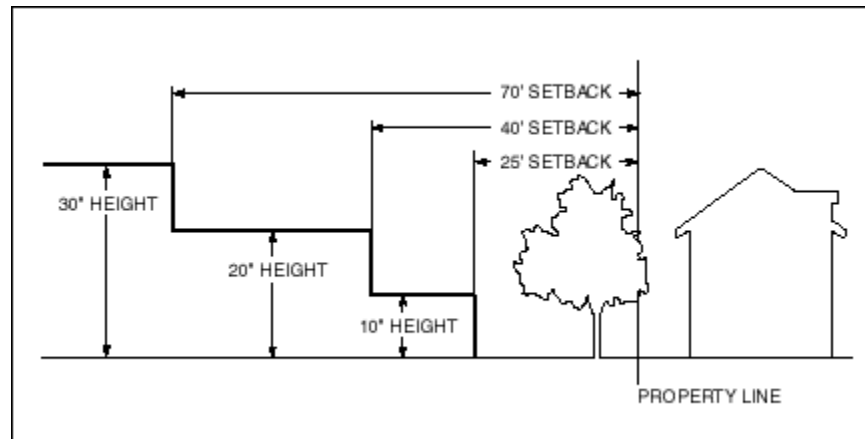
Footnotes for Multiple Family Residential and Health Care District Regulations

(a) Including Parking Decks, with the understanding that any portion of off-street parking facilities located below-grade shall not be included in the calculations for F.A.R.

(b) Where the minimum setback requirement is a function of the height of a structure, the setback is measured to each point of a building which may have multiple heights and result in multiple setbacks. (See following illustration.)



(c) Where the minimum setback requirement is a function of the height of a structure, the setback is measured to each point of a building which may have multiple heights and result in multiple setback distances. (See illustration below.)



(d) In the RM1A District not more than 22 dwelling units per acre shall be allowed on a lot. (Added by Ord. 57-02, J. 28, p. 410-473, passed 9/9/02, Footnote (d)(iii) and RM1A Density Chart 31-40 United Per Acre Deleted by Ord. 28-03, J. 29, 112-114, passed 3/24/03, Footnote (d)(i) & (ii) & RM1A Density Chart deleted by Ord. 40-04, J. 30, p. 155-158, passed 6/28/04)

(e) Off-street parking for buildings located in the RM1A District shall only be permitted in the rear yard of the principal building. (Added by Ord. 57-02, J. 28, p.

410-473, passed 9/9/02)

(f) Lots that are located in a Multiple Family Residential District and smaller than the Minimum Lot Area for Multiple-Family Use may not be used for multiple-family residential uses except upon the granting of a variation by the Zoning Board of Appeals pursuant to Section 150.1204(A)(2) of this Chapter. (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

(B) Given that Master Site Plan approval is required for tracts zoned HC (Health Care), off-street parking, yard, setback, F.A.R., maximum lot coverage, and other bulk regulations of the HC (Health Care) zoning district governing the site may be modified in conjunction with the approval of such Master Site Plan, provided the Plan and Design Commission determines that such modification complies with the spirit and intent of the applicable provisions of this Chapter. (Ord. 59-15, passed 6/8/15)

(C) Minimum Required Side Yard Setback.

(1) Except as provided in Section 150.704(C)(2) of this Chapter, the minimum side yard distance between a wall and a side lot line for multiple-family residential structures that are greater than 15 feet in height and located in a Multiple Family Residential District shall be 10 feet for that portion of the structure at or below a height of 15 feet above the grade, and an additional three feet for each subsequent ten feet of height of the structure. (Ord. 57-02, J. 28, p. 410-473, passed 9/9/02; Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

(2) Upon approval by the Plan and Design Commission, the footprint of each story located more than 15 feet above grade may be reconfigured on the lot in any manner by which the square footage of the reconfigure story does not exceed the maximum square footage that would be permitted in accordance with Section 150.704(C)(1) of this Chapter. (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07; Ord. 59-15, passed 6/8/15)

(D) The top of the second story of a multiple-family residential structure located in a Multiple Family Residential District shall not be located at a point higher than 25 feet above grade. (Ord. 81-07, J. 33, p. 694-703, passed 11/13/07)

Sec. 150.705 Commercial and Light Industrial District Regulations.

