City of Waukegan

Zoning Ordinance

City of Waukegan
ZONING ORDINANCE

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ARTICLE 1 TITLE

This Ordinance shall be known, cited and referred to as "The Waukegan Zoning Ordinance."

ARTICLE 2 PURPOSE AND INTENT

2.1 PURPOSES

The Waukegan Zoning Ordinance is adopted with the purpose of protecting and promoting the public health, safety, morals, comfort, convenience, and general welfare of the people. The fulfillment of this purpose is to be accomplished by seeking:

1. To lessen congestion on public streets.
2. To avoid undue concentration of population.
3. To prevent the overcrowding of land, thereby ensuring proper living and working conditions and preventing the development of blight and slums.
4. To establish adequate standards for the provision of light, air, and open spaces.
5. To facilitate the provision of adequate transportation, and of other public requirements and services such as water, sewerage, schools, and parks.
6. To zone all properties with a view to conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City.
7. To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses.
8. To avoid the inappropriate development of lands and provide for adequate drainage, curbing or erosion, and reduction of flood damage.
9. To establish reasonable standards to which buildings and structures shall conform.
10. To encourage reasonable flexibility of development design through appropriate regulations.
11. To facilitate the recognition of beauty and aesthetics as a value and standard throughout the City.
12. To prevent additions to, and alterations or remodeling of, existing buildings or structures that would not comply with the restrictions and limitations imposed herein.
13. To foster a more rational pattern of relationship between residential, business, commercial, and industrial uses for the mutual benefit of all.
14. To isolate or control the location of unavoidable nuisance-producing uses.
15. To define the powers and duties of the administrative and enforcement officers and bodies.
16. To prescribe penalties for any violation of the provisions of this Ordinance.
17. To allow for the gradual elimination of uses, buildings, and structures that are incompatible with the character of the districts in which they are made or located.

2.2 INTENT

The standards and requirements contained in this Ordinance, and the district mapping reflected on the Waukegan Zoning Map, are intended to further the implementation of the objectives of the Official Waukegan Comprehensive Plan.

ARTICLE 3 ADMINISTRATION AND ENFORCEMENT

3.1 ORGANIZATION

The primary administration of this Ordinance is hereby vested in four (4) offices of the government of the City of Waukegan as follows:

1. Zoning Administrator
2. Planning and Zoning Commission
3. Development Review Board
4. City Council

This article shall first set out the jurisdiction of each of these four offices, and then describe the procedure and substantive standards with respect to the following administrative functions:

1. Issuance of zoning certificates
2. Issuance of occupancy certificates
3. Variations
4. Appeals
5. Amendments
6. Conditional uses
7. Fees
8. Penalties

3.2 ZONING ADMINISTRATOR

For the purpose of this Ordinance, the Zoning Administrator's authority and responsibilities shall include:

1. Issue all zoning certificates and zoning letters and make and maintain records thereof.
2. Issue all certificates of occupancy.
3. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Ordinance.
4. Issue violation notices requiring compliance within 30 days, and advising violators of right of appeal.
5. Require that all construction or work of any type be stopped when such work is not in compliance with this Ordinance; and revoke any permit, which was unlawfully issued.
6. Review and determine for each zoning district all applications for approval of all non-listed uses, as established in Section 4.13.
7. Have possession of permanent and current records of this Ordinance, including, but not limited to, all maps, amendments, conditional uses, variations, appeals, and applications therefore.
8. Assist in providing public information relative to this ordinance.
9. Forward to the Planning and Zoning Commission all applications for conditional uses and for amendments to this Ordinance that are initially filed with the office of the Zoning Administrator.
10. Forward to the Planning and Zoning Commission applications for appeals, variations or other matters on which the Planning and Zoning Commission is required to pass under this Ordinance.
11. Enforce all orders of the Planning and Zoning Commission.

3.3 PLANNING AND ZONING COMMISSION

3.3-1 Creation

The Planning and Zoning Commission was created by Ordinance #85-O-131 and Ordinance #12-O-44 and is the Planning and Zoning Commission referred to in this Ordinance. The provisions of this Ordinance with respect to such body shall be deemed supplementary to the provisions of said Ordinance #85-0-131.

3.3-2 Jurisdiction

1. To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator under this Ordinance.
2. To hear and pass upon application for variations from the terms of this Ordinance, in the manner prescribed by the subject to the standards established herein.
3. To hold public hearings on requests for amendments and conditional uses, and variations other than those listed under Section 3.8-4, Authorized Variations, prepare findings and recommendations, and submit same to the City Council.
4. To conduct an annual review of the Zoning Ordinance and issue a report to the City Council.
5. To hear and decide all matters referred to it or upon which is required to pass under this Ordinance.
6. The Commission may reverse, reduce, modify, or affirm, wholly, or in part, any decision brought for review.
7. Every three (3) years conduct a complete review of the Zoning Ordinance and the Comprehensive Plan, holding a series of public meetings thereon, and make recommendations to the City Council.

3.3-3 Meetings and Rules

1. All meetings of the Planning and Zoning Commission required or otherwise authorized under this Ordinance shall be held at such times as the Commission may determine. Special meetings shall be called by the Chairman. All testimony by witnesses at any hearing provided for in this Ordinance shall be given under oath. The Chairman, or in his absence, the acting Chairman, may administer oaths and demand the attendance of witnesses. All meetings of the Planning and Zoning Commission shall be open to the public; the Commission 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.
2. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Planning and Zoning Commission pursuant to this Ordinance shall immediately be filed in the office of the City Clerk and shall be of public record.

3.3-4 Required Vote

Inasmuch as the grant of a variation is something that the bordering property owners could not do under the law, the favorable vote of the Planning and Zoning Commission should be greater than a mere majority of the members of the Commission. All other decisions arrived at by the Planning and Zoning Commission shall require a majority vote of those members in attendance constituting a quorum.

3.3-5 Finality of Decision of the Planning and Zoning Commission

All decisions and findings of the Planning and Zoning Commission, after a public hearing, shall, in all instances, be an administrative decision.

3.4 DEVELOPMENT REVIEW BOARD

3.4-1 Creation

The Development Review Board was created by Ordinance #85-0-132 and is the Development Review Board referred to in this Ordinance. The provisions of this Ordinance with respect to such body shall be deemed supplementary to the provisions of said Ordinance #85-0-132.

3.4-2 Jurisdiction

In the administration and enforcement of the Zoning Ordinance, the Board shall have the authority to and it may if it so chooses:

1. Review any application for an amendment to the text of the Zoning Ordinance and forward a report of findings and recommendations to the appropriate hearing body at least three working days prior to the date of the public hearing on the amendment.
2. Review any application for an amendment to the zoning map (zoning change) and forward a report of findings and recommendations to the appropriate hearing body at least three working days prior to the date set for the hearing on the amendment to the zoning map.
3. Review any application for a conditional use permit requiring a site plan review along with the required supporting documents and forward a report of findings and recommendations to the appropriate hearing body at least three working days prior to the date set for the public hearing on the conditional use.
4. Review any application for a variation other than a minor adjustment as provided in 3.4-4.
5. Review all applications for zoning certificates, building permits, and occupancy permits involving non-conforming lots, structures, buildings and uses where such lots, structures, buildings or uses are not in compliance with the City's standards and cannot as a practical matter be brought into compliance with the City's standards and make all required determinations and issue all necessary certificates and permits required for the maintenance, repair, use, enlargement, amortization or demolition of such uses and structures except that where the owner chooses to apply for the establishment of a non-conforming use as a conditional use, as provided in Sections 5.3 and 5.6 of the Zoning Ordinance, subparagraph 3.4-2(3) above shall apply.
6. Make all determinations regarding lot size, width, required yards, height, and bulk limitations required by the Zoning Ordinance, except for any determinations required to be made by the Planning and Zoning Commission.
7. Make minor changes, adjustments or modifications to the lot size, width, required yard, height, bulk limitations or off-street parking standards as the same apply to legally or illegally existing uses, structures or buildings in accordance with the standards established in Section 3.8 below and in Article 8 below. In making such minor changes, the Board may attach or require other standards or conditions to ensure compliance with the spirit of the Zoning Ordinance and the attainment of its stated intent and purposes.
8. Serve as the Site Plan Review Board established in Section 3.12 below.
9. Review any application for a Category 2 Nightclub/Restaurant. The Development Review Board will consider the past licensing experience of the applicant with the City in determining

whether to approve the request for a Category 2 designation. Conditions for approved Category 2 Nightclub/Restaurant establishments are as follows: a) Permitted to operate as such only on Thursday, Friday and Saturday nights. b) Only live music is permitted in Category 2 establishments. No recorded music, DJ's or the like are permitted. c) Must comply with all applicable ordinances and laws of the City of Waukegan and State of Illinois. d) Must be in good standing with the City. e) Category 2 Nightclub/Restaurant owner/operator may charge a cover charge for entry by patrons, but no third-party promotions are permitted. f) Food sale and service must continue to be the principal use of the premises.

The Development Review Board will review the operations of permitted Category 2 Nightclub/Restaurants every 90 days after initial approval. In the event that the Development Review Board finds that the operation of any Category 2 establishment is not in compliance with applicable laws, or that any other condition of the initial approval is not being met, the Development Review Board will notify the owner of the Category 2 establishment and may revoke the approval to operate as a Category 2 Nightclub/Restaurant. Any aggrieved party may appeal the decision of the Development Review Board regarding revocation to the City Council.

10. Review any application for a Category 3 Nightclub/Bar. The Development Review Board will consider the past licensing experience of the applicant with the City in determining whether to approve the request for a Category 3 designation. Conditions for Approved Category 3 Nightclub/Bar establishments are as follows: a) Permitted to operate as such only on Thursday, Friday and Saturday nights. b) Only live music is permitted in Category 3 establishments. No recorded music, DJs or the like are permitted. c) Must comply with all applicable ordinances and laws of the City of Waukegan and State of Illinois. d) Must be in good standing with the City. e) Category 3 Nightclub/Bar owner/operator may charge a cover charge for entry by patrons, but no third-party promotions are permitted. f) Alcohol sale and service pursuant to liquor license must continue to be the principal use of the premises.

    The Development Review Board will review the operations of permitted Category 3 Nightclub/Bars every 90 days after initial approval. In the event that the Development Review Board finds that the operation of any Category 3 establishment is not in compliance with applicable laws, or that any other condition of the initial approval is not being met, the Development Review Board will notify the owner of the Category 3 establishment and may revoke the approval to operate as a Category 3 Nightclub/Bar. Any aggrieved party may appeal the decision of the Development Review Board regarding revocation to the City Council.

3.4-3 Conflicting Standards

Where the Zoning Ordinance conflicts with any other land development regulation, the highest regulation, restriction or standard shall apply, except that the Board shall have the authority to grant a minor adjustment in such regulation, restriction or standard provided:

1. Such minor adjustment does not exceed twenty-five percent (25%) of the higher regulation, restriction or standard.
2. Such minor adjustment does not result in a regulation, restriction or standard which is less than the lesser of the conflicting standards provided by ordinance.
3. Such minor adjustment is not an excluded variation as provided herein.

3.4-4 Standards for Minor Adjustments

1. In the administration and enforcement of the Zoning Ordinance, the Board shall be governed by the regulations, restrictions and standards provided herein and shall have the authority to make minor adjustments or changes to such regulations, restrictions and standards only in accordance with the standards set forth herein. Such minor adjustments shall be applicable to land, buildings and uses that were improved or developed under standards or regulations which are in conflict with those currently in force or to lots that were platted under standards or regulations that are in conflict with those currently in force. In the granting of any minor adjustment as provided herein, the Board shall be guided at all times by the spirit and intent of the Zoning Ordinance.
2. Where the Board finds practical difficulties to the development of lots developed or improved to prior standards or where strict enforcement of the current ordinances would result in undue hardship, it may make minor adjustment in the regulations, restrictions or standards of the Zoning Ordinance, provided:
   a. Such minor adjustment is the least adjustment, which will overcome the practical difficulty or hardship.
   b. That hardship is not self-imposed, but is the result of the establishment of current development standards which are more restrictive than those applicable at the time at which the lot in question was platted or at the time at which any improvements thereon be begun.
   c. Such minor adjustment does not diminish the current regulation, restriction or standard by more than twenty-five percent (25%) of the measure, value, or dimension of the regulations, restrictions or standards.
   d. Such minor adjustment does not result in a regulation, restriction or standard which is lower than that established by common practice or by regulation in effect at the time of the original development as determined by an examination of the actual development or properties in the immediate vicinity of the subject property and in the same zoning district. For the purpose of determining common practice, it shall be sufficient for the Board to determine the average actual measure of the regulations, restrictions or standards as found on the three closest properties to the subject property in the same zoning district.

3.5 THE CITY COUNCIL

3.5-1 Creation

The City Council of the City of Waukegan, hereinafter referred to as the “City Council” or “Council”, as established in accordance with the Revised Statutes of the State of Illinois and the Municipal Code of the City of Waukegan, is the City Council referred to in this Ordinance.

3.5-2 Jurisdiction

The City Council shall discharge the following duties under this Ordinance:

1. Approve or disapprove all proposed amendments and conditional uses, upon receipt of recommendations from the Planning and Zoning Commission.
2. Determine the approval or denial of those variations referred to it by the Planning and Zoning Commission.
3. Act upon the annual report from the Planning and Zoning Commission concerning the status of zoning and the Comprehensive Plan.

4. The City Council shall, within 120 days' receipt of recommendations from the Planning and Zoning Commission, approve or deny each request for a variation, amendment or conditional use. If such action to approve or deny is not taken within the specified 120-day period, this will constitute a denial; however, the 120-day period may be extended with the consent of the Council.

3.6 ZONING CERTIFICATES

3.6-1 Certificate Required

Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by an officer, department, or employee unless the application for such permit has been examined by the Zoning Administrator or his duly appointed representative, and has affixed to it his certificate, indicating that the proposed building or structure complies with all the provisions of this Ordinance.

3.6-2 Plans and Drawings

Every application for a zoning certificate shall be accompanied by:

1. A plot plan of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions of the piece or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land.
2. Additional drawings drawn to scale in such form as may, from time to time, be prescribed by the Zoning Administrator showing the ground area, height and bulk of the building or structure, the building lines in relation~~s~~ to lot line, parking layout, the use to be made of the building, structure or land, and as such other information as may be required by the Zoning Administrator for the proper enforcement of this Ordinance.
3. The Zoning Administrator may, in those cases where in his judgment it is necessary, in cases involving Conditional Uses (PUD), site plan review or any uses in CR or M-CR District, required certification by a registered professional engineer, registered architect, or registered land surveyor.
4. For the purpose of implementing the site plan review procedure contained in Section 3.12, the Zoning Administrator shall forward all pertinent plans and drawings to the appropriate offices, departments, or boards.

3.7 OCCUPANCY CERTIFICATES

1. No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date on this ordinance, shall be used for any purpose until a certificate of occupancy has been issued by the Zoning Administrator. No change in a use shall be made until a certificate of occupancy has been issued by the Zoning Administrator.
2. Every certificate of occupancy shall state that the use or occupancy complies with the provisions of this Ordinance.

3.7-1 Application for Occupancy Certificate

Every application for a building permit or zoning certificate shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land where no building permit is required shall be made directly to the Zoning Administrator.

3.7-2 Issuance of Occupancy Certificate

1. No occupancy certificate for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans and specifications upon which the zoning certificate was based.
2. No occupancy certificate for a building, or addition thereto, constructed after the effective date of this Ordinance, shall be issued and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the Zoning Administrator to be in compliance with all applicable standards.
3. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six months from its date during the completion of any addition or during partial occupancy of the premises. The occupancy certificate shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than 14 days after the Zoning Administrator is notified in writing that the building or premises are ready for occupancy.

3.7-3 Certificate of Zoning Compliance

1. Intent
   a. It is the intent of the City to assure that transferees of residential real property consisting of three or more apartments and/or rooming house(s) within the City are furnished a report of matters of City record pertaining to the authorized use and zoning classification thereof, as determined by a zoning inspection of the property prior to the sale, transfer or exchange of said property.
   b. It is the intent of the City to assure that transferees of property used as residential or zoned residential consisting of less than three apartments within the City are furnished a letter stating the current zoning classification of the property as determined by the Zoning Administrator prior to the sale, transfer or exchange of said property.
   c. The intent of the City is to protect the unwary buyer against undisclosed zoning restrictions on the use of the property.
2. Certificate Required
   a. Prior to entering into an agreement or contract to sell any property, consisting of three or more apartments and/or rooming house(s), the owner shall obtain from the City a report of the property record showing the authorized use and zoning classification.
   b. Said report shall be valid for a period not to exceed six (6) months from date of issue. The Certificate of Zoning Compliance shall be issued only where proof can be shown of the current legal use of the residential property.
   c. In addition, all residential property with three or more residential units and/or rooming house(s) shall comply with the City of Waukegan licensing requirements prior to the issuance of a Certificate of Zoning Compliance.
3. Letter Required. No less than seven (7) business days prior to closing on any property used for residential purposes and consisting of less than three units, the owner shall obtain from the City a zoning letter showing the current zoning of the property. Said letter shall be valid for a period not to exceed six (6) months from date of issue.
4. Application for Certificate. Upon application of the owner or his authorized agent and the payment to the City of a fee of one hundred, fifty dollars ($150.00), the Zoning Administrator or any of his authorized agents shall review pertinent City records, make an exterior and

interior zoning inspection and deliver to the applicant a report which shall contain the following information so far as it shall be available:

a. Street address.
b. Zoning classification and authorized use of subject property.
c. Variances, exceptions, or conditional use permits and other pertinent legislative acts of record.
d. Any zoning deconversion orders that have been issued.
e. Whether the property is in compliance with all applicable codes of the City of Waukegan.

5. Application for Letter. Upon application of the owner or his authorized agent and the payment to the City of a fee of one hundred ($100.00) dollars, the Zoning Administrator or any of his authorized agents shall review the pertinent City records, make an inspection of the premises, which inspection shall include a review of the use of the property, whether any additional units and/or uses exist, and whether the property is in compliance with the Life Safety Code of the City of Waukegan, and shall deliver to the applicant a report which shall contain the following information:
   a. Street address.
   b. Zone classification and authorized use of the subject property.
   c. Variances, exceptions, special use or conditional use permits and other pertinent legislative acts of record.
   d. Any zoning deconversion orders that have been issued.
   e. Whether the property is in compliance with all applicable codes as above.
6. Exceptions. No certificate of zoning compliance will be required in the first sale by a private owner of a residential unit in a condominium development which has received all approvals and permits required by all other pertinent City codes.
7. Delivery of Report. The Certificate of Zoning Compliance, and all accompanying information, or the Zoning Letter, shall be delivered by the owner or his authorized representative to the buyer or transferee of the property prior to the consummation of the sale or exchange.
8. Renewal of Expired Zoning Certificates or Letters. Zoning Letters or Certificates that are older than six (6) months shall expire, but may be renewed for an additional six (6) months by applying to the Department of Planning and Zoning for such renewal. Provided that there has been no change in the property as described in the Zoning Letter or Certificate, such renewal shall be provided at no charge. Zoning Letters and Certificates may not be renewed more than once.

3.8 VARIATIONS

3.8-1 Purpose

1. The Planning and Zoning Commission after a public hearing, may vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where such Commission makes findings of fact in accordance with the standards hereinafter prescribed, and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
2. Requests for variations, other than those expressly specified in this Section, shall be heard by the Planning and Zoning Commission and a recommendation thereon shall be forwarded to the City Council for final disposition.

3.8-2 Application and Notice of Hearing

1. An application for a variation may be made by any person, firm or corporation, or by any office, department, board, bureau or commission requesting or intending to request application for a zoning certificate.
2. An application for a variation shall be filed with the Zoning Administrator, who shall forward such application within 45 days, to the Planning and Zoning Commission for processing.
3. Notice of all public hearings conducted by the Planning and Zoning Commission wherein an application for a variation is to be considered shall be published at least once not more than 45 nor less than 15 days before said hearing in one or more newspapers with a general circulation within the City of Waukegan.
4. In addition, notices shall be sent by mail not more than 45 days or less than 15 days before its hearing, to all owners within 250 feet of any lot line of the property included in the requested variation provided by the petitioner.
5. The applicant shall post notification of the zoning hearing at a conspicuous place on the subject property facing the nearest street not more than 45 days or less than 15 days before the hearing, and notification shall be on forms provided by the City.

3.8-3 Standards for Variations

1. The Planning and Zoning Commission shall not vary the regulations of this Ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:
   a. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
   b. The conditions upon which an application for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.
   c. The purpose of the variation is not based exclusively upon a desire to increase financial gain.
   d. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in this property.
   e. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
   f. The proposed variation 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 impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
2. The Planning and Zoning Commission may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards established in this Section and the objectives of this Ordinance.

3.8-4 Authorized Variations

1. Variations from the regulations of this Ordinance shall be granted by the Planning and Zoning Commission only in accordance with the standards established in Section 3.8-3, above, and may be granted only in the following instances and in no others:

a. To permit any yard, height, bulk regulation, or setback less than the yard or setback required by the applicable regulations.
b. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots.
c. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same day of the week. If the Zoning Administrator determines that because of the changing conditions or use, the off-street parking facility is no longer sufficient, the parking variation will be remanded to the Planning and Zoning Commission, to determine whether said variation shall be continued.
d. To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or one percent (1%) to fifty percent (50%) of the required facilities, whichever number is greater.
e. To allow an increase from zero to fifty percent (50%) in the maximum distance that required parking spaces are permitted to be located from the use served.
f. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance. The Planning and Zoning Commission may require a performance bond or other surety to ensure compliance.
g. To allow an increase in the maximum gross floor area of any use so limited by the applicable regulations, but not to exceed the maximum gross floor area limitation for such use as may be specified in the zoning district most immediately less restrictive than the subject district.

2. Requests for any variation other than those listed above shall be decided by the City Council after a hearing thereon by the Planning and Zoning Commission and subsequent recommendation to the City Council.

3.8-5 Action by the Planning and Zoning Commission

The Planning and Zoning Commission shall approve or deny any requested variation or transmit written recommendations thereon to the City Council, within 90 days of receipt of the request from the Zoning Administrator.

3.8-6 Revocation

Where a variation has been granted pursuant to the provisions of this Ordinance, such approval shall become null unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Planning and Zoning Commission, Development Review Board or City Council.

3.8-7 Appeal from Board Decision

Any final determination on a variation by the Planning and Zoning Commission may be appealed by applicant or an objector within 10 days of the determination by filing a written appeal with the City Council.

3.8-8 Additional Variations Not Specifically Authorized

The City Council by ordinance, and without further public hearing, may grant any proposed variation not listed in this Ordinance by a two-thirds majority of those present constituting a quorum, or may refer it back to the Planning and Zoning Commission for further consideration.

3.9 APPEALS

3.9-1 Authority

The Planning and Zoning Commission shall hear and decide appeals from any administrative order, requirement, decision, or determination made by the Zoning Administrator or other authorized officials of the City of Waukegan relating to regulation of this Ordinance.

3.9-2 Initiation

An appeal may be taken to the Planning and Zoning Commission by any person, firm, or corporation, or by any office, department, board, bureau, or commission, aggrieved by an administrative order, requirement, decision, or determination under this Ordinance by the Zoning Administrative or other authorized official of the City of Waukegan by filing an application for appeal within 30 days following the action being appealed.

3.9-3 Processing

An appeal shall be filed with the Zoning Administrator, who shall forward such appeal to the Planning and Zoning Commission for processing in accordance with applicable Statutes of the State of Illinois, and all pertinent provisions of this Ordinance.

3.9-4 Public Hearing

1. A public hearing shall be conducted by the Planning and Zoning Commission upon every appeal. Notice of the hearing shall be published at least once not more than 45 days or less than 15 days before said hearing in one or more newspapers with a general circulation within the City of Waukegan.
2. The appellant shall post notification of the zoning appeal at a conspicuous place on the subject property facing the street not more than 45 days or less than 15 days before the hearing, and notification shall be on forms provided by the City.

3.9-5 Decisions

All decisions, after hearing before the Planning and Zoning Commission on appeals from an administrative order, requirement, decision, or determination relating to this Ordinance, of the Zoning Administrator or other authorized official of the City of Waukegan shall, in all instances, be final administrative determinations and shall be subject to judicial review. The Planning and Zoning Commission shall decide an appeal within 30 days after close of the hearing thereon unless this time period is extended by mutual consent of the Planning and Zoning Commission and the applicant.

3.10 AMENDMENTS

3.10-1 Authority – Declaration of Public Policy

For the purposes listed in Article 2 of this Ordinance, the City Council may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Ordinance or amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowances shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such amendatory ordinances.

3.10-2 Initiation of Amendment

1. Text amendments may be proposed by the City Council, Planning and Zoning Commission, or any interested person or organization.
2. Map amendments may be proposed by the owner of the property involved or the City Council, Planning and Zoning Commission, or Development Review Board.

3.10-3 Application for Amendment Procedure

1. An application for an amendment to this Ordinance shall be filed with the Zoning Administrator in such form and accompanied by such information as required by the Zoning Administrator. The Zoning Administrator, upon received a properly completed application for amendment, shall transmit the application within 30 days along with all pertinent data filed therewith to the Planning and Zoning Commission for review and recommendation.
2. Such recommendation, along with a copy of the complete application and all pertinent papers, shall be transmitted to the Planning and Zoning Commission. Meetings of the Planning and Zoning Commission shall be attended by the applicant and/or his representative.

3.10-4 Hearing on Application

Within 45 days of receipt by the Planning and Zoning Commission of any application for amendment, the Commission shall hold a public hearing in accordance with existing procedures and in accordance with the Revised Statutes of the State of Illinois. Such hearing shall be attended by the applicant or his representative.

3.10-5 Notice of Hearing

1. Notice of time and place of such hearing shall be published at least once in a newspaper of general circulation within the City of Waukegan not more than 45 days or less than 15 days before such hearing. Notices shall be sent by certified mail to all owners (as determined from current real estate tax records) of property located within 250 feet of any lot line of the property included in the proposed amendment. Such list of property owners shall be provided by the applicant.
2. The applicant shall post notification of the zoning hearing at a conspicuous place on the subject property facing the nearest street not more than 45 days or less than 15 days before the hearing, and notification shall be on forms provided by the City.

3.10-6 Findings of Fact and Recommendations

1. The Planning and Zoning Commission shall submit recommendations to the City Council within 30 days of close of the hearing. Extension of this time period may be allowed by mutual consent of applicant and Planning and Zoning Commission. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning and Zoning Commission shall make finding based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:
   a. Existing uses of the property within the general area of the property in question.
   b. The zoning classification of property within the general area of the property in question.
   c. The suitability of the property in question to the uses permitted under the existing zoning classification as well as the proposed zoning classification.
   d. 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.

e. The objectives and land use plan of the current Comprehensive Plan for the City of Waukegan.

2. The Planning and Zoning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is not detrimental to the public interest. The Planning and Zoning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purposes of this paragraph, the order of classification shall be as shown in Section 6.1, and the CR District shall be considered the highest classification and the I2 District shall be considered the lowest classification.

3.10-7 Action by the City Council

1. The City Council shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Planning and Zoning Commission on the proposed amendment.
2. The City Council may grant or deny any application for an amendment, provided however, that in case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty percent (20%) or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by two-thirds (2/3) vote of the City Council.

3.10-8 Effect of Denial of Amendment

No application for a map or text amendment which has been denied by the City Council shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the Zoning Administrator.

3.10-9 Repeal of Amendment

In any case where a change of boundary lines of the zoning district map has been granted, and where no zoning certificate or building permit has been applied for within one year, the Planning and Zoning Commission may hold a public hearing, after notice of public hearing has been given, and recommended to the City Council that such zoning be affirmed or repealed and rezoned to its most appropriate district classification.

3.11 CONDITIONAL USES

3.11-1 Purpose

The development and execution of this Ordinance is based upon the division of the City into districts where 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 of the public need for the particular use in the particular location. Such conditional uses fall into two categories:

1. Uses publicly operated or traditionally associated with a public interest.

2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

3.11-2 Initiation of Conditional Use

Any person owning land or having a valid real estate interest in the land as defined in Article 3 may file an application to use such land for one or more of the conditional uses provided for in this Ordinance in the zoning district in which the land is located.

3.11-3 Application for Conditional Use

1. An application for a conditional use shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by such plans and/or data prescribed by the Planning and Zoning Commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in Section 3.11-7, hereinafter.
2. Such application shall be forwarded from the Zoning Administrator to the Planning and Zoning Commission within 30 days of receipt of the application. Meetings of the Planning and Zoning Commission shall be attended by the applicant and/or his representative. Under the regulations for Variations, there is 45-day period to forward applications to the Planning and Zoning Commission.

3.11-4 Hearing of Planning and Zoning Commission on Application for Conditional Use

Within 30 days of receipt of the application the Planning and Zoning Commission shall hold a public hearing on each application, at such time and place as shall be determined by the Planning and Zoning Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner as the Commission shall, by rule, prescribe from time to time. Such hearings shall be attended by the applicant and/or his representative.

3.11-5 Notice of Hearing

1. Notice of time and place of such hearing shall be published at least once in a newspaper of general circulation within the City of Waukegan not more than 45 days or less than 15 days before such hearing. Supplemental or additional notices may be published or distributed as the Planning and Zoning Commission may, by rule, prescribe from time to time. In any event, notices shall be sent by certified mail, not more than 45 days nor less than 15 days before the hearing, to all owners of property within 250 feet of the subject property. The list of property owners shall be provided by the applicant.
2. The applicant shall post notification of the zoning hearing at a conspicuous place on the subject property facing the nearest street not more than 45 days or less than 15 days before the hearing, and notification shall be on forms provided by the City.

3.11-6 Authorization

1. For each application for a conditional use, the Planning and Zoning Commission shall, within 30 days of the close of hearing, report its findings and recommendations to the City Council, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.

2. The City Council may grant or deny any application for a conditional use, provided however, that in case of a written protest against any proposed conditional use, signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of land included in such proposed use, or by the owners of twenty percent (20%) or more of the area of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such conditional use shall not be passed except by two-thirds (2/3) vote of the City Council.

3.11-7 Standards

No conditional use shall be recommended by the Planning and Zoning Commission, unless they shall find:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
5. That adequate measure has been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the City of Waukegan.
7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Planning and Zoning Commission.

3.11-8 Conditions, Guarantees and Revocations

1. Prior to the granting of any conditional use, the Planning and Zoning Commission may recommend and the City Council may stipulate such conditions and restrictions, upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 3.11-7, above.
2. In all cases in which conditional uses are granted, the City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
3. Any violation in conditions will be subject to a revocation of the conditional use permit. Such violations can be reported by any city employee to the Planning and Zoning Commission for revocation.

3.11-9 Action by the City Council

1. The City Council shall not act upon a proposed conditional use allowed under this Ordinance until it shall have received a written report and recommendation from the Planning and Zoning Commission on the proposed conditional use.
2. The City Council may grant or deny, by ordinance or resolution, any application for conditional use, and may establish such conditions and restrictions upon the establishment, location,

construction, maintenance, and operation of the conditional use, as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 3.11-7.

3. In all cases where the City Council permits the establishment of a conditional use, the terms of the relief granted shall be specifically set forth in the ordinance or resolution in a conclusion statement, separate from any findings of fact in the case.

3.11-10 Planned Developments

Planned Developments are of such substantially different character from other conditional uses that specific and additional standards and exceptions are hereby established to govern the actions of the Planning and Zoning Commission and City Council.

1. Purposes. Planned Development Conditional Use is a privilege to be earned and not a right which can be claimed simply upon complying with all the standards established in this Section. The Planning and Zoning Commission and the City Council may require any reasonable condition or design consideration, which will promote proper development of benefit to the community. It is not intended that the City Council automatically grant the maximum use exceptions or density increase in the case of each planned development.
2. The Planning and Zoning Commission shall recommend and the City Council shall grant only such increase or latitude which is consistent with the benefit accruing to the City as a result of the planned development. As a condition for approval, each planned development must be generally compatible with the character and objectives of the zoning districts within which it is located, and each planned development shall be consistent with the objectives of the City's Comprehensive Plan.
3. Some specific purposes of the planned development procedure are:
   a. Residential Planned Development. To offer recreational opportunities close to home, to enhance the appearance of neighborhoods by the conservation of streams and local spots of natural beauty, to add to the sense of spaciousness through the preservation of natural green spaces, to counteract the effects of urban monotony and congestion in the streets, to encourage cooperative relationships between neighbors and participation by all age groups in the use and care of local open space tracts in new residential subdivisions, to promote appropriate architecture between adjacent dwellings or institutional buildings, and to encourage the placement of structures in proper relationship to the natural characteristics of the site.
   b. Business or Commercial Planned Development. To promote the cooperative development of business or commercial centers each with adequate off-street parking, to control access points on thoroughfares, to separate pedestrian and automobile traffic, to aid in stabilizing property values, to develop centers of size and location compatible with the market potential, to buffer adjacent residential areas with landscaped green spaces and to encourage harmonious architecture between adjacent commercial structures and between dwellings and commercial structures.
   c. Industrial Planned Development. To promote the establishment of industrial parks, to permit groups of industrial buildings with integrated design and a coordinated physical plan, to encourage recreational facilities within industrial areas and to buffer adjacent residential areas with landscaped green spaces.

4. Procedure for Approval
   a. Pre-application Conference. Prior to filing a formal application for approval of a planned development, the developer shall request a pre-application conference with the Zoning Administrator. The request for a pre-application conference shall be submitted to the Zoning Administrator. The purpose of such conference is to allow the developer to present a general concept of his proposed development prior to the preparation of detailed plans. For this purpose, the presentation shall include, but not limited to, the following:
      (1) Written "letter of intent" from the developer establishing his intentions as to development of the land.
      (2) Topographic survey and location map.
      (3) Sketch plans and ideas regarding land use, dwelling type and density, street and lot arrangement, and tentative lot sizes.
      (4) Tentative proposals regarding water supply, sewage disposal, surface drainage, and street improvements.

      The Zoning Administrator shall advise the developer of the zoning requirements and City plans which might affect the proposed development as well as procedural steps for approval.
   b. Preliminary Plan. The preliminary plan of the planned development shall be filed with the Zoning Administrator, who shall in turn forward the copies to the Planning and Zoning Commission for its consideration and public hearing. The Planning and Zoning Commission may request review of the planned development by, and recommendations from, appropriate city departments and other public offices. The required procedure for consideration and approval of the preliminary plan shall be:
      (1) Submission of the following:
         a. Written application for approval of a Planned Development shall be made on the forms and in the manner prescribed by the City.
         b. The application shall be accompanied by a fee consistent with the approved fee schedule.
         c. The preliminary plan and supporting data shall be in accordance with the provisions of paragraph 3.11-10(5) of this Section.
      (2) The Planning and Zoning Commission shall hold a public hearing on the application for a Planned Development in accordance with Section 3.11-4.
      (3) Following the public hearing and review of the preliminary Planned Development and supporting data, the Planning and Zoning Commission shall send its findings and recommendations to the City Council, which shall approve, approve with modifications, or disapprove the plan.
      (4) Approval of a preliminary Planned Development plan shall not constitute approval of the final plan; rather it shall be deemed an expression of approval of the layout submitted on the preliminary plan as a guide to the preparation of the final plan or plans. The final plan shall be submitted by the developer no later than 180 days (or such additional time, as may be authorized by the Planning and Zoning Commission from time to time) after approval of the preliminary plan.
      (5) Upon approval of the preliminary plan by the City Council a record shall be prepared, including findings of fact, recommendations of the city departments and offices, exceptions or bonuses granted, conditions applied, and modifications ordered.
   c. Final Plan. The final Planned Development plan shall conform substantially to the preliminary plan as approved, and if desired by the developer, it may be submitted in stages

with each stage reflecting a portion of the approved preliminary plan which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:

(1) The final plan and supporting data shall be filed with the Zoning Administrator and forwarded by him to the Planning and Zoning Commission for certification that the final plan is in conformity with these regulations and in agreement with the approved preliminary plan.

(2) All final plans shall be accompanied by a written construction schedule for the development.

(3) After review of the final plan and supporting data, the Planning and Zoning Commission shall send its findings and recommendations to the City Council, which shall approve or disapprove the plan within 45 days after receipt of such findings and recommendations. Disapproval of the final plan shall include a clear statement of the reasons therefore.

d. Recording of the Approved Plan. A copy of the approved final plan shall be recorded with the City Clerk and the County Recorder of Deeds by the developer.

5. Changes in the Planned Development. A planned development shall be developed only according to the approved and recorded final plan and all supporting data. The recorded final plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises (including the internal use of buildings and structures) and location of structures in the planned development as set forth herein.

   a. Major Changes. Changes which alter the concept or intent of the planned development including increases in the density, change in location and types of non-residential land uses, increases in height of buildings, reductions of proposed open space, more than a 15 percent modification in proportion of housing types, changes in road standards or alignment, utilities, water, electricity, and drainage, or changes in the final governing agreements, provisions, or covenants, may be approved only by submission of a new preliminary plan and supporting data, and following the "preliminary approval" steps and subsequent amendment of the final Planned Development plan.

   b. Minor Changes. The Planning and Zoning Commission may approve minor changes in the planned development, which do not change the concept or intent of the development, without going through the preliminary approval steps. Minor changes are defined as any change not defined as a major change.

6. Schedule of Construction. The City Council shall consider the planned development subject to revocation if construction falls more than one (1) year behind the schedule filed with the final plan, or exceeds five (5) years. The developer shall be notified at least 60 days prior to any revocation hearing. Extensions in the buildings schedule may be granted by the City Council.

7. Specific Content of Plans. Planned Development plans and supporting data shall include at least the following information:

   a. Preliminary Plan Stage

      (1) Detailed plan. A drawing of the Planned Development shall be prepared at a scale of not less than 1" = 100' for developments of 200 acres or less, and 1" = 200' for developments over 200 acres, and at a size appropriate for reduction for recording purposes; and shall show such designations as proposed streets (public and private), or buildings and their use, common open space, recreation facilities, parking areas, service

areas, and other facilities to indicate the character of the proposed development. In no event shall individual sheet or drawing size exceed 30 inches by 42 inches (30" x 42"). The submission may be composed of one or more sheets and drawings and shall include:

a. Boundary lines: Bearings and distances.
b. Easements: Location, width and purpose (including fire lanes).
c. Streets on, and adjacent to, the tract: Street name, right-of-way width, existing or proposed centerline elevations, pavement type, walks, curbs, gutters, culverts, etc.
d. Utilities on, and adjacent to the tract: Location, size, and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and street lights; direction and distance to, and size of, nearest water mains and sewers adjacent to the tract showing invert elevation of sewers.
e. Ground elevations on the tract: For land that slopes less than one-half (1/2) percent, show one (1) foot contours; show spot elevations at all breaks in grades, along all drainage channels of swales, and at selected points not more than 100 feet apart in all directions. For land that slopes more than one-half (1/2) percent, show two (2) foot contours.
f. Surface and subsurface conditions of the tract, as provided by the Soil and Water Conservation District of the Soil Conservation Service, Lake Zurich Illinois. Location and results of tests made to ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.
g. Pertinent conditions on adjoining land: Approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings, railroads, power lines, towers, and other nearby non-residential land uses or adverse influences.
h. Proposed public improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract (Information to be supplied by City staff).
i. Zoning on, and adjacent to, the tract.
j. Uses of each building or structure, as well as the specific overall land-use of the premises.
k. Title and certificates: Present tract designation according to official records in offices of the County Recorder of Deeds; title under which the proposed development is to be recorded, with the names and addresses of owners, and notation stating acreage.
l. Names: The names and addresses of the persons to whom notices of hearings hereunder may be sent including the subdivider, developer or the designer of the subdivision or development.
m. Open space: All parcels of land intended to be dedicated for public use or reserved for use of all property owners with the purpose indicated.
n. General location, purpose, and height of each building, other than single-family residences on individual lots.
o. Map data: Name of development, north point, scale, and date of preparation.

(2) Character: Explanation of the character of the planned development and the reasons why it has been planned to take advantage of the flexibility of these regulations.
(3) Ownership: Statement of present ownership of all land within the project.
(4) Schedule: Development schedule indicating:
    a. Stages in which the project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plan and through supporting graphic material.
    b. Approximate dates for beginning.
(5) Covenants: Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space.
(6) Density: Provide information on the density of residential uses, including dwelling units by acre.
(7) Nonresidential use: Provide information on the type and amount of ancillary and nonresidential uses in a residential development, including the amount and location of open space.
(8) Service facilities: Provide information on all service facilities and off-street parking facilities.
(9) Architectural plans: Preliminary architectural renderings for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building, and the number, size, and type of dwelling units.
(10) Facilities plans (including street profile plans) for:
    a. Roads, including classification and width of pavement.
    b. Sidewalks.
    c. Sanitary sewers.
    d. Storm drainage.
    e. Water supply system.
    f. Underground lighting program.
    g. General landscape planting plan.

b. Final Plan Stage
(1) Final detailed plan. A final plan, suitable for recording with the County Recorder of Deeds shall be prepared. The purpose of the Planned Development plan is to designate with particularity the land subdivided into conventional lots as well as the division of other lands, not so treated, into common open areas and building areas, and to designate and limit the specific internal uses of each building or structure, as well as of the land in general. The final plan of the Planned Development shall include, but not limited to:
    a. An accurate legal description of the entire area under immediate development within the Planned Development.
    b. If subdivided lands are included in the Planned Development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat.
    c. An accurate legal description of each separate unsubdivided use area, including common open space.
    d. Designation of the exact location of all buildings to be constructed, and a designation of the specific uses to which each building shall be put.

e. Certificates, seals and signatures required for the dedication of land and recording of the document.
f. Tabulations on each separate unsubdivided use area, including land area, number of buildings, number of dwelling units per acre.

(2) Common open space documents. All common open space, at the discretion of the City, shall be:
a. Conveyed to a municipal or public corporation, or conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the Planned Development or adjoining property owners or any one or more of them; or
b. Guaranteed by a restrictive covenant describing the open space and its maintenance and improvements, running with the land for the benefit of residents of the Planned Development or adjoining property owners and/or both.

(3) Public facilities. All public facilities and improvements made necessary as a result of the Planned Development shall be either constructed in advance of the approval of the final plan, or, at the discretion of the City, escrow deposits, irrevocable letters of credit in a form approved by the City, or performance bonds shall be delivered to guarantee construction of the required improvements.

(4) Covenants. Final agreements, provisions, or covenants shall govern the use, maintenance, and continued protection of the Planned Development. Such instruments of agreement shall include, where applicable, a surety bond favoring the City, in the amount of the estimated cost of such proposed site improvements as pools, fountains, landscaping and other features.

8. Use Exceptions. The Planning and Zoning Commission may recommend and the City Council may authorize that there be permitted in part of the area of a proposed planned development, and for the duration of such development, specified uses not permitted by the use regulations of the district in which said development is located, provided that the Commission shall find:
a. That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the Planned Development.
b. That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood.
c. That no more than 40 percent of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by such exception; provided, however, that in a residential planned development, not more than ten (10) percent of the total ground area in the Planned Development shall be devoted to uses permitted within the commercial districts; and no area within a residential planned development shall be devoted to uses permitted within the industrial zoning districts.

9. Bulk Regulation. In the case of any Planned Development, the Planning and Zoning Commission may recommend, and the City Council may authorize, exceptions to the applicable bulk regulations of this Ordinance within the boundaries of such Planned Development, provided that the Planning and Zoning Commission shall find:
a. That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring property, than would be obtained under the bulk regulations of this Ordinance for buildings developed on separated zoning lots.

b. That the overall floor area ratio for the Planned Development would not exceed by more than 40 percent the maximum floor area ratio required for the individual uses in such planned developments, as stipulated in each district.
c. That along the periphery of such planned developments, landscaped yards or berms shall be provided as required by the regulations of the district in which said development is located.
d. That in a residential Planned Development 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 area is located, and then increasing this number by 40 percent. Net development area shall be determined by subtracting the areas set aside for nonresidential uses from the gross development area, and deducting from the remainder the area required for streets as set forth in the site plan. In no event shall the area for streets be computed at less than 10 percent of the gross development area. The area of land set aside for common open space or recreational use may be included in determining the number of dwelling units permitted.

10. Designation of Permanent Common Open Space
    a. Definition. Permanent common open space shall be defined as parks, playgrounds, parkway medians, landscaped green space, schools, community centers or other similar areas in public ownership or areas covered by an open space easement.
    b. Designation. No plan for a Planned Development shall be approved, unless such plan provides permanent open space equivalent to at least 20 percent of the total development area in residential Planned Developments.
11. Minimum Lot Area in Residential Planned Developments. Provided the overall number of dwelling units per acre (density) is not increased beyond the provisions of paragraph 9d above, and provided that the permanent common open space is in accord with paragraph 10, the Planned Development may include minimum lot areas per dwelling unit smaller than those normally required in the zoning district.

3.11-11 Residential Cluster Developments

Residential cluster developments are of such substantially different character from other conditional uses that specific and additional standards and exceptions are hereby established to govern the actions of the Planning and Zoning Commission and City Council.

1. Purpose. It is the purpose of this section to permit residential cluster development by conditional use permit in order to:
    a. encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography;
    b. protect environmentally sensitive areas of a development site and preserve on a permanent basis open space, natural features, and prime agricultural lands;
    c. decrease or minimize nonpoint source pollution impacts by reducing the amount of impervious surfaces in site development;
    d. promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets; and
    e. provide opportunities for social interaction and walking and hiking in open space areas.
2. Applicability. A residential cluster development shall be permitted by conditional use permit in any residential zoning district pursuant to the regulations of this Section 3.11-11.

a. All principal and accessory uses authorized in the applicable residential zoning district(s) shall be allowed in the cluster development.
b. Maximum lot coverage, floor area ratios, building height, and parking requirements for the applicable zoning district shall apply to the cluster development. Maximum lot coverage, floor area ratios, and parking requirements, however, shall be applied to the entire site rather than to any individual lot.

3. General provisions. The following provisions shall apply to any residential cluster development, regardless of the general requirements of the applicable residential zoning district:
   a. The minimum area of the cluster development shall be five (5) acres.
   b. No minimum width or depth of a lot shall apply.
   c. A minimum separation of ten feet (10'-0") shall be provided between all principal buildings and structures.
   d. A minimum yard or common open space of at least twenty-five feet (25'-0") in depth shall be provided, as measured from all public streets and from the side and rear lot lines of the entire cluster development. This common open space is classified as passive and shall be composed of a combination of landscaping, shrubbery, trees and berms to effectively buffer or screen the cluster development from adjacent streets and properties.
   e. Each lot shall have a minimum access of twelve feet (12'-0") to a public or private street. Such access may be shared with other lots.
   f. More than one principal building or structure may be placed on a lot in the R5, R6, R7, and R8 zoning districts.
   g. Not less than twenty-five percent (25%) of the site shall be conveyed as common open space in the manner provided for in Section 3.11-11(9) titled, "Conveyance of Open Space" below. Where the site contains floodplains and/or wetlands, no more than twenty-five percent (25%) of such floodplains and/or wetlands shall be included in calculating the common open space.
      (1) Common open space shall be classified as active or passive. Passive open space includes natural features and environmentally constrained lands. Active open space includes recreational activities such as sport fields, picnic areas, playgrounds, athletic courts and similar types of facilities. A trail that is improved to City standards, whether public or private, shall be included as active open space.
      (2) The following areas shall not be included as part of the common open space:
         (a) Private lot areas;
         (b) Areas for parking, driveways or streets, except areas for on-street bicycle pathways may be included;
         (c) Areas set aside for required landscaping;
         (d) Areas for storm water and other infrastructure improvements, except when such facilities are located underground;
         (e) Perimeter and yard setbacks for buildings and structures; and
         (f) Isolated passive open space areas less than 2,000 square feet that are not connected in accordance with Section 3h below.
   h. All common open space areas shall be part of a larger continuous and integrated open space system within the development. At least seventy-five (75) percent of the common open space shall be contiguous to each other. For the purpose of meeting this standard, contiguous means within 100 feet of each other with no impediments to access between the

areas. Access can be by trails, greenbelt corridors, sidewalks, or other means approved by the Planning and Zoning Commission.

i. Trails that are located within fifty (50) feet of homes in cluster groups shall be identified by plantings, fences, or other landscape features.

j. Common open space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement that restricts development and protects the specified open space in a form acceptable to the City of Waukegan and duly recorded in the Lake County Recorder of Deeds office.

