

2. Blacksmith or Horseshoeing Shops.
3. Building Material Storage Yards.
4. Carting, Express, Hauling or Storage Yards.
5. Contractors' Plant or Storage Yards.
6. Coal, Coke, or Wood Yards.
7. Freight Stations, Railroad Yard Tracks and Industrial Tracks.
8. Institutions other than correctional institutions.
9. Laundries, employing more than eight (8) persons.
10. Public Stables.
11. Public Service Buildings and Uses.
12. Lumber Yards.
13. Milk Bottling and Distributing Stations.
14. Roofing and Plastering Shops.
15. Stone Yards.
16. Storage Warehouses and Storage Yards.
17. Light Manufacturing Establishments of a nature which create no objectionable noise, odor, smoke, fumes, gas, vapor, or dust.

Sec. 2. HEIGHT: No building shall hereafter be erected or altered to exceed forty-five (45) feet in height.

Sec. 3. SIDE YARD: A side yard, if provided, shall be not less than three (3) feet wide.

Sec. 4. OUTER COURT: An outer court shall be not less than five (5) feet wide, nor less than one-sixth the length of such court from the closed end.

Sec. 5. INNER COURT: An inner court shall be not less than six (6) feet wide, nor shall its area be less than twice the square of its required least dimension.

Sec. 6. INTENSITY OF USE OF LOT: No Store-Apartment Building used partially for residential purposes shall be arranged, designed, intended or used to accommodate more than one apartment, single living quarter and/or family to each 975 square feet of the premises, lot, lots, fractional lot or parcel of ground dedicated exclusively thereto.

ARTICLE VIII

Sec. 1. NON-CONFORMING USES: The lawful use of a building or premises existing at the time of the adoption of this ordinance, or existing at the time of the passage of any amendment thereof, when the effect of such amendment is to render non-conforming a use previously conforming to the provisions hereof, may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout the building or premises lawfully acquired and actually devoted to such use or appurtenant thereto previous to March 24, 1922, or previous to the date of any amendment subsequent to March 24, 1922, when prior to such amendment such use conformed to the provisions hereof. A non-conforming use may be changed to a use of the same or higher classification according to the provisions of this ordinance, and whenever a district shall hereafter be changed, any then existing non-conforming use in such changed district may be continued or changed to a use of a similar or higher classification, provided all other regulations governing the new use are complied with. Whenever a non-conforming use of a building has been discontinued or changed to a higher classification or to a conforming use, such building or premises shall not thereafter be again used for any use not permitted under the terms of this ordinance within such District or Classification.

ARTICLE IX

Sec. 1. HEIGHT AND AREA. EXCEPTIONS AND REGULATIONS. The foregoing requirements in the height regulations shall be subject to the following exceptions and regulations.

(a) Buildings in "A" or "3" Districts may be increased in height by not more than ten (10) feet when two (2) side yards of not less than fifteen (15) feet each are provided. Such dwelling, however, shall not exceed three (3) stories in height.

(b) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, pent houses for machinery or tanks only, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers and spires, wireless towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the City of Highland Park.

Sec. 2. The foregoing requirements in the area regulations shall be subject to the following exceptions and regulations:

(a) In the case of buildings upon lots running through from street to street, the requirements for a rear yard may be waived when such buildings comply with the percentage of lot occupancy by furnishing other open space in lieu of such required rear yard.

(b) In computing the depth of a rear-yard or the width of a side-yard or open court for any building where such yard or court opens onto an alley, one-half of the alley width may be assumed to be a portion of the yard or court.

(c) Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the projection of sills, belt courses, and cornices.

(d) No yard, court or other open space provided about any building for the purpose of complying with the provisions of these regulations shall again be used as a yard, court or other space for another building.

(e) In "A" and "B" Districts no accessory building shall be located within ten (10) feet of a rear or side lot line where either such line forms part of the front half of the side line of an adjacent lot. But the foregoing rule shall not prohibit the erection of an accessory building eighty (80) feet or more from any street bounding the block.