(A) The following table specifies the general requirements of area, bulk, yards, and density for the commercial and light industrial zoning districts. These requirements may be modified as permitted elsewhere in this Chapter.

**COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT REGULATIONS**

	Zoning District		B1	B1A	B2	B2-RW	B3	B4-4	B4-5	B4-6	B5		I	
<b>Density</b>	Minimum Lot Area	Sq. Ft.						None	15,000(c)	25,000(c)	<15,000	15,000 or more		
	Minimum Lot Area per Multiple Family Unit (at second floor or above)	Sq. Ft.	3000	3000	850	850*	Not Allowed	871	665	540	871	670	Not Allowed	
<b>Yards</b>	Minimum Front Yard	Feet	25	0**	0	0	25	See Sections on Build-to-Zones: 150.2315, 150.2320, 150.2325			See Section 150.2310		25	
	Minimum Commercial Front Yard	Feet	2	0**	Not Applicable	Not Applicable	2	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	2	
	Maximum Front Yard	Feet	Not Applicable	5**	Not Applicable	5	Not Applicable	See Sections on Build-to-Zones: 150.2315, 150.2320, 150.2325			See Section 150.2310		Not Applicable	
	Minimum Side Yard Adjacent to Residential District	Feet	10	10	10	10	10	10	10	10	10	10	10	20
	Minimum Rear Yard Adjacent to Residential District	Feet	25 or 20% of Lot Depth Whichever is Less	25 or 20% of Lot Depth Whichever is Less	20	20	20	20	20	20	20	20	20	20
	Minimum Rear Yard Adjacent to Non-Residential District	Feet	25 or 20% of Lot Depth Whichever is Less	25 or 20% of Lot Depth Whichever is Less	20	20	0	0	0	0	0	0	0	0
<b>Bulk</b>	Maximum Height of Principal Structure	Feet	35	35	35	35	45	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	45	
	Maximum Height of Principal Structure in Planned Development	Story and Feet						51 feet; maximum of 4 stories	63 feet; maximum of 5 stories	75 feet; maximum of 6 stories	51 feet; maximum of 4 stories	63 feet; maximum of 5 stories		
	Maximum Height of Principal Structure in All Other Developments	Story and Feet						51 feet; maximum of 4 stories	51 feet; maximum of 4 stories	51 feet; maximum of 4 stories	51 feet; maximum of 4 stories	51 feet; maximum of 4 stories		
	Minimum Height of Principal Structure	Story						3(d)	3(d)	3(d)	2(d)	2(d)		
	Maximum Heights of Accessory Structure	Feet	35	35	35	35	45	40	40	40	40	40	45	

\*In the B2-RW zoning district, the number of allowable efficiency dwelling units shall be limited to no more than thirty (30%) percent of the total number of units allowed on the lot.  
 \*\*(Amended by Ord 93-99, adopted 11/8/99) | (Amended by Ord. 41-02, adopted 7/2/02)

Footnotes for Commercial and Light Industrial District Regulations

(a) In the B2-RW zoning district, the number of allowable efficiency dwelling units shall be limited to no more than thirty (30%) percent of the total number of units allowed on the lot.

(b) For residential structures over fifteen (15) feet high in the B1 and B2 zoning districts, the minimum side and rear yard distance between a wall containing openings for light and air and a lot line shall be ten (10) feet plus one (1) foot for every three (3) feet of height above twenty (20) feet. For these purposes, the "height of the building wall" shall be measured from the floor level of the lowest story containing a dwelling unit.

(c) Lots in the B4-5 and B4-5 zoning districts that do not meet the minimum lot area requirement set forth in this Section 150.705 shall be governed by, and subject to, the restrictions set forth in this Section 150.705 for the B4-4 zoning district.

(d) Lower minimum building heights may be approved through the Planned Development process, provided that the subject building is at least two stories in height. A one-story building may be constructed only upon approval of a modification through the Planned Development process.

Amended by Ord. 93-99, adopted 11/8/99; Ord. 41-02, J. 28, p. 309-312, passed 7/8/02; Ord. 41-15, J. 41, p. 120-156, passed 4/13/15.

(B) For residential structures over fifteen (15) feet high in the B1, B2, and B5 zoning districts, the minimum side and rear yard distance between a wall containing openings for light and air and a lot line shall be ten (10) feet plus one (1) foot for every three (3) feet of height above twenty (20) feet. For these purposes, the "height of the building wall" shall be measured from the floor level of the lowest story containing a dwelling unit.