4. Contents of Site Plan. The preliminary and final site plan for a residential cluster development shall include, but shall not be limited to, the following information:
   a. The maximum number and type of dwelling units proposed.
   b. The areas of the site on which the dwelling units are to be constructed or are currently located and their size (this may take the form of the footprint of the dwelling unit or a building envelope showing the general area in which the dwelling unit is to be located).
   c. The calculations for the permitted number of dwelling units, derived pursuant to Section 3.11-11(5) below.
   d. The areas of the site on which other proposed principal and accessory uses may be located and their size.
   e. The areas of the site designated for common open space and their size.
   f. The areas of the site designated for parking and loading and the size of individual spaces.
   g. The location of sidewalks, trails, and bike paths.
   h. The number of acres that are proposed to be conveyed as common open space.
   i. In addition to the requirements of the Tree Preservation and Landscape Ordinance, the following is also required:
      (1) The preservation of existing vegetation shall always be preferred to the installation of new plant materials. Any area of the development not built upon shall either be landscaped with new plantings or maintained with existing vegetation (not to include weeds or noxious plants).
      (2) A planted landscape buffer at least fifteen feet (15’-0”) wide shall be established to provide substantial visual blockage from abutting properties to the residential cluster development wherever dwellings within the development are located one hundred feet (100’-0”) or less from the perimeter interior and rear property lines of the parcel. The planted landscaped buffer shall incorporate the following:
         (a) Use a combination of plants, medium shrubs and evergreen/deciduous trees to provide visual blockage;
         (b) At least one tree per 20 lineal feet of planted landscape buffer;
         (c) The planted buffer shall provide a minimum visual blockage of six feet (6’-0”) in height within three (3) years of planting.
         (d) A fence, earthen berm or wall may be incorporated into the buffer, but shall not count towards meeting the visual blockage requirements.

5. Calculation of Permitted Number of Dwelling Units; Density Bonuses.
   a. Except as provided in paragraph 5c below, the maximum numbers of dwelling units proposed for a residential cluster development shall not exceed the number of dwelling units otherwise permitted for the residential zoning district in which the parcel is located.
   b. Except as provided in paragraph 5c below, the number of permitted dwelling units on a site shall be calculated in the following manner:

(1) Measure the gross area of the proposed cluster development site in acres and tenths of an acre.
(2) Subtract from the gross area determined in subparagraph (a) the area of public and private streets and other publicly dedicated improvements, measured in acres and tenths of an acre, excluding common open space (whether or not it is conveyed pursuant to Section 3.11-11(9) titled, "Conveyance of Open Space" below). The remainder shall be the net buildable area;
(3) Convert the net buildable area from acres to square feet (SF), using the equivalency of 43,560 SF = 1 acre; and
(4) Divide the net buildable area by the smallest minimum lot size (in square feet) per unit for a dwelling unit permitted in the zoning district. This figure shall be rounded to the nearest lower number to establish the maximum number of dwelling units to be permitted in the cluster development.

c. The Planning and Zoning Commission may approve an increase of up to ten percent (10%) of the maximum number of dwelling units in the cluster development, as calculated in paragraph 5b above, if the percent of density bonus is no greater than the percent of open space which is greater than the minimum twenty-five percent (25%) set aside for open space pursuant to Section 3.11-11(3g), and is accessible to the public.

6. Procedures for Review and Approval. The Planning and Zoning Commission shall review and approve a residential cluster development and any amendments thereto as a land development project in the manner provided for in Section 3.11-10(4) together with any ordinances and regulations adopted pursuant thereto.
7. Review Criteria.
   a. In reviewing a residential cluster development, the Planning and Zoning Commission shall determine whether:
      (1) the site plan satisfies the requirements of Sections 3.11-11(3), 3.11-11(4), and 3.11-11(5) above;
      (2) buildings and structures are adequately grouped so at least twenty-five percent (25%) of the total area of the site is set aside as common open space. To the greatest degree practicable, common open space shall be designated as a single block and not divided into unconnected small parcels located in various parts of the development;
      (3) pedestrians can easily access common open space;
      (4) the site plan establishes, where applicable, an upland buffer of vegetation of at least fifty feet (50'-0") in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes, and ponds;
      (5) individual lots, buildings, structures, streets, and parking areas are situated to minimize the alteration of natural features, natural vegetation, and topography;
      (6) existing scenic views or vistas are permitted to remain unobstructed, especially from public streets;
      (7) the site plan accommodates and preserves any features of historic, cultural, or archaeological value;
      (8) floodplains, wetlands, and areas with slopes in excess of what is allowed by the Waukegan Steep Slope Ordinance are protected from development;
      (9) the cluster development advances the purposes of this Section 3.11-11 as stated in Section 3.11-11(1) above.
   b. The Planning and Zoning Commission may, in its opinion, apply such special conditions or stipulations to its approval of a residential cluster development as may be required to

maintain harmony with neighboring uses and to promote the objectives and purposes of the comprehensive plan and the zoning and subdivision ordinances.

c. If the Planning and Zoning Commission finds that the requirements of paragraph 7a above are satisfied, it shall approve the residential cluster development, subject to any special conditions or stipulations pursuant to paragraph 7b above, any density bonus pursuant to paragraph 5 above, and any reductions and/or waivers pursuant to paragraph 8 below.

8. Reduction and/or Waiver of Certain Physical Design Requirements
   a. In approving a residential cluster development, the Planning and Zoning Commission may reduce the pavement width of any public or private streets that would otherwise be required by the subdivision regulations to twenty-two feet (22'-0"). This pavement width does not include on-street parking.
   b. An applicant, who wants the reduction of pavement width of public or private streets as provided for in paragraph 8a above, shall submit a statement of justification for the reduction and/or waiver along with the final site plan.
9. Conveyance of Open Space.
   a. Common open space provided by a residential cluster development shall be conveyed as follows:
      (1) To the Waukegan Park District and accepted by it for park, open space, agricultural, or other specified use or uses, provided that the conveyance is approved by the Planning and Zoning Commission and is in a form approved by the Waukegan Park District; or
      (2) To a nonprofit organization whose principal purpose is the conservation of open space, to a corporation or trust owned or to be owned by the owners of lots or dwelling units within the residential cluster development, or to owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with the conveyances of the lots or dwelling units. The conveyance shall be approved by the Planning and Zoning Commission and shall be in a form approved by Corporation Counsel.
   b. In any case, where the common open space in a residential cluster development is conveyed pursuant to subparagraph 9a(1) above, a deed restriction enforceable by the City of Waukegan, shall be recorded that provides that the common open space shall:
      (1) be kept in the authorized condition(s); and
      (2) not be developed for principal uses, accessory uses (e.g., parking), or roadways.
10. Ownership and Maintenance of Common Facilities and Open Space: To ensure adequate planning for ownership, operation, and maintenance of common open space, recreational facilities, storm water facilities, sewage disposal facilities, common parking areas and driveways, private streets and other common or community facilities, the following shall apply:
   a. All common facilities shall be held in common ownership as undivided proportionate interest by the members of a Homeowners Association.
   b. The Homeowners Association shall be established and subject to the following provisions:
      (1) The organization shall be established as a corporation or a limited liability company by the owner or applicant and shall be in existence with financial subsidy by the applicant, if necessary, prior to the sale of any dwelling units in the development.
      (2) Membership in the organization shall be mandatory for all purchasers of dwelling units/ property therein and their successors.
      (3) The applicant shall provide a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities. Such documents shall be reviewed and approved to form by the City.

(4) The organization shall share equitably the costs of maintaining, insuring, and operating common facilities. Dedicated funds and/or accounts shall be established for maintenance and operation of common facilities. The documents governing maintenance of common facilities shall include adequate financial measures such as homeowners' dues to cover such costs.

(5) The organization shall have or hire adequate staff, contractor or property management company to administer, maintain, and operate common facilities.

(6) The Covenants, Conditions, and Restrictions (CC&R) shall contain language that is acceptable to the City governing the maintenance of common facilities. The language shall include provisions granting the City an access easement and the ability, but not the responsibility to inspect, maintain and repair common facilities.

c. In addition to the Homeowners Association or as an alternative thereto, fee simple dedication of common facilities to a public agency is allowed, provided the public agency agrees to such dedication. The residents of the residential cluster development shall hold a conservation easement on the land and facilities so dedicated, protecting the common open space from development in perpetuity.

d. The applicant shall provide a plan and written narrative for the use, maintenance and insurance of all common facilities, including provisions for funding, to the City. The City's approval of the plan is required. The plan shall at a minimal include the following:

(1) The defined ownership (members of the Homeowners Association);

(2) Responsibilities for regular and periodic maintenance services;

(3) A contract for professional maintenance services for private disposal systems, if the private disposal system serves more than one property owner;

(4) An open space plan that includes provisions for long-term management of the open space lands; and

(5) Provisions for an escrow fund, if the City, as a condition for approving the residential cluster development, requires sufficient funds are available for up to one year's worth of maintenance and operation costs of common facilities.

e. In the event the Homeowners Association, any successor organization thereto, or the property owners within the residential cluster development fails to properly maintain all or any portion of the common areas or facilities, the City may serve written notice setting forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified in the written notice, the homeowners' association, any successor organization thereto, or the property owners within the residential cluster development shall be considered in violation of the conditions of approving the residential cluster development, in which case the City shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the City shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

f. Common opens space lands may be leased by the residential cluster development to another person or other entity for use, operation, and maintenance, provided that:

(1) The residents of the residential cluster development shall at all times have access to such leased lands;

(2) The common open space lands to be leased shall be maintained for the purposes set forth in this section; and

(3) The lease, and any transfer or assignment thereof, shall be subject to the approval of the City.

3.11-12 Effect of Denial of a Conditional Use

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

3.11-13 Revocation

In any case where a conditional use has been approved, but any occupancy permit or building permit has not been applied for within one year from the date of granting thereof, then, without further action by the City Council, the conditional use or authorization thereof shall be null and void.

3.11-14 Expiration and Transferability

A conditional use approval shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than 12 months for any reason. However, the ownership of an authorized conditional use may be changed if the use remains unchanged.

3.12 SITE PLAN REVIEW

3.12-1 Intent

In order to exercise a more reasonable control of land use design features within areas of significant impact or critical concern, the City of Waukegan hereby establishes a site plan review process. It is recognized that there exists within the city areas of environmental sensitivity, and sites which because of their location possess potential for traffic-generation problems, over-crowding, and adverse environmental and/or safety effects. It is these areas or locations, which the City intends to subject to site plan review.

3.12-2 Site Plan Review Board

The Development Review Board shall act as the Site Plan Review Board.

3.12-3 Procedure

1. Every application for a zoning certificate or occupancy certificate within those areas designated as areas of significant impact or critical concern on the Site Plan Review Map shall be forwarded by the Zoning Administrator to the Development Review Board for its review, recommendations, and approval as to site design.
2. The Site Plan Review Map shall be prepared by the Planning and Zoning Commission, reviewed by the Development Review Board and adopted by the City Council. In their review of such applications, the Board shall utilize the comprehensive plan, all supplementary planning studies, and all development guidelines and standards that may be contained in the City of Waukegan site design standards. The Board shall return its recommendations to the Zoning Administrator within 10 days of receipt thereof.
3. In the case of permitted uses, the Zoning Administrator shall not issue a zoning certificate until he has received the recommendations of the Development Review Board.

3.12-4 Appeal

Any applicant shall have the right to appeal any decision or directive of the Development Review Board by filing an appeal with the Planning and Zoning Commission.

3.13 FEES

Any person, firm, corporation or agent, who shall file an application for an amendment, an appeal, a variation, a conditional use, or any other certificate or license required under the terms of this Ordinance, shall be charged a fee as follows:

3.13-1 Zoning District Changes

District – From or To	District – To or From	Fee
a. CR	ER1 or ER2	$300.00
b. CR, ER1, ER2	R1	$300.00
c. CR, ER1, ER2 or R1	R2 or R3	$350.00
d. CR, ER1, ER2, R1 or R2	R3	$350.00
e. CR, ER1, ER2, R1, R2 or R3	R4 or R4A	$450.00
f. CR, ER1, ER2, R1, R2, R3, or R4 (1-10 units)	R5	$500.00
g. CR, ER1, ER2, R1, R2, R3, or R4 (11-35 units)	R5	$600.00
h. CR, ER1, ER2, R1, R2, R3, or R4 (36-50 units)	R5	$700.00
i. CR, ER1, ER2, R1, R2, R3, or R4 (51+ units)	R5	$750.00
j. CR, ER1, ER2, R1, R2, R3, R4 or R5 (1-50 units)	R6	$600.00
k. CR, ER1, ER2, R1, R2, R3, R4 or R5 (51-100 units)	R6	$750.00
l. CR, ER1, ER2, R1, R2, R3, R4 or R5 (101+ units)	R6	$850.00
m. CR, ER1, ER2, R1, R2, R3, R4, R5 or R6 (1-100 units)	R7 or R8	$850.00
n. CR, ER1, ER2, R1, R2, R3, R4, R5 or R6 (101-150 units)	R7 or R8	$900.00
o. CR, ER1, ER2, R1, R2, R3, R4, R5 or R6 (151+ units)	R7 or R8	$1,000.00
p. R7	R8	$1,000.00
q. Any residence district	Any office or business district	$600.00
r. Any office or business district	Any office or business district	$650.00
s. Any residence or office or business district	I1	$650.00
t. Any residence or office or business district	I2	$700.00
u. I1	I2	$850.00
v. R6 or M-CR	L1	$650.00

Fees set in Section 3.13 are for single tracts not separate by a street or alley. When more than 2.5 acres are involved, an additional fee will be added to the fee set in 3.13 as follows:

a.	2.51 to 5 acres	$300.00
b.	5.1 to 10 acres	$500.00
c.	10.1 to 50 acres	$700.00
d.	50.1 or more acres	$1,000.00

3.13-2 Conditional Uses and Variances

a. Residential, Office, Business or Industrial

(1)	Residential as per Section 3.8-4 and 3.11 generally	$300.00
(2)	Residential: R5, R6, R7, R8 (except PUD or cluster)	$500.00
(3)	Office or Business (except PUD or cluster)	$500.00
(4)	Industrial (except PUD or cluster)	$500.00

b. Planned Unit Developments

(1)	Residential: CR, ER1, ER2, R1, R2, R3, R4, L1	1-15 units	$500.00
		16-50 units	$600.00
		51-200 units	$700.00
(2)	Residential: R5, R6, R7, R8	1-100 units	$700.00
		101-150 units	$800.00
		151-200 units	$900.00
		201+ units	$1,000.00
(3)	Office or business		$600.00
(4)	Industrial		$700.00

c.	Telecommunication tower/antenna	$5,000.00
d.	Medical Cannabis Cultivation Center	$5,000.00
e.	Medical Cannabis Dispensary	$5,000.00
f.	Any Recreational Cannabis Business Establishment	$5,000.00

3.13-3 Cluster development

a.	CR, ER1, ER2, R1, R2, R3, R4	3-15 units	$500.00		
		16-50 units	$550.00		
		51-200 units	$600.00		
		201+ units	$1,000.00		
b.	R5, R6, R7, R8	1-100 units	$650.00	151-200 units	$750.00
		101-150 units	$700.00	201+ units	$800.00

3.13-4 Amendments to Existing Conditional Use Permits

Publication fee and Plan Review $300.00

3.13-5 Fees set in Section 3.13 shall apply in the reverse, i.e. R1 to ER1 = $300.00; ER1 to R1 = $300.00.

3.13-6 The special publication fee shall be $150.00.

3.13-7 The fee for a special meeting shall be $1,000.00.

3.13-8 The fee for Certificates of Zoning for building permit purposes shall be $100.00.

3.13-9 The fee for filing an appeal from the Zoning Administrator shall be $300.00.

3.13-10 Any person, firm, or corporation who may hereafter file any petition for annexation of land to the corporate limits of the City shall at the time of filing such petition pay to the City of Waukegan the following sums to defray the necessary costs and expenses incident to the processing of such petition:

1. Subdivided Lots:
   a. Less than one (1) acre $150.00 per lot
   b. One (1) acre or more $200.00 per acre or portion thereof
2. Unsubdivided Parcels:
   a. Less than one (1) acre $150.00 per parcel
   b. One (1) acre or more $200.00 per acre or portion thereof
3. The maximum fee per annexation petition for subdivided lots of less than one (1) acre will be $1,500.00.
4. The maximum fee per annexation petition for unsubdivided parcels of one (1) acre or more will be $1,500.00.
5. All fees are not inclusive of the County Recorder's fee.

3.13-11 Cost Recovery Fees

1. Fee Established. Every petition filed and processed pursuant to the Zoning Ordinance that requires the City to incur third party costs or expenses, including, without limitation, legal fees incurred by the office of Corporation Counsel or any attorney or firm retained by the City, shall be subject to the cost recovery fee and escrow provisions set forth in this subsection. The cost recovery fee shall be in addition to any and all other filing fees and other charges established pursuant to the Zoning Ordinance. For purposes of this subsection (a) the term "Zoning Ordinance" shall be deemed to include petitions for all land development matters filed with the City including, in the discretion of the Zoning Administrator, the subdivision of property pursuant to the City's Subdivision Ordinance; (b) the word "petition" shall be deemed to include and refer to any and all petitions and applications filed or processed pursuant to the Zoning Ordinance; and (c) the word "City" shall be deemed to include any costs incurred by the Waukegan Renaissance Commission in its review and consideration of any petition.

   The provisions of this subsection 3.13-11 shall also apply to any petitions for annexation to the City.
2. Responsibility for Payment. The owner of the property that is the subject of the petition and, if different, the petitioner, shall be jointly and severally liable for the payment of the cost recovery fee, and for the establishment of the cost recovery escrow. By signing the petition, the owner or petitioner shall be deemed to have agreed to pay, and to have consented to, the cost

recovery fee, plus any costs of collection, that have not been paid within 30 days following the mailing of a written demand for payment to the owner or petitioner at the address set forth on the petition, including any additional cost recovery fees assessed under Subsection 3.13-8 (1) (c). Any lien filed pursuant to this Subsection 3.13-8 (1) (c) may be foreclosed in the manner provided for mortgages or mechanics liens under Illinois law.

3. Recoverable Costs. For purposes of calculating the cost recovery fee, the costs incurred by the City with respect to the following items shall be deemed to be the "actual costs" incurred by the City in processing a petition:
   a. Publication of notices;
   b. Court reporter, including the cost of two transcripts;
   c. Professional and technical consultant services;
   d. Corporation Counsel, or other City retained attorney or law firm, consultation, meeting attendance, document preparation, and review;
   e. Copy reproduction;
   f. Document recordation;
   g. Mailing costs.
4. Cost Recovery Fee Payment and Cost Recovery Escrow.
   a. Initial Payment and Cost Recovery Escrow. Every petition shall be accompanied by the required petition fee plus an advance estimate of the cost recovery fee, to be deposited in the cost recovery escrow account established by the City. The advance estimate shall be in an amount established and adjusted from time to time by administrative order of the Zoning Administrator. No interest shall be payable on any funds retained in such escrow account.
   b. Charges against Cost Recovery Escrow. From the date of filing of any petition, the City shall maintain an accurate record of the actual costs of processing the petition. The Zoning Administrator or his designee shall, from time to time, draw funds from the cost recovery escrow account established for the petition to pay such actual costs and shall transfer the funds to the appropriate City accounts. The Zoning Administrator or his designee shall maintain an accurate record of all the drawings from the cost recovery escrow account.
   c. Additional Cost Recovery Escrow Deposits. Should the Zoning Administrator or his designee at any time determine that the cost recovery escrow account established in connection with any petition is, or likely to become, insufficient to pay the actual costs of processing the petition, the Zoning Administrator or his designee shall provide notice of the insufficiency to the owner or petitioner and demand an additional deposit in an amount deemed by the Zoning Administrator or his designee to be sufficient to cover current and foreseeable additional costs. If the additional deposit is not provided to the Zoning Administrator or his designee within 30 days of the mailing of notice and demand to the owner or petitioner, the Zoning Administrator or his designee may direct that processing of the petition be suspended or terminated.
   d. Final Settlement. As soon as reasonably feasible following final action on a petition, the Zoning Administrator or his designee shall cause a final accounting to be made of the cost recovery escrow deposits made in connection with the petition and of the actual cost of processing the petition and shall make a final charge of the actual costs against the cost recovery escrow deposits. A copy of the accounting shall be provided to the owner and the petitioner.
   e. Insufficient Amounts; Reimbursement. If the amount in the cost recovery escrow account is insufficient to pay the total actual costs, a written demand for payment of the balance due shall be mailed to the owner and the petitioner. Any remaining funds in the cost recovery

escrow account after payment of the total actual costs due pursuant to this subsection shall be returned to the owner or petitioner, as applicable.

5. Condition of All Petitions, Approvals, and Permits. No petition filed pursuant to the Zoning Ordinance shall be considered complete unless and until all fees and deposits due pursuant to this subsection have been paid. Every approval granted and every permit issued pursuant to the Zoning Ordinance shall, whether or not expressly so conditioned, be deemed to be conditioned upon payment of cost recovery fees as required by this subsection.
6. Tolling of Time Periods. Where the Zoning Ordinance provides that the passage of time without decision or action shall be deemed an approval or a recommendation for approval, time periods shall be tolled during any period of non-payment of the cost recovery fees and deposits due pursuant to this subsection.
7. Failure to Pay Cost Recovery Fees. The failure to pay in full when due any cost recovery fee or deposit required under this subsection shall be grounds for refusing to process a petition and for denying or revoking any permit, or approval sought or issued with respect to the land or development to which the unpaid cost recovery fee or deposit relates.
8. Specified Public Bodies Exempt. The provisions of this subsection 3.13-8 shall not apply to, and no cost recovery fee shall be required of, any public body or agency deriving the majority of its revenues from taxes levied within the City.

3.14 PENALTIES

Any person, firm or corporation who violates, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be subject to a fine of not less than $25.00 or more than $750.00 for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

ARTICLE 4 GENERAL PROVISIONS

4.1 INTERPRETATION

4.1-1 Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, prosperity, and general welfare.

4.1-2 Conflicting Laws

Where the conditions imposed by any provision of this Ordinance, upon the use of land or buildings or upon the bulk of the buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall govern.

4.1-3 Innovation Encouraged

Although the district requirements are stated in very specific terms in most instances, reasonable flexibility is offered through such devices as conditional use, planned development, floor area ratio, and variations. A principal objective of this Ordinance is the encouragement of the appropriate innovation.

4.1-4 Existing Agreements

This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

4.1-5 Existing Violations

No building, structure, or use which was not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any manner that, said unlawful building, structures, or use is in conflict with the requirements of this Ordinance, said building, structure, or use remains unlawful hereunder.

4.2 SEPARABILITY

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are separable, in accordance with Sections 4.2-1 and 4.2-2.

4.2-1 Ordinance Application

If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

4.2-2 Property Application

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

4.3 SCOPE OF REGULATIONS

4.3-1 Cumulative Regulations

All buildings erected hereafter, all uses of land or buildings established hereafter, and all structural alterations or relocation of existing buildings occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

4.3-2 Building Permits

Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this Ordinance and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, said 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 by the use for which originally designated, subject thereafter, to the provisions of Article 5, Nonconforming Buildings, Structures, and Uses.

4.3-3 Permit Limitations

Where the Zoning Administrator has issued a permit pursuant to the provisions of this Ordinance, such permit shall become null and void unless work thereon is begun within six (6) months of the date of the issuance of such permit by the Zoning Administrator and diligently prosecuted to completion.

4.3-4 Conditional Use Permit Limitations

A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than 12 months for any reason, unless this a time period is extended by the City Council or Development Review Board.

4.3-5 Open Use

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 Ordinance, except that side yards shall not be required on lots used for garden purposes without buildings or structures and no side or front yards shall be required on lots used for public recreation areas.

4.3-6 Conservation and Residence District Limitations

No land which is located in a Conservation or Residence District shall be used for driveway, walkway, or access purposes to any land which is located in a Business or Industrial District, or used for any purpose not permitted in a Residence District.

4.4 REGULATIONS FOR UNIQUE USES

4.4-1 Fences, Walls, and Hedges

1. General Provisions
   a. Permit Required. No fence, whether required or permitted by this Ordinance, shall be constructed without first obtaining a fence permit from the Waukegan Building Department. Application shall be made on forms provided by the Building Department and shall include the following information:
      (1) Name and address of the property owner.
      (2) A Survey of the property showing the location of the proposed fence.
      (3) A detailed drawing of the proposed fence showing the height of the fence and its structure or method of construction; or
      (4) A detailed description of the proposed fence including the height and structural specifications.
      (5) For required planting screens, a planting plan and a list of plant materials including the number, botanic and common name, size as installed, size at maturity, and length of time needed to achieve maturity.
   b. Fees. Fees for fence permits shall be paid in accordance with the schedule of fees established by the Waukegan City Council.
   c. Location and method of installation. Fences and planting screens may be located within property lines in accordance with the regulations established herein, and no fence shall be erected in the public right-of-way except by a public body having proper authority. The finished side of all fences shall face the exterior of the property on all sides.
   d. Clear View of Intersections. No fence or other barrier shall be constructed so as to block the view of pedestrians or motorists at the intersections of public streets, private streets, alleys, or driveways.
   e. Occupancy Permits. All fences required by this section shall be installed prior to the issuance of an occupancy permit as provided by the Waukegan Zoning Ordinance for the principal use or prior to the actual use of any accessory use required to be fenced or screened and for which an occupancy permit is not required.
   f. Site Plan Review. For any conditional use for which this Ordinance establishes a requirement for either fencing or screening, or for any front yard proposed to be erected, a site plan of such use shall be submitted to the Development Review Board, and no zoning certificate shall be issued without the Board's approval of the site plan.
   g. Waiver. The owner of any use required to be fenced may petition the Development Review Board for a waiver of such requirements where a topographic survey or site inspection clearly demonstrates that, because of the surrounding topography, such fence or screen would be ineffective to accomplish the goals of this Ordinance. The Board, in granting such a waiver, may require as a condition of such waiver, the installation of a buffer of trees or other plant material.
   h. Barbed Wire and Electrically Charged Fences. The use of barbed wire or electrically charged–fences is prohibited on all residential lots. Such fences may be approved by the Development Review Board for lots other than residential, but not below a height of seven feet.
   i. Maintenance of Fences. Any fence or planting screen required by this Ordinance or required as a condition of approval of any conditional use shall be continuously maintained for the duration of such use.

j. Overlapping Provisions. Where the requirements of this section are in conflict, the subsection requiring the greatest height or density shall prevail.

2. Fences in Residence Districts. The following regulations shall apply in Conservation and Residence districts.
   a. Permitted Fences. Fences are prohibited in any required front or corner side yard, except that an ornamental fence may be erected to a height of no greater than four feet pursuant to site plan review procedures. In any required interior side or rear yard a fence may be erected to a height of no greater than six feet.
      (1) Nonconforming fences located on lots zoned ER-1 Estate Residence, at least 200,000 square feet in size, and forcibly annexed into the City of Waukegan under ordinances #06-O-12 and #06-O-13 may be rebuilt if destroyed and said fences were erected prior to February 6, 2006.
      (2) Pursuant to site plan review procedures, fences located on any of the eligible aforementioned lots in subparagraph (1) above may be erected up to a height of 6 feet in any required front or corner side yard.
   b. Required Fences.
      (1) In any required front yard, any utility meter, valve, pressure regulator, transformer, tank, or any other similar piece of equipment shall be screened with a planting screen to a height of the object being screened or four feet, whichever is less.
      (2) For any multi-family residence containing more than 4 units or a group of buildings totaling more than 4 units and sharing common trash containers, such trash containers shall be fenced with an opaque fence or a planting screen to a height of at least 5 feet in accordance with the housing code.
      (3) Any parking lot containing more than 4 spaces adjoining a single family residential district shall be fenced or screened from such residential district with an opaque fence or screen to a height of at least 4 feet, but not more than 6 feet.
3. Fences in Business and Office Districts.
   a. Permitted Fences.
      (1) Fences are prohibited in any required front or corner side yard, except that an ornamental fence may be erected to a height of no greater than 4 feet pursuant to site plan review procedures. In any required interior side or rear yard, fences not exceeding 8 feet may be erected.
   b. Required Fences.
      (1) In any required front yard, any utility meter, valve, pressure regulator, transformer, tank, or any other similar piece of equipment shall be screened with a planting screen to a height of the object being screened or 4 feet, whichever is less.
      (2) The side or rear lot line of any lot in a business or office district which adjoins a residential district, whether or not there is an intervening alley, but not where there is any other intervening right-of-way, shall be fenced with an opaque fence or planting screen to a height of not less than 6 feet nor more than 8 feet.
      (3) In all business and office districts, any automobile parking lot which adjoins a residential district shall be screened with an opaque fence or landscape screen to a height of at least 4 feet.
      (4) In all business and office districts, parking areas for trucks, trailers and heavy equipment, where permitted, shall be screened from any adjoining residential district or from the public right-of-way with an opaque fence or landscape screen to a height of at least 5 feet, but not more than 8 feet.

(5) All exterior trash receptacles; material, product and equipment storage areas; tanks, electrical transformers; and all similar items shall be fenced with a security fence and screened from any residential district or the public right-of-way with an opaque fence or landscape screen to a height of at least 6 feet but not more than 8 feet.

(6) Any transitional yard located outside an opaque fence shall be landscaped with a suitable ground cover and the planting of at least one shade tree of an approved species for each 30 feet of length of the common property line between the business and residential districts. Such landscaped yard shall be maintained free of weeds and trash.

4. Fences in Industrial Districts. The following regulations shall apply in all industrial districts.
   a. Permitted Fences. Fences are prohibited in any required front or corner side yard, except that an ornamental fence may be erected to a height of no greater than 4 feet pursuant to site plan review procedures. In any required interior side or rear yard, fences not exceeding 8 feet may be erected.
   b. Required Fences.
      (1) In any required front yard, any utility meter, valve, pressure regulator, transformer, tank, or any other similar piece of equipment shall be screened with a planting screen to a height of the object being screened or 6 feet, whichever is less.
      (2) The side or rear lot line of any lot in an industrial district which adjoins a residential district, whether or not there is an intervening alley, but not where there is any other intervening right-of-way, shall be fenced with an opaque fence or planting screen to a height of not less than 6 feet nor more than 8 feet.
      (3) In all industrial districts, any automobile parking lot which adjoins a residential district shall be screened with an opaque fence or landscape screen to a height of at least 4 feet.
      (4) In all industrial districts, parking areas for trucks, trailers and heavy equipment, where permitted, shall be screened from any adjoining residential district or from the public right-of-way with an opaque fence or landscape screen to a height of at least 5 feet, but not more than 8 feet.
      (5) All exterior trash receptacles; material, product and equipment storage areas; tanks, electrical transformers; and all similar items shall be fenced with a security fence and screened from any residential district or the public right-of-way with an opaque fence or landscape screen to a height of at least 6 feet but not more than 8 feet.
      (6) Any transitional yard located outside an opaque fence shall be landscaped with a suitable ground cover and the planting of at least one shade tree of an approved species for each 30 feet of length of the common property line between the business and residential districts. Such landscaped yard shall be maintained free of weeds and trash.

4.4-2 Temporary Uses

1. Subject to the limitations of this Section, temporary uses as hereinafter specified are permitted in the zoning districts hereinafter specified.
2. Definition. A temporary use is a use that:
   a. Is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; and
   b. Does not involve the construction or alteration of any permanent structure.

3. Certificate of Zoning Compliance required; Special Standards for Issuance and Revocation.
   a. Certificate Required. Except as provided in Section 4.a below, no temporary use shall be established or maintained unless a Certificate of Zoning Compliance evidencing the compliance of such use with the provisions of this Code shall have first been issued in accordance with Section 3.6 of this Ordinance.
   b. Bases for Certificate Denial. Such a Certificate may be denied if the Zoning Administrator determines that the applicant has failed to comply with the standards, conditions or terms of any previously issued zoning certificate for a temporary use or that the permanent use of the subject property fails to comply in all respects with the provisions of all City ordinance~~s~~ regulating the development, use and maintenance of the property. Such a certificate shall be denied if the Zoning Administrator determined that the public health, safety, or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof.
   c. Conditions. Such a Certificate may be conditioned upon such special requirements as the Zoning Administrator may determine are necessary to achieve the purposes of this Ordinance and to protect the public health, safety, and welfare.
   d. Revocation of Certificate. Such a Certificate shall be revoked if any of the standards and conditions imposed pursuant to this Section are violated.
4. Permitted Temporary Uses. Subject to the specific regulations and time limits that follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses, and no others, are permitted in the zoning districts herein specified:
   a. House, apartment, garage and yard sales: In any Residential District, but only when limited to the personal possessions of the owner-occupant of the dwelling unit at which such sale is being conducted. Such use shall be limited to a period not to exceed three consecutive days and no more than three such sales shall be conducted from the same residence in any twelve-month period. No Certificate of Zoning Compliance shall be required for such use.
   b. Indoor and outdoor art, craft and plant shows, exhibits and sales: In any Business, Office, Industrial or Conservation District; provided, however, that any such use shall require the specific prior approval of the Zoning Administrator on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Every such sale shall be limited to a period not to exceed three days and not to exceed three times per year.
   c. Christmas tree sales. In any Business, Office or Industrial District and, in addition, when conducted by a not-for-profit religious, philanthropic or civic group or organization on property owned or leased by such group or organization, in any Residential or Conservation District; provided, however, any such use shall require the specific prior approval of the Zoning Administrator on the basis of the adequacy of the parcel size, parking provisions and traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed 30 days. Display of Christmas trees need not comply with the yard requirements of this Code, except that no tree shall be displayed so as to interfere with vehicular lines of sight at intersections.
   d. Contractors' offices and equipment sheds: In any district when accessory to a construction project. No such use shall contain any sleeping or cooking accommodations. Such use shall be held to a period not to exceed the duration of the active construction phase of such project.
   e. Real estate offices, including model units: In any district where such use is accessory to a new development. No such use shall contain any sleeping or cooking accommodations unless located in a model dwelling unit. Such use shall be limited to the period of the active

selling or leasing of units or space in such development and to activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm.

f. Carnivals and circuses: In any district, but only when sponsored by a not-for-profit religious, philanthropic or civic group or organization; provided, however, that any such use shall require the specific prior approval of the Zoning Administrator on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Such use shall need not comply with the yard requirements of this Ordinance except that structures or equipment that might block the view or operators of motor vehicles on any public or private street shall not be located to interfere with vehicular lines of sight at intersections. Such use need not comply with the maximum height requirements of this Ordinance. The concessionaire responsible for the operation of any such carnival or circus shall:
   1) Submit in advance of the event date a site layout displaying adequate ingress and egress routes for emergency vehicles and no dead-end aisles.
   2) Provide fire extinguishers of a type and at site locations approved by the Zoning Administrator.
   3) Provide and service metal refuse containers in the number and locations required by the Zoning Administrator.
   4) Upon written notice from the Zoning Administrator, terminate the use of any amusement device or structure found by the Zoning Administrator to pose a threat to public safety or the general welfare.

g. Tents.
   1) In any district, in connection with any permitted, accessory, temporary or special conditional use permit, no tent shall be allowed to remain for a period of more than two days longer than the period during which the use with which it is associated is allowed to remain or, in the absence of any such period, ten days. Unless waived in writing by the Zoning Administrator, every tent shall comply with the bulk, yard and space requirements applicable in the district in which such temporary use is located.
   2) No tent shall be erected, used or maintained for living quarters.
   3) The requirements for tents used for purposes other than residential shall be as specified in appropriate sections of the municipal code.

h. Other temporary uses or structures as approved by the Zoning Administrator pursuant to these regulations.

i. Outdoor dining establishments.

5. Bulk, Yard and Space Regulations. Except as expressly provided otherwise in subsection 4 above, every temporary use shall comply with the bulk, yard and space regulations applicable in the district in which such temporary use is located.

6. Use Limitations.
   a. General Limitations. Every temporary use shall comply with the use limitations applicable in the district in which it is located as well as with the limitations made applicable to specified temporary use by Section 4.4-2(4) above. No temporary use shall be permitted if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area as a whole.
   b. Hours and Days of Operation. No temporary use shall be operated during any hours or on any days of the week except such as are designated by the Zoning Administrator in the

certificate required by Section 4.4-2(3) on the basis of the nature of the temporary use and the character of the surrounding area.

c. Public Safety. No temporary use shall be permitted unless the Fire and Police Department shall have first certified that such use will result in no additional, undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with such restrictions and conditions as said Departments may require in connection with such certification. If required by the Zoning Administrator, the operator of the temporary use shall employ a fire watch team and appropriate security personnel.
d. Traffic. No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.
e. Conflicts with other Temporary Uses. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.
f. Sign Limitations. Signs shall be located only on the same zoning lot as the temporary use; be limited to no more than one per street frontage; be set back at least six feet from the front lot line; be no larger than six square feet in area in any residential district or 20 square feet in area in any other district; be of sturdy construction and not be detrimental to the character of the area. Such signs shall not be erected sooner than 24 hours before the commencement of the temporary use and shall be removed within 24 hours following the termination of the temporary use.
g. Parking. Before approving any temporary use, the Zoning Administrator shall make an assessment of the total off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Zoning Administrator, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in question.
h. Additional Conditions. Every temporary use shall, in addition, comply with, and the Zoning Administrator may impose, such other conditions as may reasonably be necessary to achieve the purposes of this Ordinance or to protect the public health, safety, and welfare.

4.4-3 Home Occupations

1. Subject to the limitations of this Section, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.
2. Definition. A home occupation is a business, profession, occupation or trade that:
   a. Is conducted for gain or support by a full-time occupant of a dwelling unit; and
   b. Is incidental or secondary to the use of such dwelling unit for dwelling purposes; and
   c. Does not change the essential residential character of such dwelling unit.
3. Certificate of Zoning Compliance Required.
   a. No home occupation shall be established or maintained unless a Certificate of Zoning Compliance evidencing the compliance of such home occupation with the provisions of this Code shall have first been issued in accordance with Section 3.6 of this Code.
   b. Legal home occupations existing on the date this Ordinance as adopted are exempt from obtaining a Certificate of Compliance.

4. Use Limitations
   a. General Limitations. Every home occupation shall comply with the use limitations applicable in the district in which it is located.
   b. Employee Limitations.
      (1) The entrepreneur of every home occupation shall be domiciled in the dwelling unit where such occupation is conducted.
      (2) No more than one person that is not domiciled in the dwelling unit where a home occupation is conducted shall be employed in connection with, or otherwise participate in the operation of, such occupation.
   c. Structural Limitations.
      (1) No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use.
      (2) No separate entrance shall be provided in connection with the conduct of any home occupation.
   d. Operational Limitations.
      (1) Every home occupation shall be conducted wholly within a principal dwelling unit or any permitted accessory structure.
      (2) No more than a total of 400 square feet of floor area of any dwelling unit or any permitted accessory structure shall be devoted to the conduct of a home occupation.
      (3) No stock in trade shall be displayed or sold on the premises of any home occupation.
      (4) No routinely scheduled gathering of patients, clients, subcontractors, or employees associated with any home occupation shall be allowed upon the premises of the home occupation except that attendance of up to four children may be allowed at a day care nursery operated as a home occupation.
      (5) No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, outside the dwelling unit that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.
      (6) No outdoor storage shall be allowed in connection with any home occupation.
      (7) No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home occupation.
      (8) No more than one vehicle used in commerce shall be permitted in connection with any home occupation and any such vehicle shall be stored in an enclosed garage at all times.
   e. Signage and Visibility.
      (1) No sign shall advertise the presence or conduct of the home occupation.
      (2) Except for a name plate sign as specified in Section 8.2.1 of the Waukegan Sign Ordinance, no home occupation shall be in any manner visible or apparent from any public or private street.
   f. Traffic Limitations. No home occupation shall generate more traffic than is typical of residences in the area.
   g. Nuisance-Causing Activities. In addition to the foregoing specific limitations, no home occupation shall cause any nuisance or be noxious, offensive or hazardous.
   h. Licensing Requirements. Every home occupation shall be subject to applicable business licensing and inspection requirements.

4.5 NUMBER OF BUILDINGS ON A RESIDENTIAL ZONING LOT

4.5-1 Single Family Districts

Except in case of planned developments, not more than one principal detached single-family residential building shall be located on a zoning lot, nor shall a principal detached single-family residential building be located on the same zoning lot with any other principal building.

4.5-2 Two-Family and Multi-Family Districts

Except in cases of planned developments, there shall be a minimum of 30 feet between buildings.

4.6 MINIMUM LOT SIZE

1. Every residential building hereafter erected on a lot or parcel of land created subsequent to the effective date of this ordinance shall provide a lot or parcel of land in accordance with the lot size requirement of the district within which it is located.
2. In any Residence District, on a lot of record on the effective date of this Ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this Ordinance are complied with. However, where two (2) or more contiguous substandard recorded and undeveloped lots are in common ownership and are of such size as to constitute at least one conforming zoning lot, such lots or portions thereof shall be so joined, developed, and used for the purposes of forming an effective and conforming zoning lot or lots. Such contiguous substandard lots in common ownership shall be considered as being maintained in common ownership after the effective date of this Ordinance for zoning purposes.
3. In no case shall a lot created illegally be considered a lot of record.
4. Existing legally platted substandard lots are allowed for development for the use permitted in the district, if their deficiencies are within 25% of the minimum standard established for the district.

4.7 ACCESSORY BUILDINGS

4.7-1 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.

4.7-2 Percentage of Required Yard Occupied

No detached accessory building or buildings shall occupy more than 40 percent of the area of a yard.

4.7-3 Height, Size and Location of Accessory Buildings

No detached accessory building or structure shall exceed the height of the principal building or structure on the same lot or principal buildings/structures on adjoining properties. The footprint and/or area of accessory buildings shall not exceed that of the principal building. In addition, no detached accessory building or structure shall be built in front of the rear building line of the principal building or structure on the same lot, or principal buildings/structures on adjoining properties.

4.7-4 Reversed Corner Lots

1. On a reversed corner lot in a Residence District, and within 15 feet of any adjacent property to the rear in a 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 two-thirds (2/3) the least depth which would be required under this Ordinance for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory buildings shall be located within six (6) feet of any part of a rear lot line which coincides with the side lot line or portion thereof of property in any Residence District.
2. 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.

4.7-5 Separation between Buildings

Detached accessory buildings or structures shall be located no closer than six (6) feet to any other accessory or principal building.

4.7-6 Exemptions

1. Accessory buildings used for the stabling of horses in the ER-1 Estate Residence District shall be exempt from the requirements of Section 4.7-3, "Height, Size and Location of Accessory Buildings", above in regards to the location, footprint and/or area of such accessory buildings. The height of such accessory buildings shall not exceed the maximum height allowed within said district without the approval of a variance, subject to the requirements of Section 3.8, Variances.
2. Principal buildings that are located within, or partially within, the required rear yard (and do not allow for the location of an accessory building behind the rear building line pursuant to the restrictions of Section 4.7-3 above) may be allowed subject to review and approval by the Development Review Board.

4.8 BULK REGULATION

4.8-1 Continued Conformity with Bulk Regulations

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, 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, other open space, or minimum lot area requirements for any other building.

4.8-2 Division of Zoning Lots

No improved zoning lot shall hereafter be divided into two or more zoning lots and no portion of any improved zoning lot shall be sold, unless all zoning lots resulting from each such division or sale shall conform with all the applicable bulk or size regulations of the zoning district in which the property is located.

4.8-3 Location of Required Open Space

All yards and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.

4.8-4 Required Yards for Existing Buildings

No yards, now or hereafter provided for a building existing on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance for equivalent new construction.

4.8-5 Permitted Obstructions in Required Yards

The following shall not be considered to be obstructions when located in the required yards specified:

1. In All Yards
    a. Patios and open terraces not over three (3) feet above the average level of the adjoining ground, but not including a permanently roofed-over patio, terrace or porch.
    b. Awnings and canopies.
    c. Steps four (4) feet or less above grade, which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
    d. Chimneys projecting three (3) feet or less into the yard.
    e. Approved freestanding signs in conformance with the Waukegan Sign Ordinance.
    f. Arbors or trellises.
    g. Flagpoles.
    h. Window unit air conditioners projecting not more than 24 inches into the required yard.
    i. Outside elements of central air conditioning units projecting not more than four (4) feet into the required yard.
    j. Fences or walls subject to applicable height restrictions of Section 4.4
    k. Overhanging eaves and gutters projecting four (4) feet or less into the yard.
    l. Balconies projecting four feet or less into the yard.
    m. Driveways, when extending to an attached garage.
    n. Driveways, when extending to a parking area or detached garage located in the rear or interior side yard.
2. In Front Yards
    a. Bay windows projecting four feet or less into the yard.
    b. Natural gas generators shall be allowed in front yards and corner side yards only by a variation granted by the City Council.
3. In Rear Yards
    a. Open off-street parking spaces in conformance with Article 12.
    b. Balconies.
    c. Recreational and laundry drying equipment.
    d. Fallout shelters.
    e. Breezeways and open porches.
    f. One-story bay windows projecting four (4) feet or less into the yard.
    g. Natural gas generators shall be permitted obstructions in rear yards or interior side yards only if the following conditions are strictly complied with:
        (1) The natural gas generator shall be effectively screened from view with dense plant screening or sound attenuating fencing. The screening material used shall rise to a height that is a minimum of one and one-half (1-1/2) feet above the top of the unit.

(2) The decibel level of the unit, after the screening is in place, shall not exceed seventy-five (75) decibels as measured from the nearest property line.

h. Car corral

4. Percentage of Required Yard Occupied. Permitted obstructions and detached accessory structures shall not, in the aggregate, occupy more than 40 percent of any yards, nor be larger than the principal structure at ground level.

4.9 EXISTING CONDITIONAL USES

4.9-1 Legal Conditional Use

Where a use is classified as a conditional use under this Ordinance and exists as a conditional or permitted use at the date of the adoption of this Ordinance, it shall be considered to be a legal conditional use.

4.9-2 Legal Nonconforming Conditional Use

Where a use is not classified as a conditional or permitted use under this Ordinance, and exists as a conditional use at the adoption of this Ordinance, it shall be considered to be a legal nonconforming conditional use and shall be subject to the applicable nonconforming use provisions of Article 5.

4.10 FLOODPLAIN REGULATIONS

The land use regulations contained in this Ordinance shall be supplemented by the flood damage prevention ordinance of the City of Waukegan.

4.11 SIGN CONTROLS

Signs shall be regulated in conformance with the Waukegan Sign Ordinance.

4.12 DEVELOPMENT OF AIR RIGHTS

The development of air rights above land located in any zoning district and utilized for public or private use shall be permitted subject to all the requirements of the zoning district within which such development is located. However, plans for all such air rights development shall be submitted to the Planning and Zoning Commission, in the same manner as application for conditional uses, for its recommendations as to the appropriateness of the development in regard to the location of structures, to the physical development of said air rights. Such recommendations shall be forwarded to, and shall be subject to, the approval of the City Council.

4.13 INTERPRETATION OF USE LISTS

1. The Zoning Administrator may allow land uses (permitted or conditional) which, though not contained by name in each zoning district's list of permitted or conditional uses, are deemed to be clearly similar in nature to the listed uses.
2. All non-listed uses, which are tentatively approved by the Zoning Administrator, shall be added to the appropriate use list by ordinance at the time of periodic updating and revision.

4.14 HEIGHT REGULATIONS IN THE VICINITY OF AIRPORTS

Airports and surroundings are subject to the rules and regulations of the State of Illinois Department of Aeronautics and to the following:

4.14-1 Height of structures

Height of structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the State of Illinois Department of Aeronautics shall be in accordance with the requirements set forth in the approach plan of Waukegan Port Authority Zoning Ordinance.

4.14-2 Structures exceeding the limiting heights

Structures exceeding the limiting heights shall be considered obstructions to air navigation unless found not to be objectionable after special aeronautical study. Such structures may be specifically authorized as a variation pursuant to Development Review Board or Planning and Zoning Commission procedures.