(f) On any corner lot where a front yard or side yard is required, no building, fence, hedge, shrubbery, or other obstructions shall be placed so as to obstruct the view across the corner from either street to the other street, on a line drawn between points eight (8) feet from the property corner on each street.

ARTICLE X

Sec. 1. BUILDING LINE SETBACK:

(a) In "A" Districts, a Building Line is hereby established at a distance of not less than forty (40) feet from the Street Line, measured on a line perpendicular to the Street Line.

(b) In "B" Districts, a Building Line is hereby established at a distance of not less than twenty-five (25) feet from the Street Line, measured on a line perpendicular to the Street Line, except to the extent that, pursuant to sub-paragraph (e) of this Article, a Special Building Line is established.

(c) The above Building Line locations shall apply on both streets of a corner lot in "A" and "B" Districts except that in no event shall the Building Line parallel to the longer dimension of such lot be nearer than 28 feet to the inner lot line opposite thereto.

(d) In "C" and "D" Districts, the Street Line shall be the established Building Line, except to the extent that, pursuant to sub-paragraph (e) of this Article, a Special Building Line is established.

(e) Where a District boundary line separates Districts with different Building Line Setback requirements, a Special Building Line shall be established in the District of lesser setback requirement, located by connecting the following points by a straight line, namely: a point on the established Building line of the District of lesser setback requirement, at a distance from the District boundary line equivalent to the difference in the Setback requirements of the two Districts, and the point of intersection of the Building Line of the District of greater Setback requirement, and the District boundary line.

(f) Where a Linear Block in an "A" or "B" District is one half or more occupied by buildings, the Building Line shall be established at the average distance of such buildings from the Street Line, but not to exceed one hundred (100 ft.) in "A" Districts or seventy-five (75 ft.) in a "B" District.

(g) In a Linear Block in an "A" or "B" District where there are no lots other than corner lots having a street frontage therein, the buildings on the corner lots thereof, shall not be required to observe a setback of more than ten (10) feet from the Street Line of such Linear Block.

ARTICLE XI

Sec. 1. OCCUPANCY PERMITS: No land shall be occupied or used, and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate shall have been issued by the Building Inspector stating that the building and use comply with all the building and health laws and ordinances and with the provisions of these regulations. No change of use shall be made in any building or part thereof now or hereafter erected or altered without a permit having been issued by the Building Inspector and no permit shall be issued to make such change unless it is in conformity with the provisions of this ordinance or amendments thereto hereafter duly enacted.

Nothing in this section shall prevent the continuance of a non-conforming use as hereinabove defined.

Certificates for occupancy and compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within ten days after the lawful erection or alteration of such buildings shall have been completed. A record of all certificates shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

No permit for excavation for or the erection of any building shall be issued before application has been made for certificate of occupancy and compliance. No building or premises shall be occupied until such certificates shall be issued.

ARTICLE XII

Sec. 1. PLATS: Each application for a building permit shall be accompanied by a plat in duplicate drawn to a scale of not less than 1/32" to the foot, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the Building Inspector.

ARTICLE XIII

Sec. 1. INTERPRETATION. PURPOSE, AND CONFLICT: In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; and likewise not in conflict with this ordinance; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this ordinance imposes

a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open space than are imposed or required by such ordinances or agreements, the provisions of this ordinance shall control.

ARTICLE XIV

Sec. 1. VIOLATION. PENALTY. ENFORCEMENT: Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance shall, upon conviction, be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. The Building Inspector is hereby designated and authorized to enforce this ordinance.

Sec. 2. In case 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 Ordinance, the Building Inspector, in addition to other remedies, may institute any proper action or proceedings in the name of the City of Highland Park to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business or use in, or about said premises.