Sec. 150.705.1 Public Activity District Regulations.

(A) General Requirements. The following table specifies the general requirements of area, bulk, yards, and density for the PA (Public Activity) District. These requirements may be varied or otherwise modified as permitted elsewhere in this Chapter.

	ZONING DISTRICT		PA
LOT	Minimum Average Lot Width	Feet	50
DENSITY	Minimum Lot Area per primary structure	Sq. Ft.	40,000
YARDS	Minimum Front Yard Adjacent to/or Across a Street from a Residential Zoning District	Feet	25 <i>(See sec. (B) for additional regulations)</i>
	Minimum Front Yard Adjacent to/or Across a Street from a Non-Residential Zoning District	Feet	0
	Maximum Front Yard	Feet	Not Applicable

	Minimum Side Yard Adjacent to Residential District	Feet	25
	Minimum Side Yard Adjacent to Non-Residential District	Feet	0
	Minimum Rear Yard Adjacent to Residential District	Feet	20
	Minimum Rear Yard Adjacent to Non-Residential District	Feet	0
BULK	Maximum Height of Principal Structure <i>(See Sec.150.708 (c) Special Height Considerations, for additional regulations)</i>	Feet	35
	Maximum Height of Accessory Structure	Feet	35

(B) Special Minimum Requirements. Notwithstanding the otherwise applicable front yard requirements set forth in Subsection (A) of this Section, the front yard requirements shall, in no event, be less than the front yard requirements of the zoning district for the properties abutting or located across a right of way from the property in the PA (Public Activity) District. If a property in the PA (Public Activity) District abuts or is across a right of way from two distinct zoning districts with different front yard requirements, then the front yard requirements for the property in the PA (Public Activity) District shall not be less than the front yard requirements of the zoning district with the greater front yard requirement.

(C) Special Standards for Telecommunication Facilities. The regulations and restrictions contained in this Section 150.705.1 shall not replace or supercede any of the regulations and restrictions for telecommunication facilities set forth in Section 150.414 of this Zoning Code. (Added by Ord. 42-02, J.28, p. 313-337, passed 7/8/02)

Sec. 150.706 Special Area Considerations.

The area requirements below further qualify the requirements in the preceding tables.

(A) The requirements found in this Article are mutually exclusive and the minimum yards and other open spaces, including lot area per dwelling unit, required for any structure or use shall not be encroached upon or considered as any part of similar requirements for any other structure or use.

(B) No part of any street shall be included in determining the area of any lot.

(C) No part of any lot which lies below an elevation of four (4) feet above the official city datum (Chapter 12 of the Code) shall be included in determining the area of any lot.

(D) Exclusive of the entire area of the stem, the entire remaining area included within any permitted lot-in-depth shall contain 115% of the required minimum lot area for conventional lots in any such zoning district and at least 115% of the lot width required by the applicable zoning district regulations.

Sec. 150.707 Special Yard Considerations.

The following yard requirements further qualify the preceding tables.

(A) Every part of a required yard shall be open to the sky, unobstructed, except for the following:

(1) Ordinary projections of sills, belt courses, cornices, roof eaves, gutters, and ornamental features projecting not to exceed twenty-four (24) inches;

(2) Open or lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting not more than five (5) feet into a rear yard;

(3) Steps and ramps; stoops extending not more than three (3) feet above grade and having an area of no more than sixteen (16) square feet; terraces; and patios projecting into a required rear or side yard, but not closer than two (2) feet to the adjacent property line;

(4) Ordinary projections of chimneys and flues into the rear yard;

(5) Accessory buildings and uses as restricted elsewhere in this Chapter;

(6) Driveways and parking spaces as restricted in this Chapter;

(7) Freestanding yard lights in front yards, provided that in residential districts and the PA (Public Activity) District such lights do not exceed seven (7) feet, six (6) inches in height and comply with the performance standards contained in this Chapter; (Ord. 42-02, J. 28, p. 313-337, passed 7/8/02)

(8) Fences erected on lot lines and in required yards, providing such fences comply with Chapter 173 of this Code;