4.15 REGULATIONS FOR TELECOMMUNICATIONS FACILITIES

4.15-1 Applicability

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

4.15-2 General Provisions

1. The purpose of this Section 4.15 is to establish general guidelines for the siting of towers and antennae. The goals of this Section 4.15 are to:
   a. encourage the location of towers in non-residential areas and minimize the total number of towers throughout the City;
   b. encourage strongly the joint use of new and existing tower sites;
   c. encourage users of towers and antennae to locate them, to the extent possible, in areas where the adverse impact on the City is minimal;
   d. encourage users of towers and antennae to configure them in a way that minimizes the adverse visual impact of the towers and antennae;
   e. enhance the ability of the providers of telecommunications services to provide such services to the City quickly, effectively, and efficiently; and
   f. require users of towers and antennae to utilize property owned or controlled by the City. If no such property exists, then consideration shall be given to property owned or controlled by the County of Lake, Waukegan Park District, Waukegan School District or any township located within the corporate limits of the City of Waukegan.
2. Principal or Accessory Uses. Antennae and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot or parcel shall not preclude the installation of an antenna or tower on such lot or parcel. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot or parcel shall control, even though the antennae or towers may be located on leased parcels within such lots or parcels. Towers that are constructed, and antennae that are installed, in accordance with the provisions of this Section 4.15 shall not be deemed to constitute the expansion of a nonconforming use or structure.
3. Each applicant for an antenna and/or tower shall provide to the City an inventory of its existing towers that are within the jurisdiction of the City and within two (2) miles of the border thereof,

including specific information about the location, height, and design of each tower. The City may share such information with other applicants applying for permits under this Section 4.15 or other organizations seeking to locate antennae or towers within the City, provided, however that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. The following guidelines set forth shall govern the location of all towers, and the installation of all antennae, governed by this Section 4.15; provided, however, that the City may waive these requirements if it determines that the goals of this Section 4.15 are better served thereby.
   a. Towers shall be painted a neutral color, so as to reduce visual obtrusiveness and be galvanized to prevent corrosion.
   b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and existing structures.
   c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
   d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City shall review the available lighting alternatives and approve the design that would cause the least visual disturbance. No illumination system may be utilized to illuminate the support building or the balance of the installation, except as explicitly required by federal law.
   e. All installations must comply with the construction standard modeled after the American National Standards Institute's ("ANSI") Standard. Towers shall be designed in accordance with "Structural Standards for Steel Antenna Towers and Antenna Support Structures," (ANSI/TIA/EIA-222-F), and all other applicable federal and state laws and regulations, and must specifically meet or exceed current standards and regulations of the FAA, the FCC, and any other applicable federal or state regulations. If such standards and regulations are changed, then the owners of the towers and antennae governed by this Section 4.15 shall bring such towers and antennae into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring towers and antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
   f. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study that provides a technical evaluation of existing and proposed transmissions and indicate all potential interference problems. Before the introduction of new service or changes to existing service telecommunications, providers shall notify the City at least 10 business days in advance to such changes, thus allowing the City to monitor interference levels during applicants said testing process.
   g. To ensure the structural integrity of the towers and antennae, the owner of a tower/antenna shall ensure that it is maintained in compliance with the City building codes and the applicable standards for towers/antennae that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or

property, then upon notice being provided to the owner of the tower/antenna, the owner shall have thirty (30) days to bring such tower/antenna into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the city may remove such tower at the owner's expense.

h. All towers and antennae shall have the name of the provider and an emergency telephone number (both business and non-business hours) either lettered directly on the equipment or on a plate attached to the equipment. The same aforementioned information shall also be provided to the City of Waukegan in writing.
   (1) The overall area of this sign shall not exceed two (2) square feet.
   (2) Said sign must be appropriately located to provide information to emergency service provider and the City.
   (3) Provider shall update contact numbers whenever a change is made.
i. Vehicle or outdoor storage of any kind on the site of any tower or antenna is prohibited.
j. Guyed towers and lattice work towers are prohibited.
k. On the first day of January of each year after a building permit is issued for a tower/antenna, the owner/operator must provide the City with a certificate of continuing compliance from each agency, federal or otherwise, having jurisdiction over the owner/operator for the continued operation of the tower/antenna that the tower or antenna meets the standards and regulations of the IEPA, if applicable, the FAA, the FCC, or any other agency of the state or federal government with authority to regulate the owner/operator of the tower/antenna.
l. In the event that the owner/operator refuses to obtain a certificate of compliance in accordance with the above, or the certifying agency is unable to issue a certificate because of non-compliance, the owner/operator shall immediately cease provision of services until compliance is achieved.
m. If the owner/operator is not able to achieve compliance as described within sixty (60) days from the date a certificate of continuing compliance is due, then and in that event, the owner/operator shall cause the tower/antenna to be removed at the owner's expense, from the site within thirty (30) days thereafter. If the tower/antenna is not removed, the City shall have the option to remove the same in accordance with the above.
n. If the owner/operator does not file a certificate of continuing compliance within thirty (30) days from the date set forth above, it shall be conclusively presumed that the owner/operator is not in compliance with the standards and regulations of the IEPA, if applicable, the FAA, the FCC, or any other agency of the state or federal government with authority to regulate towers/antennae.

5. General criteria for all installations shall include the following:
   a. Cash bond to be deposited equivalent to 125% of the estimated cost of maintenance for a ten (10) year period and the cost of removal and disposal of entire installation, as determined by City Engineer or such other expert designated by the City from time to time.
   b. As to each installation, the entire site, including the tower and outbuilding, must be kept maintained and in good condition, as reasonably determined by the City. If the owner of the installation fails to maintain the site, the City, upon thirty (30) days prior written notice, or in the event of an emergency such prior notice, if any, is practicable, may perform the necessary repairs, maintenance, or removal of the installation, as it deems appropriate, and all costs so incurred shall be the responsibility of the owner of the installation.
   c. No cellular tower may be located within five hundred feet (500'-0") of the buildable area (as defined in Section 13.2) for residences in the residential, conservation or lakefront

districts. Should a lot that is zoned residential, conservation or lakefront be vacant, said 500-foot buffer shall be to the buildable area of that vacant lot. No distance separation is required when cellular antennae are utilized and use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and existing structures.

d. No permit shall be issued if another technology is reasonably available that eliminates the need for communication towers or antennae.

e. The base support building shall not exceed twelve feet (12'-0") in height nor shall the footprint of the building be larger than twelve feet (12'-0") by fifteen feet (15'-0"). Each such building must have a conventional peaked roof, as opposed to a flat roof.

f. For all new installations, the tower shall be constructed in such a fashion to accommodate three (3) antenna/transmitter devices. Competitors shall be required to co-locate their respective facilities on the same installation to the extent reasonably possible, with each party responsible for its proportionate share of the cost of the facilities. In the event that said parties cannot agree on the appropriate allocation of costs, then each party shall appoint an arbitrator, who collectively shall select a third arbitrator, who shall thereafter, as a panel of three (3), arbitrate the dispute and issue a binding decision on the respective parties.

g. All new installations will be required to allow city-owned repeaters, boosters and/or transmitters for the purpose of emergency communications systems.
   (1) The provider will coordinate the installation of, and pay for, any associated labor charges for the installation of any city-owned repeaters, boosters, antennae and/or transmitters.
   (2) The provider will provide and maintain any necessary normal electric power, per city specification for any city-owned repeaters, boosters, antennae and/or transmitters.
   (3) An ample protective enclosure, per city specification, shall be provided for any city-owned repeaters, boosters, and/or transmitters.
   (4) Within 24-hour notification, the provider will make available access to the tower or antennae for the purpose of inspecting, aligning, adjusting and/or repairing any city-owned repeaters, boosters, antennae and/or transmitters.

h. The installation must be operated in such a fashion so that it does not disrupt television or radio signals to residents or occupants within the City, impacting on hearing aid operation or other medical devices such as pacemakers, or otherwise disrupt or have a harmful effect on any existing operations, installations, or technologies existent within the City.

i. No installation may be installed in any wetland or flood plain, or in any other location where it is likely to harm or cause damage to human or animal life or to property. Notwithstanding the foregoing, the tower portion of the installation may be located in wetland or flood plain areas if no damage would occur to the wetland or flood plain areas and the tower would be structurally sound.

j. The owner of the installation must indemnify and hold harmless the City from any and all liability.

k. The owner of the installation shall post and maintain in full force and effect general liability policy with the City as named insured in an amount no less than four million dollars ($4,000,000) per occurrence and six million dollars ($6,000,000) in the aggregate.

l. The maximum height of the tower shall not exceed one hundred, fifty feet (150'-0") as measured from the base of the installation, except as may be otherwise demonstrated that it is technologically unfeasible for the system to operate within the permitted height.

m. The owner of the installation must obtain and maintain all required federal licenses and permits, and effectuate and maintain all required registrations.
n. A landscape plan must be reviewed and approved by the City.
o. The owner of the installation must demonstrate that other facilities are not reasonably available for intended installation, such as but not limited to buildings, smokestacks or towers of competitors.
p. The owner of the installation must demonstrate sufficient financial resources to install, maintain, and operate the installation and associated tower grid. Towers built on a speculation basis by applicants who do not have the ability to provide service are prohibited.

4.15-3 Conditional Use Permits

1. The Planning and Zoning Commission shall hold a public hearing and make its recommendation to the City Council thereafter. The Conditional Use Permit process shall conform to the requirements of Article 3 of this Zoning Ordinance, except as otherwise explicitly set forth in this Section 4.15. The following provisions shall govern the issuance of Conditional Use Permits:
   a. In granting a Conditional Use Permit, the City may impose conditions to the extent the City concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
   b. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.
   c. A Conditional Use Permit can only be issued if the applicant establishes that no other viable alternatives exist and all reasonable alternatives have been thoroughly studied and considered.
2. Each applicant requesting a Conditional Use Permit shall submit a photographic study (simulation) depicting where within a one-block, four-block and one-mile radius any portion of the proposed tower or antenna can be seen from 6’-0” above grade. Three (3) photo simulations from three (3) different locations shall be submitted for each distance requested for a total of nine (9) photo simulations. One photo simulation shall also be provided from the right-of-way immediately adjacent to the subject property on which the antenna/tower will be erected. A scaled site plan and scaled elevation views and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the City to be necessary to assess compliance with this Section 4.15 shall also be submitted.
3. The City shall consider the following factors in determining whether to issue a Conditional Use Permit, although the City may waive or reduce the burden on the applicant of one or more of these criteria if the City concluded that the goals of this Section 4.15 are better served thereby.
   a. Height of the proposed tower;
   b. Proximity of the tower to residential structures and residential district boundaries;
   c. Nature of uses on adjacent and nearby properties;
   d. Surrounding topography;
   e. Surrounding tree coverage and foliage;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
g. Proposed ingress and egress;
h. Availability of suitable existing towers and other structures as discussed in Section 4.15-3(4) below. A statement of intent on whether space will be leased for reasons of co-location.

4. All towers or antennae must be first considered on property owned or controlled by the City. Evidence must be submitted to demonstrate that no existing property owned or controlled by the City is suitable for such tower or antennae. If no such property exists, the tower or antennae must then be considered on property owned or controlled by the County of Lake, Waukegan Park District, Waukegan School District or any township located within the corporate limits of the City of Waukegan.
5. No new tower or antenna shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
   a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
   b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
   c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
   d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
   e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
   f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
6. The following setbacks and separation requirements shall apply to all towers and antennae for which a Conditional Use Permit is required.
   a. Towers, antennae, and accessory facilities must satisfy the minimum zoning district setback requirements.
   b. Towers over one hundred feet (100'-0") in height shall not be located within one-quarter mile from any existing tower that is over one hundred feet (100'-0") in height.
7. Towers and support buildings shall be enclosed by approved security fencing not less than six feet (6'-0") in height.
8. The following requirements shall govern the landscaping surrounding towers:
   a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent properties. The standard buffer shall consist of a landscaped strip at least six feet (6'-0") wide outside the perimeter of the compound. The perimeter of the installation site shall be planted with canopy or evergreen trees to screen towers and support buildings from view from off-site.
   b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

4.15-4 Deviations

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

4.15-5 Removal

1. If the installation is maintained or operated in such a fashion to be in violation of Section 4.15-2(4)(e) or Section 4.15-2(4)(f) or any other provisions of Section 4.15 and the owner has failed to eliminate the violation within thirty (30) days of the mailing of written notice of violation to its last known address, the City may remove such antenna or tower at the owner's expense, and may use the posted bond to the extent necessary with the owner responsible for any costs exceeding the available bond.
2. Any installation that is not operated for a continuous period of six (6) months shall be considered abandoned, provided that if there are two (2) or more users of a single tower, the tower shall not be considered abandoned until all users cease using the tower. The owner of such installation shall remove same within thirty (30) days of the mailing of written notice of abandonment to its last known address. If the owner fails to remove the installation within the thirty (30) day period, then the City may remove such installation at the owner's expense, and may use the posted bond to the extent necessary with the owner responsible for any costs exceeding the available bond.

4.16 REGULATIONS FOR SOLAR ENERGY SYSTEMS

4.16-1 Purpose

It is the City's intent, by adopting the standards outlined in this section, to promote and allow for the safe and effective development of solar energy systems, and to reduce the on-site consumption of fossil fuels or utility supplied electric energy throughout the City of Waukegan. These regulations are intended to encourage the use of local renewable energy resources and promote sustainable building design and management practices on residential, commercial, and industrial properties. At the same time, the regulations are intended to ensure that neighboring property owners and occupants are protected from unwanted intrusions of light, noise or other nuisances.

4.16-2 General Requirements

1. Accessory Use. Solar energy systems are permitted as accessory uses in all zoning districts, as detailed in this Section.
2. On-Site Use. Energy produced through the solar energy system shall be utilized on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site.

3. Utility Provider Notification. Written evidence must be provided at the time a building permit is applied for that the utility company has been notified of the customer's intent to install a solar energy system.
4. Glare. Installation of the solar collection system shall not adversely impact adjacent properties, or otherwise be a nuisance. A solar collection device, or combination of such devices, as in the case of a concentrated solar system, which utilizes mirrors, reflectors, or lenses, shall be designed and located to avoid glare or reflection onto adjacent properties, businesses, residences, and adjacent roadways and shall not interfere with traffic or create a safety hazard. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector that is likely to impact adjacent or nearby properties. This provision should not be read to apply to PV systems, or other solar energy systems which absorb sunlight and do not reflect it.
5. Emergency Disconnect. An external disconnect switch, readily accessible by emergency responders, and which is clearly identifiable and unobstructed, shall be provided to disconnect power at the solar panel.
6. Tree Removal. Tree removal shall be minimal, and shall at minimum comply with regulations of the Tree Preservation and Landscape Ordinance.
7. Arrangement. Where feasible, solar collector units shall be consolidated into array groupings located toward the center of the roof, rather than situated in a disjointed manner.
8. Conditional Use. Except as provided in this Section, the Conditional Use Permit process outlined in Section 3.11 of the Zoning Ordinance shall be the method used for requesting variances from the established height limitations. In reviewing the request for additional height, such factors as height of the system in relationship to existing and potential structures, manmade or natural, and their impact on the system's efficacy shall be considered. In addition, the requirements of paragraphs 1 through 6 of this section shall be considered.
9. Placement on Landmarked Properties. If a solar energy system is to be placed on a landmarked structure or other lot that falls under the purview of the Waukegan Historic Preservation Ordinance, a Certificate of Appropriateness under Section 11 of that Ordinance shall be required. The Historic Preservation Commission shall not deny a solar energy system's placement solely because of the property's landmarked status, however, other factors required under Section 11.4 of that Ordinance shall be considered.
10. Nonconformity. The placement of a solar energy system, which otherwise conforms with this Section, on a nonconforming lot or structure shall be permitted, as long as the nonconformity is not enlarged, nor another nonconformity created by the placement of the solar energy system.

4.16-3 Ground-Mounted Solar Energy Systems

Ground-mounted solar energy systems shall only be developed according to the following parameters. Refer to Figure 1 showing an example of a permitted ground-mounted solar energy system.

FIGURE 1 – Ground-mounted solar energy system

1. Yard Location.
   a. Single-family Residential Zoning District: A ground-mounted solar energy system shall only be permitted in the rear yard.
   b. Nonresidential Zoning District: A ground-mounted solar energy system shall be permitted in the interior side and rear yard.
   c. Multi-family Residential Zoning District: A ground-mounted solar energy system is not permitted in a multi-family residential district.
2. Setbacks Required. All parts of the ground-mounted solar energy system shall be set back a minimum of three feet (3'), or the height of the system, as defined in the following paragraph, whichever is greater. Such setback shall be measured from the interior side and rear property lines (as measured from the closest edge of the system) when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems, and shall not be located in a public utility easement.
3. Height. A ground-mounted solar energy system shall be no more than fifteen feet (15') in height, measured from the average grade at the base of the pole to the highest edge of the system when oriented at maximum tilt.
4. Quantity. Single-family residential lots are limited to a total of 20% of the rear yard in area of panels.
5. Coverage. Freestanding systems on nonresidential lots shall not exceed half the building footprint of the principal structure.
6. Visibility. Active solar energy systems shall be screened from routine view from public rights-of-way; provided, that screening shall not affect the operation of the system. Any power transmission lines connecting a ground-mounted solar energy system to any other structure on the property shall be buried underground.
7. Not an Impervious Surface. Ground-mounted solar energy systems shall be exempt from percentage of required yard occupied calculations (for impervious surfaces) contained in Section 4.8-5(4) only if the soil under the collector is not compacted and is maintained in vegetation.
8. Abandonment. If a ground-mounted solar energy system is inoperable or abandoned for a period of six (6) consecutive months, the property owner may be notified by the City that the energy system must either be repaired and made operable, or removed, within ninety (90) days. The homeowner shall comply with any such order or seek other relief within the time allowed.
9. Placement on Environmental Hazard Sites. If a ground-mounted solar energy system is to be placed on a property designated by the US Environmental Protection Agency as a Superfund Site, such systems may be exempted, by conditional use permit, from ordinary mounting requirements under this Section, and may instead propose alternative means to conform with EPA regulations and state and federal law.

4.16-4 Building-Mounted Systems

Building-mounted systems shall be designed and installed according to the following parameters. Refer to Figures 2 through 4 of examples of a permitted building-mounted system.

1. Any Residential Zoning District
   a. Location. Solar collection panels shall be allowed on the roof of any principal or accessory structure of the property and must be mounted flush with the slope of the roof. Solar shingles are integral to the roof of the structure on which they are installed, and may be installed on any roof face of accessory structures. Solar collection devices shall not be constructed on any part of the vertical portion of a mansard roof.
   b. Orientation. Panels should be oriented to maximize solar access.
   c. Height. Height is measured from the roof surface, on which the solar collection device is mounted, to the highest edge of the system. Refer to Figure 2.
      (1) Sloping Roof. Solar energy systems shall be mounted flush with the roof, shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and the surface of the collector shall not extend any further than twelve (12) inches from the roof surface at any point. No portion of the solar collectors shall extend beyond the ridgeline of the roof at any point. The total height of the building including the solar collection devices shall comply with the height regulations of the zoning district.

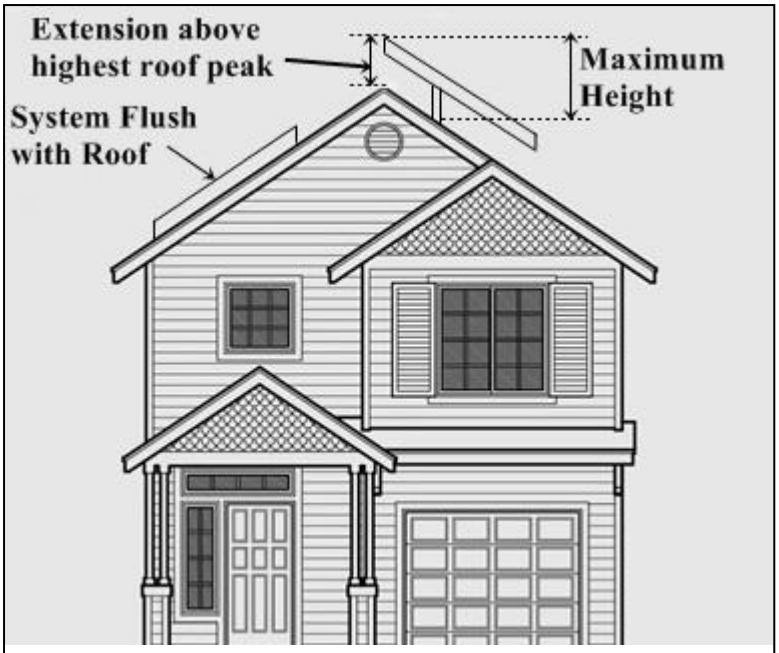

FIGURE 2 – Measuring height of a building-mounted solar energy system

      (2) Flat Roof. Solar collection devices mounted on a flat roof may be oriented to achieve maximum sun exposure but shall not exceed five (5) feet in overall height, or extend above the building parapet, whichever results in less height. No such mounted panel shall be visible from adjacent properties or exceed the height regulations of the zoning district.
   d. Projection. The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the roof edge or the exterior perimeter of the principal structure.
   e. Roof Access. Roof-mounted solar energy systems shall allow for adequate roof access for fire-fighting purposes.

2. Any Nonresidential Zoning District.
   a. Location. Building-mounted solar energy systems are permitted in the following locations:
      (1) Principal and accessory structures.
      (2) Any roof face.
      (3) Side and rear building facades.
      (4) Front or corner building facades, if the following conditions are met:
         (a) Solar access is optimized on the front and corner facades.
         (b) Systems are simultaneously used to shade the structure's windows. Refer to Figures 3 and 4.
   b. Orientation. Panels should be oriented to maximize solar access.
   c. Height. Height is measured from the roof surface, on which the system is mounted, to the highest edge of the system. Refer to Figure 2.
      (1) Sloping Roof. Solar collection devices mounted on a sloping roof shall be mounted parallel to the roof whenever possible, and shall not exceed a height of fifteen (15) inches above the ridge of the roof. No such mounted panel shall cause the total height of the panel and structure to exceed the maximum permitted height of the structure within the zoning district.
      (2) Flat Roof. Solar collection devices mounted on a flat roof may be angled to achieve maximum sun exposure but shall not exceed eight feet (8') in overall height, or extend above the building parapet, whichever results in less height. Solar collection devices shall be consolidated into array groupings located toward the center of the roof, rather than situated in a disjointed manner. No such mounted panel shall cause the total height of the panel and structure to exceed the maximum permitted height of the structure within the zoning district.
   d. Projection. The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, except if the collector and mounting system has been explicitly engineered to safely extend beyond the roof edge or building facade as follows:
      (1) The collector surface and mounting devices may project up to four feet (4') from a building facade or roof edge provided the systems are simultaneously used to shade the structure's windows. See Figure 4.
      (2) The collector surface and mounting devices may project into a side or rear setback. However, under no circumstances shall any part of the system be closer than five feet (5'), or the height of the unit, whichever is greater, to the side or rear property line. Refer to Figure 3 on how to measure projection.

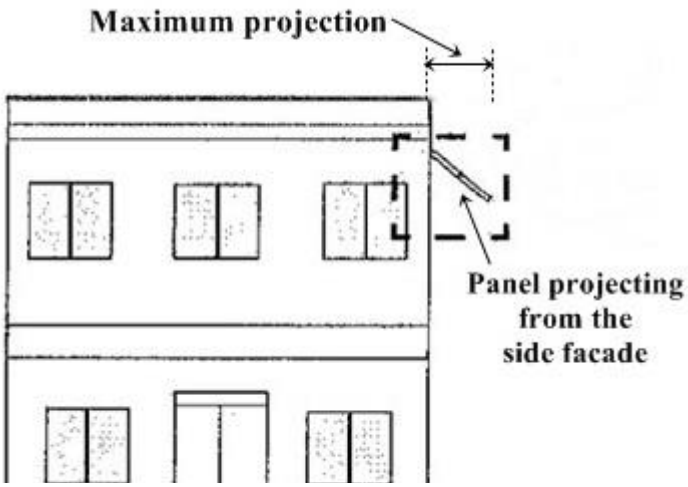

FIGURE 3 – Permitted projection of a building-mounted solar energy system

e. Roof Access. Roof-mounted solar energy systems shall allow for adequate roof access for fire-fighting purposes.

4.16-5 Solar Access Protections

1. Creation of Easements. Solar access easements across contiguous or nearby lots, tracts, or land may be created to establish a window of exposure to the sun so as to protect an existing or intended solar collector's exposure to the sun from obstruction of buildings and trees. All responsibilities for creating, obtaining, and recording such easements shall solely rest on the property owner who seeks to operate a solar energy system. Such easements shall indemnify the City from future disputes between property owners.
   a. Such easements may be purchased, reserved, granted, or otherwise obtained.
   b. Adverse possession cannot create such an easement.
   c. An easement infringed upon is a compensable property right through private remedy.
2. Recording of Easements. Solar access easements shall be recorded with the Lake County Recorder of Deeds and copies shall be filed with the City's Building and Engineering Departments.
3. Construction in Easement Areas. Any person seeking a building permit to construct or modify any structure or building so as to increase the consumption of airspace over that lot shall certify in writing that no solar access easement will be impacted by the permitted construction.
4. Denial of Permit. Should the City's Building Commissioner determine that the proposed construction would intrude upon the easement, no building permit shall be granted.

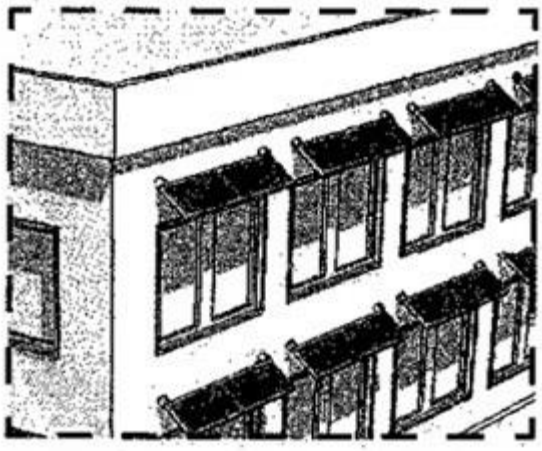

FIGURE 4 – Example of façade-mounted panels that are serving to also shade the windows

4.16-6 Requirements for all Solar Energy Systems

1. Approved Solar Components. Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent, and solar hot water systems must have a Solar Rating and Certification Corporation (SRCC) rating.
2. Compliance with Building Codes. All solar energy systems shall meet approval of local building code officials, consistent with the City of Waukegan's current adopted codes. All solar thermal systems shall comply with HVAC-related requirements of the current edition of the International Energy Conservation Code as adopted by the State of Illinois.
3. Compliance with National Electrical Code. All photovoltaic systems shall comply with the current edition of the National Electrical Code.
4. Compliance with State Plumbing Code. Solar thermal systems shall comply with applicable State of Illinois Plumbing Code requirements.

4.17 REGULATIONS FOR SMALL WIND ENERGY SYSTEMS

4.17-1 Purpose

It is the City's intent, by adopting the standards outlined in this section, to promote and allow for the safe and effective development of small wind energy systems, and to reduce the on-site consumption of fossil fuels or utility supplied electric energy throughout the City of Waukegan. These regulations are intended to encourage the use of local renewable energy resources and promote sustainable building design and management practices on residential, commercial, and industrial properties. At the same time, the regulations are intended to ensure that neighboring property owners and occupants are protected from unwanted intrusions of light, noise or other nuisances.

4.17-2 General Requirements for a Wind Energy System

1. Accessory Structure. Building-mounted small wind energy systems are permitted as accessory structures as detailed in this section.
2. Codes. All applicable City ordinances, and state and federal laws and regulations shall be adhered to, specifically including any applicable Federal Aviation Administration (FAA) regulations.
3. On-Site Use Only. Energy produced through the wind energy system shall be utilized primarily for on-site usage.
4. Signage. No signs shall be attached except for a manufacturer or installer identification and those required for safety; provided that they do not measure more than two (2) square feet in total.
5. Abandonment. If a small wind energy system is inoperable or abandoned for a period of six (6) consecutive months, the owner may be notified by the City that the energy system must either be repaired or removed within ninety (90) days. The homeowner shall comply with any such order or seek other relief within the time allowed.
6. Sound. Measured at the property line, the energy system shall not exceed fifty-five (55) dBA in any residential zoning districts and no more than sixty (60) dBA in all commercial and industrial zoning districts; except during short-term events such as utility outage or a severe windstorm. Measurement of such levels shall account for ambient sound conditions. To limit the level of low frequency sound, the average C-weighted sound level during system operation shall not exceed the A-weighted ambient sound level by more than 20 dBA.

7. Clearance. Minimum clearance between the lowest tip of the rotor or blade and the ground shall be not less than fifteen feet (15').
8. Utility Provider Notification. Written evidence must be provided at the time a building permit application is filed that the utility company has been notified of the customer's intent to install a small wind energy system.
9. Conditional Use. The Conditional Use Permit process outlined in Section 3.11 of the Zoning Ordinance shall be the method used for requesting variances from the established height limitations.

   In reviewing the request for additional height, such factors as height of the system in relationship to existing and potential structures, manmade or natural, and their impact on the systems efficacy shall be considered. In addition, such applications for a Conditional Use Permit shall include a shadow flicker study, showing the calculated locations of shadow flicker caused by a wind energy system and the expected duration (measured in total hours per year) of the flicker on adjacent residences, or any residentially zoned properties. Any significant shadow flicker on a residence or residentially zoned property, defined as more than 30 hours per year, shall be addressed through conditions related to siting or mitigation measures. The cost of such studies shall be borne by the applicant.

4.17-3 Freestanding Tower-Mounted Systems

Freestanding tower-mounted systems shall be developed according to the following parameters:

1. Conditional Use Permit. Any freestanding tower-mounted wind system shall require a Conditional Use Permit. Refer to Section 3.11.
2. Zoning Districts. A freestanding tower-mounted system is a conditional use in all zoning districts.
3. Yard Location. Conditional Use Permits for freestanding tower-mounted systems shall only be considered for interior side and rear yards. Freestanding tower-mounted systems may be permitted in the front and corner side yards of nonresidential districts with a statement making that request in the Conditional Use Permit application.
4. Setbacks Required. All parts of the freestanding tower-mounted system (tower, rotor blades, etc.), shall be located a minimum of fifteen feet (15') or a distance equivalent to the height of the tower, whichever is greater, from all property lines and shall not be located in or encroach upon any public utility easement.
5. Height. Height is measured from the average grade at the base of the tower to the highest edge of the system. Refer to Figure 5. A maximum tower height of ninety feet (90') may be granted in commercial and industrial zoning districts.

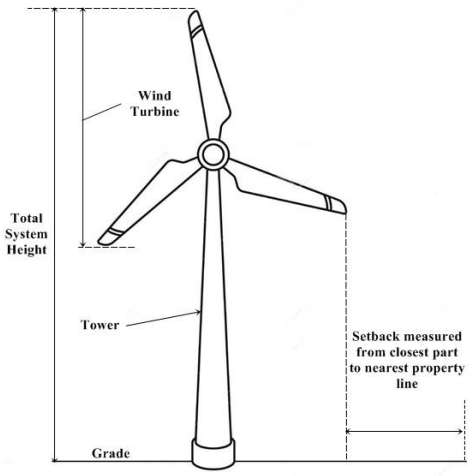

FIGURE 5 – Free-standing wind energy system

6. Distance Between Systems. Freestanding systems on adjacent lots shall be at least five (5) rotor lengths apart, unless written proof of no interference can be provided at the time a building permit is requested.
7. Number of Towers Permitted. A Conditional Use Permit shall be granted for a specific number of towers, as long as the conditions of this section are met. The City will presume an application lacking a specific number of towers requested is for a single tower.
8. Tower Access. Climbing access (rungs or foot pegs) to the tower shall not start until twelve feet (12') above grade, to prevent unauthorized access.
9. Lighting. A freestanding system shall not be illuminated, except as required by the FAA.
10. Shadow Flicker and Sound Impacts. All applications for Conditional Use Permits under this Subsection shall include a shadow flicker study, showing the calculated locations of shadow flicker caused by a wind energy system and the expected duration (measured in total hours per year) of the flicker on adjacent residences, or any residentially zoned properties. Any significant shadow flicker on a residence or residentially zoned property, defined as more than 30 hours per year, shall be addressed through conditions related to siting or mitigation measures. All applications shall also provide studies showing their compliance with subparagraph 4.17-2(6) related to sound.

4.17-4 Building-Mounted Systems

Building-mounted small wind energy systems shall be developed according to the following parameters:

1. Location. Building-mounted small wind energy systems are permitted in any zoning district in the following locations:
   a. Principal and accessory structures.
   b. Any roof face.
2. Height. Height is measured from the roof surface on which the system is mounted to the highest edge of the wind turbine. Refer to Figure 6.
   a. Shall have a maximum height of fifteen feet (15').
   b. Shall not extend more than ten feet (10') above the highest peak of a pitched roof.

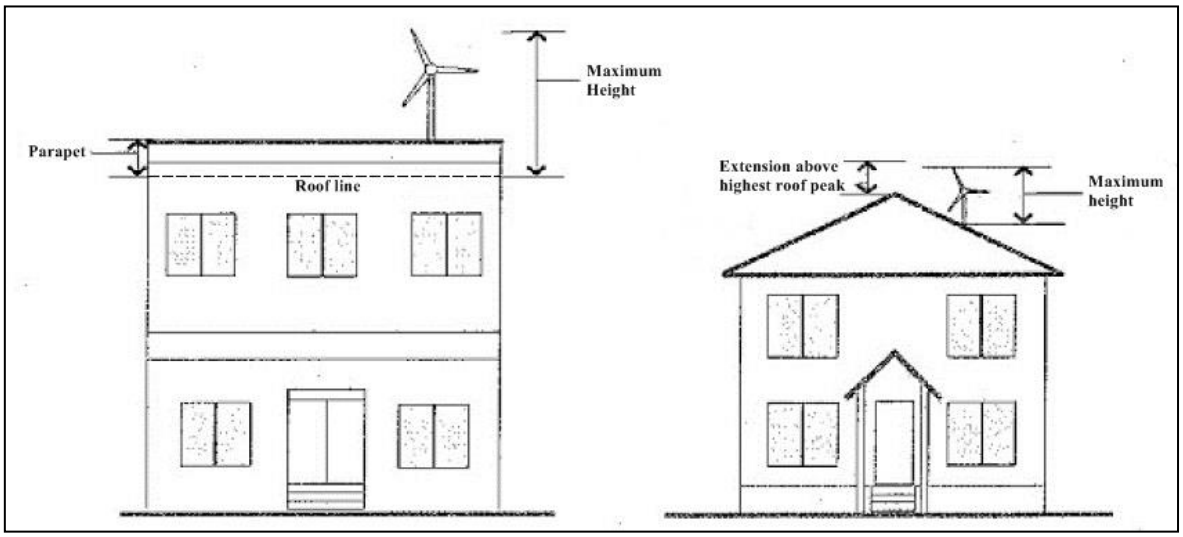

FIGURE 6 – Measuring height of a building-mounted wind energy system

4.17-5 Wind Access Protection

1. Creation of Easements. Wind access easements across contiguous or nearby lots, tracts, or land may be created to establish a window of exposure to the wind so as to protect an existing or intended wind turbine's ability to harness the wind from obstruction of buildings and trees. All responsibilities for creating, obtaining, and recording such easements shall solely rest on the property owner who seeks to operate a wind energy system. Such Easements shall indemnify the City from future disputes between property owners.
   a. Such easements may be purchased, reserved, granted, or otherwise obtained.
   b. Adverse possession cannot create such an easement.
   c. An easement infringed upon is a compensable property right through private remedy.
2. Recording of Easements. Wind access easements shall be recorded with the Lake County Recorder of Deeds and filed with the Building and Engineering Departments.
3. Construction in Easement Areas. Any person seeking a building permit to construct or modify any structure or building so as to increase the consumption of airspace over that lot shall certify in writing that no wind access easement will be impacted by the construction.
4. Denial of Permit. If the City's Building Commissioner determines that the proposed construction would intrude upon the easement, no building permit shall be granted.

4.17-6 Pre-Existing Wind Energy Systems Grandfathered

1. All pre-existing wind energy systems established prior to the effective date of this ordinance are permitted to continue. All routine maintenance shall be permitted on such preexisting systems.
2. A building permit and any necessary zoning approvals shall be obtained prior to altering, enlarging, extending, replacing, or relocating any preexisting wind energy system. Such approvals shall not promote continuing nonconformities, and any pre-existing system that is substantially damaged or destroyed shall be rebuilt only in conformance with this code.

4.18 ADULT USE RECREATIONAL CANNABIS MERCANTILE REGULATIONS

4.18-1 Purpose and Applicability

1. It is the intent and purpose of this Chapter to provide regulations regarding the cultivation, processing, and dispensing of adult-use recreational cannabis occurring within the corporate limits of the City of Waukegan, Illinois. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (the "Act"), as it may be amended from time-to-time, and inclusive of all regulations, promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.
2. The term Adult Use Recreational Cannabis, for the purposes of this Code, shall hereinafter be referred to as Recreational Cannabis.

4.18-2 Definitions

The following terms shall have the meanings set forth herein below:

RECREATIONAL CANNABIS BUSINESS ESTABLISHMENT: A Recreational cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

RECREATIONAL CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

RECREATIONAL CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

RECREATIONAL CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

RECREATIONAL CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

RECREATIONAL CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate, or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

RECREATIONAL CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

4.18-3 Conditional Use

Recreational Cannabis Business Establishment facilities, as defined herein, requiring approval of a Conditional Use Permit in the respective districts in which they are requested, shall be processed in accordance with Chapter 3.11, Conditional Uses, of this Code.

4.18-4 Recreational Cannabis Facility Components

In determining compliance with Chapter 3.11, Conditional Uses, the following components of the Recreational Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
2. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
3. Hours of operation.
4. Anticipated number of customers/employees on a daily basis.
5. Anticipated parking demand based on Article 12 of this Code and available private parking supply.
6. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
7. Site design, including access points and internal site circulation.
8. Proposed signage plan.
9. Compliance with all requirements provided in this Chapter 4.18, as applicable.
10. Compliance with the City's Site Plan Review procedures as provided for in Chapter 3.12 of this Code.
11. Other criteria determined to be necessary to assess compliance with Chapter 3.11 of this Code.
12. Compliance will other applicable City Codes.

4.18-5 Recreational Cannabis Craft Grower

In those zoning districts in which a Recreational Cannabis Craft Grower may be located, the proposed facility must comply with the following:

1. Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
2. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
3. For purposes of determining required parking, Recreational Cannabis Craft Grower shall be classified as a Greenhouse under Table 1, Class 19, in Article 12.3-2 of this Code; provided, however, that the City Council may specify that additional parking be provided as a result of the analysis completed through the Conditional Use review under Chapter 3.11 of this Code.
4. Petitioner shall file an affidavit with the Planning and Zoning Commission affirming compliance with this section.

4.18-6 Recreational Cannabis Cultivation Center

In those zoning districts in which a Recreational Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

1. Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
2. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
3. For purposes of determining required parking, Recreational Cannabis Cultivation Center shall be classified as a Greenhouse under Table 1, Class 19, in Section 12.3-2 of this Code; provided, however, that the City Council may specify that additional parking be provided as a result of the analysis completed through the Conditional Use review under Chapter 3.11 of this Ordinance.
4. Petitioner shall file an affidavit with the Planning and Zoning Commission affirming compliance with this section.

4.18-7 Recreational Cannabis Dispensing Organization

In those zoning districts in which a Recreational Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

1. Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
2. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
3. At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act.
4. No facility, organization, or other business, may permit or host on-site consumption of cannabis.
5. For purposes of determining required parking, said facility shall be classified as a Tobacco Store under Table 1, Class 13, in Section 12.3-2 of this Code, provided, however, that the City Council may specify that additional parking be provided as a result of the analysis completed through the Conditional Use review under Chapter 3.11 of this Ordinance.
6. Petitioner shall file an affidavit with the Planning and Zoning Commission affirming compliance with this section.

4.18-8 Recreational Cannabis Infuser Organization

In those zoning districts in which a Recreational Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

1. Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate

Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

2. Facility may not conduct any retail sales.
3. At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
4. For purposes of determining required parking, said facilities shall be classified as a Food Manufacturing Facility under Table 1, Class 34, in Section 12.3-2 of this Code; provided, however, that the City Council may specify that additional parking be provided as a result of the analysis completed through the Conditional Use review under Chapter 3.11 of this Ordinance.
5. Petitioner shall file an affidavit with the Planning and Zoning Commission affirming compliance with this section.

4.18-9 Recreational Cannabis Processing Organization

In those zoning districts in which a Recreational Cannabis Processing Organization may be located, the proposed facility must comply with the following:

1. Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
2. Facility may not conduct any retail sales.
3. At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
4. For purposes of determining required parking, said facilities shall be classified as a Food Manufacturing Facility under Table 1, Class 34, in Section 12.3-2 of this Code; provided, however, that the City Council may specify that additional parking be provided as a result of the analysis completed through the Conditional Use review under Chapter 3.11 of this Ordinance.
5. Petitioner shall file an affidavit with the Planning and Zoning Commission affirming compliance with this section.

4.18-10 Recreational Cannabis Transporting Organization

In those zoning districts in which a Recreational Transporting Organization may be located, the proposed facility must comply with the following:

1. Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, licensed child care facility, public park, public library, recreational center or arcade other than one licensed to operate Video Gaming Terminals and which prohibits access to persons under age 21 years. Learning

centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

2. Facility may not conduct any retail sales.
3. The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
4. For purposes of determining required parking, said facilities shall be classified as a Tobacco Store under Table 1, Class 13, in Section 12.3-2 of this Code, provided, however, that the City Council may specify that additional parking be provided as a result of the analysis completed through the Conditional Use review under Chapter 3.11 of this Ordinance.
5. Petitioner shall file an affidavit with the Planning and Zoning Commission affirming compliance with this section.

4.18-11 Additional Requirements

Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the Conditional Use Permit, to ensure the safety of employees and customers of the recreational cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for a Recreational Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

4.18-12 Co-Location of Cannabis Business Establishments

The City Council may approve the co-location of a Recreational Cannabis Dispensing Organization with a Recreational Cannabis Craft Grower Center or a Recreational Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Conditional Use criteria of Sections 4.18-3 and 4.18-4 of this Code. In a co-location, the floor space requirements of Sections 4.18-7(3) and 4.18-8(3) of this Code shall not apply, but the co-located establishments shall be the sole use of the tenant space.

ARTICLE 5 NONCONFORMING BUILDINGS, STRUCTURES AND USES

5.1 STATEMENT OF PURPOSE

1. The purpose of this Article 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.
2. This Ordinance 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 those nonconforming buildings, structures and uses which substantially and adversely affect the orderly development and taxable value of other property in the district not be permitted to continue without restrictions.

5.2 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 Ordinance and which remains nonconforming, and any such building, structure or use which shall become nonconforming upon the adoption of this Ordinance, or of any subsequent amendments thereto, may be continued subject to the regulations which follow.

5.3 RESTRICTIONS ON NONCONFORMING BUILDINGS, STRUCTURES AND USES

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

5.3-1 Repairs and Alterations

1. Repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations which increase the bulk of the building or structure shall be made in or to a pre-ordinance building or structure, all or substantially all of which is designed or intended to accommodate a use not currently allowed in the district in which it is located, except those required by law or except to make the building or structure and the use thereof, conform to the regulations of the district in which it is located. For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure, except as herein above provided.
2. Repairs, alterations, and structural changes may be made to a nonconforming building or structure, all or substantially all of which is designed or intended for a use permitted in the district in which it is located, provided said repairs, alterations, or structural changes conform to the regulations of the district in which said building or structure is located.

5.3-2 Additions and Enlargements

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 made to conform to all of the regulations of the district in which it is located, and unless such nonconforming building or structure, including all additions and enlargements thereto, shall conform to the following:

1. Applicable regulations concerning the amount of lot area provided per dwelling unit, as provided in this Ordinance.
2. The allowable floor area ratio, as provided in this Ordinance.
3. The allowable gross floor area per establishment, as provided in this Ordinance.
4. The parking space requirements contained in Article 12.

5.3-3 Relocation of Building or Structure

No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, is made to conform to all of the regulations of the district in which it is to be located.

5.3-4 Restoration of Damaged Building or Structure Designed or Intended for a Nonconforming Use

1. 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 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.
2. In the event such damage or destruction is less than 50 percent of the cost of restoration of the entire building new, no repairs or reconstruction shall be made unless such restoration is started within one year from the date of partial destruction and is completed within one year thereafter.
3. If the restoration is not started within one year of said calamity and diligently prosecuted to completion, the building or structure shall be removed and the area cleared by the owner, or at the owner's expense. However, the owner of any nonconforming building or structure may seek to exempt his building or structure from the limitations of this section (5.3-4) by filing a request for conditional use permit with the Zoning Administrator, who shall forward the request and all pertinent information to the Planning and Zoning Commission.
4. The Planning and Zoning Commission shall hold a public hearing on each request for Conditional Use Permits, review all pertinent information, and make a recommendation to the City Council. It shall be incumbent upon the applicant to show that the application of this section (5.3-4) may constitute an economic hardship, and that exemption of his building or structure from this section will not create a nuisance to neighboring properties but, rather will be of benefit to the neighborhood and community in general as well as the applicant.

5.3-5 Discontinuance of a Nonconforming Use

If the nonconforming use of the building, structure, or premises is discontinued for a continuous period of 6 months, it shall not be renewed, and any subsequent use of the building, structure, or premises shall conform to the use regulations of the district in which the building, structure, or premises is located; except that the 6-month continuous period may be extended pursuant to Development Review Board procedures.

5.3-6 Expansion of Nonconforming Use

1. The nonconforming use of part of a pre-ordinance building or structure, all or substantially all of which is designed or intended to accommodate a use not currently allowed in the district in which it is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations, and the use thereof, conform to all the regulations of the district in which the building or structure is located.

2. The nonconforming use of part of a building or structure, all or substantially all of which building is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any portion of such building or structure, nor changed to any other nonconforming use.
3. 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 the land, shall not be expanded or extended beyond the area it occupies.

5.3-7 Change of Nonconforming Use

1. The nonconforming use of a pre-ordinance building or structure, all or substantially all of which is designated or intended to accommodate a use not currently allowed in the district in which it is located, may be changed to a use allowed in the most restrictive district in which the nonconforming use which presently occupies the building or structure is a permitted or conditional use, or to a use permitted in a more restrictive district. For the purpose of this subsection, the order of classification shall be as shown in Section 6.1, and the CR District shall be considered to be the most restrictive and the I2 District the least restrictive district.
2. No nonconforming use shall be changed to another nonconforming use when such nonconforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.
3. 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 the land, shall not be changed to any other use, except to a use permitted in the district in which that land is located.

5.4 ELIMINATION OF NONCONFORMING BUILDINGS AND STRUCTURES

In all Residence Districts, any building or structure, all or substantially all of which is designed or intended for a use allowed only in a Commercial or Industrial District shall be removed or shall be altered, remodeled or converted for a permitted use within six (6) months after the amortization period of such building or structure, which is hereby established and set forth below:

1. Assessed valuation of buildings or structure: $2,000* or less. Three (3) years from the effective date of this Ordinance.
2. Assessed valuation of building or structure: $2,001 to $6,000*. Six (6) years from the effective date of this Ordinance.
3. The provisions of this Section 5.4 shall not be applicable to any building or structure having an assessed valuation in excess of $6,000.

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* On the effective date of this Ordinance; or as of the date any amendment establishes nonconformity.

5.5 ELIMINATION OF NONCONFORMING USES

This Section is intended to gradually eliminate inappropriate uses of buildings or structures designed or intended for uses allowed within the District in which they are located, but it is not intended to eliminate any use not permitted in the District if such use is appropriate to the design or intent of such building or structure.

5.5-1 Non-Residential Uses in Residence Districts

In all Residence Districts any use of a building or structure, all or substantially all of which is designed or intended for a use permitted only in a Residential District, but is being used for a use permitted only

in a Commercial or an Industrial District, shall be terminated within five (5) years of the effective date of this Ordinance.

5.5-2 Nonconforming Use of Land

1. The nonconforming use of land shall be discontinued and cease three (3) years from the effective date of his Ordinance in each of the following cases:
   a. Where no buildings or structures are employed in connection with such use.
   b. When the only building or structure or other physical improvements are accessory or incidental to such use.
2. A nonconforming use of land, which is accessory to the nonconforming use of building or structure, shall be discontinued on the same date of the nonconforming use of the building or structure is discontinued.
3. The provisions of this Section 5.5 shall not be applicable to any nonconforming use associated with any building or structure, a substantial portion of which is designed or intended for such a nonconforming use regardless of the District in which such building or structure is located.