ARTICLE XV

Sec. 1. VALIDITY: Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ARTICLE XVI

Sec. 1. CHANGES AND AMENDMENTS: The regulations imposed and the districts created by this Ordinance may be amended from time to time, but no such amendments shall be made without a hearing before the Highland Park Zoning Committee. At least fifteen (15) days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the City of Highland Park. In case of written protest against any proposed amendment, signed and acknowledged by the owners of twenty per cent (20%) of the frontage proposed to be altered or by the owners of twenty per cent (20%) of the frontage immediately adjoining or across an alley therefrom or by the owners of twenty per cent (20%) of the frontage directly opposite the frontage proposed to be altered as to such regulation or district filed with the City Clerk of the City of Highland Park, such amendment shall not be passed except by the favorable vote of two-thirds of all the members of the City Council.

ARTICLE XVII

Sec. 1. ZONING COMMITTEE: There is hereby created a permanent Committee consisting of five members which is hereby designated the Highland Park Zoning Committee, to be appointed by the Mayor and confirmed by the City Council of the City of Highland Park.

One of the members of said Committee shall be designated by the Mayor as the Chairman and shall be appointed for a term of five (5) years, and shall hold his office as Chairman until his successor is appointed. The remaining members shall be appointed for terms of four (4) years, three (3) years, two (2) years, and one (1) year respectively. At the expiration of these terms, all appointments shall be for a term of five years. This Committee may elect its own officers other than the chairman and adopt its own rules regarding procedure. The Mayor shall have power to remove any member of said Committee for cause and after a public hearing. Vacancies shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of such member.

All proposed changes and amendments in the regulations imposed and the districts created by this Ordinance, shall be referred to said Committee and no such amendment or change shall be made unless said Committee shall, upon fifteen (15) days' notice of the time and place of such hearing published in an official paper or a paper of general circulation in the City of Highland Park, call a public hearing to consider such proposed amendment. After such hearing shall have taken place, said Committee shall present to the City Council a written report of such hearing together with its recommendations as to the proposed amendment or changes.

Said Committee shall, in addition, investigate and make recommendations to the City Council from time to time concerning the subject matter of amendments to this Ordinance.

ARTICLE XVIII

Sec. 1. BOARD OF APPEALS: Creation and Membership: A Board of Appeals is hereby authorized to be established. The word "Board" when used in this section shall be construed to mean the Board of Appeals. The said Board shall consist of five (5) members appointed by the Mayor and confirmed by the City Council of the City of Highland Park. The members of said Board shall serve respectively for the following terms: One for one year, one for two years, one for three years, one for four years, one for five years; the successor to each member so appointed shall serve for a term of five (5) years. One of the members of said Board shall be by the Mayor designated as Chairman of said Board and shall hold his said office as Chairman until his successor is appointed. Such Chairman, or in his absence, the Acting Chairman, may administer oaths

and compel the attendance of witnesses. The Mayor shall have the power to remove any member of said Board for cause and after a public hearing. Vacancies upon said Board shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of such member.

Sec. 2. MEETINGS: All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine. All meetings of said Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote indicate such fact and shall also keep records of its examination and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with the statute in such case made and provided.

Sec. 3. JURISDICTION: The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Building Inspector.

(a) Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the Board of Appeals shall have the power in passing upon appeals, to vary or modify the application of any of the regulations or provisions of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(b) It shall also hear and decide all matters referred to it or upon which it is required to pass under this ordinance. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance or to effect any variation in this ordinance.

Sec. 4. APPEAL AND REVIEW: An appeal may be taken from the Building Inspector by any person aggrieved or by an officer, department, Board or Bureau of the city. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Building Inspector and with the Board of Appeals, a notice of appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

(a) An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Building Inspector and on due cause shown.

(b) The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person, or by agent, or by attorney. The Board of Appeals may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have the power of the officer from whom the appeal is taken.

(c) Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals or any officer, department, Board or Bureau of the City may present to a court of record a petition duly verified setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the court within thirty (30) days after the filing of the decision of the Board of Appeals in the office of the Board. If upon the presentation of such petition the court shall allow a Writ of Certiorari directed to the Board of Appeals to review such decision of the Board of Appeals, the allowance of such writ shall not stay the proceedings upon the decision of the Board, and appealed from, but the court may, on application, on

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