(9) Any stone, paved or other surfaced patio or wooden deck constructed at or below a level which is twelve (12) inches above grade and not closer than two (2) feet to the adjacent property line, except for property lying within an area for which a Planned Unit Development permit has been issued pursuant to this Code;

(10) The following Signs:

(a) Signs that require a Sign Permit and all permanent Signs that do not require a Sign Permit pursuant to Article 20 of this Chapter; provided, however, that no such Sign shall be located within two (2) feet of the front Lot line. Notwithstanding this special yard regulation, if any other provision in this Chapter provides a more restrictive yard regulation, the more restrictive regulation shall control. (Ord. 80-98, adopted 12/14/98; Ord. 32-02, J. 28, p. 227-264, passed 5/13/02; Ord. 77-02, J. 28, p. 549-552, passed 11/25/02)

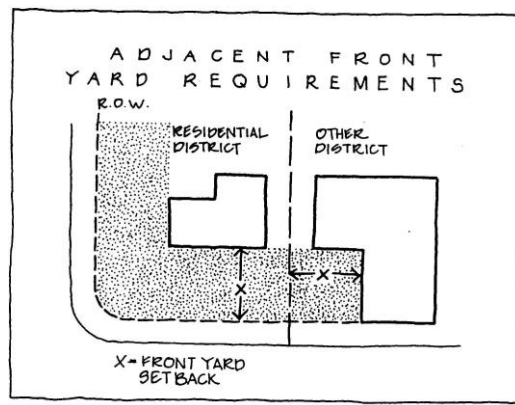
(b) All Temporary Signs that do not require a Sign Permit pursuant to Article 20 of this Chapter. (Ord. 77-02, J. 28, p. 549-552, passed 11/25/02)

(11) Commercial front yards.

(B) Front Yards.

(1) Whenever any ordinance or covenant entered into by the City stipulates a front yard or setback requirement along any street in any district which is greater than the front yard requirement of this Chapter, then the greater requirement shall apply.

(2) Where two districts with different front yard requirements are located adjacent to each other without a street or alley between them, the greater front yard requirement shall extend into and be effective in the district having the lesser front yard requirement for a distance equal to the greater front yard requirements. (See illustration)



(3) Where lots have street frontage on more than one side, a front yard shall be provided on each side adjacent to a street.

(C) Rear Yards.

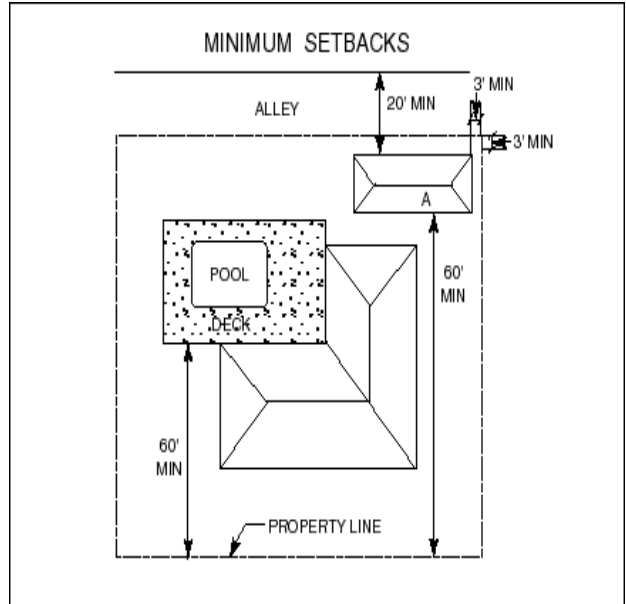
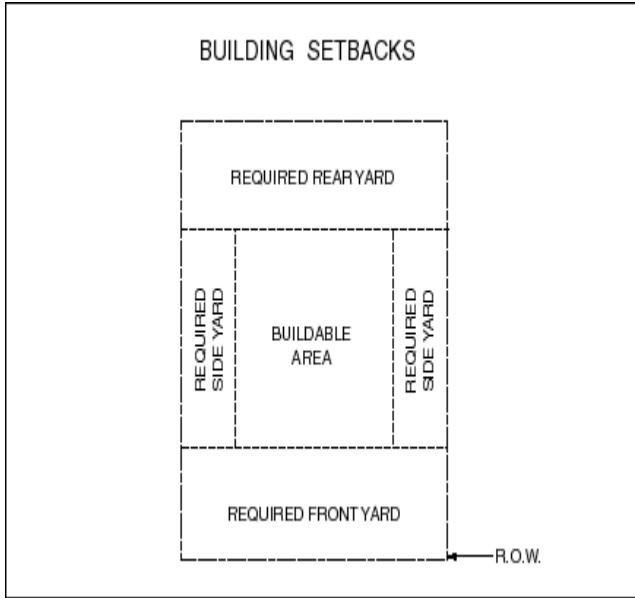
(1) Whenever a lot abuts a public alley, one-half (1/2) of the width of that alley may be considered as a portion of the required rear yard.