5.6 RELIEF FROM AMORTIZATION

1. The owner of any building, structure or use which is subject to gradual elimination under the terms of this Ordinance may apply to the Planning and Zoning Commission for a conditional use to allow such building, structure or use to continue indefinitely. In such an event, the regulations contained within Section 3.11 shall apply.
2. Such relief through conditional use shall be subject to review by the Planning and Zoning Commission once every three (3) years to determine continuing appropriateness of the use and continuing compliance with the Commission's directives.

5.6-1 Amortization of Nonconforming Residential Buildings, Structures and Uses

1. The purpose of this section is to provide for the gradual and regulated elimination of certain nonconforming residential uses as per Chapter 24, Section 11-13-1 of the Illinois Revised Statutes (1977).
2. This section shall apply to all residential structures, buildings and uses within the City either erected or occupied in a manner inconsistent with this and all previous Zoning Ordinances and Maps, as amended. This Section will provide for such nonconforming residential structures, buildings, or uses to be sequentially amortized to a permitted residential use within the district within which the property is located.

5.6-2 Initiation and Process

1. The process of amortization shall be initiated only by the City of Waukegan. Such actions initiated by the City of Waukegan shall be administered by the office of the Zoning Administrator and will not be presented for public hearing before the Planning and Zoning Commission or the City Council until the Department of Housing and Health Code Enforcement and the Zoning Administrator have conducted a completed review of the applicable facts in regards to this Ordinance, the zoning history of the property in question and the character and condition of the building and surrounding land uses.
2. The City Council, after review of the Planning and Zoning Commission's findings of facts, may adopt an ordinance of amortization amending the text of the Waukegan Zoning Ordinance and pertaining to the property in question. Such amendment shall be identified on the official

zoning map and filed with the County Recorder of Deeds. The process of amortization shall follow the procedure and schedule outlined in Section 3.10-3 through 3.10-7.

5.6-3 Amortization Period

Amortization for deconversion of a residential building, structure or use shall take place over a specified number of years, not to exceed five years, with initial deconversion taking place within 12 to 18 months of the adoption of an Ordinance of Amortization by the City Council. The Planning and Zoning Commission shall be responsible for establishing the amortization period as part of its finding of facts after public hearing.

5.6-4 Standards

No amortization schedule for a residential building, structure or use shall be approved unless the following standards are met in whole or in part:

1. The property shall meet the requirements of the zoning district in which it is located on or before the completion of the amortization period, or such requirements as are otherwise determined by the Development Review Board or City Council.
2. All habitable rooms, whether remaining or being amortized in the building or structure, shall meet housing code requirements, or such requirements as are otherwise determined by the Development Review Board or City Council.
3. Kitchens of habitable units being deconverted or amortized shall be completely removed at the elimination date indicated. The elimination of kitchens shall mean the removal of kitchen sink, stove, refrigerator, cooking utensils, and other kitchen articles including kitchen related wiring and plumbing.
4. All remaining units after amortization shall meet the parking requirements on the zoning lot in question.
5. The existence of the remaining units, after amortization, may not result in the loss of either the required rear or side yard to parking, thereby, diminishing these yards as usable open space for building or structure residents.
6. In the process of meeting the parking requirements of this Ordinance, a drainage problem for surrounding properties, buildings, structures, or uses may not be created. The Waukegan Plumbing, Subdivision, and Flood Damage Prevention Ordinances shall govern in this aspect.

5.6-5 Non-Qualifying Structures, Buildings, or Uses

Structures, buildings, or uses without a building permit and not in conformance with the presently applicable zoning and converted to a nonconforming use after April 10, 1978 shall not qualify for amortization. Such uses shall be subject to immediate removal.

ARTICLE 6 ZONING DISTRICTS

6.1 DISTRICTS

For the purpose of this Ordinance, the City of Waukegan is hereby divided into the following zoning districts:

6.1-1 Conservation and Residence Districts

CR Conservation/Recreation/Agriculture
ER-1 Estate Residence
ER-2 Estate Residence
R1 Single-Family Residence
R2 Single-Family Residence
R3 Single-Family Residence
R4 Two-Family Residence
R5 Limited General Residence
R6 General Residence
R7 General Residence
R8 General Residence

6.1-2 Commercial Business Districts

B1 Neighborhood Convenience
B2 Community Shopping
B3 General Commercial
B4 Central Business
B5 Central Service
M-CR Marine-Commercial Recreation

6.1-3 Office Districts

O/I-1 Office/Institutional
O/I-2 Office/Institutional

6.1-4 Industrial Districts

R/LI Research and Light Industrial
I1 Restricted Industrial
I2 General Industrial

6.1-5 Lakefront Districts

L1 South Lakefront

6.2 ZONING MAP

6.2-1 Incorporation

The location and boundaries of the districts established by this Ordinance are set forth on the zoning map entitled, "City of Waukegan Zoning Map," which is incorporated herein, and hereby made a part of this Ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

6.2-2 Interpretation

Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the zoning district map, the following rules shall apply:

1. District boundary lines are the centerlines of highways, streets, alleys, and easements; right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the map measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets and highways, or railroad rights-of-way, unless otherwise indicated.
3. Where a district boundary line divides a lot in single ownership on the effective date of this Ordinance, the Development Review Board may extend the regulations for either portion of such lot, and the zoning map shall be corrected at the annual review.
4. Scrivener's errors shall be corrected by the Development Review Board and shown on the annual update of the zoning map.

6.3 MUNICIPAL OR PUBLIC USE AND ESSENTIAL SERVICES EXEMPTED

1. Notwithstanding any other provisions of this Ordinance to the contrary, any and all buildings, structures, premises and other improvements to real estate necessary for use and occupancy by the City of Waukegan for public or municipal purposes shall be permitted in any zoning district.
2. The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of overhead, surface or underground gas, electrical, steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public health, safety, or general welfare, shall be exempt from the regulations of this Ordinance. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

6.4 ZONING OF ANNEXED LAND

Land hereafter annexed to, or consolidated with, the City of Waukegan shall be assigned to the Conservation/Recreation/Agriculture District (CR) unless the petition for annexation is accompanied by a petition for reclassification or a pre-annexation agreement, in which case the regular procedures for amendment petition hearings by the Planning and Zoning Commission shall be followed.

ARTICLE 7 CONSERVATION AND RESIDENCE DISTRICTS

7.1 GENERAL REQUIREMENTS

7.1-1 Conditions

No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located, with the exception of the following:

1. Uses lawfully established on the effective date of this Ordinance.
2. Conditional uses, allowed in accordance with the provisions of Section 3.11 or Section 4.9.

7.1-2 Permitted Uses

Permitted uses of land or buildings shall be permitted in the districts indicated under the conditions specified. Unless otherwise specifically set forth, wherever a permitted use is named as a major category in this Article, it shall be deemed to include those itemized uses and similar uses as determined by the Zoning Administrator under the said major category.

7.1-3 Conditional Uses

Conditional uses may be allowed in the zoning district indicated, subject to the issuance of conditional use permits in accordance with the provisions of Section 3.11. Unless otherwise specifically set forth, wherever a conditional use is named as a major category in this Article, it shall be deemed to include those itemized uses and similar uses as determined by the Zoning Administrator under the said category.

7.1-4 Lot Size Requirements

Lot size requirements shall be as specified under each zoning district in this Article. In addition, the following regulations shall be complied with:

1. No building shall be converted so as to conflict with, or further conflict with, the lot size requirements of the district in which such building is located.
2. No use shall be established or hereafter maintained on a lot recorded after the effective date of this Ordinance, which is of less area, or less width than prescribed hereinafter for such use in the zoning district in which it is to be located.

7.1-5 Yard Requirements

1. Yard Requirements shall be set forth under each zoning district. Front, side, and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky except as allowed in Section 4.8-5.
2. All accessory buildings which are attached to principal buildings (i.e. attached garages) shall comply with the yard requirements of the principal building.
3. In residential developments containing three (3) or more units, the yard requirements may be waived in order to encourage innovative design, including cluster development and the zero lot line concept, and to provide for such housing types as the atrium or patio house. Such waiver may be obtained only by conditional use permit, as provided within each residential district.

4. Upon recommendation of the Planning and Zoning Commission and approval of the City Council, as evidenced by acceptance of the subdivision plat, a developer shall be allowed to satisfy yard requirements by establishing "average" setbacks and varying front yards. However, in such instances, the average setbacks or yards shall be at least equal to the minimum prescribed for that district, and the shortest setbacks or yards shall be consistent with public safety and health.
5. Upon recommendation of the Zoning Administrator and approval of the Development Review Board, a developer may be required to satisfy front yard requirements by establishing "average" setbacks in neighborhoods where homes are already established. However, in such instances, the average setbacks or yards may have to be at least equal to the minimum prescribed for that district, and the shortest setbacks or yards shall be consistent with public safety and health.

7.1-6 Building Height Requirements

The requirements established under each zoning district shall determine the maximum building height of both principal and accessory buildings.

7.1-7 Floor Area Ratio Requirements

The floor area ratio requirements shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot in the R6, R7, and R8 Districts. In all other residence districts, no floor area ratio limitation is imposed.

7.1-8 Off-Street Parking and Loading Requirements

Off-street parking and loading facilities, accessory to uses allowed in Residence Districts, shall be provided with the regulations established in Article 12.

7.1-9 Accessory Use and Structures

Accessory uses and structures are permitted in all Conservation and Residence Districts as defined in Article 13 and subject to the provisions of Section 4.7 of this Ordinance.

7.1-10 Signs

Signs shall be allowed in Conservation and Residence Districts in accordance with the regulations established in the City of Waukegan Sign Ordinance.

7.1-11 Exterior Design and Style

1. Every residence erected shall be constructed so that the main façade is situated toward the front lot line. The main façade shall be marked not by walls but by the main entrance/portico and windows.
2. Façades facing streets or public rights-of-way shall not be void of windows.
3. For infill development, no building permit shall be issued for the construction or erection of more than one (1) single family dwelling, attached residence or two-family residence of the same exterior design and style on the same side of the street, adjacent to each other or directly across the street from each other in any one (1) street block.
    a. Exterior design and style relates to architectural features. Residences shall be determined to be similar when there is no substantial difference in roof lines; no substantial difference in

windows of size, location or type; no substantial change in the kind of materials used, or no substantial change in the color of materials (rather than a change in shade).

b. The Zoning Administrator shall make the determination that building permits meet the above-referenced requirements.

4.19 CR CONSERVATION/RECREATION/AGRICULTURE DISTRICT

7.2-1 Purpose

The CR District is designed to encourage the development of land for "open-space" recreational activities, to preserve land for agriculture and farming purposes, or preserve natural resources. A secondary purpose is that of protecting the public health, safety, comfort and welfare and reducing financial burdens imposed on the community and its individuals by restricting the use of those areas in Waukegan which may be subject to periodic flooding or erosion, or areas with a potential for generating sedimentation, wetlands and marshes which constitute water retention or re-charge areas.

7.2-2 Permitted Uses

The following are permitted in the CR District:

1. Agriculture, including incidental agricultural structures (Farmstead)
2. Cultural institutions:
   a. Botanical and zoological gardens and arboretums.
3. Recreation and social facilities:
   a. Forest preserves, wildlife preservations, and ecological sanctuaries.
   b. Hiking and bicycle trails.
   c. Parks and playgrounds.
   d. Public beaches.
4. Wireless telecommunications – building or tower-mounted antenna

7.2-3 Conditional Uses

Subject to conditions prescribed in Section 3.11, the following conditional uses may be allowed:

1. Cemeteries
2. Educational institutions
   a. Schools - Private, primary and secondary, private or public colleges and universities for-profit or not-for-profit, boarding and non-boarding.
3. Nurseries, for the growing and sale of trees and shrubbery.
4. Public utility and service uses
   a. Railroad rights-of-way, but not including railroad yards and shops other than for passenger services.
   b. Solar voltaic systems, energy systems, energy storage and related facilities.
   c. Telephone exchange, telephone transmission equipment, buildings, and microwave relay towers.
   d. Utility rights-of-way.
5. Recreational and social facilities
   a. Golf courses, tennis centers, clubs and lodges, and similar recreational activities.
6. Wireless telecommunications – freestanding tower

7.2-4 Lot Size Requirements

There are no specific requirements as to lot size except five (5) acres for agricultural farmsteads.

7.2-5 Yard Requirements

No building or structure in the CR District shall be located closer than 50 feet from any property lines.

7.2-6 Building Height Requirements

There is no building height requirement in the CR District.

7.2-7 Floor Area Ratio Requirements

There is no floor area ratio requirement in the CR District.

7.3 ER-1 ESTATE RESIDENCE DISTRICT

7.3-1 Purpose

The ER-1 Estate Residence District is intended to accommodate and preserve residential developments of a large estate character with a lot size of 80,000 square feet or greater.

7.3-2 Permitted Uses

The following uses are permitted in the ER-1 District:

1. Day care home
2. Dwellings
   a. Single-family detached
3. Educational institutions
   a. Schools - public, primary and secondary, non-boarding
3. Recreational and social facilities
   a. Parks and playgrounds
4. Religious institutions
   a. Churches, chapels, temples, and synagogues
   b. Rectories, parsonages, and parish houses
5. Wireless telecommunications – building or tower-mounted antenna

7.3-3 Conditional Uses

The following conditional uses may be allowed in the ER-1 District, subject to the provisions of Section 3.11.

1. Dwellings
   a. Planned Developments, residential.
2. Educational Institutions
   a. Schools - private, primary and secondary, private or public colleges and universities for-profit or not-for-profit, boarding and non-boarding.
3. Public utility and service uses
   a. Railroad rights-of-way, but not including railroad yards and shops other than for passenger services.
   b. Telephone exchange, telephone transmission equipment, buildings, and microwave relay towers.
4. Recreational and social facilities
   a. Golf courses, but not golf driving ranges, pitch and putt, or miniature golf courses.
   b. Recreational buildings and community centers, non-commercial.
   c. Swimming pools, non-commercial.
5. Religious institutions
   a. Convents, seminaries, monasteries, and nunneries.
   b. Retreats.
6. Waivers and exemptions
   a. Exemption from the nonconforming use provisions of Article 5.
7. Wireless telecommunications – freestanding tower

7.3-4 Lot Size Requirements

1. Permitted Uses

	Minimum Lot Area	Minimum Lot Width
Dwellings		
Single-family detached	80,000 s.f.	150 ft.
Educational Institutions	5 acres	300 ft.
Recreational and social facilities	No size limitation	
Religious institutions	2 acres	200 ft.

2. Conditional Uses

Unless otherwise specified	20 acres	500 ft.
Recreational and social facilities	10 acres	300 ft.
Public utility and service	As specified by the Development Review Board	

3. Accessory Uses

Caretaker's residence	200,000 sq. ft.	150 ft.
Stabling of horses	200,000 sq. ft.	150 ft.
Each horse stabled	25,000 sq. ft.	

7.3-5 Yard Requirements

1. Permitted Uses

	Front	Interior Side	Corner Side	Rear
Dwellings				
Single-family detached	45	20*	30	40
Educational institutions	60	30**	50	75
Recreational and social facilities	50	25**	40	50
Religious Institutions	50	25**	40	50

2. Conditional Uses

	Front	Interior Side	Corner Side	Rear
Unless otherwise specified	60	30**	50	75
Dwellings				
Planned developments	As specified by the Development Review Board			
Public utilities	As specified by the Development Review Board			

* Plus one (1) foot for each two (2) feet by which the building height exceeds 35 feet.
** Plus one (1) foot for each two (2) feet by which the building exceeds 15 feet.

3. Accessory Uses

Except as indicated below, the yard requirements of the principal uses shall apply to their accessory buildings:

	Front	Interior Side	Corner Side	Rear
Buildings accessory to dwellings	50	10	30	10
Caretaker's residence	45	20	30	40

Clubhouses and other structures on the grounds of private clubs, golf courses, tennis clubs, barns and stables:

Not less than 75 feet from the nearest property line.***

*** Such setback area not to be used for parking.

7.3-6 Building Height Requirements

No building or structure height shall exceed 45 feet in the ER-1 District.

7.4 ER-2 ESTATE RESIDENCE DISTRICT

7.4-1 Purpose

The ER-2 Estate Residence District is intended to accommodate and preserve residential developments of large estate character of 40,000 square feet and greater.

7.4-2 Permitted Uses

The following uses are permitted in the ER-2 District:

1. Day care home
2. Dwellings
   a. Single-family detached
3. Educational institutions
   a. Schools - public, primary and secondary, non-boarding
4. Recreational and social facilities
   a. Parks and playgrounds
5. Religious institutions
   a. Churches, chapels, temples, and synagogues
   b. Rectories, parsonages, and parish houses
6. Wireless telecommunications – building or tower-mounted antenna

7.4-3 Conditional Uses

The following conditional uses may be allowed in the ER-2 District, subject to the provisions of Section 3.11.

1. Dwellings
   a. Planned Developments, residential
3. Educational Institutions
   a. Schools - private, primary and secondary, private or public colleges and universities for-profit or not-for-profit, boarding and non-boarding.
3. Public utility and service uses
   a. Railroad rights-of-way, but not including railroad yards and shops other than for passenger services.
   b. Telephone exchange, telephone transmission equipment, buildings, and microwave relay towers.
   c. Utility rights-of-way.
4. Recreational and social facilities
   a. Golf courses, but not golf driving ranges, pitch and putt, or miniature golf courses.
   b. Recreational buildings and community centers, non-commercial.
   c. Swimming pools, non-commercial.
5. Religious institutions
   a. Convents, seminaries, monasteries, and nunneries.
   b. Retreats.
6. Stabling of horses (commercial)
7. Waivers and exemptions
   a. Exemption from the nonconforming use provisions of Article 5.
8. Wireless telecommunications – freestanding tower

7.4-4 Lot Size Requirements

1. Permitted Uses

	Minimum Lot Area	Minimum Lot Width
Dwellings		
Single-family detached	40,000 s.f.	150 ft.
Educational Institutions	5 acres	300 ft.
Recreational and social facilities	No size limitation	
Religious institutions	2 acres	200 ft.

2. Conditional Uses

Unless otherwise specified	20 acres	500 ft.
Recreational and social facilities	10 acres	300 ft.
Stabling of horses (commercial)	28 acres	500 ft.
Each horse stabled	13,000 sq. ft.	
Public utility and service	As specified by the Development Review Board	

3. Accessory Uses

Caretaker's residence	200,000 sq. ft.	150 ft.
Stabling of horses	200,000 sq. ft.	150 ft.
Each horse stabled	25,000 sq. ft.	

7.4-5 Yard Requirements

1. Permitted Uses

	Front	Interior Side	Corner Side	Rear
Dwellings				
Single-family detached	40	20*	30	40
Educational institutions	60	30**	50	75
Recreational and social facilities	50	25**	40	50
Religious Institutions	50	25**	40	50

2. Conditional Uses

Unless otherwise specified	60	30**	50	75
Dwellings				
Planned developments		As specified by the Development Review Board		
Public utilities		As specified by the Development Review Board		

* Plus one (1) foot for each two (2) feet by which the building height exceeds 35 feet.
** Plus one (1) foot for each two (2) feet by which the building exceeds 15 feet.

3. Accessory Uses

Except as indicated below, the yard requirements of the principal uses shall apply to their accessory buildings:

	Front	Interior Side	Corner Side	Rear
Buildings accessory to dwellings	50	10	30	10
Caretaker's residence	45	20	30	40
Clubhouses and other structures on the grounds of private clubs, golf courses, tennis clubs, barns and stables:	Not less than 75 feet from the nearest property line.***			

*** Such setback area not to be used for parking.

7.4-6 Building Height Requirements

No building or structure height shall exceed 45 feet in the ER-2 District.

7.5 R1 SINGLE-FAMILY RESIDENCE DISTRICT

7.5-1 Purpose

The R1 Single-Family Residence District is intended to provide for prime single-family areas and protect such areas from the encroachment of incompatible uses.

7.5-2 Permitted Uses

The following uses are permitted in the R1 District:

1. Day care home
2. Dwellings
   a. Single-family detached
2. Educational institutions
   a. Schools - public, primary and secondary, non-boarding
3. Family Community Residences. The sponsoring agency must obtain a Certificate of Occupancy prior to establishing a family community residence. No dwelling unit shall be occupied as a family community residence until a Certificate of Occupancy has been issued by the Building Commissioner. No Certificate of Occupancy shall be issued for a community residence unless:
   a. The community residence is located at least 1,000 feet from any existing community residence, as measured from lot line to lot line, except when a conditional use permit is issued to allow a community residence to locate closer than 1,000 feet to an existing community residence; and
   b. The applicant demonstrates that it has either obtained or is eligible for licensing or certification required by the State of Illinois to operate the proposed community residence, or that the proposed community residence has been licensed or certified, or is eligible for licensing or certification, if required to be licensed or certified by the State of Illinois.

   The Building Commissioner may revoke a Certificate of Occupancy for a community residence if its license or certification, or the operator's license or certification to operate community residences, is revoked. A Certificate of Occupancy is not transferable to another operator or to another location.
4. Recreational and social facilities
   a. Parks and playgrounds
5. Religious institutions
   a. Churches, chapels, temples, and synagogues
   b. Rectories, parsonages, and parish houses
6. Wireless telecommunications – building or tower-mounted antenna

7.5-3 Conditional Uses

The following conditional uses may be allowed in the R1 District, subject to the provisions of Section 3.11.

1. Bed and Breakfast Lodging, subject to the minimum conditions:
   a. The primary use of the structure and property shall be residential.
   b. The dwelling/bed and breakfast shall be owner-occupied and managed.
   c. Individual bed and breakfast units shall not contain cooking facilities.
   d. No more than six (6) rooms shall be rented.
   e. At least one meal per day shall be provided to guests at a common location.
   f. Guests shall be permitted a maximum stay of seven (7) consecutive days.

g. Interior residential features shall be retained in a manner which will allow reconversion to a residential only use.
h. Parking shall be provided on-site with a minimum one (1) space required for each room that is available to be rented, over and above the normal parking requirements for the property's underlying zoning.
i. The use of the property as a bed and breakfast shall be shown by the owner not to be detrimental to the neighborhood.
j. The bed and breakfast shall be shown to be compatible with the neighborhood and shall be maintained and landscaped to eliminate outward signs of transient use. The only allowable such outward sign of such use may be a sign which meets all requirements of this Ordinance.
k. Meals shall be served only to guests who are actually using the bed and breakfast accommodations, and members of the owner's family.
l. No more than two (2) non-resident persons may be employed on the premises.
m. A bed and breakfast shall not have any sign or other evidence of its use except one (1) sign not exceeding two feet (2') by three feet (3') in area which may be double-faced and illuminated. The maximum height of any ground sign shall be four feet (4'), and the sign shall be located in such a way that no traffic sight lines are blocked.

2. Dwellings
   a. Planned Developments, residential.
3. Educational Institutions
   a. Schools - private, primary and secondary, private or public colleges and universities for-profit or not-for-profit, boarding and non-boarding.
4. Family Community Residences. Family community residences that fail to meet all requirements for a Certificate of Occupancy or operators denied a required local or state license.
5. Public utility and service uses
   a. Railroad rights-of-way, but not including railroad yards and shops other than for passenger services.
   b. Telephone exchange, telephone transmission equipment, buildings, and microwave relay towers.
   c. Utility rights-of-way.
6. Recreational and social facilities
   a. Golf courses, but not golf driving ranges, pitch and putt, or miniature golf courses.
   b. Recreational buildings and community centers, non-commercial.
   c. Swimming pools, non-commercial.
   d. Tennis clubs and courts, non-commercial.
7. Religious institutions
   a. Convents, seminaries, monasteries, and nunneries.
   b. Religious retreats.
8. Waivers and exemptions
   a. Exemption from the nonconforming use provisions of Article 5.
   b. Waiver of yard requirements, in accordance with paragraph 7.1-5(3).
9. Wireless telecommunications – freestanding tower

7.5-4 Lot Size Requirements

1. Permitted Uses

	Minimum Lot Area	Minimum Lot Width
Dwellings		
Single-family detached	10,000 s.f.	75 ft.
Educational Institutions	2 acres	200 ft.
Recreational and social facilities	No size limitation	
Religious institutions	40,000 s.f.	150 ft.

2. Conditional Uses

Unless otherwise specified	5 acres	200 ft.
Planned Developments	3 acres	200 ft.
Public utility and service	As specified by the Development Review Board	

7.5-5 Yard Requirements

1. Permitted Uses

	Front	Interior Side	Corner Side	Rear
Dwellings				
Single-family detached	30	10*	20	40
Educational institutions	50	30**	40	75
Recreational and social facilities	40	15**	30	50
Religious Institutions	40	15**	30	50

2. Conditional Uses

	Front	Interior Side	Corner Side	Rear
Unless otherwise specified	50	30**	40	75
Planned developments	As specified by the Development Review Board			
Public utilities	As specified by the Development Review Board			

* Plus one (1) foot for each two (2) feet by which the building exceeds 15 feet.
** Such setback area not to be used for parking.

3. Accessory Uses

Except as indicated below, the yard requirements of the principal uses shall apply to their accessory buildings:

	Front	Interior Side	Corner Side	Rear
Buildings accessory to dwellings	30	10***	20	3

Clubhouses and other structures on the grounds of private clubs, golf courses, tennis clubs, barns and stables:

Not less than 75 feet from the nearest property line.**

Stadiums and grandstands in athletic fields:

Not less than 250 feet from the nearest property line.**

Detached garages

If a detached garage is built in a rear yard as an accessory use, and the overhanging eaves and gutter are projected less than 18" from the side lot line, then the setback requirement for the accessory building can be reduced from 3 feet to 2 feet from the side lot line.

** Such setback area not to be used for parking.
*** Unless the entire structure is located on the rear 25% of the lot, in which case only three (3) feet shall be required.

7.5-6 Building Height Requirements

No building or other structure shall exceed 45 feet in height in the R1 District.

7.6 R2 SINGLE-FAMILY RESIDENCE DISTRICT

7.6-1 Purpose

The R2 Single-Family Residence District is intended to accommodate those single-family developments with moderate-sized lots.

7.6-2 Permitted Uses

The following uses are permitted in the R2 District:

1. Day care home
2. Dwellings
   a. Single-family detached
2. Educational institutions
   a. Schools - public, primary and secondary, non-boarding
3. Family Community Residences. The sponsoring agency must obtain a Certificate of Occupancy prior to establishing a family community residence. No dwelling unit shall be occupied as a family community residence until a Certificate of Occupancy has been issued by the Building Commissioner. No Certificate of Occupancy shall be issued for a community residence unless:
   a. The community residence is located at least 1,000 feet from any existing community residence, as measured from lot line to lot line, except when a conditional use permit is issued to allow a community residence to locate closer than 1,000 feet to an existing community residence; and
   b. The applicant demonstrates that it has either obtained or is eligible for licensing or certification required by the State of Illinois to operate the proposed community residence, or that the proposed community residence has been licensed or certified, or is eligible for licensing or certification, if required to be licensed or certified by the State of Illinois.

   The Building Commissioner may revoke a Certificate of Occupancy for a community residence if its license or certification, or the operator's license or certification to operate community residences, is revoked. A Certificate of Occupancy is not transferable to another operator or to another location.
4. Recreational and social facilities
   a. Parks and playgrounds
5. Religious institutions
   a. Churches, chapels, temples, and synagogues
   b. Rectories, parsonages, and parish houses
6. Wireless telecommunications – building or tower-mounted antenna

7.6-3 Conditional Uses

The following conditional uses may be allowed in the R2 District, subject to the provisions of Section 3.11.

1. Bed and Breakfast Lodging, subject to the minimum conditions:
   a. The primary use of the structure and property shall be residential.
   b. The dwelling/bed and breakfast shall be owner-occupied and managed.
   c. Individual bed and breakfast units shall not contain cooking facilities.
   d. No more than six (6) rooms shall be rented.
   e. At least one meal per day shall be provided to guests at a common location.
   f. Guests shall be permitted a maximum stay of seven (7) consecutive days.

g. Interior residential features shall be retained in a manner which will allow reconversion to a residential only use.
h. Parking shall be provided on-site with a minimum one (1) space required for each room that is available to be rented, over and above the normal parking requirements for the property's underlying zoning.
i. The use of the property as a bed and breakfast shall be shown by the owner not to be detrimental to the neighborhood.
j. The bed and breakfast shall be shown to be compatible with the neighborhood and shall be maintained and landscaped to eliminate outward signs of transient use. The only allowable such outward sign of such use may be a sign which meets all requirements of this Ordinance.
k. Meals shall be served only to guests who are actually using the bed and breakfast accommodations, and members of the owner's family.
l. No more than two (2) non-resident persons may be employed on the premises.
m. A bed and breakfast shall not have any sign or other evidence of its use except one (1) sign not exceeding two feet (2') by three feet (3') in area which may be double-faced and illuminated. The maximum height of any ground sign shall be four feet (4'), and the sign shall be located in such a way that no traffic sight lines are blocked.

2. Dwellings
   a. Planned Developments, residential.
3. Educational Institutions
   a. Schools - private, primary and secondary, private or public colleges and universities for-profit or not-for-profit, boarding and non-boarding.
4. Family Community Residences. Family community residences that fail to meet all requirements for a Certificate of Occupancy or operators denied a required local or state license.
5. Public utility and service uses
   a. Railroad rights-of-way, but not including railroad yards and shops other than for passenger services.
   b. Telephone exchange, telephone transmission equipment, buildings, and microwave relay towers.
   c. Utility rights-of-way.
6. Recreational and social facilities
   a. Golf courses, but not golf driving ranges, pitch and putt, or miniature golf courses.
   b. Recreational buildings and community centers, non-commercial.
   c. Swimming pools, non-commercial.
   d. Tennis clubs and courts, non-commercial.
7. Religious institutions
   a. Convents, seminaries, monasteries, and nunneries.
   b. Religious retreats.
8. Waivers and exemptions
   a. Exemption from the nonconforming use provisions of Article 5.
   b. Waiver of yard requirements, in accordance with paragraph 7.1-5(3).
9. Wireless telecommunications – freestanding tower

7.6-4 Lot Size Requirements

1. Permitted Uses

	Minimum Lot Area	Minimum Lot Width
Dwellings		
Single-family detached	7,200 s.f.	60 ft.
Educational Institutions	40,000 s.f.	150 ft.
Recreational and social facilities	No size limitation	
Religious institutions	20,000 s.f.	100 ft.

2. Conditional Uses

Educational Institutions	5 acres	200 ft.
Planned Developments	3 acres	200 ft.
Public utility and service	As specified by the Development Review Board	
Recreational and social facilities	2 acres	200 ft.

7.6-5 Yard Requirements

1. Permitted Uses

	Front	Interior Side	Corner Side	Rear
Dwellings				
Single-family detached	25	6*	20	30
Educational institutions	40	25**	30	50
Recreational and social facilities	30	15**	30	40
Religious Institutions	30	15**	30	40

2. Conditional Uses

	Front	Interior Side	Corner Side	Rear
Unless otherwise specified	50	30**	40	75
Planned developments	As specified by the Development Review Board			
Public utilities	As specified by the Development Review Board			

* Plus one (1) foot for each two (2) feet by which the building exceeds 15 feet.
** Such setback area not to be used for parking.

3. Accessory Uses

Except as indicated below, the yard requirements of the principal uses shall apply to their accessory buildings:

	Front	Interior Side	Corner Side	Rear
Buildings accessory to dwellings	25	6***	20	3

Clubhouses and other structures on the grounds of private clubs, golf courses, tennis clubs, barns and stables:

Not less than 75 feet from the nearest property line.**

Stadiums and grandstands in athletic fields

Not less than 100 feet from the nearest property line.**

Detached garages

If a detached garage is built in a rear yard as an accessory use, and the overhanging eaves and gutter are projected less than 18" from the side lot line, then the setback requirement for the accessory building can be reduced from 3 feet to 2 feet from the side lot line.

** Such setback area not to be used for parking.
*** Unless the entire structure is located on the rear 25% of the lot, in which case only three (3) feet shall be required.

7.6-6 Building Height Requirements

No building or other structure shall exceed 45 feet in height in the R2 District.

7.7 R3 SINGLE-FAMILY RESIDENCE DISTRICT

7.7-1 Purpose

The R3 Single-Family Residence District is primarily designed to accommodate existing single-family neighborhoods in the core of the City, which are characterized by smaller recorded lots than required in the R1 and R2 Districts.

7.7-2 Permitted Uses

The following uses are permitted in the R3 District:

1. Day care home
2. Dwellings
   a. Single-family detached
3. Educational institutions
   a. Schools - public, primary and secondary, non-boarding
4. Family Community Residences. The sponsoring agency must obtain a Certificate of Occupancy prior to establishing a family community residence. No dwelling unit shall be occupied as a family community residence until a Certificate of Occupancy has been issued by the Building Commissioner. No Certificate of Occupancy shall be issued for a community residence unless:
   a. The community residence is located at least 1,000 feet from any existing community residence, as measured from lot line to lot line, except when a conditional use permit is issued to allow a community residence to locate closer than 1,000 feet to an existing community residence; and
   b. The applicant demonstrates that it has either obtained or is eligible for licensing or certification required by the State of Illinois to operate the proposed community residence, or that the proposed community residence has been licensed or certified, or is eligible for licensing or certification, if required to be licensed or certified by the State of Illinois.

   The Building Commissioner may revoke a Certificate of Occupancy for a community residence if its license or certification, or the operator's license or certification to operate community residences, is revoked. A Certificate of Occupancy is not transferable to another operator or to another location.
5. Recreational and social facilities
   a. Parks and playgrounds
6. Religious institutions
   a. Churches, chapels, temples, and synagogues
   b. Rectories, parsonages, and parish houses
7. Wireless telecommunications – building or tower-mounted antenna

7.7-3 Conditional Uses

The following conditional uses may be allowed in the R3 District, subject to the provisions of Section 3.11.

1. Bed and Breakfast Lodging, subject to the minimum conditions:
   a. The primary use of the structure and property shall be residential.
   b. The dwelling/bed and breakfast shall be owner-occupied and managed.
   c. Individual bed and breakfast units shall not contain cooking facilities.
   d. No more than six (6) rooms shall be rented.
   e. At least one meal per day shall be provided to guests at a common location.

f. Guests shall be permitted a maximum stay of seven (7) consecutive days.
g. Interior residential features shall be retained in a manner which will allow reconversion to a residential only use.
h. Parking shall be provided on-site with a minimum one (1) space required for each room that is available to be rented, over and above the normal parking requirements for the property's underlying zoning.
i. The use of the property as a bed and breakfast shall be shown by the owner not to be detrimental to the neighborhood.
j. The bed and breakfast shall be shown to be compatible with the neighborhood and shall be maintained and landscaped to eliminate outward signs of transient use. The only allowable such outward sign of such use may be a sign which meets all requirements of this Ordinance.
k. Meals shall be served only to guests who are actually using the bed and breakfast accommodations, and members of the owner's family.
l. No more than two (2) non-resident persons may be employed on the premises.
m. A bed and breakfast shall not have any sign or other evidence of its use except one (1) sign not exceeding two feet (2') by three feet (3') in area which may be double-faced and illuminated. The maximum height of any ground sign shall be four feet (4'), and the sign shall be located in such a way that no traffic sight lines are blocked.

2. Dwellings
   a. Planned Developments, residential
3. Educational Institutions
   a. Schools - private, primary and secondary, private or public colleges and universities for-profit or not-for-profit, boarding and non-boarding.
4. Family Community Residences. Family community residences that fail to meet all requirements for a Certificate of Occupancy or operators denied a required local or state license.
5. Public utility and service uses
   a. Railroad rights-of-way, but not including railroad yards and shops other than for passenger services.
   b. Telephone exchange, telephone transmission equipment, buildings, and microwave relay towers.
   c. Utility rights-of-way.
6. Recreational and social facilities
   a. Golf courses, but not golf driving ranges, pitch and putt, or miniature golf courses.
   b. Recreational buildings and community centers, non-commercial.
   c. Swimming pools, non-commercial.
   d. Tennis clubs and courts, non-commercial.
7. Religious institutions
   a. Convents, seminaries, monasteries, and nunneries.
   b. Religious retreats.
8. Waivers and exemptions
   a. Exemption from the nonconforming use provisions of Article 5.
   b. Waiver of yard requirements, in accordance with paragraph 7.1-5(3).
9. Wireless telecommunications – freestanding tower

7.7-4 Lot Size Requirements

1. Permitted Uses

	Minimum Lot Area	Minimum Lot Width
Dwellings		
Single-family detached	6,000 s.f.	50 ft.
Educational Institutions	40,000 s.f.	150 ft.
Recreational and social facilities	No size limitation	
Religious institutions	20,000 s.f.	100 ft.

2. Conditional Uses

Educational Institutions	5 acres	200 ft.
Planned Developments	3 acres	200 ft.
Public utility and service	As specified by the Development Review Board	
Recreational and social facilities	40,000 s.f.	200 ft.

7.7-5 Yard Requirements

1. Permitted Uses

	Front	Interior Side	Corner Side	Rear
Dwellings				
Single-family detached	20	6*	15	25
Educational institutions	40	25**	30	50
Recreational and social facilities	40	25**	30	40
Religious Institutions	30	15**	30	40

2. Conditional Uses

Unless otherwise specified	50	30**	40	75
Planned developments	As specified by the Development Review Board			
Public utilities	As specified by the Development Review Board			

* Plus one (1) foot for each two (2) feet by which the building exceeds 15 feet.
** Such setback area not to be used for parking.

3. Accessory Uses

Except as indicated below, the yard requirements of the principal uses shall apply to their accessory buildings:

	Front	Interior Side	Corner Side	Rear
Buildings accessory to dwellings	20	6***	15	3

Clubhouses and other structures on the grounds of private clubs, golf courses, tennis clubs, barns and stables:

Not less than 75 feet from the nearest property line.**

Stadiums and grandstands in athletic fields:

Not less than 100 feet from the nearest property line.**

Detached garages

If a detached garage is built in a rear yard as an accessory use, and the overhanging eaves and gutter are projected less than 18" from the side lot line, then the setback requirement for the accessory building can be reduced from 3 feet to 2 feet from the side lot line.

** Such setback area not to be used for parking.
*** Unless the entire structure is located on the rear 25% of the lot, in which case only three (3) feet shall be required.

7.7-6 Building Height Requirements

No building or other structure shall exceed 45 feet in height in the R3 District.

7.8 R4 TWO-FAMILY RESIDENCE DISTRICT

7.8-1 Purpose

The R4 Two-Family Residence District is intended to allow for limited concentrations of duplex (two-family) dwellings in a neighborhood marked by a mixture of one and two-family houses in the areas near the Waukegan central business district.

7.8-2 Permitted Uses

The following uses are permitted in the R4 District:

1. Day care home
2. Dwellings
   a. Single-family detached
   b. Two-family detached
3. Educational institutions
   a. Schools - public, primary and secondary, non-boarding
4. Recreational and social facilities
   a. Parks and playgrounds
5. Religious institutions
   a. Churches, chapels, temples, and synagogues
   b. Rectories, parsonages, and parish houses
6. Wireless telecommunications – building or tower-mounted antenna

7.8-3 Conditional Uses

The following conditional uses may be allowed in the R4 District, subject to the provisions of Section 3.11.

1. Bed and Breakfast Lodging, subject to the minimum conditions:
   a. The primary use of the structure and property shall be residential.
   b. The dwelling/bed and breakfast shall be owner-occupied and managed.
   c. Individual bed and breakfast units shall not contain cooking facilities.
   d. No more than six (6) rooms shall be rented.
   e. At least one meal per day shall be provided to guests at a common location.
   f. Guests shall be permitted a maximum stay of seven (7) consecutive days.
   g. Interior residential features shall be retained in a manner which will allow reconversion to a residential only use.
   h. Parking shall be provided on-site with a minimum one (1) space required for each room that is available to be rented, over and above the normal parking requirements for the property's underlying zoning.
   i. The use of the property as a bed and breakfast shall be shown by the owner not to be detrimental to the neighborhood.
   j. The bed and breakfast shall be shown to be compatible with the neighborhood and shall be maintained and landscaped to eliminate outward signs of transient use. The only allowable such outward sign of such use may be a sign which meets all requirements of this Ordinance.
   k. Meals shall be served only to guests who are actually using the bed and breakfast accommodations, and members of the owner's family.
   l. No more than two (2) non-resident persons may be employed on the premises.

m. A bed and breakfast shall not have any sign or other evidence of its use except one (1) sign not exceeding two feet (2') by three feet (3') in area which may be double-faced and illuminated. The maximum height of any ground sign shall be four feet (4'), and the sign shall be located in such a way that no traffic sight lines are blocked.

2. Dwellings
   a. Planned Developments, residential.
3. Educational Institutions
   a. Schools - private, primary and secondary, private or public colleges and universities for-profit or not-for-profit, boarding and non-boarding.
4. Group Community Residences. The sponsoring agency must obtain a Certificate of Occupancy prior to establishing a group community residence. No dwelling shall be occupied as a group community residence until a Certificate of Occupancy has been issued by the Building Commissioner. No Certificate of Occupancy shall be issued for a community residence unless:
   a. The community residence is located at least 1,000 feet from any existing community residence, as measured from lot line to lot line, except when a conditional use permit is issued to allow a community residence to locate closer than 1,000 feet to an existing community residence; and
   b. The applicant demonstrates that it has either obtained or is eligible for licensing or certification required by the State of Illinois to operate the proposed community residence, or that the proposed community residence has been licensed or certified, or is eligible for licensing or certification, if required to be licensed or certified by the State of Illinois.
   c. The Building Commissioner may revoke a Certificate of Occupancy for a community residence if its license or certification, or the operator's license or certification to operate community residences, is revoked. A Certificate of Occupancy is not transferable to another operator or to another location.
5. Public utility and service uses
   a. Railroad rights-of-way, but not including railroad yards and shops other than for passenger services.
   b. Telephone exchange, telephone transmission equipment, buildings, and microwave relay towers.
   c. Utility rights-of-way.
6. Recreational and social facilities
   a. Golf courses, but not golf driving ranges, pitch and putt, or miniature golf courses.
   b. Recreational buildings and community centers, non-commercial.
   c. Swimming pools, non-commercial.
   d. Tennis clubs and courts, non-commercial.
7. Religious institutions
   a. Convents, seminaries, monasteries, and nunneries.
   b. Religious retreats.
8. Waivers and exemptions
   a. Exemption from the nonconforming use provisions of Article 5.
   b. Waiver of yard requirements, in accordance with paragraph 7.1-5(3).
9. Wireless telecommunications – freestanding tower

7.8-4 Lot Size Requirements

1. Permitted Uses

	Minimum Lot Area	Minimum Lot Width
Dwellings		
Single-family detached	6,000 s.f.	60 ft.
Two-family detached	7,200 s.f.	60 ft.
Educational Institutions	40,000 s.f.	150 ft.
Recreational and social facilities	No size limitation	
Religious institutions	15,000 s.f.	100 ft.

2. Conditional Uses

Educational Institutions	2 acres	200 ft.
Planned Developments	3 acres	200 ft.
Public utility and service	As specified by the Development Review Board	
Recreational and social facilities	40,000 s.f.	200 ft.

7.8-5 Yard Requirements

1. Permitted Uses

	Front	Interior Side	Corner Side	Rear
Dwellings				
Single-family detached	20	6*	15	25
Two-family detached	20	6*	15	25
Educational institutions	40	25**	30	50
Recreational and social facilities	25	15**	25	30
Religious Institutions	25	15**	25	30

* Plus one (1) foot for each two (2) feet by which the building exceeds 15 feet.
** Such setback area not to be used for parking.

2. Conditional Uses

	Front	Interior Side	Corner Side	Rear
Unless otherwise specified	50	30**	40	60
Planned developments	As specified by the Development Review Board			
Public utilities	As specified by the Development Review Board			

** Such setback area not to be used for parking.

3. Accessory Uses

Except as indicated below, the yard requirements of the principal uses shall apply to their accessory buildings:

	Front	Interior Side	Corner Side	Rear
Buildings accessory to dwellings	20	6***	15	3

Clubhouses and other structures on the grounds of private clubs, golf courses, tennis clubs, barns and stables:

Not less than 75 feet from the nearest property line.**

Stadiums and grandstands in athletic fields:

Not less than 100 feet from the nearest property line.**

Detached garages:

If a detached garage is built in a rear yard as an accessory use, and the overhanging eaves and gutter are projected less than 18" from the side lot line, then the setback requirement for the accessory building can be reduced from 3 feet to 2 feet from the side lot line.

** Such setback area not to be used for parking.
*** Unless the entire structure is located on the rear 25% of the lot, in which case only three (3) feet shall be required.

7.8-6 Building Height Requirements

No building or other structure shall exceed 45 feet in height in the R4 District.

7.9 R5 LIMITED GENERAL RESIDENCE DISTRICT

7.9-1 Purpose

The R5 Limited General Residence District is intended to provide areas which are to be occupied substantially by single-family and two-family dwellings and attached dwellings. It is designed to accommodate limited apartment dwellings while maintaining a low-density "owner occupancy" character.

7.9-2 Conditions

All existing multi-family residential buildings constructed in conformance with the density regulations of the prior zoning ordinance are excepted from the non-conforming use rule of Article 5 of this Ordinance.

7.9-3 Permitted Uses

The following uses are permitted in the R5 District:

1. Day care home
2. Dwellings
    a. Single-family detached
    b. Two-family detached
    c. Two-family attached
    d. Multi-family
3. Educational institutions
    a. Schools - public, primary and secondary, non-boarding
4. Recreational and social facilities
    a. Parks and playgrounds
5. Religious institutions
    a. Churches, chapels, temples, and synagogues
    b. Rectories, parsonages, and parish houses
6. Wireless telecommunications – building or tower-mounted antenna

7.9-4 Conditional Uses

The following conditional uses may be allowed in the R5 District, subject to the provisions of Section 3.11.

1. Convalescent and nursing homes
2. Cultural institutions
    a. Public aquariums
    b. Public art galleries
    c. Public libraries
    d. Public museums
3. Dwellings
    a. Planned Developments, residential.
4. Educational Institutions
    a. Schools - private, primary and secondary, private or public colleges and universities for-profit or not-for-profit, boarding and non-boarding.

5. Group Community Residences. The sponsoring agency must obtain a Certificate of Occupancy prior to establishing a group community residence. No dwelling shall be occupied as a group community residence until a Certificate of Occupancy has been issued by the Building Commissioner. No Certificate of Occupancy shall be issued for a community residence unless:
   a. The community residence is located at least 1,000 feet from any existing community residence, as measured from lot line to lot line, except when a conditional use permit is issued to allow a community residence to locate closer than 1,000 feet to an existing community residence; and
   b. The applicant demonstrates that it has either obtained or is eligible for licensing or certification required by the State of Illinois to operate the proposed community residence, or that the proposed community residence has been licensed or certified, or is eligible for licensing or certification, if required to be licensed or certified by the State of Illinois.
   c. The Building Commissioner may revoke a Certificate of Occupancy for a community residence if its license or certification, or the operator's license or certification to operate community residences, is revoked. A Certificate of Occupancy is not transferable to another operator or to another location.
6. Hospitals
7. Public utility and service uses
   a. Railroad rights-of-way, but not including railroad yards and shops other than for passenger services.
   b. Telephone exchange, telephone transmission equipment, buildings, and microwave relay towers.
   c. Utility rights-of-way.
8. Recreational and social facilities
   a. Golf courses, but not golf driving ranges, pitch and putt, or miniature golf courses.
   b. Recreational buildings and community centers, non-commercial.
   c. Swimming pools, non-commercial.
   d. Tennis clubs and courts, non-commercial.
9. Religious institutions
   a. Convents, seminaries, monasteries, and nunneries.
   b. Religious retreats.
10. Waivers and exemptions
    a. Exemption from the nonconforming use provisions of Article 5.
    b. Waiver of yard requirements, in accordance with paragraph 7.1-5(3).
11. Wireless telecommunications – freestanding tower

7.9-5 Lot Size Requirements

1. Permitted Uses

	Minimum Lot Area	Minimum Lot Width
Dwellings		
Single-family detached	6,000 s.f.	50 ft.
Two-family detached	6,000 s.f.	50 ft.
Two-family attached and multi-family*		
Efficiency and 1 bedroom	2,000 s.f.	50 ft.
2 bedrooms and larger	2,500 s.f.	50 ft.
Educational Institutions	20,000 s.f.	100 ft.
Recreational and social facilities	No size limitation	
Religious institutions	15,000 s.f.	100 ft.

* In no case shall the lot be smaller than 6,000 square feet and 50 feet in width.

2. Conditional Uses

Convalescent and nursing homes	20,000 s.f.	100 ft.
Cultural Institutions	20,000 s.f.	100 ft.
Educational Institutions	2 acres	200 ft.
Hospitals	40,000 s.f.	150 ft.
Planned Developments	2 acres	200 ft.
Public utility and service	As specified by the Development Review Board	
Recreational and social facilities	40,000 s.f.	200 ft.

7.9-6 Yard Requirements

1. Permitted Uses

	Front	Interior Side	Corner Side	Rear
Dwellings				
Single and two-family	25	6*	20	25
Multi-family	25	12	15	25
Educational institutions	25	15	20	40
Recreational and social facilities	25	15*	20	30
Religious Institutions	25	15*	20	30

* Plus one (1) foot for each three (3) feet by which the building or structure height exceeds 40 feet.

2. Conditional Uses

	Front	Interior Side	Corner Side	Rear
Convalescent/nursing homes	25	10	20	40
Cultural Institutions	25	15	20	40
Educational Institutions	25	20*	20	50
Hospitals	25	20*	20	50
Planned developments	As specified by the Development Review Board			
Public utilities	As specified by the Development Review Board			
Recreational and social facilities	As specified by the Development Review Board			
Religious institutions	As specified by the Development Review Board			

* Plus one (1) foot for each three (3) feet by which the building or structure height exceeds 40 feet.

3. Accessory Uses

Except as indicated below, the yard requirements of the principal uses shall apply to their accessory buildings:

	Front	Interior Side	Corner Side	Rear
Buildings accessory to dwellings	25	6**	15	3

Clubhouses and other structures on the grounds of private clubs, golf courses, tennis clubs, barns and stables:

Not less than 75 feet from the nearest property line.***

Stadiums and grandstands in athletic fields:

Not less than 100 feet from the nearest property line.***

Detached garages:

If a detached garage is built in a rear yard as an accessory use, and the overhanging eaves and gutter are projected less than 18" from the side lot line, then the setback requirement for the accessory building can be reduced from 3 feet to 2 feet from the side lot line.

** Unless the entire structure is located on the rear 25% of the lot, in which case only three (3) feet shall be required.
*** Such setback area not to be used for parking.

7.9-7 Building Height Requirements

No building or other structure shall exceed 45 feet in height in the R5 District.

7.10 R6 GENERAL RESIDENCE DISTRICT

7.10-1 Purpose

The R6 General Residence District is intended to protect and enhance the character and value of residential areas primarily occupied by varied dwelling types of moderate density (approximately 30 dwelling units per acre), and to accommodate areas planned for new residential development of moderate density.

7.10-2 Conditions

All existing multi-family residential buildings constructed in conformance with the density regulations of the prior zoning ordinance are excepted from the non-conforming use rule of Article 5 of this Ordinance.

7.10-3 Permitted Uses

The following uses are permitted in the R6 District:

1. Convalescent and nursing homes
2. Cultural Institutions
    a. Public aquariums
    b. Public art galleries
    c. Public libraries
    d. Public museums
3. Day care home
4. Dwellings
    a. Single-family detached
    b. Two-family detached
    c. Two-family attached
    d. Multi-family
5. Educational institutions
    a. Schools - public, primary and secondary, non-boarding
6. Recreational and social facilities
    a. Parks and playgrounds
    b. Recreational buildings and community centers, non-commercial
    c. Swimming pools, non-commercial
    d. Tennis clubs and courts, non-commercial
7. Religious institutions
    a. Churches, chapels, temples, and synagogues
    b. Rectories, parsonages, and parish houses
    c. Convents, seminaries, monasteries, nunneries
    d. Retreats
8. Accessory commercial uses in the same building as a principal residential use, and conducted for the convenience of the residents, in buildings having 50 or more dwelling units. Accessory commercial uses shall be designed and located totally within the confines of the principal use and accessible to the public only through the lobby of the building without advertising or display visible from outside the building. Such uses may include or be similar to the following:
    a. Barber shops
    b. Beauty shops

c. Drugstores
d. Physical fitness or health facilities
e. Retail food shops
f. Restaurants
g. Tailor
h. Valet services
i. Video Store: Rental and Sales

9. Wireless telecommunications – building or tower-mounted antenna

7.10-4 Conditional Uses

The following conditional uses may be allowed in the R6 District, subject to the provisions of Section 3.11.

1. Day care center, as an accessory use
2. Dwellings
   a. Planned Developments, residential.
3. Educational Institutions
   a. Schools - private, primary and secondary, private or public colleges and universities for-profit or not-for-profit, boarding and non-boarding.
4. Group Community Residences. The sponsoring agency must obtain a Certificate of Occupancy prior to establishing a group community residence. No dwelling shall be occupied as a group community residence until a Certificate of Occupancy has been issued by the Building Commissioner. No Certificate of Occupancy shall be issued for a community residence unless:
   a. The community residence is located at least 1,000 feet from any existing community residence, as measured from lot line to lot line, except when a conditional use permit is issued to allow a community residence to locate closer than 1,000 feet to an existing community residence; and
   b. The applicant demonstrates that it has either obtained or is eligible for licensing or certification required by the State of Illinois to operate the proposed community residence, or that the proposed community residence has been licensed or certified, or is eligible for licensing or certification, if required to be licensed or certified by the State of Illinois.
   c. The Building Commissioner may revoke a Certificate of Occupancy for a community residence if its license or certification, or the operator's license or certification to operate community residences, is revoked. A Certificate of Occupancy is not transferable to another operator or to another location.
5. Hospitals
6. Philanthropic and charitable institutions
7. Public utility and service uses
   a. Railroad rights-of-way, but not including railroad yards and shops other than for passenger services.
   b. Telephone exchange, telephone transmission equipment, buildings, and microwave relay towers.
   c. Utility rights-of-way.
8. Single Room Occupancy Units
9. Waivers and exemptions
   a. Exemption from the nonconforming use provisions of Article 5.
   b. Waiver of yard requirements, in accordance with paragraph 7.1-5(3).

10. Wireless telecommunications – freestanding tower

7.10-5 Lot Size Requirements

1. Permitted Uses

	Minimum Lot Area	Minimum Lot Width
Convalescent and nursing homes	20,000 s.f.	100 ft.
Cultural institutions	20,000 s.f.	100 ft.
Dwellings		
Single-family detached	6,000 s.f.	50 ft.
Two-family detached	6,000 s.f.	50 ft.
Two-family attached and multi-family*		
Efficiency and 1 bedroom	1,000 s.f./d.u.	50 ft.
2 bedrooms	1,250 s.f./d.u.	50 ft.
3 bedrooms	1,500 s.f./d.u.	50 ft.
4 bedrooms and larger	2,000 s.f./d.u.	50 ft.
Educational Institutions	20,000 s.f.	100 ft.
Recreational and social facilities	15,000 s.f.	100 ft.
Religious institutions	15,000 s.f.	100 ft.

* In no case shall the lot be smaller than 6,000 square feet and 50 feet in width.

2. Conditional Uses

Day care center	10,000 s.f.	100 ft.
Educational Institutions	2 acres	200 ft.
Hospitals	40,000 s.f.	150 ft.
Planned Developments	2 acres	200 ft.
Public utility and service	As specified by the Development Review Board	

7.10-6 Yard Requirements

1. Permitted Uses

	Front	Interior Side	Corner Side	Rear
Convalescent and nursing homes	25	10*	20	25
Cultural institutions	25	15*	20	40
Day care centers	25	10	20	30
Dwellings				
Single-family detached	25	6*	20	25
Two-family detached	25	6*	20	25
Two-family attached and multi-family	25	10*	20	25
Educational Institutions	25	15*	20	40
Recreational and social facilities		No size limitation		
Religious institutions	25	10*	20	30

2. Conditional Uses

	Front	Interior Side	Corner Side	Rear
Educational institutions	25	20*	20	50
Hospitals	50	30*	40	60
Philanthropic and Charitable Institutions	25	10*	20	30
Dwellings				
Planned developments	As specified by the Development Review Board			
Public utilities	As specified by the Development Review Board			

* Plus one (1) foot for each three (3) feet by which the building or structure height exceeds 40 feet.
** Unless the entire structure is located on the rear 25% of the lot, in which case only three (3) feet shall be required.

3. Accessory Uses

Except as indicated below, the yard requirements of the principal uses shall apply to their accessory buildings:

	Front	Interior Side	Corner Side	Rear
Buildings accessory to dwellings	25	6**	15	3

Clubhouses and other structures on the grounds of private clubs, golf courses, tennis clubs, barns and stables:

Not less than 75 feet from the nearest property line.***

Stadiums and grandstands in athletic fields: Not less than 100 feet from the nearest property line.***

Detached garages:

If a detached garage is built in a rear yard as an accessory use, and the overhanging eaves and gutter are projected less than 18" from the side lot line, then the setback requirement for the accessory building can be reduced from 3 feet to 2 feet from the side lot line.

** Unless the entire structure is located on the rear 25% of the lot, in which case only three (3) feet shall be required.
*** Such setback area not to be used for parking.

7.10-7 Building Height Requirements

No single-family dwelling or accessory structure shall exceed 45 feet in height in the R6 District.

7.10-8 Floor Area Ratio Requirements

1. Permitted Uses

Community centers	2.0
Convalescent homes	2.25
Cultural institutions	1.5
Day care centers	1.5
Dwellings of all types	2.25
Educational institutions	1.5
Religious institutions	1.5

2. Conditional Uses

Dwellings	
Planned developments	As specified by the Development Review Board
Educational institutions	1.5
Hospitals	2.0
Public utility and service	As specified by the Development Review Board

3. Accessory Uses

In the R6 General Residence District, the floor area of accessory buildings shall be included in the total allowable floor area permitted on the zoning lot, as specified for the principal uses in paragraphs 1 and 2 above. However, any floor area devoted to off-street parking or loading facilities shall be exempt from floor area ratio requirements.

7.10-9 Regulations Applicable to Single-Room Occupancy Units

1. The following requirements shall be met before a Conditional Use Permit may be issued for a Single Room Occupancy Unit. Failure to continue to meet any of the following regulations shall be grounds for the Planning and Zoning Commission to revoke the Conditional Use Permit.
   a. Each Single Room Occupancy unit shall be at a minimum 70 square feet for one person, 150 square feet for two persons, and such minimums shall increase by 50 square feet for each additional person in a single unit. No room may be smaller than seven (7) feet in any dimension, and must include at least 30 cubic feet of storage space.
   b. One off-street parking space is required per room up to 150 square feet. One and a half parking spaces shall be required for each room over 150 square feet.
   c. Any structure with more than one Single Room Occupancy Unit must have a full sprinkler system.
   d. Any structure that includes one or more Single Room Occupancy Units must have at least 400 square feet of common area, and must have manager or owner name and 24-hour contact information posted in a shared space on each floor, and at each exterior doorway.
   e. Any structure that includes one or more Single Room Occupancy Units must maintain a City issued rental license, pursuant to Chapter 14 of the Code of Ordinances. Each Conditional Use Permit for a Single Room Occupancy shall be subject to annual review by City, which includes the review of management services, and inspection by the Building

Department pursuant to the rental license code, or more frequent if so established in the Conditional Use Permit.

f. All Single Room Occupancy Units and structures containing any such unit must comply with the most recently adopted City building, plumbing, mechanical, electrical, fire and housing codes.

2. Any application for a Conditional Use Permit shall be accompanied by a management plan, which shall be submitted for review and approval with the CUP application. The management plan shall contain management policies, operations, emergency procedures, overnight guest policy, security program, rental procedures and proposed rates, and maintenance plans.
3. In addition to the minimum requirements contained in this Section, and all other appropriate factors for the issuance of a Conditional Use Permit, the Planning and Zoning Commission shall consider the following factors when determining the appropriateness of a Conditional Use Permit for Single Room Occupancy Units:
   a. Accessibility of transportation, including, but not limited to bicycle stalls, and distance from public transportation routes;
   b. Number of Handicapped accessible units; and
   c. Appropriateness of lot size for the proposed use.

7.11 R7 GENERAL RESIDENCE DISTRICT

7.11-1 Purpose

The R7 General Residence District is intended to protect and enhance the character and value of residential areas primarily occupied by varied dwelling types of moderate to high density (approximately 40 dwelling units per acre), and to accommodate areas planned for new residential development of moderate to high density.

7.11-2 Conditions

All existing multi-family residential buildings constructed in conformance with the density regulations of the prior zoning ordinance are excepted from the non-conforming use rule of Article 5 of this Ordinance.

7.11-3 Permitted Uses

The following uses are permitted in the R7 District:

1. Accessory commercial uses in the same building as a principal residential use, and conducted for the convenience of the residents, in buildings having 50 or more dwelling units. Accessory commercial uses shall be designed and located totally within the confines of the principal use and accessible to the public only through the lobby of the building without advertising or display visible from outside the building. Such uses may include or be similar to the following:
    a. Barber shops
    b. Beauty shops
    c. Drugstores
    d. Physical fitness or health facilities
    e. Retail food shops
    f. Restaurants
    g. Tailor
    h. Valet services
    i. Video Store: Rental and Sales
2. Convalescent and nursing homes
3. Cultural Institutions
    a. Public aquariums
    b. Public art galleries
    c. Public libraries
    d. Public museums
4. Day care home
5. Dwellings
    a. Single-family detached
    b. Two-family detached
    c. Two-family attached
    d. Multi-family
6. Educational institutions
    a. Schools - public, primary and secondary, non-boarding
7. Recreational and social facilities
    a. Parks and playgrounds
    b. Recreational buildings and community centers, non-commercial

   c. Swimming pools, non-commercial
   d. Tennis clubs and courts, non-commercial
8. Religious institutions
   a. Churches, chapels, temples, and synagogues
   b. Rectories, parsonages, and parish houses
   c. Convents, seminaries, monasteries, nunneries
   d. Retreats
9. Wireless telecommunications – building or tower-mounted antenna

7.11-4 Conditional Uses

The following conditional uses may be allowed in the R7 District, subject to the provisions of Section 3.11.

1. Day care center, as an accessory use
2. Dwellings
   a. Planned Developments, residential.
3. Educational Institutions
   a. Schools - private, primary and secondary, private or public colleges and universities for-profit or not-for-profit, boarding and non-boarding.
4. Group Community Residences. The sponsoring agency must obtain a Certificate of Occupancy prior to establishing a group community residence. No dwelling shall be occupied as a group community residence until a Certificate of Occupancy has been issued by the Building Commissioner. No Certificate of Occupancy shall be issued for a community residence unless:
   a. The community residence is located at least 1,000 feet from any existing community residence, as measured from lot line to lot line, except when a conditional use permit is issued to allow a community residence to locate closer than 1,000 feet to an existing community residence; and
   b. The applicant demonstrates that it has either obtained or is eligible for licensing or certification required by the State of Illinois to operate the proposed community residence, or that the proposed community residence has been licensed or certified, or is eligible for licensing or certification, if required to be licensed or certified by the State of Illinois.
   c. The Building Commissioner may revoke a Certificate of Occupancy for a community residence if its license or certification, or the operator's license or certification to operate community residences, is revoked. A Certificate of Occupancy is not transferable to another operator or to another location.
5. Hospitals
6. Philanthropic and charitable institutions
7. Public utility and service uses
   a. Railroad rights-of-way, but not including railroad yards and shops other than for passenger services.
   b. Telephone exchange, telephone transmission equipment, buildings, and microwave relay towers.
   c. Utility rights-of-way.
8. Single Room Occupancy Units
9. Waivers and exemptions
   a. Exemption from the nonconforming use provisions of Article 5.
   b. Waiver of yard requirements, in accordance with paragraph 7.1-5(3).

10. Wireless telecommunications – freestanding tower

7.11-5 Lot Size Requirements

1. Permitted Uses

	Minimum Lot Area	**Minimum Lot Width**
Convalescent and nursing homes	20,000 s.f.	100 ft.
Cultural institutions	20,000 s.f.	100 ft.
Dwellings		
Single-family detached	6,000 s.f.	50 ft.
Two-family detached	6,000 s.f.	50 ft.
Two-family attached and multi-family*		
Efficiency and 1 bedroom	800 s.f./d.u.	50 ft.
2 bedrooms	1,000 s.f./d.u.	50 ft.
3 bedrooms	1,200 s.f./d.u.	50 ft.
4 bedrooms and larger	1,5000 s.f./d.u.	50 ft.
Educational Institutions	20,000 s.f.	100 ft.
Recreational and social facilities	15,000 s.f.	100 ft.
Religious institutions	15,000 s.f.	100 ft.

* In no case shall the lot be smaller than 6,000 square feet and 50 feet in width.

2. Conditional Uses

Day care center	10,000 s.f.	100 ft.
Educational Institutions	2 acres	200 ft.
Hospitals	40,000 s.f.	150 ft.
Planned Developments	2 acres	200 ft.
Public utility and service	As specified by the Development Review Board	

7.11-6 Yard Requirements

1. Permitted Uses

	Front	**Interior Side**	**Corner Side**	**Rear**
Convalescent and nursing homes	25	10*	20	25
Cultural institutions	25	15*	20	40
Day care centers	25	10	20	30
Dwellings				
Single-family detached	25	6*	20	25
Two-family detached	25	6*	20	25
Two-family attached/multi-family	25	10*	20	25
Educational Institutions	25	15*	20	40
Recreational and social facilities		No size limitation		
Religious institutions	25	10*	20	30

2. Conditional Uses

	Front	Interior Side	Corner Side	Rear
Educational institutions	25	20*	20	50
Hospitals	50	30*	40	60
Philanthropic and charitable Institutions	25	10*	20	30
Dwellings				
Planned developments	As specified by the Development Review Board			
Public utilities	As specified by the Development Review Board			

* Plus one (1) foot for each three (3) feet by which the building or structure height exceeds 40 feet.

3. Accessory Uses

Except as indicated below, the yard requirements of the principal uses shall apply to their accessory buildings:

	Front	Interior Side	Corner Side	Rear
Buildings accessory to dwellings	25	6**	15	3

Clubhouses and other structures on the grounds of private clubs, golf courses, tennis clubs, barns and stables:

Not less than 75 feet from the nearest property line.***

Stadiums and grandstands in athletic fields:

Not less than 100 feet from the nearest property line.****

Detached garages:

If a detached garage is built in a rear yard as an accessory use, and the overhanging eaves and gutter are projected less than 18" from the side lot line, then the setback requirement for the accessory building can be reduced from 3 feet to 2 feet from the side lot line.

** Unless used for enclosed parking, in which case no rear yard setback is required.
*** Unless the entire structure is located on the rear 25% of the lot, in which case only three (3) feet shall be required.
**** Such setback area not to be used for parking.

7.11-7 Building Height Requirements

No single-family dwelling or accessory structure shall exceed 45 feet in height in the R7 District.

7.11-8 Floor Area Ratio Requirements

1. Permitted Uses

Dwellings of all types	3.2
Educational institutions	2.0
Religious institutions	2.0

2. Conditional Uses

Community centers	3.0
Convalescent homes	3.0
Cultural institutions	2.0
Day care centers	2.0
Dwellings	
Planned developments	As specified by the Development Review Board
Educational institutions	2.0
Hospitals	3.0
Public utility and service	As specified by the Development Review Board

3. Accessory Uses

In the R7 General Residence District, the floor area of accessory buildings shall be included in the total allowable floor area permitted on the zoning lot, as specified for the principal uses in paragraphs 1 and 2 above. However, any floor area devoted to off-street parking or loading facilities shall be exempt from floor area ratio requirements.

7.11-9 Regulations Applicable to Single Room Occupancy Units

1. The following requirements shall be met before a Conditional Use Permit may be issued for a Single Room Occupancy Unit. Failure to continue to meet any of the following regulations shall be grounds for the Planning and Zoning Commission to revoke the Conditional Use Permit.
   a. Each Single Room Occupancy unit shall be at a minimum 70 square feet for one person, 150 square feet for two persons, and such minimums shall increase by 50 square feet for each additional person in a single unit. No room may be smaller than seven (7) feet in any dimension, and must include at least 30 cubic feet of storage space.
   b. One off-street parking space is required per room up to 150 square feet. One and a half parking spaces shall be required for each room over 150 square feet.
   c. Any structure with more than one Single Room Occupancy Unit must have a full sprinkler system.
   d. Any structure that includes one or more Single Room Occupancy Units must have at least 400 square feet of common area, and must have manager or owner name and 24-hour contact information posted in a shared space on each floor, and at each exterior doorway.
   e. Any structure that includes one or more Single Room Occupancy Units must maintain a City issued rental license, pursuant to Chapter 14 of the Code of Ordinances. Each Conditional Use Permit for a Single Room Occupancy shall be subject to annual review by City, which includes the review of management services, and inspection by the Building

Department pursuant to the rental license code, or more frequent if so established in the Conditional Use Permit.

f. All Single Room Occupancy Units and structures containing any such unit must comply with the most recently adopted City building, plumbing, mechanical, electrical, fire and housing codes.

2. Any application for a Conditional Use Permit shall be accompanied by a management plan, which shall be submitted for review and approval with the CUP application. The management plan shall contain management policies, operations, emergency procedures, overnight guest policy, security program, rental procedures and proposed rates, and maintenance plans.
3. In addition to the minimum requirements contained in this Section, and all other appropriate factors for the issuance of a Conditional Use Permit, the Planning and Zoning Commission shall consider the following factors when determining the appropriateness of a Conditional Use Permit for Single Room Occupancy Units:
   a. Accessibility of transportation, including, but not limited to bicycle stalls, and distance from public transportation routes;
   b. Number of Handicapped accessible units; and
   c. Appropriateness of lot size for the proposed use.

7.12 R8 GENERAL RESIDENCE DISTRICT

7.12-1 Purpose

The R8 General Residence District is designed to be mapped only in areas within and immediately surrounding the Central Business District. This district accommodates the highest residential densities in locations with direct access to convenience services, including shopping, civic functions and public transportation.

7.12-2 Conditions

All existing multi-family residential buildings constructed in conformance with the density regulations of the prior zoning ordinance are excepted from the non-conforming use rule of Article 5 of this Ordinance.

7.12-3 Permitted Uses

The following uses are permitted in the R8 District:

1. Accessory commercial uses in the same building as a principal residential use, and conducted for the convenience of the residents, in buildings having 50 or more dwelling units. Accessory commercial uses shall be designed and located totally within the confines of the principal use and accessible to the public only through the lobby of the building without advertising or display visible from outside the building. Such uses may include or be similar to the following:
    a. Barber shops
    b. Beauty shops
    c. Drugstores
    d. Physical fitness or health facilities
    e. Retail food shops
    f. Restaurants
    g. Tailor
    h. Valet services
    i. Video Store: rental and sales
2. Day care home
3. Dwellings
    a. Single-family detached
    b. Two-family detached
    c. Two-family attached
    d. Multi-family
4. Educational institutions
    a. Schools - public, primary and secondary, non-boarding
5. Recreational and social facilities
    a. Parks and playgrounds
6. Religious institutions
    a. Churches, chapels, temples, and synagogues
    b. Rectories, parsonages, and parish houses
    c. Convents, seminaries, monasteries, nunneries
    d. Retreats
7. Wireless telecommunications – building or tower-mounted antenna

7.12-4 Conditional Uses

The following conditional uses may be allowed in the R8 District, subject to the provisions of Section 3.11.

1. Community centers
2. Convalescent and nursing homes
3. Cultural institutions
   a. Public aquariums
   b. Public art galleries
   c. Public libraries
   d. Public museums
4. Day care centers, as an accessory use
5. Dwellings
   a. Planned Developments, residential
   b. Rooming, boarding, or lodging houses
6. Educational Institutions
   a. Schools - private, primary and secondary, private or public colleges and universities for-profit or not-for-profit, boarding and non-boarding.
7. Group Community Residences. The sponsoring agency must obtain a Certificate of Occupancy prior to establishing a group community residence. No dwelling shall be occupied as a group community residence until a Certificate of Occupancy has been issued by the Building Commissioner. No Certificate of Occupancy shall be issued for a community residence unless:
   a. The community residence is located at least 1,000 feet from any existing community residence, as measured from lot line to lot line, except when a conditional use permit is issued to allow a community residence to locate closer than 1,000 feet to an existing community residence; and
   b. The applicant demonstrates that it has either obtained or is eligible for licensing or certification required by the State of Illinois to operate the proposed community residence, or that the proposed community residence has been licensed or certified, or is eligible for licensing or certification, if required to be licensed or certified by the State of Illinois.
   c. The Building Commissioner may revoke a Certificate of Occupancy for a community residence if its license or certification, or the operator's license or certification to operate community residences, is revoked. A Certificate of Occupancy is not transferable to another operator or to another location.
8. Hospitals
9. Philanthropic and charitable institutions
10. Public utility and service uses
    a. Railroad rights-of-way, but not including railroad yards and shops other than for passenger services.
    b. Telephone exchange, telephone transmission equipment, buildings, and microwave relay towers.
    c. Utility rights-of-way.
11. Single Room Occupancy Units
12. Waivers and exemptions
    a. Exemption from the nonconforming use provisions of Article 5.
    b. Waiver of yard requirements, in accordance with paragraph 7.1-5(3).
13. Wireless telecommunications – freestanding tower

7.12-5 Lot Size Requirements

1. Permitted Uses

	Minimum Lot Area	**Minimum Lot Width**
Dwellings		
Single-family detached	6,000 s.f.	50 ft.
Two-family detached	6,000 s.f.	50 ft.
Two-family attached and multi-family*		
Efficiency and 1 bedroom	250 s.f./d.u.	50 ft.
2 bedrooms	400 s.f./d.u.	50 ft.
3 bedrooms	550 s.f./d.u.	50 ft.
4 bedrooms and larger	700 s.f./d.u.	50 ft.
Educational Institutions	20,000 s.f.	100 ft.
Recreational and social facilities	No size limitation	
Religious institutions	15,000 s.f.	100 ft.

* In no case shall the lot be smaller than 6,000 square feet and 50 feet in width.

2. Conditional Uses

	Minimum Lot Area	**Minimum Lot Width**
Community centers	20,000 s.f.	100 ft.
Convalescent and nursing homes	20,000 s.f.	100 ft.
Cultural institutions	20,000 s.f.	100 ft.
Day care center	10,000 s.f.	100 ft.
Educational Institutions	2 acres	200 ft.

	Minimum Lot Area	**Minimum Lot Width**
Hospitals	40,000 s.f.	150 ft.
Dwellings		
Planned Developments	As specified by the Development Review Board	
Public utility and service	As specified by the Development Review Board	

7.12-6 Yard Requirements

1. Permitted Use

	Front	Interior Side	Corner Side	Rear
Dwellings				
Single-family detached	25	6*	20	25
Two-family detached	25	6*	20	25
Two-family attached/multi-family	25	10*	20	25
Educational Institutions	25	15*	20	40
Recreational and social facilities	25	15*	20	40
Religious institutions	25	10*	20	30

2. Conditional Uses

	Front	Interior Side	Corner Side	Rear
Convalescent and nursing homes	15	10*	15	30
Cultural institutions	15	10*	20	30
Day care centers	15	10	15	30
Educational institutions	25	20*	20	50
Hospitals	50	30*	40	60
Philanthropic and charitable Institutions	25	10*	20	30
Dwellings				
Planned developments	As specified by the Development Review Board			
Rooming houses	15	10*	15	30
Public utility and service	As specified by the Development Review Board			

* Plus one (1) foot for each three (3) feet by which the building or structure height exceeds 55 feet.
** Unless the entire structure is located on the rear 25% of the lot, in which case only three (3) feet shall be required.

3. Accessory Uses

Except as indicated below, the yard requirements of the principal uses shall apply to their accessory buildings:

	Front	Interior Side	Corner Side	Rear
Buildings accessory to dwellings	15	10**	15	3

Clubhouses and other structures on the grounds of private clubs, golf courses, tennis clubs, barns and stables:

Not less than 60 feet from the nearest property line.***

Stadiums and grandstands in athletic fields:

Not less than 100 feet from the nearest property line.***

Detached garages

If a detached garage is built in a rear yard as an accessory use, and the overhanging eaves and gutter are projected less than 18" from the side lot line, then the setback requirement for the accessory building can be reduced from 3 feet to 2 feet from the side lot line.

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* Plus one (1) foot for each three (3) feet by which the building or structure height exceeds 40 feet.
** Unless the entire structure is located on the rear 25% of the lot, in which case only three (3) feet shall be required.
*** Such setback area not to be used for parking.

7.12-7 Building Height Requirements

No single-family dwelling or accessory structure shall exceed 45 feet in height in the R8 District.

7.12-8 Floor Area Ratio Requirements

1. Permitted Uses

Dwellings of all types	4.2
Educational institutions	3.0
Religious institutions	3.0

2. Conditional Uses

Community centers	3.5
Convalescent homes	4.2
Cultural institutions	3.0
Day care centers	3.0
Dwellings	
Planned developments	As specified by the Development Review Board
Rooming houses	3.0
Educational institutions	2.0
Hospitals	3.8
Public utility and service	As specified by the Development Review Board

3. Accessory Uses
   In the R8 General Residence District, the floor area of accessory buildings shall be included in the total allowable floor area permitted on the zoning lot, as specified for the principal uses in paragraphs 1 and 2 above. However, any floor area devoted to off-street parking or loading facilities shall be exempt from floor area ratio requirements.

7.12-9 Regulations Applicable to Single Room Occupancy Units

1. The following requirements shall be met before a Conditional Use Permit may be issued for a Single Room Occupancy Unit. Failure to continue to meet any of the following regulations shall be grounds for the Planning and Zoning Commission to revoke the Conditional Use Permit.
   a. Each Single Room Occupancy unit shall be at a minimum 70 square feet for one person, 150 square feet for two persons, and such minimums shall increase by 50 square feet for each additional person in a single unit. No room may be smaller than seven (7) feet in any dimension, and must include at least 30 cubic feet of storage space.
   b. One off-street parking space is required per room up to 150 square feet. One and a half parking spaces shall be required for each room over 150 square feet.
   c. Any structure with more than one Single Room Occupancy Unit must have a full sprinkler system.
   d. Any structure that includes one or more Single Room Occupancy Units must have at least 400 square feet of common area, and must have manager or owner name and 24-hour contact information posted in a shared space on each floor, and at each exterior doorway.
   e. Any structure that includes one or more Single Room Occupancy Units must maintain a City issued rental license, pursuant to Chapter 14 of the Code of Ordinances. Each Conditional Use Permit for a Single Room Occupancy shall be subject to annual review by City, which includes the review of management services, and inspection by the Building Department pursuant to the rental license code, or more frequent if so established in the Conditional Use Permit.
   f. All Single Room Occupancy Units and structures containing any such unit must comply with the most recently adopted City building, plumbing, mechanical, electrical, fire and housing codes.
2. Any application for a Conditional Use Permit shall be accompanied by a management plan, which shall be submitted for review and approval with the CUP application. The management

plan shall contain management policies, operations, emergency procedures, overnight guest policy, security program, rental procedures and proposed rates, and maintenance plans.

3. In addition to the minimum requirements contained in this Section, and all other appropriate factors for the issuance of a Conditional Use Permit, the Planning and Zoning Commission shall consider the following factors when determining the appropriateness of a Conditional Use Permit for Single Room Occupancy Units:
   a. Accessibility of transportation, including, but not limited to bicycle stalls, and distance from public transportation routes;
   b. Number of Handicapped accessible units; and
   c. Appropriateness of lot size for the proposed use.

ARTICLE 8 COMMERCIAL BUSINESS DISTRICTS

8.1 GENERAL REQUIREMENTS

8.1-1 Conditions

No building or zoning lot shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or zoning lot shall be located, with the exception of the following:

1. Uses lawfully established on the effective date of this Ordinance.
2. Conditional uses allowed in accordance with the provisions of Section 3.11 or Section 4.9.
3. Uses already established on the effective date of this Ordinance, and rendered nonconforming by the provisions thereof, shall be subject to the regulations of Article 5, Nonconforming Buildings and Uses.
4. No activities involving the storage, utilization or manufacture of materials or products, which decompose by detonation, shall be permitted, unless specifically permitted by the City of Waukegan.

8.1-2 Permitted Uses

Permitted uses of land or buildings shall be permitted in the districts indicated under the conditions specified.

8.1-3 Conditional Uses

Conditional uses of land or buildings may be allowed in the zoning districts indicated, subject to the issuance of the conditional use permits in accordance with the provisions of Section 3.11.

8.1-4 Lot Size Requirements

Lot size requirements shall be set forth under each zoning district. In addition, the following regulations shall be complied with:

1. No use shall be established or hereafter maintained on a lot recorded after the effective date of this Ordinance which is of less area than prescribed hereinafter for such use in the zoning district in which it is to be located.
2. No exiting building or dwelling unit shall be converted so as to conflict with, or further conflict with, the lot size requirements of the district in which such building is located.

8.1-5 Yard Requirements

1. Yard requirements shall be set forth under each zoning district for all buildings, structures, and uses.
2. All required yards shall be unobstructed from the ground level to the sky, except as allowed in Section 4.8-5. All accessory buildings when attached to principal buildings shall comply with the yard requirements of the principal buildings.

8.1-6 Building Height Requirements

The requirements established under each zoning district, shall determine the maximum building height of both principal and accessory buildings.

8.1-7 Floor Area Ratio Requirements

The requirements established under each zoning district shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

8.1-8 Accessory Uses

Accessory uses and structures are permitted in all Business Districts as defined in Article 3 and subject to the provisions of Section 4.7 of this Ordinance.

8.1-9 Off-Street Parking and Loading

Off-street parking and loading facilities, accessory to uses allowed in Business Districts, shall be provided in accordance with the regulations established in Article 12.

8.1-10 Signs

Signs shall be allowed in Business Districts in accordance with the regulations established in the City of Waukegan Sign Ordinance.

8.1-11 Extended Hours

In any Commercial Business District, any business, with normal hours of operation that extend later than 11:00 PM or begin prior to 6:00 AM, and which is located adjacent to any residential district shall obtain prior approval from the Waukegan City Council before any operations shall be permitted during the aforesaid extended hours period. The request for the privilege to operate during the extended hours period must first be submitted, in writing, to the Waukegan Development Review Board for its review and recommendations to the City Council. The Development Review Board shall consider among other factors: the nature of the goods or services being provided; the nature and character of the surrounding neighborhood; the availability of the goods or services throughout the City; the applicant's lighting plan; the amount of traffic that is generated by the use; and the overall effect that the extended hours will have on the character, safety and general welfare of the surrounding neighborhood. The Development Review Board shall complete its review of the applicant's request and forward its recommendation to the City Council within 30 days after the Board has received all the information required by it. Specifically exempted from this section shall be garages for the repair of vehicles, which are restricted to 6:00 AM to 8:00 PM.

8.1-12 Mechanical Equipment Screening

All roof-mounted mechanical equipment (HVAC units, fans, flues, exhausts, and other similar devices) shall be fully concealed on all sides by elements that are an integral part of the building design and are equal to or greater in height than the mechanical equipment.

8.1-13 Guidelines for Inline Retail Developments

Inline retail developments are of such substantially different character from other commercial uses that specific and additional standards are hereby established to govern the siting and construction of such developments.

1. For any inline retail development, at least 50% of the retail units must be leased or have a Letter of Intent (LOI) to lease the available retail units prior to issuance of a building permit. If a proposed use for one of the retail units requires a conditional use permit, it shall comply with the requirements of Section 3.11, Conditional Uses.

2. The total number of retail units allowed on site shall be determined by the total square footage of the property. One (1) retail unit may be allowed for every 5,000 square feet of lot area. Fractions thereof shall be rounded to the next lowest multiple of 5,000.

8.2 B1 NEIGHBORHOOD CONVENIENCE DISTRICT

8.2-1 Purpose

The B1 Neighborhood Convenience District is intended to provide convenience shopping for persons residing in adjacent residential areas, and to permit only such uses as are necessary to satisfy those basic shopping needs which occur daily or frequently and so require shopping facilities in relative proximity to places of residence.

8.2-2 Conditions

Uses allowed in the B1 District are subject to the following conditions:

1. Dwelling units and rooming units are not permitted below the second floor and shall be permitted by conditional use permit only. Business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established. Lot area per dwelling shall be in accordance with the R5 district.
2. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
3. All business, servicing, storage or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
4. The parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section shall be limited to vehicles of not over one and one-half (1-1/2) tons capacity when located within 75 feet of a Residence District boundary line.

8.2-3 Permitted Uses

The following uses are permitted in the B1 District:

1. Antique shops
2. Art and school supplies
3. Art, sculptor and composer studios
4. Art shops and galleries, no auction
5. Bakery, retail
6. Banks and financial institutions
7. Barber shops
8. Beauty shops
9. Bicycle sales, rental, repair
10. Book and stationery stores
11. Camera and photographic supply stores
12. Candy and ice cream stores
13. Clothes pressing establishments
14. Coin and philatelic stores
15. Custom dressmaking
16. Dairy products
17. Drugstores
18. Dry-cleaning and laundry receiving stations, processing to be done elsewhere
19. Florist shops
20. Food, grocery, meat markets, and delicatessens
21. Gift shops

22. Hardware stores
23. Hearing aid stores
24. Hobby shops, retail
25. Interior decorating shops, with accessory upholstering
26. Jewelry stores, watch repair
27. Leather goods and luggage
28. Locksmith shops
29. Millinery shops
30. Musical instrument sales and repairs
31. Newspaper and magazine shops
32. Offices, business and professional
33. Opticians sales, retail
34. Orthopedic and medical appliance stores
35. Phonographic record, and sheet music
36. Photo studios, with accessory film developing
37. Physical culture and health services
38. Picture framing, retail
39. Post office
40. Printing shops, primarily personal quick service establishments
41. Radio and televisions sales, service and repair
42. Restaurants, not including entertainment or dancing
43. Sewing machine sales and service
44. Shoe, clothing and hat repair stores
45. Tailor shops
46. Telegraph offices
47. Telephone booths and coin telephones
48. Ticket agencies, amusement
49. Tobacco shops
50. Toy shops
51. Travel bureaus and transportation ticket offices
52. Variety stores
53. Wearing apparel shops
54. Wireless telecommunications – building or tower-mounted antenna

8.2-4 Conditional Uses

The following conditional uses may be allowed in the B1 District, subject to the provisions of Section 3.11:

1. Dwelling units
   a. Multi-family, above the ground floor
2. Educational services
3. Launderettes, automatic, self-service only, or hand laundries
4. Parks, libraries, and other public uses.
5. Planned developments, business.
6. Public utility and service uses
7. Taverns and cocktail lounges.
8. Wholesale establishments, with retail outlets on the premises

9. Wireless telecommunications – freestanding tower

8.2-5 Lot Size Requirements

In the B1 District, there shall be no minimum lot area requirements, except for the following:

1. Educational Services shall have a minimum lot area of 40,000 square feet or be adjacent to a public park where the combined total of the park and the lot containing the Educational Services use is greater than 40,000 square feet.
2. Planned developments shall provide a minimum of 20,000 square feet of lot area.

8.2-6 Yard Requirements

1. Front Yard 15'
2. Corner Side Yard 15'
3. Side Yard None required
4. Rear Yard None required
5. Transitional Yards. Where a side lot line coincides with a side or rear lot line in an adjacent Residence District, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard, which would be required under this Ordinance for a residential use on the adjacent residential lot. However, where the commercial lot abuts a lot located. However, where the commercial lot abuts a lot located in a CR, ER-1, ER-2, or R1 District, the yard provided shall be not less than 15 feet in depth and not less than 12 feet in depth where the commercial lot abuts a lot located in other single-family or two-family districts. Landscape screening by trees or compact hedge of at least 25 percent opacity shall be provided within such yard.

8.2-7 Building Height Requirements

No building or structure height shall exceed 45 feet in the B1 District.

8.2-8 Floor Area Ratio Requirements

There is no floor area ratio requirement in the B1 District.

8.3 B2 COMMUNITY SHOPPING DISTRICT

8.3-1 Purpose

The B2 Community Shopping District is designed to provide for the needs of a much larger consumer population than is served by the Neighborhood Convenience District. Thus, a wider range of uses and structure sizes is permitted for both daily and occasional shopping. This district is generally located astride major commercial arterials.

8.3-2 Conditions

Uses allowed in the B2 District are subject to the following conditions:

1. Dwelling units are not permitted below the second floor, except by conditional use permit and in conjunction with a business planned development. Lot area per dwelling shall be in accordance with the R5 district.
2. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
3. All business, servicing, storage or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
4. The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this Section shall be limited to vehicles of not over one and one-half (1-1/2) tons capacity when located within 75 feet of a Residence District boundary line.

8.3-3 Permitted Uses

The following uses are permitted in the B2 District:

1. Antique shops
2. Art shops and galleries, but not including auction rooms
3. Art, sculptor and composer studios
4. Art and school supplies
5. Automobile accessory stores
6. Bakery, retail
7. Banks and financial institutions
8. Barber shops
9. Beauty shops
10. Bicycle sales, rental, repair stores
11. Blueprinting and photostatting establishments
12. Book and stationery stores
13. Business machine sales and service
14. Camera and photographic supply stores
15. Candy and ice cream stores
16. Carpet and rug stores, retail
17. Catering establishments
18. China and glassware stores
19. Clothes pressing establishments
20. Clothing and costume rental stores
21. Coin and philatelic stores
22. Custom dressmaking

23. Dairy products
24. Department stores
25. Drive-in establishments
26. Drive-thru establishments
27. Drugstores
28. Dry goods stores
29. Dry-cleaning and laundry receiving stations, processing to be done elsewhere
30. Dry-cleaning establishments
31. Educational services
    a. Schools: music, dance and business
    b. Schools: commercial or business machine
    c. Schools: vocational
32. Electrical and household appliance stores and repair services
33. Florist shops
34. Food, grocery, meat markets and delicatessens
35. Frozen food stores, including accessory locker rental
36. Furniture stores, with accessory upholstering
37. Furrier shops, with accessory storage
38. Garden supply, tool, and seed stores
39. Gift shops
40. Hardware stores
41. Hearing aid stores
42. Hobby shops, retail
43. Household appliance stores
44. Inline retail
45. Interior decorating shops, with accessory upholstering
46. Jewelry stores, watch repair
47. Leather goods and luggage
48. Libraries, museums, and art galleries: public
49. Locksmith shops
50. Mail order or catalogue store
51. Medical and dental clinics and laboratories
52. Millinery shops
53. Musical instrument sales and repairs
54. Newspaper and magazine shops
55. Nightclub/Bar (Category 3)
56. Nightclub/Restaurant (Category 2)
57. Office machine sales and servicing
58. Offices, business and professional
59. Office supply stores
60. Opticians sales, retail
61. Orthopedic and medical appliance stores
62. Package liquor stores
63. Paint, glass, and wallpaper stores
64. Pet shops
65. Phonograph record, and sheet music stores
66. Photo studios, with accessory film developing

67. Physical culture and health services
68. Picture framing, retail
69. Post office
70. Printing shops, primarily personal quick service
71. Repair, rental and servicing of any article the sale of which is a permitted use in the district
72. Radio and television sales, service and repair
73. Restaurants
74. Restaurants: not including entertainment and dancing
75. Second hand stores and rummage shops
76. Sewing machine sales and service
77. Shoe, clothing, and hat repair stores
78. Sporting goods stores
79. Tailor shops
80. Taverns and cocktail lounges
81. Telegraph offices
82. Telephone booths and coin telephones
83. Theater, indoor
84. Ticket agencies, amusement
85. Tobacco shops
86. Toy shops
87. Travel bureaus and transportation ticket offices
88. Variety stores
89. Wearing apparel shops
90. Wireless telecommunications – building or tower-mounted antenna

8.3-4 Conditional Uses

The following conditional uses may be allowed in the B2 District, subject to the provisions of Section 3.11 and any specific conditions contained within this Article 8.3:

1. Amusement establishments; bowling alleys, pool halls, swimming pools, skating rinks
2. Automobile service stations
3. Banquet facilities
4. Day care center
5. Dwelling units
    a. Multi-family, above the ground floor
    b. Rooming units
6. Employment agencies
7. Funeral homes
8. Furniture manufacturing with an accessory retail outlet
9. Garages for storage, repair and servicing of motor vehicles
10. Hotels and motels
11. Launderettes, automatic, self-service only, or hand laundries
12. Motor vehicle sales (in enclosed buildings)
13. Nightclub (Category 1)
14. Off-track betting in an existing entertainment facility, licensed by the State of Illinois.
15. Parks, libraries and other public uses

16. Payday Loan Business, as defined below, subject to the following minimum conditions:
    a. Definition: Payday Loan Business means a business which makes loans as those are defined in the Illinois Payday Loan Reform Act, 815 ILCS 122/1-1, et. seq., and any such business which is regulated under that Act.
    b. The payday loan business must be located a minimum of 2,500 feet away from any lawfully existing payday loan business, as measured from lot line to lot line, and a minimum of 250 feet from a residential district.
    c. The payday loan business must have a license in good standing from the State of Illinois, and must be eligible for a City of Waukegan business license.
    d. The hours of operation for a payday loan business shall be no more than from 8:00 AM to 8:00 PM each day.
17. Planned developments, business
18. Public utility and service uses
19. Radio and television stations and studios
20. Recreation buildings and community centers: noncommercial
21. Wholesale establishments, with retail outlet on the premises
22. Wireless telecommunications – freestanding tower

8.3-5 Lot Size Requirements

1. In the B2 District, there shall be no minimum lot area requirements, except for planned developments, which shall provide at least four (4) acres of area.
2. With respect to garages for storage, repair, and servicing of motor vehicles, a minimum contiguous lot area of 15,000 square feet is required.

8.3-6 Yard Requirements

1. Front Yard 15'
2. Corner Side Yard 15'
3. Side Yard None required
4. Rear Yard None required
5. Transitional Yards. No building or structure in the B2 District shall be located within 45 feet of a Residence District boundary line, unless such building or structure is effectively screened from such Residence District property by a brick wall, opaque fence, or densely-planted compact hedge, not less than five (5) feet nor more than eight (8) feet in height. In the event of such screening, the transitional yard requirements specified in the B1 District shall apply in the B2 District.

8.3-7 Building Height Requirements

No building or structure height shall exceed 100 feet, except by variation procedures.

8.3-8 Floor Area Ratio Requirements

The floor area ratio shall not exceed 4.0.

8.3-9 Western Gateway Redevelopment Overlay District

1. The Western Gateway Redevelopment Overlay District (hereafter "the Gateway District") is established as an overlay district subject to the provisions of this Section 8.3-9 which complement and supersede the provisions of the underlying B2 District and, where specified,

certain regulations of the Waukegan Subdivision Ordinance, Sign Ordinance and Landscape Ordinance.

2. The Gateway District is established (i) to address a need for and to facilitate redevelopment of a blighted area, and (ii) to take advantage of a unique opportunity to proceed with comprehensive redevelopment planning and redevelopment of the Gateway District lands, which have been assembled under common ownership. These lands lie generally southwest of the intersection of two major highways, Routes 120 and 43, at a western gateway of the City of Waukegan. The size of the assembled parcel, the opportunity for a unified plan of redevelopment, and the critical location of the Gateway District all justify particularized regulation of these lands through the Gateway District provisions.

   The purpose of the Gateway District is to establish a physical and regulatory environment that promotes, encourages and attracts a mix of high quality commercial and other development in an area which has experienced declining tenancies, physical deterioration, and insufficient positive impact on the resources, image, and welfare of the City of Waukegan.

   The Gateway District requires that the physical environment be established pursuant to a comprehensive engineering plan, making the Gateway District ready for new development and providing for adequate utilities, storm water management, and public improvements for pedestrian and vehicular traffic.

   The Gateway District is intended to provide for a regulatory environment that allows potential purchasers or tenants of property within the Gateway District to customize the size and dimensions of their properties without incurring undue delay in the redevelopment review process. The Gateway District allows and encourages concurrent review of site plans and final plats of resubdivision, without the requirement of a preliminary plat review. The Gateway District also includes provisions which promote a mix of high quality development. The Gateway District provisions allow certain desirable and compatible uses not otherwise allowed in the B2 District. The Gateway District provisions also make conditional or prohibit certain uses otherwise allowed in the B2 District but which may not be consistent with the goals and purposes of the Gateway District.