(2) The building setback lines for all accessory uses and structures in the required rear yard of the frontmost lot adjacent to a lot-in-depth shall be ten (10) feet.

(D) Accessory Buildings and Uses.

(1) Except as provided by Subparagraph (2) hereinbelow, no accessory use or building shall be located within a required front yard or required side yard. Detached accessory buildings or uses may be built or located in the required rear yard of any zoning district, provided: (a) the total floor area of all such accessory buildings or uses on a lot do not occupy more than thirty percent (30%) of the required rear yard of the lot; (b) any structure in the required rear yard must be constructed at least three (3) feet from the side and rear property lines of the lot upon which it would be located, provided that in the event the rear yard abuts a public alley, no building or structure shall be constructed

within twenty (20) feet of the side of the alley opposite the rear yard the alley abuts; and (c) swimming pools (including decks and mechanical systems) and tennis courts must be at least ten (10) feet from the side and rear lot lines in the required rear yards. (See illustration)





(2) An accessory use consisting of a basketball backboard mounted upon a single stanchion, post or pole, either permanently installed or portable or mounted upon the principal or accessory structure, may be permitted in a single family residential zoning district, provided:

(a) The height of the structure is no greater than thirteen (13) feet above the level of the ground upon which such accessory is located;

(b) The structure is located on the lot so as to meet or exceed the required side yard setback for the principal structure in the zoning district in which it is located minus one foot and provided that the structure is located no less than ten (10) feet from the front or rear property line; and

(c) The area on the ground occupied by a stanchion, post or pole (if used) supporting the structure is no greater than one square foot. (Subsection (2) amended by Ord. 80-98, adopted 12/14/98)

(3) In any zoning district in which a side yard is required, no detached accessory building or use other than a garage shall be constructed closer than sixty (60) feet from the front lot line or closer to the front lot line than the foundation of the existing principal structure, whichever is lesser; nor shall any detached accessory building or use be located closer than three (3) feet to the principal building or any projection thereof.

(E) No building or structure of any kind, except paved off-street parking, utility poles, power lines, public lighting, and signs authorized by the Sign Code (Chapter 110 of the Municipal Code) shall be erected or constructed within a distance of fifty (50) feet or twenty percent (20%) of the average depth of the property upon which the building or structure is to be erected, whichever is lesser, from:

(1) The right-of-way of U.S. Route 41; or

(2) The right-of-way of Skokie Valley Road from the intersection of U.S. Route 41 (at Clavey Road) south to the south line of Lake Cook Road.

(F) Whenever a lot of record established prior to the adoption of this Chapter does not meet the minimum width requirements of the zoning district in which it is located, the criteria in the following two paragraphs shall be applied.

(1) The required side yard may be reduced to a width no less than the percentage of the width of the lot indicated for the appropriate zoning district in the table below, except that in no instance shall the width of the side yard be less than the minimum width in feet indicated for the appropriate district in the same table.

ZONING DISTRICT	R1	R2	R3	R4	R5	R6	R7	PA
Per Cent of Width of Lot	20%	18%	15%	14%	12%	10%	10%	10%
Minimum Side Yard	10 Feet	10 Feet	7 Feet	6 Feet	6 Feet	6 Feet	6 Feet	6 Feet

(Ord. 42-02, J. 28, p. 313-337, passed 7/8/02)

(2) Any single lot or parcel of land not held in contiguous ownership that does not meet the requirements for minimum lot area may be utilized for a single family dwelling use, provided there is compliance with all of the bulk requirements of this Chapter except that yards may be ninety (90) percent of the minimum required dimensions of the district within which the lot or parcel lies.