3. Because the Gateway District has substantial and unique costs associated with its redevelopment which may be addressed, in part, by tax increment financing and/or other public financing, the Gateway District may have a limited ability to support tax-exempt uses. Accordingly, within the Gateway District any non-prohibited uses, proposed as new development and which are eligible for exemption from ad valorem taxes, shall be allowed only as conditional uses. In addition to the factors set forth in Section 3.11-7, substantial factors in the consideration of the suitability and compatibility of such uses shall be (i) the ability of the Gateway District to produce sufficient tax revenues to support outstanding tax increment financing or other public financing debt service, and (ii) the economic benefits potentially generated by the proposed tax exempt use.

4. The Gateway District provisions are not intended to and shall not apply to established uses or structures existing as of the effective date of the ordinance amendments establishing the Gateway District, but shall apply to all redevelopment of such uses and structures and to applications for building or occupancy permits first made after the effective date of this Section 8.3-9 (February 3, 2003).

5. As of the effective date of this Section 8.3-9 (February 3, 2003), the legal description of the lands included within the Gateway District is as follows:

PARCEL ONE
LOT 4 IN LAKEHURST, BEING A SUBDIVISION OF PART OF THE FOLLOWING: THE SOUTHWEST 1/4 OF SECTION 25, THE SOUTHEAST 1/4 OF SECTION 26, THE NORTHEAST 1/4 OF SECTION 35 AND THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 18, 1970 AS DOCUMENT 1453696, IN BOOK 48 OF PLATS, PAGE 6, IN LAKE COUNTY, ILLINOIS.

PARCEL TWO
LOTS 1, 2 AND 3 IN FOUNTAIN SQUARE OF WAUKEGAN, BEING A RESUBDIVISION OF PARTS OF THE FOLLOWING: THE SOUTHWEST QUARTER OF SECTION 25 AND THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 45 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF WAUKEGAN, COUNTY OF LAKE, ILLINOIS ACCORDING TO THE PLAT THEREOF RECORDED JULY 23, 2004 AS DOCUMENT NO. 5606604 IN LAKE COUNTY, ILLINOIS.

PARCEL THREE
LOTS 1, 2, 3, 4, 5 AND 7 IN FOUNTAIN SQUARE ANNEX, BEING A SUBDIVISION OF LOTS 1, 3, 4, 5 AND 7 IN LAKEHURST CINEMA RESUBDIVISION, BEING A SUBDIVISION OF PART OF LOT 11 IN LAKEHURST SUBDIVISION, A SUBDIVISION OF PART OF SECTIONS 25, 26, 35 AND 36, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JULY 6, 2006 AS DOCUMENT NO. 6021900, IN LAKE COUNTY, ILLINOIS.

PARCEL FOUR
LOT 9 IN LAKEHURST, BEING A SUBDIVISION OF PART OF THE FOLLOWING: THE SOUTHWEST QUARTER OF SECTION 25, THE SOUTHEAST QUARTER OF SECTION 26, THE NORTHEAST QUARTER OF SECTION 35 AND THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 18, 1970 AS DOCUMENT NUMBER 1453696, IN LAKE COUNTY. ILLINOIS.

After a public hearing in the manner provided by state law and by the Waukegan Zoning Ordinance, the boundaries of the Gateway District may be amended to include other contiguous properties, or to remove properties from the Gateway District.

6. Notwithstanding any provisions in Section 8.3 to the contrary, within the Gateway District certain uses shall be allowed as permitted uses or conditional uses, or shall be prohibited, regardless of whether such uses are prohibited or allowed as permitted or conditional uses in the underlying B2 District, as follows:
   a. Prohibited Uses:
      1) Antique shops
      2) Currency exchanges, check cashing services, and pay day loan offices.
      3) Public utility and service uses
      4) Repair or service shops, unless accessory to the retail sale of new goods and repairs or services are limited to such goods.
      5) Second hand stores and rummage shops

6) Taverns and cocktails lounges, unless accessory to a restaurant or other primary use allowed as a permitted or conditional use
7) Telephone booths and coin telephones
8) Tobacco outlet or discount shops

b. Permitted Uses:
1) Animal hospitals or veterinary offices with indoor kennel facilities
2) Closet and storage organizer stores
3) Hotels
4) Outdoor dining, accessory to sit-down restaurants having enclosed dining room seating for not less than one hundred patrons
5) Retail greenhouses
6) Video rental stores
7) Automobile service stations, but only in compliance with the following terms and conditions:
   a) Located at the intersection of Fountain Square Place and State Road 43 (Waukegan Road); and
   b) No more than one such use shall be allowed as a permitted use.

   An automobile service station not complying with the foregoing terms shall be allowed only as a conditional use.
8) Outside, storage, display and sales of seasonal products, but only as an accessory use to a primary retail use in an enclosed structure of not less than 100,000 square feet of gross floor area and only when the enclosed structure has no less than two times the lot coverage of the outside storage, display and sales area.
9) Casino gaming

c. Conditional Uses:
1) All uses eligible for exemption from ad valorem taxes
2) Clubs and lodges, non-profit and fraternal
3) Dwellings, including ground floor units, within a residential development, but only in compliance with the following conditions:
   a) Only as part of a planned development of not less than ten acres wherein no more than ten percent of the dwelling units for which a certificate of occupancy has been issued may be rented or leased to persons other than the owner thereof or the owner's immediate family, meaning the first degree of relation;
   b) Minimum dwelling square footage and minimum lot area per dwelling unit shall be in accordance with the R5 district requirements; and
   c) No more than forty percent of the gross land area square footage of the Gateway District may be included in one or more residential developments, whether such developments are within a business planned development authorized in Section 8.3-2 or a residential planned development authorized in Section 8.3-9.
4) Motor vehicle sales lots, but only as an accessory use to motor vehicle sales showroom and office buildings having not less than two thousand square feet of floor area
5) Outside storage, display and sales of products, other than a qualifying permitted use or a temporary use, but only as an accessory use to a primary retail use having an enclosed structure with not less than two times the lot coverage of the outdoor storage, display and sales area
6) Post offices
7) Public libraries, museums and art galleries

8) Recreational Cannabis Dispensing Organization, where such organization meets all criteria of Article 4, Chapter 18 of this Ordinance.
9) Restaurants with drive through service facilities
10) Tobacco shops other than discount or outlet shops
11) Wellness facilities or similar facilities providing fitness and health programs
12) Non-residential daily care facilities for the elderly.

d. Uses Not Listed: Any uses not listed above shall be permitted, conditional or prohibited in accordance with the provisions of the underlying B2 District regulations.

7. Notwithstanding any provisions of the Waukegan Sign Ordinance to the contrary, including but not limited to Section 4.1.1 thereof: (i) common entry signage for the Gateway District shall be allowed on separate lots or within easements within a lot in the Gateway District, and (ii) common entry signs within easements on a lot shall not reduce the amount of signage otherwise available to the occupant(s) of such lot, all subject to the provisions of this Section 8.3-9. Common entry signage shall include and be limited to signage which identifies the common name for the entire Gateway District (hereinafter referred to as "common entry signage").
   a. Common entry signage is limited to three signs and shall be located on separate lots or within easements to be designated on a final plat of resubdivision to be recorded for the Gateway District (exclusive of Lot 4 thereof). Once such sign easement or lot locations have been so designated, they may not be relocated except through the Site Plan Approval process established in this Section 8.3-9.
   b. Common entry signage shall identify the common name for the redevelopment subdivision within the Gateway District.
   c. Common entry signage shall not be installed within the Gateway District prior to Site Plan Approval for such signage.
   d. Common entry signage shall not be installed unless and until an easement agreement or covenant is recorded, the terms of which have been reasonably approved by the City's Attorney, providing for the perpetual maintenance of such signage and the removal thereof upon termination of the use of the sign.
   e. Common entry signage shall be within an associated landscaped area. A landscaping plan shall be approved as part of the Site Plan Approval process for the common entry signage.
   f. The common entry sign message shall be large enough to be clearly legible to motorists on the adjacent rights-of-way. The design details of the common entry signs shall be subject to Site Plan Approval process in consideration of the general intent and principles of the Waukegan Sign Ordinance and the review comments of the Building Commissioner. For good cause shown, the City Council may waive strict compliance with specific provisions of the Waukegan Sign Ordinance in granting Site Plan Approval for common entry signage.
8. Notwithstanding any provisions of this Zoning Ordinance or the Waukegan Landscape Ordinance to the contrary, in the Site Plan Approval process for Gateway District developments, upon good cause shown, the City may waive any requirement for perimeter green space at a property or between property lines of one or more lots. For purposes of this provision, “good cause shown” shall include accommodation of parking facilities to be shared by one or more lots, private access drives to be shared by one or more lots, and loading areas to be shared (or abutting) by one or more lots. No such waiver may be allowed, however, for areas which abut dedicated right-of-way.
9. Due to the unique configuration of the Gateway District property and the existing or proposed public rights-of-way, and the desire to encourage innovative design which is compatible with other development within and outside the Gateway District, notwithstanding any provisions of

this Zoning Ordinance to the contrary, including but not limited to definitions of various types of "yards" or "lot lines," as part of the Site Plan Approval process for new development within the Gateway District, the City and the property owner may agree upon the most appropriate designation of front, side, comer side, and rear yards and/or lot lines in light of the proposed development's orientation to public rights-of-way, private access aisles, other development or site amenities, or other site planning factors. Corresponding setback requirements shall be determined in accordance with any such agreed upon designations. In the event of a failure to mutually agree otherwise, the designations determined by application of the provisions of this Zoning Ordinance (other than the Gateway District provisions) shall apply.

10. Following the recording of a final plat of resubdivision for the Gateway District (exclusive of Lot 4 thereof), except for properties being developed as part of a planned development and subject to the planned development review and approval provisions of the Waukegan Zoning Ordinance, redevelopment within the Gateway District shall require Site Plan Approval as set forth below.
    a. Any applicant for Site Plan Approval whose redevelopment proposal also requires further resubdivision of a lot or lots within the Gateway District is entitled to, and is encouraged to seek, concurrent review of (1) the application for a plat of resubdivision, and (ii) the application for Site Plan Approval.
    b. Notwithstanding any provision of the Waukegan Subdivision Ordinance to the contrary, including but not limited to Articles 7, 8 and 12 thereof, applicants for such further resubdivision can proceed directly to the final plat stage without the need to present and have approved a preliminary plat of resubdivision, provided (i) the engineering information submitted for such final plat of resubdivision substantially conforms to the approved engineering for the Gateway District as established by the previously approved plats of subdivision or resubdivision recorded for Gateway District properties, and (ii) the public hearing provisions applicable to a preliminary plat shall apply to a final plat if no preliminary plat approval has been sought or obtained.
    c. Applications for Site Plan Approval shall be subject to review by the Planning and Zoning Commission, which shall then make its recommendation to the City Council, which shall finally approve, deny or approve subject to conditions or modifications. Site Plan Approval may include approval of specific plans as set forth in a written record of such approval issued by or on behalf of the City Council. The development of the approved site shall substantially conform to the approved plans, as determined by the Zoning Administrator (which determination shall be subject to the same rights of appeal applicable to other determinations of the Zoning Administrator).
    d. Proposed amendments of any Site Plan Approvals shall be reviewed in the same manner as Site Plan Approvals.
    e. Applications for Site Plan Approval shall be filed with the Zoning Administrator in accordance with application and documentation requirements established by the Zoning Administrator. The Zoning Administrator may reasonably require information or documents to be filed to ensure compliance with all applicable ordinances and regulations, which may include, but is not limited to, the following:
        1) A site plan of the site with a legal description of the site;
        2) A site plan showing how the proposed site improvements relate to abutting, developed sites;
        3) Engineering plans and calculations;
        4) A traffic and/or parking study, if deemed necessary;

5) Elevations of proposed buildings;
6) Landscape plans; and
7) Signage plans.

f. Site Plan Approval may be denied if the proposed development plans do not meet all applicable regulations and ordinances of the City of Waukegan or other governmental entities having jurisdiction over aspects of the development.

11. Notwithstanding any provisions of the Waukegan Subdivision Ordinance to the contrary, including but not limited to Sections 6.2 and 10.2-5 thereof, the required right-of way width for a public street may be satisfied by the provision on the plat of subdivision (or resubdivision) of a combination of (i) dedicated right-of-way, and (ii) public casement for utilities, pedestrian path, street lighting and landscaping; provided that the area from back of curb to back of curb shall be within dedicated right-of-way. Further, notwithstanding any provisions of the Waukegan Subdivision Ordinance to the contrary, including but not limited to Section 10.3 thereof, if the subdivider and the City concur, any requirement of the Waukegan Subdivision Ordinance for public sidewalks may be met by provision of an alternate form of pathway or trail pursuant to specifications agreed upon by the subdivider and the City, but equal to or greater than the width required by the Subdivision Ordinance for public sidewalks.
12. Notwithstanding any provisions of the Waukegan Subdivision Ordinance or Waukegan Landscape Ordinance to the contrary, including but not limited to Article IV of the Landscape Ordinance and Section 11.10 of the Subdivision Ordinance, applicants for resubdivision of property within the Gateway District shall not be required to provide a tree survey or a plan for tree preservation, unless a substantial portion of the property being re-subdivided has previously been re-subdivided and/or received Site Plan Approval pursuant to the provisions of the Gateway District. Further, for any property herein exempted from the requirements to provide a tree survey, no tree removal permit shall be required prior to the removal of trees within the Gateway District.
13. Notwithstanding any provisions of the Waukegan Subdivision Ordinance or the Waukegan Landscape Ordinance to the contrary, including but not limited to Section 11.11-I of the Subdivision Ordinance requiring a minimum spacing of 75 feet for street trees and Article V.C of the Landscaping Ordinance requiring a minimum of one street tree for every 30 feet of street frontage on each side of the street in new subdivisions, redevelopment in the Gateway District shall require one street tree for every 40 feet of street frontage on each side of a new public street and, for existing public roadways, one street tree for every 40 feet of frontage on each side of the roadway being redeveloped.

8.3-10 Additional Conditions Applicable to Garages for Motor Vehicle Storage, Repair and Servicing

The following specific conditions shall apply and regulate the creation and maintenance of Garages for storage, repair, and servicing of motor vehicles.

1. All parking or storage of vehicles in connection with the maintenance of a garage for motor vehicle storage, repair, and servicing shall be set back a minimum of fifteen feet (15’-0”) from any property line abutting a public street. This setback area shall be landscaped pursuant to the requirements of the Waukegan Landscape Ordinance. No parking of vehicles for any purpose shall be allowed in this setback area. No employee vehicles or customer vehicles awaiting service after being left by the customer or waiting pick-up by a customer shall be allowed to be parked in the public right-of-way adjoining the use.

2. Any garage for storage, repair, and servicing of motor vehicles in existence on the effective date of this amendment to the Waukegan Zoning Ordinance with no landscaped setback area or with a landscaped area less than five feet (5'-0") in width shall provide a landscaped setback area of a minimum of five feet (5'-0") in width within twenty-four (24) months of the effective date of this amendatory ordinance.
3. All parking area surfaces shall, at all times be cleaned and maintained as provided in Section 12.2 of the Waukegan Zoning Ordinance. The City shall have the authority to require the resurfacing of any parking surface area when in the judgment of the City Zoning Administrator such resurfacing is necessary to maintain the standards of the relevant City ordinances.
4. No petition for a conditional use permit to create and maintain a motor home sales lot or motor vehicle sales lot will be reviewed by the Waukegan Planning and Zoning Commission until the petitioner has submitted the following to the Zoning Administrator: 1) A site plan drawn to scale that details all landscaped areas, parking spaces, wheel stops, building and utility lines, and any other information reasonably deemed relevant for a thorough and complete review of the proposed use; 2) A signage plan prepared in accordance with the requirements of the Waukegan Sign Ordinance showing the size and location of all permanent and temporary signs. Flags shall not be allowed as part of any signage or advertising for any motor home sales lot or motor vehicle sales lot.

8.3-11 Additional Conditions Applicable to Nightclubs

The following specific conditions shall apply and regulate the creation and maintenance of nightclubs as a conditional use:

1. No conditional use permits for nightclub uses shall be granted in the areas which are the top fifteen (15) Bordered Call Zones as identified by the Waukegan Police Department at the time that the application for Conditional Use Permit is filed, which such Bordered Call Zones are enumerated through the analysis of police call data as having the highest number of police calls for criminal activity in a one-year time period. The City Council specifically finds that these top 15 Bordered Call Zones are not appropriate areas for locating nightclub uses.
2. Nightclub use may take place only from 9:00 p.m. to closing; and only on Thursday, Friday, and Saturday nights, unless otherwise specifically authorized by the provisions of the particular conditional use permit.
3. The premises may not be rented to an outside or third party promoter or other individual for the night club use. The person applying for the conditional use permit for nightclub use must be the same person as the operator of the underlying restaurant use.
4. Additional parking as necessary must be provided to accommodate the nightclub use.
5. Additional security personnel satisfactory to the Waukegan Police Department must be provided during the hours of operation of the nightclub use.
6. The nightclub use premises must be outfitted with an approved automatic fire suppression system per current NFPA standards.
7. No more than five (5) conditional use permits for new nightclub use operations may be in effect at any one time after the effective date of this ordinance. Nightclub uses in existence on the effective date of this ordinance shall have a period of six (6) months thereafter to apply for a conditional use permit and shall comply with all the requirements of this ordinance prior to the issuance of a conditional use permit by the city. Existing nightclub uses which fail to obtain a conditional use permit within one (1) year of the effective date of this ordinance shall immediately cease and desist operation of the nightclub use.

8. The conditional use permit holder must also obtain and maintain in good standing an appropriate business license of the City of Waukegan.
9. The City of Waukegan Fire Department shall determine maximum number of occupants for the premises both as a restaurant and as a nightclub use, and at no time shall the maximum occupant load be exceeded.
10. All nightclub operations must take place within a fully enclosed building. No outdoor operation of any kind, whether under a tent or other similar covering, shall be allowed.
11. Conditional Use Permits for Category 1 Nightclubs shall be reviewed by the Planning & Zoning Commission every 90 days following approval for compliance with all laws, regulations, and required conditions.

8.4 B3 GENERAL COMMERCIAL DISTRICT

8.4-1 Purpose

The B3 General Commercial District is intended to accommodate those motorist-oriented commercial activities, which may be incompatible with the uses encouraged in other business districts; and whose service area is not confined to any one neighborhood or community. The district is generally located within commercial corridors.

8.4-2 Conditions

Uses allowed in the B3 District are subject to the following conditions:

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All business, servicing, storage or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
3. The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this Section shall be limited to vehicles of not over one and one-half (1-1/2) tons capacity when located within 75 feet of a Residence District boundary line.

8.4-3 Permitted Uses

The following uses are permitted in the B3 District:

1. Antique shops
2. Art shops and galleries, but not including auction rooms
3. Art, sculptor and composer studios
4. Art and school supplies
5. Bakeries, retail
6. Barber shops
7. Beauty shops
8. Bicycle sales, rental, repair stores
9. Blueprinting and photostatting
10. Boat showrooms, sales and repairs
11. Book and stationery stores
12. Camera and photographic supply stores
13. Candy and ice cream stores
14. Carpet and rug stores, retail
15. China and glassware stores
16. Clothes pressing establishments
17. Clothing and costume rental
18. Coin and philatelic stores
19. Custom dressmaking
20. Dairy products
21. Department stores
22. Drive-in establishments
23. Drive-thru establishments
24. Drugstores
25. Dry goods stores

26. Dry-cleaning and laundry receiving stations, processing to be done elsewhere
27. Dry-cleaning establishments
28. Dwelling
    a. Multi-family, above the ground floor
29. Electrical and household appliance stores and repair services
30. Electrical showrooms and shops
31. Farm implement stores
32. Feed and seed stores
33. Florist shops
34. Food, grocery, meat markets and delicatessens
35. Frozen food stores, including accessory locker rental
36. Furniture stores, with accessory upholstering
37. Furrier shops, with accessory storage
38. Garden supply, tool, and seed stores
39. Gift shops
40. Greenhouses and nurseries
41. Hardware stores
42. Hearing aid stores
43. Hobby shops, retail
44. Household appliance stores
45. Inline retail
46. Interior decorating shops, with accessory upholstering
47. Jewelry stores, watch repair
48. Leather goods and luggage
49. Libraries, museums, and art galleries: public
50. Locksmith shops
51. Medical and dental clinics and laboratories
52. Millinery shops
53. Mobile home sales
54. Musical instrument sales and repairs
55. Newspaper and magazine shops
56. Nightclub/Bar (Category 3)
57. Nightclub/Restaurant (Category 2)
58. Offices, business and professional
59. Office supply stores
60. Opticians sales, retail
61. Orthopedic and medical appliance stores
62. Package liquor stores
63. Paint, glass, and wallpaper stores
64. Pet shops
65. Phonograph record, and sheet music stores
66. Photo studios, with accessory film developing
67. Physical culture and health services
68. Picture framing, retail
69. Plumbing showrooms and shops
70. Post office
71. Printing shops

72. Printing shops, primarily personal quick service
73. Radio and television sales, service and repair
74. Recording or sound studios
75. Repair, rental and servicing of any article the sale of which is a permitted use in the district
76. Restaurants
77. Restaurants: not including entertainment and dancing
78. Second hand stores and rummage shops
79. Sewing machine sales and service
80. Shoe, clothing, and hat repair stores
81. Sporting goods stores
82. Tailor shops
83. Taxidermists
84. Telegraph offices
85. Telephone booths and coin telephones
86. Theater, indoor
87. Ticket agencies, amusement
88. Tobacco shops
89. Toy shops
90. Trailer and camper trailer sales and rental: for use with private passenger motor vehicles
91. Travel bureaus and transportation ticket offices
92. Variety stores
93. Wearing apparel shops
94. Wholesale establishments
95. Wireless telecommunications – building or tower-mounted antenna

8.4-4 Conditional Uses

The following conditional uses may be allowed in the B3 District, subject to the provisions of Section 3.11 and any specific conditions contained within this Article 8.4:

1. Amusement establishments: bowling alleys, pool halls, swimming pools, skating rinks, archery ranges, shooting galleries, and other similar indoor amusement facilities.
2. Amusement parks, including: permanent carnivals, kiddy parks, golf driving ranges, pitch and putt, miniature golf courses, and other similar outdoor amusement facilities.
3. Animal hospitals and kennels
4. Auction rooms
5. Automobile accessory stores
6. Automobile auction establishment
7. Automobile service stations
8. Bakeries, wholesale
9. Banks and financial institutions
10. Banquet facilities
11. Building material and product sales and storage
12. Business machine sales and service
13. Car washes
14. Cartage and express facilities
15. Catering establishments
16. Day care center

17. Educational institutions
    a. Schools - private, primary and secondary, private or public colleges and universities for-profit or not-for-profit, boarding and non-boarding.
18. Educational services
19. Employment agencies
20. Extended stay hotel
21. Exterminating shops
22. Fuel and ice sales
23. Funeral homes
24. Garages for storage, repair, and servicing of motor vehicles
25. Garages, including motor vehicle body repair, painting and engine rebuilding
26. Hotels and motels
27. Laboratories – medical, dental, research and testing
28. Launderettes, automatic, self-service only, or hand laundries
29. Machinery sales
30. Mail order catalog store
31. Model homes and garage displays
32. Motor home sales
33. Motor vehicle rental
34. Motor vehicle sales
35. Motor vehicle sales (in enclosed buildings)
36. Nightclub (Category 1)
37. Office machine sales and servicing
38. Open sales lots
39. Parks, libraries, and other public uses
40. Pawn shops
41. Payday Loan Business, as defined below, subject to the following minimum conditions:
    a. Definition: Payday Loan Business means a business which makes loans as those are defined in the Illinois Payday Loan Reform Act, 815 ILCS 122/1-1, et. seq., and any such business which is regulated under that Act.
    b. The payday loan business must be located a minimum of 2,500 feet away from any lawfully existing payday loan business, as measured from lot line to lot line, and a minimum of 250 feet from a residential district.
    c. The payday loan business must have a license in good standing from the State of Illinois, and must be eligible for a City of Waukegan business license.
    d. The hours of operation for a payday loan business shall be no more than from 8:00 AM to 8:00 PM each day.
42. Planned developments, business
43. Public utility and service uses
44. Radio and television stations and studios
45. Recreational buildings and community centers, non-commercial
46. Riding academies and commercial stables
47. Self-storage facility
48. Stadiums, auditoriums, and arenas: open or enclosed
49. Theaters, drive-in
50. Wholesale establishments, with retail outlet on the premises
51. Wireless telecommunications – freestanding tower

8.4-5 Lot Size Requirements

1. There shall be no minimum lot area requirements, except for planned developments, which shall provide at least four (4) acres of area.
2. With respect to garages for storage, repair and servicing of motor vehicles, a minimum contiguous lot area of 15,000 square feet is required. With respect to motor home sales, and motor vehicle sales, a minimum contiguous lot area of 30,000 square feet is required.
3. With respect to automobile auction establishments, a minimum contiguous lot area of three (3) acres is required.

8.4-6 Yard Requirements

1. Front Yard 15'
2. Corner Side Yard 15'
3. Side Yard None required
4. Rear Yard None required
5. Transitional Yards
   No building or structure in the B3 District shall be located within 45 feet of a Residence District boundary line, unless such building or structure is effectively screened from such Residence District property by a wall, fence, or densely-planted compact hedge, not less than five (5) feet nor more than eight (8) feet in height. In the event of such screening, the transitional yard requirements specified in the B1 District shall apply in the B3 District.
6. With respect to motor home sales and motor vehicle sales, any parcel proposed for such use shall have a minimum frontage of 100 feet along a public roadway.

8.4-7 Building Height Requirements

No building or structure height shall exceed 100 feet, except by variation procedures.

8.4-8 Floor Area Ratio Requirements

The floor area ratio shall not exceed 4.0.

8.4-9 Additional Conditions Applicable to Garages for Motor Vehicle Storage, Repair and Servicing

The following specific conditions shall apply and regulate the creation and maintenance of conditional uses related to garages for storage, repair and servicing of motor vehicles; motor home sales, and motor vehicle sales.

1. All parking or storage of vehicles in connection with the maintenance of a garage for motor vehicle storage, repair and servicing or motor home sales or motor vehicle sales shall be set back a minimum of fifteen (15) feet from any property line abutting a public street. This setback area shall be landscaped pursuant to the requirements of the Waukegan Landscape Ordinance. No parking of vehicles for any purpose shall be allowed in this setback area. No employee vehicles or customer vehicles awaiting service after being left by the customer or awaiting pick-up by a customer shall be allowed to be parked in the public rights-of-way adjoining the use.
2. Any garage for storage, repair and servicing of motor vehicles, motor home sales lot or motor vehicle sales lot in existence with no landscaped setback area or a landscaped area less than five (5) feet in width shall provide a landscaped setback area of a minimum of five (5) feet within 24 months of the effective date of this Ordinance.

3. All parking area surfaces shall, at all times, be cleaned and maintained as provided by the provisions of Section 12.2 of the Zoning Ordinance. The City shall have the authority to require the resurfacing of any parking surface area when in the judgment of the City Zoning Administrator such resurfacing is necessary to maintain the standards of the relevant City ordinances.
4. Garages for storage, repair and servicing of motor vehicles, as permitted in Section 8.4-4, which are located within fifty feet (50'-0") of any residential district under this Zoning Ordinance shall be permitted to operate only from the hours of 6:00 AM to 8:00 PM. This provision shall be in specific exemption to Section 8.1-11, which provides for extended hours of operation for commercial operations adjacent to residential districts.
5. No petition for a conditional use permit to create and maintain a motor home sales lot or motor vehicle sales lot will be reviewed by the Waukegan Planning and Zoning Commission until the petitioner has submitted the following to the Zoning Administrator: 1) A site plan drawn to scale that details all landscaped areas, parking spaces, wheel stops, building and utility lines, and any other information reasonably deemed relevant for a thorough and complete review of the proposed use; 2) A signage plan prepared in accordance with the requirements of the Waukegan Sign Ordinance showing the size and location of all permanent and temporary signs. Flags shall not be allowed as part of any signage or advertising for any motor home sales lot or motor vehicle sales lot.

8.4-10 Additional Conditions Applicable to Nightclubs

The following specific conditions shall apply and regulate the creation and maintenance of nightclubs as a conditional use:

1. No conditional use permits for nightclub uses shall be granted in the areas which are the top fifteen (15) Bordered Call Zones as identified by the Waukegan Police Department at the time that the application for Conditional Use Permit is filed, which such Bordered Call Zones are enumerated through the analysis of police call data as having the highest number of police calls for criminal activity in a one-year time period. The City Council specifically finds that these top 15 Bordered Call Zones are not appropriate areas for locating nightclub uses.
2. Nightclub use may take place only from 9:00 p.m. to closing; and only on Thursday, Friday, and Saturday nights, unless otherwise specifically authorized by the provisions of the particular conditional use permit.
3. The premises may not be rented to an outside or third party promoter or other individual for the night club use. The person applying for the conditional use permit for nightclub use must be the same person as the operator of the underlying restaurant use.
4. Additional parking as necessary must be provided to accommodate the nightclub use.
5. Additional security personnel satisfactory to the Waukegan Police Department must be provided during the hours of operation of the nightclub use.
6. The nightclub use premises must be outfitted with an approved automatic fire suppression system per current NFPA standards.
7. No more than five (5) conditional use permits for new nightclub use operations may be in effect at any one time after the effective date of this ordinance. Nightclub uses in existence on the effective date of this ordinance shall have a period of six (6) months thereafter to apply for a conditional use permit and shall comply with all the requirements of this ordinance prior to the issuance of a conditional use permit by the city. Existing nightclub uses which fail to obtain a

conditional use permit within one (1) year of the effective date of this ordinance shall immediately cease and desist operation of the nightclub use.

8. The conditional use permit holder must also obtain and maintain in good standing an appropriate business license of the City of Waukegan.
9. The City of Waukegan Fire Department shall determine maximum number of occupants for the premises both as a restaurant and as a nightclub use, and at no time shall the maximum occupant load be exceeded.
10. All nightclub operations must take place within a fully enclosed building. No outdoor operation of any kind, whether under a tent or other similar covering, shall be allowed.
11. Conditional Use Permits for Category 1 Nightclubs shall be reviewed by the Planning & Zoning Commission every 90 days following approval for compliance with all laws, regulations, and required conditions.

8.4-11 Additional Conditions Applicable to Hotels, Motels and Extended Stay Hotels

The following conditions shall apply and regulate the creation and maintenance of any hotel, motel, or extended stay hotel as a Conditional Use:

1. Home Rule Hotel Occupancy Tax. All such facilities are required to ensure prompt payment of the Home Rule Hotel Occupancy Taxes.
2. Sanitary Conditions. All such facilities must provide a daily maid service in each of its rooms, and such facility must ensure that each room be kept in sanitary condition.
3. Annual Inspection. As a condition of any Conditional Use Permit granted under this chapter, a Hotel, Motel, or Extended Stay Hotel must pass an annual health & safety inspection.
4. Required Parking. Minimum parking for such a facility must be 1.5 spaces per lodging unit, in addition to the calculated requirements for any office or public areas under Article 12 of this Ordinance.

8.5 B4 CENTRAL BUSINESS DISTRICT

8.5-1 Purpose

The B4 Central Business District constitutes the "downtown" core area of the City of Waukegan. It is intended to accommodate all those retail, service, and specialty shops and necessary civic services that are characteristic of the traditional central area.

8.5-2 Conditions

Uses allowed in the B4 District are subject to the following conditions:

1. Dwelling units and rooming units, other than those located in a hotel or motel or watchmen's quarters located on the premises where employed, are not permitted except by conditional use permit. Dwelling units allowed by conditional use permit shall only be allowed above the first floor, and the maximum number of dwelling units shall be calculated in accordance with the R5 District.
2. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
3. All business, servicing, storage or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
4. The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section shall be limited to vehicles of not over one and one-half (1-1/2) tons capacity when located within 75 feet of a Residence District boundary line.

8.5-3 Permitted Uses

The following uses are permitted in the B4 District:

1. Antique shops
2. Art shops and galleries, but not including auction rooms
3. Art, sculptor and composer studios
4. Art and school supplies
5. Automobile accessory stores
6. Bakery, retail
7. Banks and financial institutions
8. Barber shops
9. Beauty shops
10. Bicycle sales, rental, repair stores
11. Blueprinting and photostatting
12. Book and stationery stores
13. Business machine sales and service
14. Camera and photographic supply stores
15. Candy and ice cream stores
16. Carpet and rug stores, retail
17. Catering establishments
18. China and glassware stores
19. Clothes pressing establishments
20. Clothing and costume rental stores
21. Coin and philatelic stores

22. Custom dressmaking
23. Dairy products
24. Department stores
25. Drugstores
26. Dry goods stores
27. Dry-cleaning and laundry receiving stations, processing to be done elsewhere
28. Dry-cleaning establishments
29. Educational services
    a. Schools: music, dance and business
    b. Schools: commercial or business machine, but not trade schools or vocational
    c. Schools: music, dance and business, when not involving any danger of fire or explosion, non-offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influence.
30. Electrical and household appliance stores and repair services
31. Florist shops
32. Food, grocery, meat markets and delicatessens
33. Frozen food stores, including accessory locker rental
34. Furniture stores, with accessory upholstering
35. Furrier shops, with accessory storage
36. Garden supply, tool, and seed stores
37. Gift shops
38. Hardware stores
39. Hearing aid stores
40. Hobby shops, retail
41. Household appliance stores
42. Interior decorating shops, with accessory upholstering
43. Jewelry stores, watch repair
44. Laboratories: medical, dental, research and testing
45. Leather goods and luggage
46. Libraries, museums, and art galleries: public
47. Locksmith shops
48. Mail order catalogue store
49. Medical and dental clinics and laboratories
50. Millinery shops
51. Musical instrument sales and repairs
52. Newspaper and magazine shops
53. Nightclub/Bar (Category 3)
54. Nightclub/Restaurant (Category 2)
55. Office machine sales and servicing
56. Offices, business, professional and governmental
57. Office supply stores
58. Opticians sales, retail
59. Orthopedic and medical appliance stores
60. Package liquor stores
61. Paint, glass, and wallpaper stores
62. Parking lot, municipal
63. Parking structure, municipal

64. Pet shops
65. Phonograph record, and sheet music stores
66. Photo studios, with accessory film developing
67. Physical culture and health services
68. Picture framing, retail
69. Post office
70. Printing shops, primarily personal quick service
71. Radio and television sales, service and repair
72. Recording studios
73. Restaurants
74. Restricted production and repair, limited to the following: art needlework; clothing, custom manufacturing and alterations, for retail only; jewelry from precious metals; watches; dentures; and optical lenses.
75. Second hand stores and rummage shops
76. Sewing machine sales and service
77. Shoe, clothing, and hat repair stores
78. Sporting goods stores
79. Tailor shops
80. Taverns and cocktail lounges
81. Telegraph offices
82. Telephone booths and coin telephones
83. Theater, indoor
84. Ticket agencies, amusement
85. Tobacco shops
86. Toy shops
87. Travel bureaus and transportation ticket offices
88. Variety stores
89. Wearing apparel shops
90. Wireless telecommunications – building or tower-mounted antenna

8.5-4 Conditional Uses

The following conditional uses may be allowed in the B4 District, subject to the provisions of Section 3.11 and any specific conditions contained within this Article 8.5:

1. Amusement establishments: bowling alleys, pool halls, swimming pools, skating rinks
2. Banquet facilities
3. Convention and exhibition halls
4. Day care center
5. Drive-thru establishments
6. Dwelling units above the ground floor
7. Educational institutions
   a. Schools - private, primary and secondary, private or public colleges and universities for-profit or not-for-profit, boarding and non-boarding.
8. Employment agencies
9. Hotels and motels
10. Launderettes, automatic, self-service only, or hand laundries
11. Motor vehicle sales (in enclosed buildings)

12. Nightclub (Category 1)
13. Planned developments, business
14. Public utility and service uses
15. Recreational Cannabis Dispensing Organization, where such organization meets all criteria of Article 4, Chapter 18 of this Ordinance.
16. Transportation centers
17. Wireless telecommunications – freestanding tower

8.5-5 Lot Size Requirements

In the B4 District, there shall be no minimum lot area requirements, except for planned developments, which shall provide at least four (4) acres of area.

8.5-6 Yard Requirements

1.	Front Yard	0’ maximum
2.	Corner Side Yard	0’ maximum
3.	Interior Side Yard	0’ maximum
4.	Rear Yard	None required
5.	Transitional Yards	0’ maximum

8.5-7 Building Height Requirements

There is no building height limitation in the B4 District

8.5-8 Floor Area Ratio Requirements

The floor area ratio shall not exceed 8.0. However, floor area ratio premiums may be added to such basic floor area ratio in accordance with each one of the following:

1. On any zoning lot where the first story above grade is set back at least 20 feet from the lot line for the entire frontage of the zoning lot on a public street, a premium of 1.5 for each such street setback may be added to the basic floor area ratio, provided that the lot area within such 20-foot setback shall be suitably paved and landscaped and otherwise unobstructed except for columns or piers supporting upper stories or a roof. However, if in addition to the first story, all other stories above grade shall be so set back for at least 20 feet, such premium may be increased to 2.0 for such street setback.
2. On any zoning lot where the building from ground level up is set back from one or more lot lines, a premium equal to two and one-half (2-1/2) times the open area of the lot at ground level divided by the gross lot area may be added to the basic floor area ratio; such open area shall include all lot area at ground level open directly to the sky and extending between exterior building walls and lot lines for a distance of at least eight (8) feet. Such open area shall be suitably landscaped and/or suitably improved.
3. A premium of 1.0 may be added to the basic floor area ratio for those buildings that provide an "interior block arcade" involving the provision of publicly available walkways across or through blocks.
4. A premium of 1.0 may be added to the basic floor area ratio for those buildings that provide off-street automobile passenger loading and unloading facilities involving the provision of a special lane and loading area, off the public right-of-way and serving a major passenger destination.

8.5-9 Additional Conditions Applicable to Nightclubs

The following specific conditions shall apply and regulate the creation and maintenance of nightclubs as a conditional use:

1. No conditional use permits for nightclub uses shall be granted in the areas which are the top fifteen (15) Bordered Call Zones as identified by the Waukegan Police Department at the time that the application for Conditional Use Permit is filed, which such Bordered Call Zones are enumerated through the analysis of police call data as having the highest number of police calls for criminal activity in a one-year time period. The City Council specifically finds that these top 15 Bordered Call Zones are not appropriate areas for locating nightclub uses.
2. Nightclub use may take place only from 9:00 p.m. to closing; and only on Thursday, Friday, and Saturday nights, unless otherwise specifically authorized by the provisions of the particular conditional use permit.
3. The premises may not be rented to an outside or third party promoter or other individual for the night club use. The person applying for the conditional use permit for nightclub use must be the same person as the operator of the underlying restaurant use.
4. Additional parking as necessary must be provided to accommodate the nightclub use.
5. Additional security personnel satisfactory to the Waukegan Police Department must be provided during the hours of operation of the nightclub use.
6. The nightclub use premises must be outfitted with an approved automatic fire suppression system per current NFPA standards.
7. No more than five (5) conditional use permits for new nightclub use operations may be in effect at any one time after the effective date of this ordinance. Nightclub uses in existence on the effective date of this ordinance shall have a period of six (6) months thereafter to apply for a conditional use permit and shall comply with all the requirements of this ordinance prior to the issuance of a conditional use permit by the city. Existing nightclub uses which fail to obtain a conditional use permit within one (1) year of the effective date of this ordinance shall immediately cease and desist operation of the nightclub use.
8. The conditional use permit holder must also obtain and maintain in good standing an appropriate business license of the City of Waukegan.
9. The City of Waukegan Fire Department shall determine maximum number of occupants for the premises both as a restaurant and as a nightclub use, and at no time shall the maximum occupant load be exceeded.
10. All nightclub operations must take place within a fully enclosed building. No outdoor operation of any kind, whether under a tent or other similar covering, shall be allowed.
11. Conditional Use Permits for Category 1 Nightclubs shall be reviewed by the Planning & Zoning Commission every 90 days following approval for compliance with all laws, regulations, and required conditions.

8.6 B5 CENTRAL SERVICE DISTRICT

8.6-1 Purpose

The B5 Central Service District is designed primarily to furnish areas served by the Central Business District with a wide variety of services or functions, which may be incompatible if located directly within the "core area." The B5 District also serves as a potential expansion area for the B4 District.

8.6-2 Conditions

Uses allowed in the B5 District are subject to the following conditions:

1. Dwelling units and rooming units, other than those located in a hotel or motel or watchmen's quarters located on the premises where employed, are not permitted except by conditional use permit. Dwelling units allowed by conditional use permit shall only be allowed above the first floor, and the maximum number of dwelling units shall be calculated in accordance with the R5 District.
2. All business, servicing, storage or processing, except for off-street parking or loading and establishments of the drive-in or drive-thru type, shall be conducted within completely enclosed buildings.

8.6-3 Permitted Uses

The following uses are permitted in the B5 District:

1. Amusement establishments: bowling alleys, dance halls, swimming pools, skating rinks
2. Antique shops
3. Art shops and galleries, but not including auction rooms
4. Art, sculptor and composer studios
5. Art and school supplies
6. Automobile accessory stores
7. Bakery, retail
8. Banks and financial institutions
9. Barber shops
10. Beauty shops
11. Bicycle sales, rental, repair stores
12. Blueprinting and photostatting establishments
13. Book and stationery stores
14. Business machine sales and service
15. Camera and photographic supply stores
16. Candy and ice cream stores
17. Carpet and rug stores, retail
18. Catering establishments
19. China and glassware stores
20. Clothes pressing establishments
21. Clothing and costume rental stores
22. Coin and philatelic stores
23. Convention and exhibition halls
24. Custom dressmaking
25. Dairy products
26. Department stores

27. Drugstores
28. Dry goods stores
29. Dry-cleaning and laundry receiving stations, processing to be done elsewhere
30. Dry-cleaning establishments
31. Educational services
    a. Schools: music, dance and business
    b. Schools: commercial or business machine, but not trade schools or vocational
    c. Schools: music, dance and business, when not involving any danger of fire or explosion, non-offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influence.
32. Electrical and household appliance stores and repair services
33. Florist shops
34. Food, grocery, meat markets and delicatessens
35. Frozen food stores, including accessory locker rental
36. Furniture stores, with accessory upholstering
37. Furrier shops, with accessory storage
38. Garden supply, tool, and seed stores
39. Gift shops
40. Hardware stores
41. Hearing aid stores
42. Hobby shops, retail
43. Household appliance stores
44. Interior decorating shops, with accessory upholstering
45. Jewelry stores, watch repair
46. Laboratories: medical, dental, research and testing
47. Leather goods and luggage
48. Libraries, museums, and art galleries: public
49. Locksmith shops
50. Machinery sales, with no repair or servicing, provided the storage and display of machinery, except of household appliances and office machines shall be restricted to floor samples
51. Mail order, catalogue store
52. Medical and dental clinics and laboratories
53. Millinery shops
54. Motor vehicle sales, in enclosed buildings only
55. Musical instrument sales and repairs
56. Newspaper and magazine shops
57. Office machine sales and servicing
58. Offices, business, professional and governmental
59. Office supply stores
60. Opticians sales, retail
61. Orthopedic and medical appliance stores
62. Package liquor stores
63. Paint, glass, and wallpaper stores
64. Parking lot, municipal
65. Parking structure, municipal
66. Pet shops
67. Phonograph record, and sheet music stores

68. Photo studios, with accessory film developing
69. Physical culture and health services
70. Picture framing, retail
71. Post office
72. Printing and publishing
73. Printing shops, primarily personal quick service
74. Radio and television sales, service and repair
75. Recording studios
76. Restaurants
77. Restricted production and repair, limited to the following: art needlework; clothing, custom manufacturing and alterations, for retail only; jewelry from precious metals; watches; dentures; and optical lenses.
78. Second hand stores and rummage shops
79. Sewing machine sales and service
80. Shoe, clothing, and hat repair stores
81. Sporting goods stores
82. Tailor shops
83. Taverns and cocktail lounges
84. Telegraph offices
85. Telephone booths and coin telephones
86. Theaters, indoor
87. Ticket agencies, amusement
88. Tobacco shops
89. Toy shops
90. Transportation centers
91. Travel bureaus and transportation ticket offices
92. Variety stores
93. Warehousing and wholesale establishments
94. Wearing apparel shops
95. Wireless telecommunications – building or tower-mounted antenna

8.6-4 Conditional Uses

The following conditional uses may be allowed in the B5 District, subject to the provisions of Section 3.11:

1. Automobile service stations
2. Day care center
3. Drive-thru establishments
4. Dwelling units above the ground floor
5. Employment agencies
6. Hotels and motels
7. Launderettes, automatic, self-service only, or hand laundries
8. Planned developments, business
9. Public utility and service uses
10. Recreational Cannabis Dispensing Organization, where such organization meets all criteria of Article 4, Chapter 18 of this Ordinance.
11. Tattoo studio with at least 40% floor space dedicated to non-tattoo-related art gallery

12. Wireless telecommunications – freestanding tower

8.6-5 Lot Size Requirements

There shall be no minimum lot area requirements, except for planned developments, which shall provide at least four (4) acres of area.

8.6-6 Yard Requirements

1.	Front Yard	0’ maximum
2.	Corner Side Yard	0’ maximum
3.	Interior Side Yard	0’ maximum
4.	Rear Yard	None required
5.	Transitional Yards	0’ maximum

8.6-7 Building Height Requirements

There is no building height limitation in the B5 District.

8.6-8 Floor Area Ratio Requirements

The floor area ratio shall not exceed 8.0. However, floor area ratio premiums may be added to such basic floor area ratio in accordance with each of the following:

1. On any zoning lot where the first story above grade is set back at least 20 feet from the lot line for the entire frontage of the zoning lot on a public street, a premium of 1.5 for each such street setback may be added to the basic floor area ratio, provided that the lot area within such 20-foot setback shall be suitably paved and landscaped and otherwise unobstructed except for columns or piers supporting upper stories or a roof. However, if in addition to the first story, all other stories above grade shall be so set back for at least 20 feet, such premium may be increased to 2.0 for such street setback.
2. On any zoning lot where the building from ground level up is setback from one or more lot lines, a premium equal to two and one-half (2-1/2) times the open area of the lot at ground level divided by the gross lot area may be added to the basic floor area ratio; such open area shall include all lot area at ground level open directly to the sky and extending between exterior building walls and lot lines for a distance of at least eight (8) feet. Such open area shall be suitably landscaped and suitably improved.
3. A premium of 1.0 may be added to the basic floor area ratio for those buildings that provide an "interior block arcade" involving the provision of publicly available walkways across or through blocks.
4. A premium of 1.0 may be added to the basic floor area ratio for those buildings that provide off-street automobile passenger loading and unloading facilities involving the provision of a special lane and loading area, off the public right-of-way and serving a major passenger destination.

8.7 M-CR MARINE-COMMERCIAL RECREATION DISTRICT

8.7-1 Purpose

The M-CR Marine-Commercial Recreation District is designed to provide a suitable environment for commercial marina and related lake-oriented activities of a marine recreational nature.

8.7-2 Conditions

Uses allowed in the M-CR District are subject to the following conditions:

1. Dwelling units and rooming units, other than those located in a hotel or motel or boatel or watchmen's quarters located on the premises where employed, are not permitted except by conditional use permit. Dwelling units allowed by conditional use permit shall only be allowed above the ground floor, and the maximum number of dwelling units shall be calculated in accordance with the R5 District.
2. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
3. Any cleaning, painting, servicing, testing or repair of boats or other products shall not be injurious or offensive to other nearby uses by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matters, odors, fire or explosive hazards, or glare.
4. All storage, except of motor vehicles or water-borne craft in operable condition, shall be within completely enclosed buildings or effectively screened by a solid wall or fence (including solid entrance and exit gates) not less than five (5) feet or more than eight (8) feet in height, except along the water frontage.
5. Residential dwelling units shall be in accordance with the provisions of the R5 Limited General Residence District.

8.7-3 Permitted Uses

The following uses are permitted in the M-CR District:

1. Cultural facilities
   a. Nature centers and zoos
2. Marinas or establishments leasing mooring space or slips to the public and providing incidental services, including storage, fueling and minor repairs, but not engaged in production, processing or manufacture.
3. Marine-oriented or nautical retail shops
4. Offices: business, professional and governmental
5. Recreational and social facilities
   a. Beaches
   b. Parks, and other public non-structure recreational areas
6. Restaurants: including entertainment and dancing
7. Restaurants: not including entertainment and dancing
8. Sail lofts
9. Shops servicing nautical components either inside a building or under roof.
10. Wireless telecommunications – building or tower-mounted antenna

8.7-4 Conditional Uses

The following uses may be allowed in the MC-R District, subject to the provisions of Section 3.11:

1. Boat dealers and brokers' offices
2. Convention and exhibition halls
3. Dwelling units above the ground floor
4. Hotels, motels, boatels, and other water-oriented resort facilities
5. Parking lots, not accessory
6. Planned developments
7. Shops servicing and assembling nautical components inside or outside a building
8. Water-oriented commercial recreational facilities
9. Yacht and sailing clubs
10. Wireless telecommunications – freestanding tower

8.7-5 Lot Size Requirements

In the M-CR District, there shall be no minimum lot area requirements, except for planned developments, which shall provide the area specified by the Planning and Zoning Commission.

8.7-6 Yard Requirements

1.	Front Yard	20 feet
2.	Corner Side Yard	20 feet
3.	Interior Side Yard	20 feet
4.	Rear Yard	20 feet
5.	Transitional Yard	None required

* No building or structure shall be located within 20 feet of any non-water line.

8.7-7 Building Height Requirements

No building or structure height shall exceed 45 feet, except by variation procedures.

8.7-8 Floor Area Ratio Requirements

The floor area ratio shall not exceed 0.5.

ARTICLE 9 OFFICE DISTRICTS

9.1 GENERAL REQUIREMENTS

9.1-1 Conditions

No building or zoning lot shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or zoning lot shall be located, with the exception of the following:

1. Uses lawfully established on the effective date of this Ordinance.
2. Conditional uses allowed in accordance with the provisions of Section 3.11 or Section 4.9.
3. Uses already established on the effective date of this Ordinance, and rendered nonconforming by the provisions thereof, shall be subject to the regulations of Article 5, Nonconforming Buildings and Uses.
4. No activities involving the storage, utilization or manufacture of materials or products, which decompose by detonation, shall be permitted, unless specifically licensed by the City of Waukegan.

9.1-2 Permitted Uses

Permitted uses of land or buildings shall be permitted in the districts indicated under the conditions specified.

9.1-3 Conditional Uses

Conditional uses of land or buildings may be allowed in the zoning districts indicated, subject to the issuance of the conditional use permits in accordance with the provisions of Section 3.11.

9.1-4 Lot Size Requirements

Minimum lot size requirements shall be as set forth under each zoning district. In addition, the following regulations shall be complied with:

1. No use shall be established or hereafter maintained on a lot recorded after the effective date of this Ordinance, which is of less area than prescribed hereinafter for such use in the zoning district in which it is to be located.
2. No existing building or dwelling unit shall be converted so as to conflict with, or further conflict with, the lot size requirements of the district in which such building is located.

9.1-5 Yard Requirements

1. Minimum yard requirements shall be set forth under each zoning district for all buildings, structures, and uses.
2. All required yards shall be unobstructed from the ground level to the sky, except as allowed in Section 4.8.5. All accessory buildings when attached to principal buildings shall comply with the yard requirements of the principal buildings.

9.1-6 Building Height Requirements

The requirements established under each zoning district shall determine the maximum building height of both principal and accessory buildings.

9.1-7 Floor Area Ratio Requirements

The requirements established under each office district shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

9.1-8 Off-Street Parking and Loading

Off-street parking and loading facilities, accessory to uses allowed in Business Districts, shall be provided in accordance with the regulations established in Article 12.

9.1-9 Accessory Uses

Accessory uses and structures are permitted in all Office Districts as defined in Article 3, subject to the provisions of Section 4.7.

9.1-10 Signs

Signs shall be allowed in Office Districts in accordance with the regulations established in the City of Waukegan Sign Ordinance.

9.1-11 Mechanical Equipment Screening

All roof-mounted mechanical equipment shall be fully concealed on all sides by elements that are an integral part of the building design and are equal to or greater in height than the mechanical equipment.

9.2 O/I-1 OFFICE/INSTITUTIONAL DISTRICT

9.2-1 Purpose

The O/I-1 Office/Institutional District is designed primarily to accommodate office buildings, civic and governmental structures, and educational and institutional buildings in a mutually compatible environment. The O/I-1 District is intended for mapping adjacent to the Central Business District.

9.2-2 Conditions

All business, servicing, or storage, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

9.2-3 Permitted Uses

The following uses are permitted in the O/I-1 District:

1. Cultural and civic institutions
    a. Public aquariums
    b. Public art galleries
    c. Public libraries
    d. Public museums
2. Funeral homes
3. Medical and dental clinics
4. Municipal buildings and facilities
5. Offices: business, professional, and governmental
6. Philanthropic and charitable institutions
7. Recreational and social facilities
    a. Parks and playgrounds
    b. Recreational buildings and community centers, non-commercial
8. Religious institutions
    a. Churches, chapels, temples, synagogues
    b. Rectories, parsonages
9. Accessory commercial uses in the same building as the principal use and conducted for the convenience of the employees, patients, patrons or visitors. Accessory commercial uses shall be designed and located totally within the confines of the principal use. Primary access to the accessory retail uses shall be from within the principal use. All exterior signs related to said uses shall conform to the applicable sign regulations. Such uses may include or be similar to the following:
    a. Banks
    b. Barber shops
    c. Beauty parlors
    d. Cafeterias
    e. Drug stores
    f. Flower stores
    g. Gift shops
    h. Office supply stores, not including office machinery and furniture
    i. Restaurants
    j. Snack shops
10. Wireless telecommunications – building or tower-mounted antenna

9.2-4 Conditional Uses

The following uses may be allowed in the O/I-1 District, subject to the provisions of Section 3.11 and any specific conditions contained within this Section 9.2:

1. Clubs and lodges, private
2. Convalescent and nursing homes
3. Educational institutions
4. Hospitals
5. Medical cannabis dispensaries
6. Parking lots and garages other than accessory for the storage of private passenger automobiles only.
7. Planned developments, office or institutional
8. Public utility and service uses
9. Religious institutions
   a. Convents, seminaries, monasteries and nunneries.
10. Research: Research and testing facilities, consistent with the office character of the district
11. Wireless telecommunications – freestanding tower

9.2-5 Lot Size Requirements

1. Permitted Uses. Each permitted use shall be located on a lot with a minimum area of 6,000 square feet and a minimum width of 50 feet.
2. Conditional Uses

	Minimum Lot Area	**Minimum Lot Width**
Unless otherwise specified	15,000 s.f.	100 ft.
Planned developments	2 acres	200 ft.
Parking garages	As specified by the Development Review Board	
Public utilities and services	As specified by the Development Review Board	

9.2-6 Yard Requirements

1. Front Yard 5 ft.
2. Corner Side Yard 5 ft.
3. Interior Side Yard 0 ft.*
4. Rear Yard 0 ft.
5. Transitional Yard None required

* If a side yard is provided, it shall be at least 5 feet in depth.

9.2-7 Building Height

There is no height limitation in the O/I-1 District.

9.2-8 Floor Area Ratio

1. Permitted Uses

Unless otherwise specified	2.0
Offices	4.0

2. Conditional Uses

Unless otherwise specified	2.0
Planned Developments	As specified by the Development Review Board
Parking Garages	As specified by the Development Review Board
Public utilities and services	As specified by the Development Review Board
Research and testing facilities	As specified by the Development Review Board

9.2-9 Additional Conditions Applicable to Medical Cannabis Dispensaries

The following specific conditions shall apply and regulate the creation and maintenance of medical cannabis dispensaries as a conditional use:

1. Minimum distance from certain uses
   a. No medical cannabis dispensary shall be established, maintained or operated on any lot that has a property line within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility.
   b. No medical cannabis dispensary shall be established, maintained or operated in a house, apartment, condominium, or in an area zoned exclusively for residential use.
2. Compliance with State Law, Regulations and Rules
   All medical cannabis dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*) and all rules and regulations adopted in accordance therewith.
3. Exterior Appearance
   The exterior appearance of the building of a medical cannabis dispensary shall be compatible with commercial structures already constructed or under construction within the immediate neighborhood, to ensure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity.
4. Parking
   Parking shall be located in an area which is visible from the public roadway. Parking cannot be screened from the roadway by vegetation, fencing, or other obstructions.
5. Exterior Display
   No medical cannabis dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any other property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights, or any similar lighting system designed to call attention to the dispensary's location.

6. Signage and Advertising
   The provisions of the Waukegan Sign Ordinance are hereby modified to include the following additional requirements for medical cannabis dispensaries:
   a. All commercial signage for a medical cannabis dispensary shall be limited to one flat wall sign not to exceed ten (10) square feet in area, and one identifying sign, not to exceed two (2) square feet in area, which may only include the dispensary address; such signs shall not be directly illuminated. Exterior signs on the dispensary building shall not obstruct the entrance or windows on the dispensary.
   b. Electronic message boards and temporary signs are not permitted in connection with a medical cannabis dispensary.
   c. Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth, or language referencing cannabis.
   d. Any additional merchandise packaging provided by a medical cannabis dispensary, such as bags, sacks, totes or boxes, shall be opaque, without text or graphics advertising or identifying the contents of the products contained within.
7. Age and Access Limitations
   Only those persons over the age of eighteen (18) may enter a dispensary facility, except that persons under the age of 18 may enter a dispensary facility only if they are accompanied by a responsible adult over the age of 18. Dispensaries shall not employ anyone under the age of eighteen (18).
8. Security and Video Surveillance
   a. Each dispensary shall provide and maintain adequate security on the entire property on which the dispensary exists, including lighting, video surveillance, security personnel and alarms reasonably designed to ensure the safety of persons and to protect the site from theft.
   b. The dispensary parking area, client entrance, sales area, back room, storage areas and delivery bay and entrance shall be monitored by video surveillance equipment whose live images can be viewed by dispensary staff and continually recorded in a tamper-proof format.
   c. A sign shall be posted in a prominent location which includes the following language: "This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility or its patrons."
9. Hours of Operation
   A dispensary may operate between the hours of 8:00 a.m. to 9:00 p.m. local time.
10. Conduct on Site
   a. Loitering is prohibited on the dispensary property.
   b. It shall be prohibited to consume cannabis products in the medical cannabis dispensary or anywhere on the site occupied by the dispensary. A sign, at least 8.5 by 11 inches, shall be posted inside the dispensary building in a conspicuous place and visible to a client and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on dispensary property."

9.3 O/I-2 OFFICE/INSTITUTIONAL DISTRICT

9.3-1 Purpose

The O/I-2 Office/Institutional District is designed primarily to accommodate office buildings, civic and governmental structures, and educational and institutional buildings in a mutually compatible environment. The O/I-1 District is intended for mapping in areas remote from the Central Business District.

9.3-2 Conditions

All business, servicing, or storage, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

9.3-3 Permitted Uses

The following uses are permitted in the O/I-2 District:

1. Cultural and civic institutions
2. Medical cannabis dispensaries, only when accessory to a hospital
3. Offices: business, professional, and governmental
4. Philanthropic and charitable institutions
5. Recreational and social facilities
    a. Parks and playgrounds
    b. Recreational buildings and community centers, non-commercial
6. Accessory commercial uses in the same building as the principal use and conducted for the convenience of the employees, patients, patrons or visitors. Accessory commercial uses shall be designed and located totally within the confines of the principal use. Primary access to the accessory retail uses shall be from within the principal use. All exterior signs related to said uses shall conform to the applicable sign regulations. Such uses may include or be similar to the following:
    a. Banks
    b. Barber shops
    c. Beauty parlors
    d. Cafeterias
    e. Drug stores
    f. Flower stores
    g. Gift shops
    h. Office supply stores, not including office machinery and furniture
    i. Restaurants
    j. Snack shops
7. Wireless telecommunications – building or tower-mounted antenna

9.3-4 Conditional Uses

The following uses may be allowed in the O/I-2 District, subject to the provisions of Section 3.11 and any specific conditions contained within this Section 9.3:

1. Convalescent and nursing homes
2. Educational institutions
3. Homeless shelters
4. Hospitals

5. Medical cannabis dispensaries, if located in other than a hospital
6. Planned developments, office or institutional
7. Public utility and service uses
8. Religious institutions
   a. Places of worship and accessory institutional uses
9. Research: Research and testing facilities, consistent with the office character of the district
10. Wireless telecommunications – freestanding tower

9.3-5 Lot Size Requirements

1. Permitted Uses. Each permitted use shall be located on a lot with a minimum area of 15,000 square feet and a minimum width of 100 feet.
2. Conditional Uses

	Minimum Lot Area	**Minimum Lot Width**
Unless otherwise specified	15,000 s.f.	100 ft.
Planned developments	2 acres	200 ft.
Parking garages	As specified by the Development Review Board	
Public utilities and services	As specified by the Development Review Board	

9.3-6 Yard Requirements

1. Front Yard 15 ft.
2. Corner Side Yard 15 ft.
3. Interior Side Yard 0 ft.*
4. Rear Yard 0 ft.
5. Transitional Yard None required

* If a side yard is provided, it shall be at least 5 feet in depth.

9.3-7 Building Height

There is no height limitation in the O/I-2 District.

9.3-8 Floor Area Ratio

1. Permitted Uses
   a. Unless otherwise specified 2.0
   b. Offices 4.0
2. Conditional Uses
   a. Unless otherwise specified 2.0
   b. Planned Developments As specified by the Development Review Board
   c. Parking Garages As specified by the Development Review Board
   d. Public utilities and services As specified by the Development Review Board
   e. Research and testing facilities As specified by the Development Review Board

9.3-9 Additional Conditions Applicable to Medical Cannabis Dispensaries

The following specific conditions shall apply and regulate the creation and maintenance of medical cannabis dispensaries as a conditional use:

1. Minimum distance from certain uses
   a. No medical cannabis dispensary shall be established, maintained or operated on any lot that has a property line within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility.
   b. No medical cannabis dispensary shall be established, maintained or operated in a house, apartment, condominium, or in an area zoned exclusively for residential use.
2. Compliance with State Law, Regulations and Rules
   All medical cannabis dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*) and all rules and regulations adopted in accordance therewith.
3. Exterior Appearance
   The exterior appearance of the building of a medical cannabis dispensary shall be compatible with commercial structures already constructed or under construction within the immediate neighborhood, to ensure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity.
4. Parking
   Parking shall be located in an area which is visible from the public roadway. Parking cannot be screened from the roadway by vegetation, fencing, or other obstructions.
5. Exterior Display
   No medical cannabis dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any other property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights, or any similar lighting system designed to call attention to the dispensary's location.
6. Signage and Advertising
   The provisions of the Waukegan Sign Ordinance are hereby modified to include the following additional requirements for medical cannabis dispensaries:
   a. All commercial signage for a medical cannabis dispensary shall be limited to one flat wall sign not to exceed ten (10) square feet in area, and one identifying sign, not to exceed two (2) square feet in area, which may only include the dispensary address; such signs shall not be directly illuminated. Exterior signs on the dispensary building shall not obstruct the entrance or windows on the dispensary.
   b. Electronic message boards and temporary signs are not permitted in connection with a medical cannabis dispensary.
   c. Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth, or language referencing cannabis.
   d. Any additional merchandise packaging provided by a medical cannabis dispensary, such as bags, sacks, totes or boxes, shall be opaque, without text or graphics advertising or identifying the contents of the products contained within.

7. Age and Access Limitations
   Only those persons over the age of eighteen (18) may enter a dispensary facility, except that persons under the age of 18 may enter a dispensary facility only if they are accompanied by a responsible adult over the age of 18. Dispensaries shall not employ anyone under the age of eighteen (18).
8. Security and Video Surveillance
   a. Each dispensary shall provide and maintain adequate security on the entire property on which the dispensary exists, including lighting, video surveillance, security personnel and alarms reasonably designed to ensure the safety of persons and to protect the site from theft.
   b. The dispensary parking area, client entrance, sales area, back room, storage areas and delivery bay and entrance shall be monitored by video surveillance equipment whose live images can be viewed by dispensary staff and continually recorded in a tamper-proof format.
   c. A sign shall be posted in a prominent location which includes the following language: "This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility or its patrons."
9. Hours of Operation
   A dispensary may operate between the hours of 8:00 a.m. to 9:00 p.m. local time.
10. Conduct on Site
    a. Loitering is prohibited on the dispensary property.
    b. It shall be prohibited to consume cannabis products in the medical cannabis dispensary or anywhere on the site occupied by the dispensary. A sign, at least 8.5 by 11 inches, shall be posted inside the dispensary building in a conspicuous place and visible to a client and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on dispensary property."

9.3-10 Additional Conditions Applicable to Homeless Shelters

The following specific conditions shall apply to all Homeless Shelters, and be considered by the Planning and Zoning Commission in considering the application and appropriateness of a Conditional Use Permit being issued:

1. Parking requirements shall conform to Parking Class No. 7, or such other requirements as may be applicable to extended care facilities, and must be paved off-street parking;
2. If services of the facility include private bus, van, or other multi-passenger vehicle(s), loading for such vehicle must be on the property in an off-street, paved area. In addition, parking for such bus, van, or other vehicle(s), if stored on-site, must be off-street, in an entirely enclosed garage that conforms to all Building, Fire, and Zoning Codes.
3. Accessibility to public transportation, bicycle stalls, or proximity to other services.
4. Additional services to be offered, including counseling and vocational training, and accessibility to such services provided by other agencies; and
5. Paid professional staff.

ARTICLE 10 INDUSTRIAL DISTRICTS

10.1 GENERAL REQUIREMENTS

10.1-1 Conditions

No building or zoning lot shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or zoning lot shall be located, with the exception of the following:

1. Uses lawfully established on the effective date of this Ordinance.
2. Conditional uses allowed in accordance with the provisions of Section 3.11 or Section 4.9.
3. Uses already established on the effective date of this Ordinance, and rendered nonconforming by the provisions thereof, shall be subject to the regulations of Article 5, Nonconforming Buildings and Uses.
4. No activities involving the storage, utilization or manufacture of materials or products, which decompose by detonation, shall be permitted, unless specifically licensed by the City of Waukegan.

10.1-2 Performance Standards

1. Applicability
   a. No use established in an Industrial District after the effective date of this Ordinance shall be so operated as to exceed the performance standards established hereafter.
   b. Any use already established on the effective date of this Ordinance shall be permitted to be altered, enlarged, expanded, or modified, provided that the new sources of noise, vibration, smoke and particulate matter, fire and explosive hazards, toxic matter, odorous matter, and glare shall conform to the performance standards established hereinafter for the district in which such use is located. In any event, every use of land or structure shall be operated in compliance with all applicable local, state, and federal regulations.
2. Zoning Certificate Required
   a. Every application for a zoning certificate within an Industrial District shall have affixed to it the certificate of a "licensed architect" or a "licensed professional engineer" licensed by the State of Illinois certifying that the building or structure, and the proposed use thereof, complies with all of the provisions of this Ordinance respecting performance standards for industrial and similar uses.
   b. The Zoning Administrator shall, upon receipt of such application, approve and authorize the issuance of a zoning certificate provided all other relevant provisions of this Ordinance are complied with. Such certificate shall be valid for all purposes. The Zoning Administrator may, however, before issuance of the occupancy certificate - as a result of examination of the plans or on the basis of other evidence - determine that the proposed activity will not, in fact, comply with the performance standards and so advise the architect or engineer in writing.
3. Noise Limitations
   a. Sound levels shall be measured with a sound-level meter and associated octave-band analyzer manufactured according to standards prescribed by the American National Standards Institute. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of

this Ordinance, shall be those noises which cause fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (± 2) decibels. Noises incapable of being so measured, such as those of an irregular intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

b. No industrial activity shall be responsible for the transmission of noise across any residential or business zoning district boundary line in excess of the levels established below:

OCTAVE BAND (Preferred Center Frequency)	SOUND LEVEL IN DECIBELS (Re 0002 Microbar)	
	8:01 A.M. to 10:00 P.M.	10:01 P.M. to 8:00 A.M.
31.5	79	73
63	74	68
125	68	62
250	60	54
500	55	49
1,000	50	44
2,000	46	40
4,000	41	35
8,000	38	32

4. Vibration Limitations
   a. Earthborn vibrations from any industrial operation, equipment, or process shall not constitute a nuisance nor exceed the limits set forth herein. Vibrations shall be expressed as displacement in inches and shall be measured with a three-component measuring system.
   b. No industrial activity shall be responsible for the transmission of earthborn vibrations across any residence or business zoning district boundary line in excess of the displacement limits established through the use of the following formula:

$$D = \frac{0.003}{f}$$

Where D = the maximum allowable displacement in inches
f = Vibration frequency in cycles per second

5. Smoke and Particulate Matter Limitations
   a. General Limitations
      (1) In addition to the performance standards specified hereinafter, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.
      (2) Particulate matter emissions caused by the wind from open storage areas, yards, roads, etc. within lot lines shall be kept to a minimum by appropriate landscaping, paving, oiling, wetting, or other means.
      (3) For the purpose of determining the density or equivalent opacity of smoke, the Ringelmann Chart as adopted and published by the United States Bureau of Mines in Circular No. 8333 shall be employed.

(4) No industrial operation shall cause or allow to be emitted into the open air from any process or control equipment or to pass any convenient measuring point in a breeching or stack, dust in the gases to exceed 0.85 pounds per thousand pounds of gases adjusted to 12 percent CO_2 content for the products of combustion.

(5) The emission, from all sources within any zoning lot, of particulate matter containing more than ten percent (10%) by weight of particles having a particulate diameter larger than forty-four (44) microns is prohibited.

b. Permitted Smoke Emission. Within 1,000 feet of a residence or business zoning district boundary line, the continuous emission of smoke from any vent, stack, chimney, or combustion process shall have a density or equivalent opacity no greater than Ringelmann No. 1.

6. Fire and Explosion Hazard Limitations

a. The storage, utilization, or manufacture of materials or products ranging from incombustible to moderate burning - as determined for liquids by a closed cup flash point of not less than 187ºF - is permitted subject to compliance with all other performance standards for the Industrial Districts.

b. The storage, utilization, or manufacture of materials or products ranging from free or active burning to intense burning - as determined for liquids by a closed cup flash point of less than 187ºF but not less than 105ºF - is permitted subject to compliance with all other performance standards for the Industrial Districts, and provided the following conditions are met:

(1) Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having exterior walls of fire-resistive construction in accordance with other ordinances in the Municipal Code of Waukegan.

(2) Unless otherwise provided in this Ordinance, all such buildings or structures shall be set back at least 40 feet from the lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Prevention Association. If the materials, goods, or products are liquids, the protection thereof shall be in conformity with standards prescribed by the National Fire Protection Association.

c. The utilization in manufacturing processes of materials, which produce flammable or explosive vapors or gases - as determined for liquids by a closed cup flash point of less than 105ºF - shall be permitted in the Industrial Districts provided:

(1) that the final manufactured product does not itself have a closed cup flash point of less than 187ºF;

(2) that the use and storage of such materials shall be in conformity with standards prescribed by the National Fire Protection Association and with the requirements of other ordinances in the Municipal Code of Waukegan; and

(3) that the storage of said materials shall be prohibited above ground.

7. Toxic Matter Limitations

a. In any Industrial District, toxic materials which are released shall not exceed ten percent (10%) of the maximum permissible airborne concentration allowed an industrial worker when measured at any point beyond the lot line, either at ground level or habitable elevation, whichever is more restrictive.

b. When the maximum permissible airborne concentrations of toxic materials allowed an industrial worker are not contained in the most recent list of Threshold Limit Values published by the American Conference of Governmental Industrial Hygienists. The

applicant shall satisfy the Health Officer that proposed levels will be safe to the general population.

8. Odorous Matter Limitations
   The release of odorous matter from any Industrial District across Residence or Business District boundary lines shall be so controlled that, at ground level or at habitable elevations, the concentration shall not exceed the odor threshold level. Further, the release of odorous matter across lot lines shall not become a nuisance or source of discomfort to neighboring uses.
9. Glare Limitations
   In any Industrial District, any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (1/2) of one (1) foot-candle when measured at any Residence or Business District boundary line. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any lot line.

10.1-3 Permitted Uses

Permitted uses of land or buildings shall be permitted in the districts indicated under the conditions specified.

10.1-4 Conditional Uses

Conditional uses of land or buildings may be allowed in the zoning districts indicated, subject to the issuance of the conditional use permits in accordance with the provisions of Section 3.11.

10.1-5 Lot Size Requirements

Lot size requirements shall be as set forth under each zoning district. In addition, the following regulations shall be complied with:

1. No use shall be established or hereafter maintained on a lot recorded after the effective date of this Ordinance which is of less area than prescribed hereinafter for such use in the zoning district in which it is to be located.
2. No existing building or dwelling unit shall be converted so as to conflict with, or further conflict with, the lot size requirements of the district in which such building is located.

10.1-6 Yard Requirements

Yard requirements shall be set forth under each zoning district for all buildings, structures and uses.

10.1-7 Building Height Requirements

The requirements established under each zoning district shall determine the maximum building height of both principal and accessory buildings.

10.1-8 Floor Area Ratio Requirements

The requirements established under each zoning district shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

10.1-9 Accessory Uses

Accessory uses and structures are permitted in all Industrial Districts as defined in Article 3 and subject to the provisions of Section 4.7 of this Ordinance.

10.1-10 Off-Street Parking and Loading

Off-street parking and loading facilities, accessory to uses allowed in Industrial Districts, shall be provided in accordance with the regulations established in Article 12.

10.1-11 Signs

Signs shall be allowed in Industrial Districts in accordance with the regulations established in the City of Waukegan Sign Ordinance.

10.2 R/LI RESEARCH AND LIGHT INDUSTRIAL DISTRICT

10.2-1 Purpose

1. The R/LI Research and Light Industrial District is intended to provide a setting where compatible research, light industrial, business and corporate, and professional offices can be developed in a unified manner. The district is intended for development of large tracts of lands that are accessible to the regional interstate highway systems.
2. The environments to be provided within this district are to be of "park-like" nature where a pleasant and hazard-free environment exists. Therefore, developments will meet applicable performance standards provided for in Section 10.1-2 of this Ordinance and other local, state and federal requirements as appropriate.

10.2-2 Conditions

Uses allowed in the R/LI District are subject to the following conditions:

1. All businesses, servicing or processing (including without limitation manufacturing, assembly and fabrication), except for off-street parking and off-street loading, shall be conducted within completely enclosed buildings, unless otherwise indicated herein and shall not be obnoxious, unhealthful, or offensive by reason of the potential for emission or transmission of noise, vibration, smoke, dust, odor, toxic or noxious matter, glare or heat as stated in Section 10.1-2 of this Ordinance and other local, state and federal requirements as appropriate.
2. All storage, except for motor vehicles and bicycles in operable condition, shall be within completely enclosed buildings or may be outside provided that:
   a. such outside storage area shall not be more than 25% of the gross building area; and
   b. such outside storage area shall be surrounded by landscaping providing screening consisting of any combination of berms, walls, fencing, or vegetation.
3. The unenclosed parking of trucks as an accessory use shall be limited to vehicles of not over one and one-half (1-1/2) tons when located within 75 feet of a development boundary line. Development boundary lines are defined as exterior property or parcel lines of a planned unit development or subdivision or like lines for a single-lot or parcel development, rear, side, and corner side parcel lines.

10.2-3 Permitted Uses

The following uses are permitted in the R/LI District:

1. Accessory commercial uses located in the same building as the principal use which has a total of 100 or more employees and is accessible to the public only through the lobby of the building without advertising or display from the outside of the building. Such uses shall include the following:
   a. Barber shops
   b. Beauty shops
   c. Cafeterias
   d. Drug stores
   e. Physical fitness or health facilities
   f. Restaurants
   g. Snack shops
   h. Valet services
2. Assembly and fabricating

3. Bakeries, wholesale
4. Bedding manufacturing
5. Boot and shoe manufacturing
6. Carpet manufacturing
7. Cartage and express facilities
8. Cloth products manufacturing
9. Contractors, architecture, engineering offices and shops
10. Dry cleaning, no employee limitation
11. Dwellings: Living quarters for watchmen
12. Electronic and scientific precision instrument manufacturing
13. Fur processing
14. Glass decorating facility
15. Laundries
16. Light machinery and finishing of manufactured components
17. Light machinery production: appliances, business machines
18. Lithographing
19. Mail order houses
20. Medical and dental clinics
21. Musical instrument manufacturing
22. Offices: business and professional
23. Offices: headquarters
24. Orthopedic and medical appliance manufacturing
25. Parking lots, other than accessory, and subject to the provisions of Article 12.
26. Plastic products, molding and forming
27. Pottery and ceramic manufacture
28. Printing and publishing establishments
29. Product service and distribution, but not freight transfer terminals and yards
30. Radio and television stations
31. Research
    a. Laboratories, research and testing
    b. Development laboratories and facilities
    c. Medical facilities
    d. Pharmaceutical research, processing and manufacturing
    e. Telecommunication research, development and manufacturing
    f. Other research, light industrial, office and administrative uses
32. Restaurant
33. Rope, cord and twine manufacturing
34. Sporting goods manufacturing
35. Trade schools
36. Warehousing, storage and distribution
37. Warehousing, accessory retail sales
38. Wearing apparel manufacturing
39. Wireless telecommunications – building or tower-mounted antenna

10.2-4 Conditional Uses

The following conditional uses may be allowed in the R/LI District, subject to the provisions of Section 3.11 and any specific conditions contained within this Section 10.2:

1. Building material sales and storage and manufacturing
2. Cosmetic production
3. Dairy products processing and manufacturing
4. Day care centers
5. Extended stay hotel
6. Food manufacture, packaging and processing
7. Glass products production; no glass manufacturing
8. Heliports
9. Hotels and motels
10. Medical cannabis cultivation centers
11. Medical cannabis dispensaries
12. Multiple-family dwellings
13. Paper products production
14. Planned developments, research/light industrial
15. Public utility and service uses
16. Restaurants and cafeterias
17. Stadiums and arenas: open or enclosed
18. Wireless telecommunications – freestanding tower
19. Woodworking and wood products manufacture

10.2-5 Lot Size Requirements

Each use shall be located on a lot with a minimum area of 40,000 square feet.

10.2-6 Yard Requirements

1. Front Yard 30 ft.
2. Corner Side Yard 30 ft.
3. Interior Side Yard 10 ft.
4. Rear Yard 20 ft.
5. Transitional Yards
   a. Development Boundary Lines. There shall be a development boundary yard of not less than 45 feet where an R/LI District abuts another district or development, regardless of its zoning.
   b. Residential. Where a side or rear lot line in an R/LI District coincides with a side or rear lot line in an adjacent Residential District, a landscape yard shall be provided along such line not less than 45 feet in depth.
   c. Landscape Yard: Thirty (30) foot landscape yards shall be provided as follows:
      (1) along Waukegan Road from Pulaski Drive to Illinois Route 137
      (2) along Martin Luther King Drive from Waukegan Road to Route 41
      (3) along the westerly right-of-way line of Route 41 from Illinois Route 120 to Illinois Route 137
      (4) along the northerly right-of-way line of Illinois Route 137 from the Tri-State Tollway to Route 41

10.2-7 Building Height Requirements

No building or structure height shall exceed 60 feet, except by conditional use permit procedures.

10.2-8 Floor Area Ratio Requirements

The floor area ratio shall not exceed 0.75 in the R/LI District.

10.2-9 Additional Conditions Applicable to Medical Cannabis Dispensaries

The following specific conditions shall apply and regulate the creation and maintenance of medical cannabis dispensaries as a conditional use:

1. Minimum distance from certain uses
   a. No medical cannabis dispensary shall be established, maintained or operated on any lot that has a property line within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility.
   b. No medical cannabis dispensary shall be established, maintained or operated in a house, apartment, condominium, or in an area zoned exclusively for residential use.
2. Compliance with State Law, Regulations and Rules
   All medical cannabis dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*) and all rules and regulations adopted in accordance therewith.
3. Exterior Appearance
   The exterior appearance of the building of a medical cannabis dispensary shall be compatible with commercial structures already constructed or under construction within the immediate neighborhood, to ensure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity.
4. Parking
   Parking shall be located in an area which is visible from the public roadway. Parking cannot be screened from the roadway by vegetation, fencing, or other obstructions.
5. Exterior Display
   No medical cannabis dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any other property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights, or any similar lighting system designed to call attention to the dispensary's location.
6. Signage and Advertising
   The provisions of the Waukegan Sign Ordinance are hereby modified to include the following additional requirements for medical cannabis dispensaries:
   a. All commercial signage for a medical cannabis dispensary shall be limited to one flat wall sign not to exceed ten (10) square feet in area, and one identifying sign, not to exceed two (2) square feet in area, which may only include the dispensary address; such signs shall not be directly illuminated. Exterior signs on the dispensary building shall not obstruct the entrance or windows on the dispensary.
   b. Electronic message boards and temporary signs are not permitted in connection with a medical cannabis dispensary.

c. Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth, or language referencing cannabis.
d. Any additional merchandise packaging provided by a medical cannabis dispensary, such as bags, sacks, totes or boxes, shall be opaque, without text or graphics advertising or identifying the contents of the products contained within.

7. Age and Access Limitations
Only those persons over the age of eighteen (18) may enter a dispensary facility, except that persons under the age of 18 may enter a dispensary facility only if they are accompanied by a responsible adult over the age of 18. Dispensaries shall not employ anyone under the age of eighteen (18).
8. Security and Video Surveillance
   a. Each dispensary shall provide and maintain adequate security on the entire property on which the dispensary exists, including lighting, video surveillance, security personnel and alarms reasonably designed to ensure the safety of persons and to protect the site from theft.
   b. The dispensary parking area, client entrance, sales area, back room, storage areas and delivery bay and entrance shall be monitored by video surveillance equipment whose live images can be viewed by dispensary staff and continually recorded in a tamper-proof format.
   c. A sign shall be posted in a prominent location which includes the following language: "This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility or its patrons."
9. Hours of Operation
A dispensary may operate between the hours of 8:00 a.m. to 9:00 p.m. local time.
10. Conduct on Site
   a. Loitering is prohibited on the dispensary property.
   b. It shall be prohibited to consume cannabis products in the medical cannabis dispensary or anywhere on the site occupied by the dispensary. A sign, at least 8.5 by 11 inches, shall be posted inside the dispensary building in a conspicuous place and visible to a client and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on dispensary property."

10.2-10 Additional Conditions Applicable to Medical Cannabis Cultivation Centers

The following specific conditions shall apply and regulate the creation and maintenance of medical cannabis cultivation centers as a conditional use:

1. No medical cannabis cultivation center shall be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned exclusively for residential use.
2. All medical cannabis cultivation centers shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance therewith.
3. No medical cannabis cultivation center may conduct any retail sales, nor shall any consumption or use of medical cannabis be permitted on the medical cannabis cultivation center premises or property.

10.2-11 McGaw Business Center Overlay District

1. The McGaw Business Center Overlay District (hereafter "the Overlay District") is established as an overlay district subject to the provisions of this Section 10.2-11 which complement and supersede the provisions of the underlying R/LI District and, where specified, certain regulations of the Waukegan Subdivision Ordinance, Sign Ordinance and Landscape Ordinance.
2. The Overlay District is established (i) to address a need for and to facilitate redevelopment of an area that has become obsolete in light of current development standards and patterns, and (ii) to take advantage of a unique opportunity to proceed with comprehensive redevelopment planning and redevelopment of the Overlay District lands. These lands lie generally southwest of the intersection Route 43 and McGaw Road on the west side of the City of Waukegan. The size of the parcel, the opportunity for a unified plan of redevelopment, and the critical location of the Overlay District all justify particularized regulation of these lands through the Overlay District provisions.

   The purpose of the Overlay District is to establish a physical and regulatory environment that promotes, encourages and attracts a mix of high quality industrial, commercial, retail, residential and other development in an area which has experienced declining tenancies, physical deterioration, and insufficient positive impact on the resources, image, and welfare of the City of Waukegan.

   The Overlay District requires that the physical environment be established pursuant to a comprehensive engineering plan, making the Overlay District ready for new development and providing for adequate utilities, storm water management, and public improvements for pedestrian and vehicular traffic.

   The Overlay District is intended to provide for a regulatory environment that allows potential purchasers or tenants of property within the Overlay District to customize the size and dimensions of their properties without incurring undue delay in the redevelopment review process. The Overlay District allows and encourages concurrent review of site plans and final plats of resubdivision, without the requirement of a preliminary plat review. The Overlay District also includes provisions which promote a mix of high quality development. The Overlay District provisions allow certain desirable and compatible uses not otherwise allowed in the R/LI District.

   The Overlay District provisions also make conditional or prohibit certain uses otherwise allowed in the R/LI District but which may not be consistent with the goals and purposes of the Overlay District.

3. Because the Overlay District has substantial and unique costs associated with its redevelopment which may be addressed, in part, by tax increment financing and/or other public financing, the Overlay District may have a limited ability to support tax-exempt uses. Accordingly, within the Overlay District any non-prohibited uses, proposed as new development and which are eligible for exemption from ad valorem taxes, shall be allowed only as conditional uses. In addition to the factors set forth in Section 3.11-7, substantial factors in the consideration of the suitability and compatibility of such uses shall be (i) the ability of the Overlay District to produce

sufficient tax revenues to support outstanding tax increment financing or other public financing debt service, and (ii) the economic benefits potentially generated by the proposed tax exempt use.

4. The Overlay District provisions are not intended to and shall not apply to established uses or structures existing as of the effective date of the ordinance amendments establishing the Overlay District, but shall apply to all redevelopment of such uses and structures and to applications for building or occupancy permits first made after the effective date of this Section 10.2-11.
5. As of the effective date of this Section 10.2-11, the legal description of the lands included within the Overlay District is as follows:

   ALL THAT PART OF THE SOUTHWEST QUARTER AND ALSO THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EASTERLY OF THE EASTERLY LINE OF A 100 FOOT STRIP OF LAND CONVEYED TO THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY BY DEEDS DATED APRIL 12, 1872 AND RECORDED IN BOOK 51 OF DEEDS, PAGES 385 TO 390, (EXCEPTING THE EAST 50.0 FEE OF SAID SOUTHWEST QUARTER AND THE EAST 50.0 FEET OF SAID SOUTH HALF OF THE NORTHWEST QUARTER, DEDICATED FOR HIGHWAY PURPOSES), IN LAKE COUNTY ILLINOIS.

   After a public hearing in the manner provided by state law and by the Waukegan Zoning Ordinance, the boundaries of the Overlay District may be amended to include other contiguous properties, or to remove properties from the Overlay District.

6. Notwithstanding any provisions in Section 10.2 to the contrary, within the Overlay District certain uses shall be allowed as permitted uses or conditional uses, or shall be prohibited, regardless of whether such uses are prohibited or allowed as permitted or conditional uses in the underlying R/LI District, as follows:
   a. Industrial Uses. The following uses are permitted on all property within the Overlay District:
      1.) Assembly and fabricating
      2.) Bakeries, wholesale
      3.) Bedding manufacturing
      4.) Boot and shoe manufacturing
      5.) Carpet manufacturing
      6.) Cartage and express facilities
      7.) Cloth products manufacturing
      8.) Architecture and engineering professional offices
      9.) Data Center
      10.) Dwellings: Living quarters for watchmen
      11.) Electronic and scientific precision instrument manufacturing
      12.) Intentionally Omitted.
      13.) Light machinery and finishing of manufactured components
      14.) Light machinery production: appliances, business machines
      15.) Lithographing
      16.) Mail order houses

17.) Medical and dental clinics
18.) Musical instrument manufacturing
19.) Offices: commercial business and professional
20.) Offices: headquarters
21.) Orthopedic and medical appliance manufacturing
22.) Plastic products, molding and forming
23.) Pottery and ceramic manufacture
24.) Printing and publishing establishments
25.) Product service and distribution, but not freight transfer terminals and yards
26.) Radio and television stations
27.) Research
    a) Laboratories, research and testing
    b) Development laboratories and facilities
    c) Medical facilities
    d) Pharmaceutical research, processing and manufacturing
    e) Telecommunication research, development and manufacturing
    f) Other research, light industrial, office and administrative uses
28.) Rope, cord and twine manufacturing
29.) Sporting goods manufacturing
30.) Trade schools
31.) Warehousing, storage and distribution
32.) Warehousing, accessory retail sales
33.) Wearing apparel manufacturing
34.) Accessory commercial uses located in the same building as the principal use which has a total of 100 or more employees and is accessible to the public only through the lobby of the building without advertising or display from the outside of the building. Such uses shall include the following:
    a) Barber shops
    b) Beauty shops
    c) Cafeterias
    d) Drug stores
    e) Physical fitness or health facilities
    f) Restaurants
    g) Snack shops
    h) Valet services
35.) Building material sales and ancillary storage and manufacturing
36.) Cosmetic production
37.) Dairy products processing and manufacturing
38.) Day care centers
39.) Food manufacture, packaging and processing
40.) Glass products production; no glass manufacturing
41.) Paper products production
42.) Woodworking and wood products manufacture
43.) For profit educational institutions.

b. Development Standards for Industrial Uses in the Overlay District

1.) Lot Size Requirements. Each use shall be located on a lot with a minimum area of 40,000 square feet. More than one (1) building may be located on a lot.

2.) Yard Requirements.

Front Yard	30 feet
Corner Side Yard	30 feet
Interior Side Yard	10 feet
Rear Yard	20 feet

Transitional Yard:

No industrial use building or structure in the R/LI McGaw Overlay District shall be located within forty feet (40') of the Residence District boundary line to the north of the Overlay District, unless such building or structure is effectively screened from that Residence District property by a wall or fence, not less than six feet (6') nor more than eight feet (8') in height, accompanied by a densely-planted compacts hedge composed of at least sixty percent (60%) evergreens. In the event of such screening, the transitional yard requirement of forty feet (40') may be reduced to fifteen feet (15').

3.) Building Height Requirement. No building or structure height shall exceed 60 feet, except by conditional use permit procedures.

4.) Floor Area Ratio Requirements. The floor area ratio shall not exceed 2.00.

5.) Loading Docks. Loading docks for industrial uses and buildings may face dedicated streets (excluding Waukegan Road) and may be located on more than one side of a building.

6.) Fenestration and Articulation. Any façade that faces a dedicated or private street shall be articulated with windows and architectural elements such as, but not limited to, painted or offset reveals in precast panels, masonry piers, columns, arcades, and doors.

7.) Fences and screening. To protect the open, campus appearance of the Overlay District, no fencing or screening of any type shall be allowed anywhere on the interior of the Overlay District, or along the Waukegan Road right-of-way without the approval of the Zoning Administrator.

c. Retail Uses. The following uses are permitted on no more than twenty-five percent (25%) of the gross land area square footage of the Overlay District:

1.) Hotels (non-extended stay)

2.) Restaurants (non-drive-thru/non-drive-in)

d. Development Standards for Retail Uses in the Overlay District

1.) Lot Size Requirements. There shall be no minimum lot size for Retail Uses. More than one (1) building may be located on a lot.

2.) Yard Requirements.

Front Yard	15 feet
Corner Side Yard	15 feet
Interior Side Yard	10 feet
Rear Yard	10 feet

Transitional Yard:

No retail use building or structure in the R/LI McGaw Overlay District shall be located within twenty feet (20') of the Residence District boundary line to the north of the Overlay District, unless such building or structure is effectively screened from that Residence District property by a wall or fence, not less than six feet (6') nor more than

eight feet (8') in height, accompanied by a densely-planted compacts hedge composed of at least sixty percent (60%) evergreens. In the event of such screening, the transitional yard requirement of twenty feet (20') may be reduced to ten feet (10').

3.) Building Height Requirement. No building or structure height shall exceed 100 feet, except by conditional use permit procedures.
4.) Floor Area Ratio Requirements. The floor area ratio shall not exceed 4.00.
5.) Fenestration and Articulation. Any façade that faces a dedicated or private street shall be articulated with windows and architectural elements such as, but not limited to, masonry piers, columns, arcades, and doors.
6.) Fences and screening. To protect the open, campus appearance of the Overlay District, no fencing or screening of any type shall be allowed anywhere on the interior of the Overlay District, or along the Waukegan Road right-of-way without the approval of the Zoning Administrator.
7.) Front Yards. Lots that have frontage on Waukegan Road shall have front yards that face both Waukegan Road and the internal road that provides access to these aforesaid lots.

e. Conditional Uses. The following uses are conditional uses in the Overlay Zone:
1.) Planned unit developments
2.) Drive-in establishments
3.) Drive-thru establishments
4.) Hotels (extended stay)
5.) Other hospitality-related uses or retail uses deemed by the Zoning Administrator to be compatible with the permitted uses in the Overlay District.

f. Uses Not Listed. Any uses not listed above shall be permitted, conditional or prohibited in accordance with the provisions of the underlying R/LI District regulations.

7. Notwithstanding any provisions of the Waukegan Sign Ordinance to the contrary, including but not limited to Section 4.1.1 thereof: (i) common entry signage for the Overlay District shall be allowed on separate lots or within easements within a lot in the Overlay District, and (ii) common entry signs within easements on a lot shall not reduce the amount of signage otherwise available to the occupant(s) of such lot, all subject to the provisions of this Section 10.2-9. Common entry signage shall include and be limited to signage which identifies the common name for the entire Overlay District (hereinafter referred to as "common entry signage").

a. Common entry signage is limited to three signs and shall be located on separate lots or within easements to be designated on a final plat of resubdivision to be recorded for the Overlay District. Once such sign easement or lot locations have been so designated, they may not be relocated except through the Site Plan Approval process established in this Section 10.2-9.
b. Common entry signage shall identify the common name for the redevelopment subdivision within the Overlay District.
c. Common entry signage shall not be installed within the Overlay District prior to Site Plan Approval for such signage.
d. Common entry signage shall not be installed unless and until an easement agreement or covenant is recorded, the terms of which have been reasonably approved by the City's Attorney, providing for the perpetual maintenance of such signage and the removal thereof upon termination of the use of the sign.
e. Common entry signage shall be within an associated landscaped area. A landscaping plan shall be approved as part of the Site Plan Approval process for the common entry signage.

f. The common entry sign message shall be large enough to be clearly legible to motorists on the adjacent rights-of-way. The design details of the common entry signs shall be subject to Site Plan Approval process in consideration of the general intent and principles of the Waukegan Sign Ordinance and the review comments of the Building Commissioner. For good cause shown, the City Council may waive strict compliance with specific provisions of the Waukegan Sign Ordinance in granting Site Plan Approval for common entry signage.

8. Notwithstanding any provisions of this Zoning Ordinance or the Waukegan Landscape Ordinance to the contrary, in the Site Plan Approval process for Overlay District developments, upon good cause shown, the City may waive any requirement for green space between property lines of one or more lots. For purposes of this provision, "good cause shown" shall include accommodation of parking facilities to be shared by one or more lots, private access drives to be shared by one or more lots, and loading areas to be shared (or abutting) by one or more lots. No such waiver may be allowed, however, for areas which abut dedicated right-of-way.
9. Due to the unique configuration of the Overlay District property and the existing or proposed public rights-of-way, and the desire to encourage innovative design which is compatible with other development within and outside the Overlay District, notwithstanding any provisions of this Zoning Ordinance to the contrary, including but not limited to definitions of various types of "yards" or "lot lines," as part of the Site Plan Approval process for new development within the Overlay District, the City and the property owner may agree upon the most appropriate designation of front, side, comer side, and rear yards and/or lot lines in light of the proposed development's orientation to public rights-of-way, private access aisles, other development or site amenities, or other site planning factors. Corresponding setback requirements shall be determined in accordance with any such agreed upon designations. In the event of a failure to mutually agree otherwise, the designations determined by application of the provisions of this Zoning Ordinance (other than the Overlay District provisions) shall apply.
10. Following the recording of a final plat of resubdivision for the Overlay District, except for properties being developed as part of a planned development and subject to the planned development review and approval provisions of the Waukegan Zoning Ordinance, redevelopment within the Overlay District shall require Site Plan Approval as set forth below.
    a. Any applicant for Site Plan Approval whose redevelopment proposal also requires further resubdivision of a lot or lots within the Overlay District is entitled to, and is encouraged to seek, concurrent review of (1) the application for a plat of resubdivision, and (ii) the application for Site Plan Approval.
    b. Notwithstanding any provision of the Waukegan Subdivision Ordinance to the contrary, including but not limited to Articles 7, 8 and 12 thereof, applicants for such further resubdivision can proceed directly to the final plat stage without the need to present and have approved a preliminary plat of resubdivision, provided (i) the engineering information submitted for such final plat of resubdivision substantially conforms to the approved engineering for the Overlay District as established by the previously approved plats of subdivision or resubdivision recorded for Overlay District properties, and (ii) the public hearing provisions applicable to a preliminary plat shall apply to a final plat if no preliminary plat approval has been sought or obtained.
    c. Applications for Site Plan Approval shall be subject to review by the Planning and Zoning Commission, which shall then make its recommendation to the City Council, which shall finally approve, deny or approve subject to conditions or modifications. Site Plan Approval may include approval of specific plans as set forth in a written record of such approval issued by or on behalf of the City Council. The development of the approved site shall

substantially conform to the approved plans, as determined by the Zoning Administrator (which determination shall be subject to the same rights of appeal applicable to other determinations of the Zoning Administrator).

d. Proposed amendments of any Site Plan Approvals shall be reviewed in the same manner as Site Plan Approvals.

e. Applications for Site Plan Approval shall be filed with the Zoning Administrator in accordance with application and documentation requirements established by the Zoning Administrator. The Zoning Administrator may reasonably require information or documents to be filed to ensure compliance with all applicable ordinances and regulations, which may include, but is not limited to, the following:
   1) A site plan of the site with a legal description of the site;
   2) A site plan showing how the proposed site improvements relate to abutting, developed sites;
   3) Engineering plans and calculations;
   4) A traffic and/or parking study, if deemed necessary;
   5) Elevations of proposed buildings which incorporate earthen materials such as brick, stone, concrete, wood, or any combination thereof. Pole barn construction is strictly prohibited in retail and hotel developments;
   6) Landscape plans; and
   7) Signage plans.

f. Site Plan Approval may be denied if the proposed development plans do not meet all applicable regulations and ordinances of the City of Waukegan or other governmental entities having jurisdiction over aspects of the development.