(G) In all zoning districts no building or structure hereafter erected and no planting or other obstruction to the vision of drivers of motor vehicles shall be located:

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

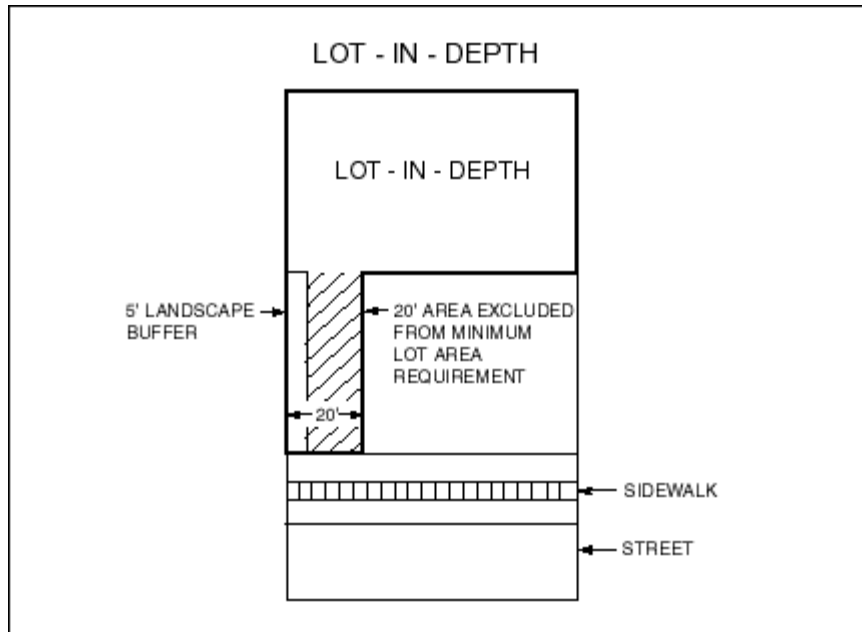
(2) In any industrial or commercial or health care district within twenty-five (25) feet of the intersecting street lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor.

(H) In all districts a triangular space determined by a diagonal line connecting two points measured fifty (50) feet equidistant from the intersection of the closest street or alley right-of-way lines must be maintained at an intersection of a street or alley right-of-way over which trains are operated, free from any kind of obstruction to vision; provided, however, that this paragraph shall not prevent the use, maintenance, repair or restoration of any building in existence on April 27, 1964.

(J) The preceding requirements notwithstanding, the following requirements shall regulate the yards required on all lots-in-depth:

(1) The minimum required building setback lines of a lot-in-depth shall be dependent upon the required zoning yards of any other lots adjacent to such lot-in-depth. Where a lot-in-depth abuts a front or rear yard, the required setback lines shall be equal to 120% of the front or rear yard setback required in that zoning district. Where a lot-in-depth abuts a side yard, the required setback lines shall be 200% of the side yard setback required in that zoning district.

(2) No building or other structure shall be placed or constructed upon any part of the stem.



(3) The lot-in-depth shall have frontage upon an existing public street by means of its stem, which shall be at least 20 feet wide.

(4) Five foot wide landscape buffers shall be provided: (i) adjacent to adjoining properties not in the proposed subdivision; and (ii) within the stem of the lot-in-depth. Prior to the issuance of an occupancy certificate by the City for structures on the lot-in-depth, within each five foot landscape buffer the owner of the lot-in-depth shall provide a shrub screen and groundcover plantings meeting the visual clearance requirements of this Chapter.

(K) In the B1A Waukegan/Bloom Neighborhood Commercial District, the following additional conditions shall apply:

- (1) Commercial parking between buildings and the street shall be prohibited;
- (2) Commercial parking lots shall be located at the rear of buildings;
- (3) Alleys shall be constructed and utilized for automobile access to the rear of buildings;
- (4) The primary ground floor entrances to commercial buildings shall be oriented to the street, parks, or plazas; and

(5) Notwithstanding the maximum front yard setback established in Subsection (A) of Section 150.705 hereinabove, a front yard setback of up to twenty feet (20') may be permitted if such setback is utilized for outdoor cafes, small plazas, arcades, patios, sidewalks, and/or walkways. (Subsection (K) added by Ord. 93-99, adopted 11/8/99)

Sec. 150.708 Special Height Considerations.

The height requirements below further qualify the requirements in the preceding tables.

(A) Chimneys, cooling towers, elevator bulkheads, fire towers, ornamental towers and spires, church steeples, flagpoles, or necessary mechanical appurtenances are all exempt from the height requirements established previously in this Chapter. However, they may be subject to other ordinances of the City.

(B) Radio, radar, citizens band, and television receiving or transmitting antennae, other than Public Safety Telecommunications Facilities or Public Utility Infrastructure Facilities, may be erected on the roof of a principal structure to a height not exceeding 12 feet above the highest point on the roof of said principal structure, but not closer to any property line than two feet. (Ord. 69-14, J.40, p. 194-199, passed 07/14/14)(Ord. 104-14, J. 40, p.292-298 passed 12/01/14)

(C) Public Safety Telecommunications Facilities and Public Utility Infrastructure Facilities may be erected on the roof of a principal structure, or on a pole or tower, to a height as necessary to meet the transmitting and receiving distances required for the proper operation of such Facilities; provided, however, that no Public Safety Telecommunication Facility or Public Utility Infrastructure Facilities erected to a height greater than the generally-applicable maximum height for accessory structures in the underlying district may be located closer than 10 feet to any property line. (Ord. 69-14, J.40, p. 194-199, passed 07/14/14) (Ord. 104-14, J. 40, p.292-298 passed 12/01/14)

(D) Semi-public or public service buildings, hospitals, institutions or schools, when permitted in a zoning district, may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet, if such buildings are set back beyond the normal required yards at least one foot for each one foot of additional building height above the height limit otherwise required in the district in which the building or structure is located. (Ord. 69-14, J.40, p. 194-199, passed 07/14/14)

(E) No building or structure may be erected within the proximity of any airport, heliport, landing field, or landing strip which violates the regulations of the Federal Aviation Administration. (Ord. 69-14, J.40, p. 194-199, passed 07/14/14)

(F) The maximum story-based height limitations set forth in this Article VII do not apply to uninhabited structures, such as parking garages, Uninhabited structures are regulated exclusively by the applicable maximum foot-based height limitation. **(Ord. 41-15, J. 41, p. 120-156, passed 4/13/15)**

Sec. 150.709 Special Density Considerations.

In the RM1, RM1A, RM2, or RO zoning districts or in a Planned Unit Development, when the calculation of the number of dwelling units permitted on a lot results in a fraction, the following rules shall apply: (Ord. 57-02, J. 28, p. 410-473, passed 9/9/02)

(A) The lot area required for the first dwelling unit on a lot must be the complete and literal square footage required by this Chapter. No fractional percentage may satisfy the requirement.

(B) If, after the complete area required for the first dwelling unit on a lot is subtracted, the remaining density calculation results in a fraction, then any fraction up to and including one-half (1/2) shall be disregarded, and fractions of over one-half (1/2) shall be interpreted as permitting the next highest whole number of dwelling units.

Sec. 150.710 Lots or Parcels of Land of Record.

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

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

(C) Location of Open Space. All yards and other open spaces allocated to a building or Planned Unit Development shall be located on the same lot as such building. Furthermore, no legally required yards or other open space or minimum lot area allocated to any building shall by virtue of change of ownership or for any other reason be used to satisfy yard or other open space or minimum lot area requirements for any other building or Planned Unit Development on a contiguous lot or parcel. (See also Sec. 150.104)

Sec. 150.711 Established Setbacks — Single Family Districts.

(A) In any single family residential zoning district, if the Established Building Setback is greater in depth than required for front yards for such zoning district, no new structure or addition to an existing structure shall be erected closer to the street than the Established Building Setback; provided, however, that when a lot has more than one front lot line, the Established Building Setback regulations shall not apply on the side of the lot with the longest front lot line, unless either (1) the lot depth of the lot, measured on that side, is greater than 125 feet, or (2) the lot is a through lot. In no event shall the Established Building Setback be less than the required front yard for the zoning district. (See also Sec. 150.105) (Ord. 71-06, J. 32, p. 340-342, passed 11/13/06)

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

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

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

Sec. 150.712 Garage Door Openings.

In any single family district, there shall be constructed upon any given lot no more than thirty-six (36) lineal feet of exterior wall openings for vehicular entry to or exit from all such buildings constructed upon such lot.