11. Notwithstanding any provisions of the Waukegan Subdivision Ordinance to the contrary, including but not limited to Sections 6.2 and 10.2-5 thereof, the required right-of way width for a public street may be satisfied by the provision on the plat of subdivision (or resubdivision) of a combination of (i) dedicated right-of-way, and (ii) public casement for utilities, pedestrian path, street lighting and landscaping; provided that the area from back of curb to back of curb shall be within dedicated right-of-way. Further, notwithstanding any provisions of the Waukegan Subdivision Ordinance to the contrary, including but not limited to Section 10.3 thereof, if the subdivider and the City concur, any requirement of the Waukegan Subdivision Ordinance for public sidewalks may be met by provision of an alternate form of pathway or trail pursuant to specifications agreed upon by the subdivider and the City, but equal to or greater than the width required by the Subdivision Ordinance for public sidewalks.

12. Notwithstanding any provisions of the Waukegan Subdivision Ordinance or Waukegan Landscape Ordinance to the contrary, including but not limited to Article IV of the Landscape Ordinance and Section 11.10 of the Subdivision Ordinance, applicants for resubdivision of property within the Overlay District shall not be required to provide a tree survey or a plan for tree preservation, unless a substantial portion of the property being re-subdivided has previously been re-subdivided and/or received Site Plan Approval pursuant to the provisions of the Overlay District. Further, for any property herein exempted from the requirements to provide a tree survey, no tree removal permit shall be required prior to the removal of trees within the Overlay District.

13. Notwithstanding any provisions of the Waukegan Subdivision Ordinance or the Waukegan Landscape Ordinance to the contrary, including but not limited to Section 11.11-1 of the Subdivision Ordinance requiring a minimum spacing of 75 feet for street trees and Article V.C of the Landscaping Ordinance requiring a minimum of one street tree for every 30 feet of street

frontage on each side of the street in new subdivisions, redevelopment in the Overlay District shall require one street tree for every 40 feet of street frontage on each side of a new public street and, for existing public roadways, one street tree for every 40 feet of frontage on each side of the roadway being redeveloped.

10.2-12 Additional Conditions Applicable to Hotels, Motels and Extended Stay Hotels

The following conditions shall apply and regulate the creation and maintenance of any hotel, motel, or extended stay hotel as a conditional use:

1. Home Rule Hotel Occupancy Tax. All such facilities are required to ensure prompt payment of the Home Rule Hotel Occupancy Taxes.
2. Sanitary Conditions. All such facilities must provide a daily maid service in each of its rooms, and must be kept in sanitary condition.
3. Annual Inspection. As a condition of any conditional use permit granted under this chapter, a Hotel, Motel, or Extended Stay Hotel must pass an annual health & safety inspection.
4. Required Parking. Minimum parking for such a facility must be 1.5 spaces per lodging unit, in addition to the calculated requirements for any office or public areas under Article 12 of this Ordinance.

10.3 I1 RESTRICTED INDUSTRIAL DISTRICT

10.3-1 Purpose

The I1 Restricted Industrial District is intended to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards, or that require a pleasant, hazard-free environment.

10.3-2 Conditions

1. All businesses, servicing or processing, except for off-street parking and off-street loading, shall be conducted within completely enclosed buildings.
2. All storage, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened as required in Section 4.4-1.

10.3-3 Permitted Uses

The following uses are permitted in the I1 District:

1. Bakeries
2. Banks
3. Bedding manufacturing
4. Boot and shoe manufacturing
5. Carpet manufacturing
6. Cartage and express facilities
7. Cloth products manufacturing
8. Contractor's yard
9. Dry cleaning, no employee limitation
10. Dwellings: Living quarters for watchmen
11. Electronic and scientific precision instrument manufacturing
12. Fur processing
13. Glass decorating facility
14. Laundries
15. Light machinery production: appliances, business machines
16. Lithographing
17. Mail order houses
18. Medical and dental clinics
19. Musical instrument manufacturing
20. Offices: business and professional
21. Offices: headquarters
22. Orthopedic and medical appliance manufacturing
23. Parking lots, other than accessory, and subject to the provisions of Article 12.
24. Pottery and ceramic manufacture
25. Printing and publishing establishments
26. Radio and television stations
27. Research
    a. Laboratories, research and testing
    b. Other research, light industrial, office and administrative uses
    c. Pharmaceutical research, processing and manufacturing
    d. Research and development labs and facilities

e. Research and testing facilities
f. Telecommunication research, development and manufacturing

28. Rope, cord and twine manufacturing
29. Self-storage facility
30. Sporting goods manufacture
31. Trade schools
32. Warehousing, storage and distribution
33. Warehousing, accessory retail sales
34. Wearing apparel manufacturing
35. Wireless telecommunications – building or tower-mounted antenna

10.3-4 Conditional Uses

The following conditional uses may be allowed in the I1 District, subject to the provisions of Section 3.11:

1. Airport and heliports, private or commercial
2. Building material sales and storage and manufacturing
3. Cosmetic production
4. Dairy products processing and manufacturing
5. Garage for service, repair and servicing of motor vehicles including body repair, painting and engine rebuilding
6. Glass products production; no glass manufacturing
7. Paper products production
8. Parks and playgrounds
9. Planned developments, industrial
10. Public utility and service uses
11. Radio and television towers
12. Recreational buildings and community centers, non-commercial
13. Recreational Cannabis Craft Grower Organization, where such organization meets all criteria of Article 4, Chapter 18 of this Ordinance.
14. Recreational Cannabis Infuser Organization, where such organization meets all criteria of Article 4, Chapter 18 of this Ordinance.
15. Recreational Cannabis Processing Organization, where such organization meets all criteria of Article 4, Chapter 18 of this Ordinance.
16. Recreational Cannabis Transporting Organization, where such organization meets all criteria of Article 4, Chapter 18 of this Ordinance.
17. Recreational Cannabis Cultivation Organization, where such organization meets all criteria of Article 4, Chapter 18 of this Ordinance.
18. Restaurants
19. Soap manufacturing
20. Stadiums, auditoriums and arenas: open or enclosed
21. Wireless telecommunications – freestanding tower
22. Woodworking and wood products manufacturing
23. Other manufacturing, processing, storage or commercial uses determined by the Zoning Administrator to be of the same general character as the uses permitted in Section 10.3.3 above, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter or glare or heat.

10.3-5 Lot Size Requirements

There is no minimum lot size requirement in the I1 District.

10.3-6 Yard Requirements

1. Front Yard 30 ft.
2. Corner Side Yard 30 ft.
3. Interior Side Yard 10 ft.
4. Rear Yard 20 ft.
5. Transitional Yards. Where a side or rear lot line in an I1 District coincides with a side or rear lot line in an adjacent Residence or Business District, a landscape yard shall be provided along such side or rear lot line not less than 45 feet in depth.

10.3-7 Building Height Requirements

No building or structure height shall exceed 60 feet, except by conditional use permit procedures.

10.3.8 Floor Area Ratio Requirements

The floor area ratio shall not exceed 1.0 in the I1 District.

10.3.9 Additional Requirements Applicable to Contractor's Yards

1. All operations with the contractor's yard shall be located onsite. It shall not be used primarily as a storage lot for a business that is located elsewhere.
2. All materials and equipment must be stored behind the building's front setback line and corner side yard setback line (if applicable).
3. All materials and equipment must be screened from any right-of-way.
4. The property must meet all of the requirements of the zoning district in which it is located.
5. The parking of all company vehicles must be on a hard surface such as concrete or asphalt. Such parking areas must have suitable draining facilities/plans as approved by the City Engineer.
6. The building façades shall conform to Article 9, "Building Appearance", of the Tree Preservation and Landscape Ordinance.
7. Windows and doors seen from the public right-of-way shall not be obstructed or protected with roll-down shutters or security grates.
8. Contractor's yards, which are located within fifty feet (50'-0") of any residential district, shall be permitted to operate only from the hours of 6:00 AM to 8:00 PM.

10.4 I2 GENERAL INDUSTRIAL DISTRICT

10.4-1 Purpose

The I2 General Industrial District is intended to accommodate those industrial activities which may produce minimal nuisances or hazards in areas that are remote from residential and business development. Conditional uses may be granted through the prescribed process (Section 3.11) only where the subject site is not within 1,000 feet of residential or business districts.

10.4-2 Conditions

1. All businesses, servicing or processing, within 300 feet of a Residence or Business District, shall be conducted within completely enclosed buildings.
2. All storage within 300 feet of a Residence or Business District, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened as required in Section 4.4-1. In the event a solid wall is used to satisfy this requirement, the yard requirements of this district shall apply exterior to the wall.

10.4-3 Permitted Uses

The following uses are permitted in the I2 District:

1. Aluminum fabrications
2. Assembly and fabricating
3. Bakeries
4. Bedding manufacturing
5. Boot and shoe manufacturing
6. Bottling companies
7. Building material sales and storage and manufacturing
8. Carpet manufacturing
9. Cartage and express facilities
10. Cloth products manufacturing
11. Contractor’s yard
12. Cosmetic production
13. Dwellings: Living quarters for watchmen
14. Electronic and scientific precision instrument manufacturing
15. Glass decorating facility
16. Glass products production
17. Laundries
18. Light machinery production: appliances, business machines
19. Linoleum manufacturing
20. Lithographing
21. Machine shops
22. Mail order houses
23. Medical and dental clinics
24. Musical instrument manufacturing
25. Offices: headquarters
26. Orthopedic and medical appliance manufacturing
27. Parking lots, other than accessory, and subject to the provisions of Article 12.
28. Pottery and ceramic manufacture

29. Printing and publishing establishments
30. Radio and television stations
31. Research: Laboratories, research and testing
    a. Medical research facilities
    b. Other research, light industrial, office and administrative uses
    c. Pharmaceutical research, processing and manufacturing
    d. Research and development labs and facilities
    e. Research and testing facilities
    f. Telecommunication research, development and manufacturing
32. Restaurants and cafeterias
33. Rope, cord and twine manufacturing
34. Self-storage facility
35. Sheet metal work
36. Soap manufacture
37. Sporting goods manufacturing
38. Temporary buildings for construction
39. Trade schools
40. Warehousing, storage and distribution
41. Warehousing, accessory retail sales
42. Wearing apparel manufacturing
43. Wireless telecommunications – building or tower-mounted antenna
44. Woodworking and wood products manufacturing

10.4-4 Conditional Uses

The following conditional uses may be allowed in the I2 District, subject to the provisions of Section 3.11:

1. Abrasives manufacture
2. Airport and heliports, private or commercial
3. Asphalt products manufacture
4. Automobile service stations
5. Brick and structural clay products
6. Car wash
7. Chemical processing and manufacturing
8. Concrete mixing plants
9. Dairy products production
10. Dairy products processing or manufacture
11. Dry cleaning, no employee limitation
12. Electroplating
13. Feed mills
14. Food manufacture, packaging and processing
15. Foundries and forge plants
16. Fur processing
17. Garage for service, repair and servicing of motor vehicles including body repair, painting and engine rebuilding
18. Grain storage and processing
19. Graphite products and manufacturing

20. Gypsum manufacturing
21. Heavy machinery production
22. Insulating materials manufacturing
23. Junk yards and auto graveyards
24. Leather tanning or processing
25. Meat packing
26. Metal reduction and refinement
27. Metal stamping
28. Mining operations
29. Paint products manufacturing
30. Paper products manufacture
31. Parks and playgrounds
32. Petroleum products storage or processing
33. Planned developments, industrial
34. Plastics manufacture
35. Public utility and service uses
36. Radio and television towers
37. Recreational buildings and community centers, non-commercial
38. Recreational Cannabis Dispensing Organization, when co-located with a Recreational Cannabis Infuser Organization, and otherwise meets all criteria of Article 4, Chapter 18 of this Ordinance.
39. Recreational Cannabis Craft Grower Organization, where such organization meets all criteria of Article 4, Chapter 18 of this Ordinance.
40. Recreational Cannabis Infuser Organization, where such organization meets all criteria of Article 4, Chapter 18 of this Ordinance.
41. Recreational Cannabis Processing Organization, where such organization meets all criteria of Article 4, Chapter 18 of this Ordinance.
42. Recreational Cannabis Transporting Organization, where such organization meets all criteria of Article 4, Chapter 18 of this Ordinance.
43. Recreational Cannabis Cultivation Organization, where such organization meets all criteria of Article 4, Chapter 18 of this Ordinance.
44. Restaurants
45. Rubber processing or manufacturing
46. Stadiums, auditoriums and arenas: open or enclosed
47. Steel manufacturing
48. Stone products manufacture
49. Wireless telecommunications – freestanding tower
50. Other manufacturing, processing, storage or commercial uses determined by the Zoning Administrator to be of the same general character as the uses permitted in Section 10.4-3 above, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter or glare or heat.

10.4-5 Lot Size Requirements

There is no minimum lot size requirement in the I2 District, except that industrial planned developments shall provide at least 10 acres of lot area.

10.4-6 Yard Requirements

1. Front Yard 20 ft.
2. Corner Side Yard 20 ft.
3. Interior Side Yard 10 ft.
4. Rear Yard 20 ft.
5. Transitional Yards. Where a side or rear lot line in an I2 District coincides with a side or rear lot line in an adjacent Residence or Business District, a yard shall be provided along such side or rear lot line not less than 45 feet in depth and shall contain landscaping and planting so designed and/or planted as to be 25 percent or more opaque when viewed horizontally between two (2) feet and eight (8) feet above average ground level.

10.4-7 Building Height Requirements

No building or structure height shall exceed 80 feet, except by conditional use permit procedures.

10.4-8 Floor Area Ratio Requirements

The floor area ratio shall not exceed 1.0 in the I2 District

10.4.9 Additional Requirements Applicable to Contractor's Yards

1. All operations with the contractor's yard shall be located onsite. It shall not be used primarily as a storage lot for a business that is located elsewhere.
2. All materials and equipment must be stored behind the building's front setback line and corner side yard setback line (if applicable).
3. All materials and equipment must be screened from any right-of-way.
4. The property must meet all of the requirements of the zoning district in which it is located.
5. The parking of all company vehicles must be on a hard surface such as concrete or asphalt. Such parking areas must have suitable draining facilities/plans as approved by the City Engineer.
6. The building façades shall conform to Article 9, "Building Appearance", of the Tree Preservation and Landscape Ordinance.
7. Windows and doors seen from the public right-of-way shall not be obstructed or protected with roll-down shutters or security grates.
8. Contractor's yards, which are located within fifty feet (50'-0") of any residential district, shall be permitted to operate only from the hours of 6:00 AM to 8:00 PM.

ARTICLE 11 LAKEFRONT DISTRICTS

11.1 L1 SOUTH LAKEFRONT DISTRICT

11.1-1 Purpose

The L1 South Lakefront District is established to provide a living environment of open space, local neighborhood greens and a linear lakefront park complemented by single-family housing, townhomes and stacked flats along with small-scale retail uses that provide neighborhood services.

11.1-2 Conditions

Uses allowed in the L1 South Lakefront District are subject to the following conditions:

1. All development is subject to the requirements of the Master Plan, *"A 21st Century Vision for Waukegan's Downtown and Lakefront,"* which has been adopted as an amendment to the City's Comprehensive Plan, as well as the Design Guidelines which have been adopted by the City in support of the Master Plan. In addition, all development shall be subject to the overlay district requirements of Ordinance #05-O-113.
2. All business establishments shall be retail or service establishments designed and marketed primarily for clientele who are residents in adjacent or nearby neighborhoods.

11.1-3 Permitted Uses

The following uses are permitted in the L1 South Lakefront District:

1. Dwellings:
   a. Single-family
2. Natural and recreational parks
3. Wireless telecommunications – building or tower-mounted antenna

11.1-4 Conditional Uses

The following conditional uses may be allowed in the L1 District, subject to the provisions of Section 3.11:

1. Durable consumer goods, sales and service (only as specifically listed below) in a mixed-use building:
   a. Sporting goods, toy and hobby, and musical instruments store
   b. Books and magazines, stationery, collectibles and souvenir store
2. Dwellings (as only specifically listed below):
   a. Bed and breakfast lodging, subject to the conditions of Section 7.5-3(1).
   b. Multi-family, low-rise
3. Food services (only as specifically listed below) in a mixed-use building:
   a. Limited service restaurant, deli
   b. Snack or non-alcoholic bar or coffee shop
4. Grocery, food, beverage (only as specifically listed below) in a mixed-use building:
   a. Convenience store
   b. Specialty food store
   c. Fruit and vegetable store
   d. Bakery store
   e. Butcher, fish and meat market or shop

5. Personal services (only as specifically listed below):
   a. Cleaning and laundry service (full service only)
   b. Concierge services
   c. Personal shopping services
6. Rental and leasing (only as specifically listed below):
   a. Recreational goods rental
7. Planned Developments
8. Wireless telecommunications – freestanding tower

11.1-5 Lot Size Requirements

1. Permitted Uses

	Minimum Lot Area	Minimum Lot Width
a. Dwellings		
(1) Single family	3,600 s.f.	30 ft.
b. Natural and recreational parks	No minimum size	

2. Conditional Uses

a. Bed and breakfast lodging	3,600 s.f.	30 ft.
b. Multi-family, low-rise	9,000 s.f.	90 ft.
c. All other uses	As required by the Design Guidelines	

11.1-6 Yard Requirements

1. Permitted Uses

	Front	Interior Side	Corner Side	Rear
a. Dwellings				
(1) Single-family	15*	5	10*	20
b. Natural and recreational parks	No yard requirement			

2. Conditional Uses

	Front	Interior Side	Corner Side	Rear
a. Dwellings				
(1) Bed and breakfast lodging	15*	5	10*	20
b. All other uses	As required by the Design Guidelines			

3. Setbacks for Accessory Uses

	Interior Side	Corner Side	Rear
Detached garages and sheds (rear yard only)	3	10*	2

* Such setback area not to be used for parking.

11.1-7 Zoning Lot Frontage

1. Permitted Uses
   a. Dwellings
      (1) Single-family — Minimum 80% of lot width
   b. Natural and recreational park — No requirement

2. Conditional Uses
   a. Dwellings
      (1) Bed and breakfast lodging — Minimum 80% of lot width
      (2) Multi-family — Minimum 90% of lot width
   b. All other uses — As required by the Design Guidelines

11.1-8 Building Height Limits

1. Permitted Uses
   a. Dwellings
      (1) Single-family — 35 feet

2. Conditional Uses
   a. Dwellings
      (1) Multi-family — 45 feet
   b. All other uses — As required by the Design Guidelines

11.1-9 Maximum Floor Area Ratios

1. Dwellings — As required by the Design Guidelines
2. Natural and recreational parks — Not applicable
3. All other uses — As required by the Design Guidelines

ARTICLE 12 OFF-STREET PARKING AND LOADING REQUIREMENTS

12.1 SCOPE AND APPLICATION

12.1-1 Scope of Regulations

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

1. For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, accessory parking and loading facilities shall be provided as required in this Ordinance.
2. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use and for any existing deficiency in parking or loading facilities.
3. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this Ordinance, additional parking or loading facilities are mandatory 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 Ordinance. Existing parking facilities serving the existing use may be required to be enlarged or improved as required herein.

12.1-2 Existing Parking and Loading Facilities

1. Accessory off-street parking and loading facilities in existence on the effective date of this Ordinance, whether located on the same lot as the building or use served or on a separate lot as provided in Section 12.2-1(2), shall not be reduced below the requirements for the same or similar new use or building under the provisions of this Ordinance.
2. No principal use shall be considered a nonconforming use solely on the basis of the failure of the owner to provide accessory off-street parking as required herein.
3. Existing uses having inadequate or substandard off-street parking facilities shall be required to provide, enlarge, or improve such facilities within 24 months, upon notification by the Development Review Board.

12.1-3 Permissive Parking and Loading Facilities

Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of additional off-street parking or loading facilities to serve any use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

12.1-4 Damage or Destruction

1. For any conforming or legal nonconforming building or use which is in existence on the effective date of this Ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished, or repaired within one year; additional off-street parking or loading facilities need not be provided to meet the requirements of this Ordinance, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation.

2. Where the existing building and lot contained space for additional parking as would be required under 12.2-4, additional parking shall be required at the time the building is restored. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Ordinance for equivalent new uses or construction.

12.1-5 Submission of Plot Plan

Any application for a building permit, or for an occupancy certificate where no building permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with this Ordinance.

12.2 OFF-STREET PARKING

12.2-1 General Requirements

1. Central Area Parking Regulations
   a. In the O/I-1, B4, and B5 Districts, for the purpose of minimizing disruptive curb-cuts and driveways and to encourage the consolidation of parking spaces in appropriate locations, accessory off-street parking requirements may be waived in accordance with Section 3.8-4(1)(d). The building shall provide by lease approved by the City Council, parking equal to one-half (1/2) that which would be required by similar use or size in the O/I-1, B2 or B3 District. This policy of discouraging fragmented parking in lots is also intended to promote a more compact and viable Central Business District.
   b. The City has established a downtown Park-Shop Program to eliminate parking requirements for the property adjacent to the City's parking lots. A 100 percent parking requirement waiver, with the exception of residential uses, hotels and motels, rooming units, and conditional uses, is hereby established for the following private property abutting municipal parking lots:
      1) Property bounded by Grand Avenue, Genesee Street, Clayton Street, and County Street.
      2) Property bounded by Clayton Street, Genesee Street, Madison Street, and County Street.
      3) Property bounded by Clayton Street, Sheridan Road, Madison Street, and Genesee Street.
      4) Property bounded by Madison Street, Sheridan Road, Washington Street, and Genesee Street.
      5) Property bounded by Washington Street, Sheridan Road, Water Street, and Genesee Street.

2. Location
   a. All parking spaces required to serve buildings or uses erected or established after the effective date of this Ordinance shall be located on the same zoning lot as the building or use served, except that parking spaces to serve business, industrial, and office and institutional buildings or uses may be located within 300 feet of such use if said spaces are located in a business, industrial, or office and institutional district, or are located in a residence district on a lot which abuts the business, office, or industrial district and has frontage on the same street.
   b. Buildings or uses existing on the effective date of this Ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this Ordinance, may be served by parking facilities located on land other than the zoning lot on which the

building or use served is located, provided such facilities are within 300 feet walking distance of a main entrance to the building served, or within 100 feet of the nearest point on the property.

c. Such parking area shall not be extended through any existing block so as to intrude into a residential area. Such lots shall be confined to the rear line of the properties fronting on the street, which adjoins the principal use.

d. Off-street parking spaces, open to the sky, may be located in any yard except the required front yard or corner side yard in a Residential or Industrial District, except that for single-family residences, two-family residences, and townhouses, one parking space per each unit will be allowed in a required front yard if the space is located on a driveway and other off-street parking spaces are provided within an attached garage. Enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements. However, any parking spaces provided within the required front or corner side yard in a Business District shall be set back a total of 15 feet from the two yard lines with neither setback being less than five (5) feet.

3. Control of Off-Site Parking Facilities. In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession and ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory.

4. Size. Except for parallel parking spaces, each required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives, or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least seven (7) feet and shall be measured at right angles to the axis of the vehicle. For parallel parking, the minimum length shall be twenty-two (22) feet. All other requirements as to size shall be as hereinafter set forth in the attached Off-Street Parking Chart.

5. Access. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. In any event, all driveways shall conform to all applicable driveway requirements adopted by the City of Waukegan.

6. Collective Provision. 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 separate requirements of each such use and all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking spaces or portion thereof shall serve as a required space for more than one (1) use unless otherwise authorized by the Planning and Zoning Commission, pursuant to Section 3.8-4.

7. Computation

a. Number. When determination of the number of off-street parking spaces required by this Ordinance 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 parking space.

b. Employee basis. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing or both, on the premises at any one time.

c. Square Foot Basis. Parking required on a square foot basis shall be based on the square footage of all floors of the principal and all accessory buildings, excluding therefrom, all storage areas, mechanical equipment rooms, wash rooms, garages for the storage of vehicles, and common areas such as halls, stairways, lobbies, and similar areas; except

where such areas are used or leased for business or retail purposes, including but not limited to kiosks, sales counters, reception areas, and similar uses. All measurements shall be made to the outside of exterior walls and to the center line of interior partitions.

8. Utilization. Except as may otherwise be provided for the parking of trucks in the granting of conditional uses, required accessory off-street parking facilities provided for uses listed in Section 12.2-4 shall be solely for the parking of passenger automobiles, occupants, or employees of such uses.
9. Design and Maintenance
   a. Plan. The design of parking lots or areas shall be subject to the approval of the Zoning Administrator, in accordance with standards developed by the City Engineer and Traffic Bureau and approved by the Development Review Board.
   b. Character. Accessory parking spaces may be open to the sky, or enclosed in a building.
   c. Surfacing. All open off-street parking areas shall be surfaced with a dustless, all-weather hard surface material capable of carrying a wheel load of 4,000 pounds. A hard surface shall mean the finished surface of a parking area consisting of concrete, blacktop, or any other dirt-proof surface approved by the Building Commissioner. A gravel parking area is not a hard surface. Proper drainage shall be provided, and be subject to the approval of the City Engineer.
   d. Screening. Parking shall be screen in accordance with Section 4.4.1, and as may be required by the provisions of each zoning district.
   e. Landscaping. All off-street parking facilities shall be landscaped in accordance with Article 12 of this Ordinance.
   f. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) foot-candles measured at the lot line. Fixed lighting shall be required for all parking lots accommodating more than 10 vehicles.
   g. Cleaning and Maintenance. All parking lots shall be maintained to the standard required by this section for their original construction. Pavements, curbs, wheel stops, drainage, signage and similar improvements shall be repaired or replaced when damaged or displaced or badly deteriorated. The parking area shall be kept free of pot holes and debris. For lots adjacent to a residential district, no cleaning or maintenance of parking lots utilizing motorized equipment may be performed between 11:30 PM and 6:00 AM each day, except for the removal of snow.
   h. Wheel Stops
      1) Continuous curbs, wheel stops, or other similar means shall be provided to assure that vehicles will not extend beyond the perimeter of the parking lot.
      2) Interior parking spaces within all open off-street parking lots shall be designed so that no part of the parked vehicle will extend beyond the parking stall. This requirement can be waived by the Zoning Administrator upon a showing of a safe design.
   i. Sidewalk Access. In all zoning districts, except the CR, ER-1, ER-2 and R1 through R4 Districts, sidewalks not less than four (4) feet in width shall be provided adjacent to the building served. The reduction of any required yards necessitated by this requirement may be approved by the Zoning Administrator.
   j. Signs. Accessory signs shall be permitted on parking areas in accordance with the Waukegan Sign Ordinance.
   k. Repair and Service

1) Residence Districts. No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts, with the exception or emergency service; normal service and repairs are not allowed except in an enclosed or screened area.
2) Business Districts. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any open accessory parking facilities in retail districts, with the exception of emergency service required to start vehicles.
3) Industrial Districts. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any open accessory parking facilities provided in an Industrial District, if such parking facilities are within 200 feet of a Residence District. Washing of accessory vehicles and emergency service required to start vehicles shall be permitted.

10. Parking Restrictions. The following restrictions are intended to apply to the parking and storage of licensed, operational vehicles and any unlicensed or inoperable vehicles, other than new or used vehicles being offered for sale or lease by an automobile, recreational vehicle, boat or truck dealer or leasing agent at his place of business. The restrictions are intended not to apply to such vehicles during normal business hours or during other customary use which does not exceed 72 hours. These regulations shall apply to the use of all off-street parking areas whether required by this Ordinance or otherwise provided.
    a. A recreational vehicle (RV licenses), boat, race car, all-terrain vehicle, snowmobile or similar recreational equipment, whether on a trailer (TA or TB license only) or not, shall not be permitted in parking spaces established in a front yard or a yard adjoining a street under the provisions of Section 2.d above. Vehicles of this type with an overall length of twenty-seven feet or less may be parked in a rear yard provided such parking area is paved and screened from view of neighboring properties. Such screening shall consist of a dense planting screen or opaque fence sufficient to screen the vehicle, up to a height of eight (8) feet. Larger vehicles of this type may only be parked in a residence or conservation district in a fully enclosed building.
    b. A commercial vehicle, whether truck, trailer, van, or other such vehicle, shall not be parked in any required front yard or other yard adjoining a street in any residential district.
    c. Commercial vehicles including trucks, trailers, vans and other such vehicles bearing an Illinois license plate Class A, B, or C may be parked in any conservation or residence district and any such vehicle bearing a D or F license plate may be parked in such district in a fully enclosed building. All other trucks and similar vehicles are excluded from parking in conservation and residence districts.
    d. No truck or trailer shall be used as an accessory building to store merchandise, products, components of products, raw materials for the manufacture of products, or waste materials except that such vehicles may be used for temporary storage or office in conjunction with construction projects, with required permits as necessary. In addition, trailers which are classified as cargo or shipping containers may be used as accessory buildings, but only if such containers meet all the conditions listed below:
        1) A “cargo or shipping container” shall be defined as a prefabricated container which is designed for the storage or transportation of goods by sea, air, rail, or truck and can include commercial truck bodies, with or without wheels. Storage containers do not include storage sheds which are assembled in place and typically available at retail outlets or storage facilities constructed pursuant to a building permit.

2) Such containers may be used as accessory buildings only in the I-1, I-2, B-2, B-3, B-5, or R/LI Zoning Districts of the City of Waukegan.
3) Prior to installation of any such container as an accessory building, application for such installation must be made to the Development Review Board of the City of Waukegan, through the office of the Building Commissioner.
4) The Development Review Board shall allow such installation only in the permitted zones listed in (1) above, and in accordance with the following standards:
   a) No loss of required parking spaces will be permitted as a result of the installation.
   b) The container must be placed on a foundation, and must be covered with appropriate siding or other material to match or be compatible with the exterior of the primary structure on the zoning lot, or be adequately screened from neighboring properties with approved year-round screening.
   c) The Development Review Board will determine whether proposed exterior covering for the container is compatible with the exterior of the primary structure.
   d) The container must be located a minimum required distance from the primary structure in full compliance with fire and life safety codes, and may not be located in a required corner side yard, or any front yard space. The Development Review Board will determine the acceptability of the proposed location of the container based on the above and any applicable standards set out in the zoning and building codes of the City of Waukegan.
   e) The maximum size of a container shall not exceed 8 feet in width by 20 feet in length or a total enclosed area of 160 square feet.
   f) The maximum height of such a container shall not exceed 12 feet from grade level.
   g) The container must be installed and maintained in accordance with all applicable codes of the City of Waukegan.
   h) The container may not be used as a dumpster or garbage receptacle.
5) Such containers shall be limited to one (1) per lot in commercial districts and one (1) per acre in industrial districts.
6) Existing nonconforming cargo or shipping containers being used as accessory buildings must come into full conformance with the provisions of this Code within six (6) months of the date of passage of this Ordinance.

Nothing herein shall prevent the use and stocking of delivery or service trucks and similar vehicles. Further, nothing herein shall prevent the use of appropriate dumpsters as trash receptacles providing such dumpsters are not located in any required front yard or yard adjoining a street and are properly screened as provided in Section 4.4-1.

e. Vehicles of all types, when being offered for sale by owner, shall not be displayed in any required front yard or other yard adjoining a street or on any lawn or parkway in any conservation or residence district, except that any vehicle permitted in an approved front yard parking space as provided in Section 12.2-1(2)(d) above, may be displayed in such space.

f. All businesses engaged in the servicing, repair, or rebuilding of vehicles of all types shall not use parking spaces required by this Ordinance for the storage of customer vehicles or other vehicles scheduled for such work or repairs where the time of storage exceeds one week, unless such vehicles are stored in a building or in an enclosed area which is screened from the public right-of-way and from any adjoining property in a conservation or residence district.

g. Other vehicles including but not limited to construction equipment, farm machinery, landscaping equipment with a gross weight of over 3,000 pounds shall not be parked or stored in a conservation or residence district.
h. Exceptions to the above restrictions in this subsection 12.2-1(10) may be granted by the Development Review Board, where the Board finds that a hardship exists and that the exception will not result in a parking space which is clearly visible from neighboring properties or the public right-of-way.
i. Fleet Parking. Any business or industrial operating one or more vehicles either for hire, as a carrier, or as an adjunct to the business shall provide for the parking of all such vehicles. Such parking spaces, aisles, and access drives shall be adequate for the size and type of vehicle involved. Fleet parking shall be provided in addition to the off-street parking required herein. Fleet parking areas shall not be located in any required front yard or any other yard adjoining a street and shall be located in a building or shall be screened from any adjoining conservation and residence district.
j. Handicapped Parking. Any required off-street parking lot having from 50 to 99 spaces shall provide one handicapped parking spaces not smaller than 12 feet by eighteen feet. Lots from 100 to 199 spaces shall provide two handicapped spaces, and larger lots shall provide an additional handicapped space for each additional 200 spaces. All such space shall meet the applicable requirements of the Illinois statutes.
k. In all single-family and two-family residential districts, driveways or parking areas shall not be permitted to extend to any portion of a front yard that is in front of the primary structure. Any hard surface area in front of the primary structure that is defined as a patio, or other similar use, must be separated from driveways or parking areas with a minimum four-foot landscaped area.
l. No single-family or two-family residence shall be permitted to have more than one curb cut unless approved by the Waukegan Development Review Board. In those cases where a second curb cut is approved, there must be a demonstrated hardship. Two curb cuts for circular drives may be approved by the Development Review Board.

12.2-2 Small Car Parking Spaces

In meeting the requirements of this Section, the owner or development of a building or use may substitute small car parking spaces for the spaces otherwise required in accordance with this Section, upon approval of the Development Review Board. Except as specifically provided, small car spaces shall be subject to all other provisions of this Ordinance.

1. Number. For parking lots larger than 50 spaces serving the passenger automobile, small car spaces will be permitted according to the following schedule:

SIZE OF PARKING LOT	NUMBER OF SMALL CAR PARKING SPACES
50 to 100 parking spaces	10 small car parking spaces
101 to 150 parking spaces	12 small car parking spaces
151 to 200 parking spaces	14 small car parking spaces
201 to 300 parking spaces	16 small car parking spaces
301 to 400 parking spaces	18 small car parking spaces
401 to 500 parking spaces	20 small car parking spaces
501 to 1,000 parking spaces	4% of total
Over 1,000 parking spaces	40 plus 2 for every 100 over 1,000

2. Size. Small car parking spaces shall be at least eight feet in width and at least 17 feet in length, exclusive of access drives, aisles, ramps, columns or other obstructions and shall have a vertical clearance of at least seven feet. For parallel parking, the length of the parking space shall be 21 feet. All other requirements regarding the size, shape and arrangement of small car parking spaces shall be complied with, as shown in the Off-street Parking Chart (Small Car) which is made a part of this Ordinance.
3. Designation. Within the off-street parking lot, small car parking areas shall be grouped together and shall be clearly marked as small car parking areas.
4. Location. All small car parking spaces shall be located on the same zoning lot as the principal building or use of accessory building or use served by the spaces.

12.2-3 Parking Requirements for Existing Uses

Off-street parking facilities serving existing uses or buildings shall be provided, enlarged or improved in accordance with the following requirements:

1. For any building for which there is a change in use involving no enlargement of the building or no change in the parking class established herein, and for which an adequate number of off-street parking spaces is provided, any existing substandard parking facilities shall be improved in accordance with the standards established in Section 12.2-1. Such improvements shall be completed within 36 months from the date of adoption of this Ordinance.
2. For any building or use for which there is a change in use or existing occupancy involving no enlargement of the building or no change in the parking class established herein or for any other building or use for which an inadequate or insufficient number of existing parking spaces is provided, the owner shall establish off-street parking within 60 months as follows:
   a. Where there is adequate space on the lot the owner shall provide off-street parking spaces in accordance with the standards of this Article.
   b. Where there is inadequate space on the lot and where there is no on-site space available, the owner shall provide the maximum amount of off-street parking which is feasible. The Planning and Zoning Commission may vary the standards established herein in approving fewer than the required number of spaces and with respect to the location, size, access, and similar requirements.
3. For any building or use which is altered or enlarged and for which an inadequate or substandard number of existing parking spaces is provided, additional spaces to serve both the existing building and the enlargement shall be provided in accordance with the standards set forth in this Article.
4. For any existing nonconforming use for which there is not adequate parking as required herein or for any use which is nonconforming with respect to the parking standards established herein, the Development Review Board shall require the installation of off-street parking in accordance with Section 12.2-3(2) and Section 12.2-1(10) within 60 months.
5. Parking improvements required for existing parking lots, including the paving or construction of lots in accordance with Section 12.2-1(10), and the enlargement of lots in accordance with the standards of this Article or as otherwise determined by the Development Review Board, shall be completed prior to the issuance of an occupancy permit where such permit is required. In all cases involving existing uses, the parking improvements required herein shall be completed within 60 months of the effective date of this Ordinance, provided that the Development Review Board may extend the time period for an additional 12 months where it finds that a hardship exists. As an exception to the 60-month requirement, the owner of any

owner-occupied single-family or two-family home shall not be required to make such improvements.

6. Any existing parking lot in the state of disrepair (pot holes, erased stripes, inadequate lighting, lighting fixtures in bad condition, broken or displaced wheel stops, and similar problems) must be corrected immediately as required by this Article.

12.2-4 Required Spaces

1. All off-street parking spaces hereinafter required by this Ordinance, except those required for one- and two-family dwellings, shall be provided in accordance with the specific Parking Classes as hereinafter set forth in the Off-Street Parking Table (Parking Classes) except within the Central Business District.
2. Parking spaces for accessory uses not specifically enumerated within a parking class shall be assumed to be included in the principal (permitted or conditional) use requirement. If, for any reason the classification of any use, for the purpose of determining the amount of off-street parking, or the number of spaces to be provided by such use is not readily determinable hereunder, the parking class of such use shall be established by the Zoning Administrator.
3. In computing required parking spaces, the total number of required spaces shall be based upon use(s) of the zoning lot or portion thereof. Therefore, one principal use may actually contain two or more parking class uses (i.e. retail sales and warehousing).

12.3 OFF-STREET LOADING

12.3-1 General Requirements

1. Location. All required loading berths shall be located on the same zoning lot as the use served. All motor vehicle loading berths which abut a Residence District or any intervening alley should be completely screened therefrom by building walls, or by a uniformly painted solid fence, wall, or door, or densely planted mature shrubbery, or any combination thereof, not less than four (4) feet in height. No loading berth shall be located within 30 feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required front or corner side yard.
2. Size. Unless otherwise specified, a required off-street loading berth shall be at least 12 feet in width and 30 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.
3. Access. Each required off-street loading berth shall be designed with the appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, and shall be subject to approval by the Zoning Administrator
4. Surfacing. All open off-street loading berths shall be surfaced with a dustless all-weather material capable of bearing a live load of 200 pounds per square foot.
5. Repair and Service
   a. Residence Districts. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence District, except for emergency repair service necessary to start vehicles.
   b. Commercial Districts. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in Commercial Districts, except for emergency repair service necessary to start vehicles.

c. Industrial Districts. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in an Industrial District, if such loading facilities are within 500 feet of a Residence District. Washing of accessory vehicles and emergency service required to start vehicles shall be permitted.

6. Utilization. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
7. Central Loading. Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are met:
   a. Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at-grade.
   b. Total off-street loading berths provided shall meet the minimum requirements herein specified, based on the sum of the several types of uses served. The area of all uses may be totaled before computing the number of loading berths.
   c. No zoning lot served shall be more than 500 feet removed from the central loading area.
   d. 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.
8. 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 vehicles off any adjacent alley, service drive, or open space on the same zoning lot.

12.3-2 Required Spaces

All off-street loading spaces hereinafter required by this Ordinance, shall be provided in accordance with the specific Loading Classes as hereinafter set forth in the Off-Street Loading Table. However, all new developments and structures approved shall require two (2) parking spaces per dwelling. Further, any existing structure which is hereafter rezoned for multi-family residential use will require two (2) parking spaces per dwelling.

TABLE 1 OFF-STREET PARKING

Class	Uses (Permitted and Conditional)	Required Spaces
Class No. 1	Dwelling, single-family Dwelling, two-family Dwelling, multi-family: 3 bedroom or more	2.0/dwelling unit
Class No. 2	Dwelling, multi-family: 1 or 2 bedrooms	2.0/dwelling unit
Class No. 3	Dwelling, multiple family: 1 bedroom Apartment hotel	2.0/dwelling unit
Class No. 4	Parsonage, rectory or parish house	3.0/dwelling unit
Class No. 5	Hotel and Motel, including Extended Stay Hotels	1.5/dwelling unit; w/ additional parking spaces required for accessory uses
Class No. 6	Apartment for the elderly Dwelling, multiple-family: efficiency units Rooming house	2.0/dwelling unit/room
Class No. 7	Convalescent home, extended care facility or rest home, nursing home and sanitarium Convent, monastery, nunnery Home for the aged Religious retreat	2.0 for every 3 beds or 1.0/1,000 sq. ft. of gross floor area, whichever is greater
Class No. 8	Aquarium Historic site Library, museum or art gallery, public	2.0/1,000 sq. ft. of gross floor area, plus 1.0 space for every 3 persons of auditorium design capacity
Class No. 9	Nursery school, child care center Greenhouse, wholesale	2.0/1,000 sq. ft. of gross floor area
Class No. 10	Bank and Financial institutions Office: business, professional and govt.	3.0/1,000 sq. ft. of gross floor area
Class No. 11	Animal hospital and Veterinarian Animal kennels Art studio Blueprinting and photostatting Business machine sales and service Catering establishments Clothing and costume rental Coin and philatelic shops	4.0/1,000 sq. ft. of gross floor area

Class	Uses (Permitted and Conditional)	Required Spaces
Class No. 11 (cont.)	Custom dressmaking Diaper service Dry cleaning plant (employing not more than 6 persons) Engineers' and architects' offices Exterminator Fire station, police station Frozen food locker plants, including sale of frozen foods Hearing aid store Interior decorator Laboratory: medical, dental, and optical Laboratory: research and testing Lithographing Locksmith Mail order house Office machine sales and service Newspaper and magazine shops Philanthropic and charitable institutions Recording studio Repair of shoes, clothing and hats School: music, dance, and vocal Small animal grooming establishment Tailor shop Taxidermist Telegraph office Telephone exchange and equipment building Ticket agency Tobacco shops Travel agencies and bureaus	4.0/1,000 sq. ft. of gross floor area
Class No. 12	Auto service stations	4.0/1,000 gross sq. ft. of building, plus 3.0/service bay
Class No. 13	Antique store Apparel store Art and school supply store Art store, retail Auto accessory store Bakery, retail Barber shop Beauty shop Bicycle sales Book and stationery store Bowling alley Camera and photographic supply store Candy, nut and confectionery store	5/1,000 sq. ft. of gross floor area

Class	Uses (Permitted and Conditional)	Required Spaces
Class No. 13 (cont.)	Carpet and floor covering store	5/1,000 sq. ft. of gross floor area
	China and glassware store	
	Clinic for: doctor, dentist, osteopath, podiatrist, chiropractor, optometrist, or similar profession	
	Clothes pressing	
	Currency exchange	
	Dairy products store	
	Delicatessen	
	Department store	
	Drugstore	
	Dry cleaning and laundry receiving station	
	Dry goods store	
	Electrical and household appliance store	
	Employment agency	
	Feed and seed store	
	Fish market	
	Florist	
	Food, grocery, meat stores	
	Fraternity house	
	Funeral parlor	
	Furniture store	
	Furrier	
	Gift store	
	Grocery or food store	
	Haberdasheries	
	Hand laundry	
	Hardware store	
	Hearing aid store	
	Hobby shop	
	Home furnishings	
	Household appliance store	
	Ice cream store	
	Jewelry store	
	Laundry, self-service, launderettes	
	Leather goods and luggage store	
	Liquor stores, package	
	Marine-oriented retail	
	Meat market	
	Medical and dental office	
	Millinery shop	
	Musical instruments	
	Newspaper distribution	
	Optician's sales	
	Orthopedic and medical appliance	
	Paint, glass, and wallpaper store	
	Pawn shop	
	Pet shop	

Class	Uses (Permitted and Conditional)	Required Spaces
Class No. 13 (cont.)	Phonograph, record and music store Photography studio Physical culture and health services Picture framing Post office Printing shops Radio and television sales and service Repair, rental and servicing of any item, the retail sale of which is permitted in the B1, B2 and B3 districts Rummage shop Sales and service Second hand sales Sewing machine sales and service Shopping centers Sorority house Sporting goods store Tobacco store Toy store Variety store Wearing apparel store	5/1,000 sq. ft. of gross floor area
Class No. 14	Community center Convention hall Exhibition hall Meeting hall Recreation building	1.0/1,000 sq. ft. of gross floor area, plus 1.0 space for each 3 persons of auditorium design capacity
Class No. 15	Auction room Club or lodge, private Night club Dance hall Skating rinks	10.0/1,000 sq. ft. of gross floor area, or 1.0/3.0 persons of design capacity in persons whichever is greater
Class No. 16	Restaurants: Carry-out, drive-thru type Restaurants: Family dining type Taverns	1.0/3 seats of design capacity. Establishments with a drive-thru window shall provide a minimum of 5 stacking spaces per window
Class No. 17	Restaurants: Drive-in type	15.0/1,000 sq. ft. of gross floor area
Class No. 18	Drivers license facilities	30.0/1,000 sq. ft. of gross floor area
Class No. 19	Greenhouses and nurseries, retail	4.0/1,000 sq. ft. of gross floor area of building, plus 1.0/1,500 sq. ft. of exterior sales area
Class No. 20	Golf courses, public and private	60/9 holes (regular golf) or 50/9 holes (par 3)
Class No. 21	Public swimming pool	1.0/75 sq. ft. of water area plus 1.0/2 employees

Class	Uses (Permitted and Conditional)	Required Spaces
Class No. 22	Tennis courts and clubs	2.0/court, plus 5.0/1,000 sq. ft. of gross floor area
Class No. 23	Theaters (indoor)	1.0/3.5 seats provided
Class No. 24	Drive-in theaters (outdoor)	Reservoir parking equal to 10 percent of capacity use
Class No. 25	Car wash (mechanical)	1.0/2 employees, plus 1.0/Manager-owner, plus reservoir spaces equal to five (5) times the maximum capacity of each auto washing unit
Class No. 26	Educational services Commercial school or trade Business school Business machine school Computer technology school Vocational schools	1.0/2 students based on design capacity, plus 4.0/1,000 sq. ft. for office space
Class No. 27	Boarding school - elementary and secondary Elementary school Junior high school	1.0/15 students based on design capacity, plus 4.0/1,000 sq. ft. of office space
Class No. 28	Senior high schools	1.0/15 students based on design capacity, plus 1.0/6 students based on design capacity, plus 4.0/1,000 sq. ft. of office space
Class No. 29	Colleges, junior colleges and universities	1.0/4 students based on total enrollment capacity, plus 4.0/1,000 gross sq. ft. of office space
Class No. 30	Churches, chapels, temples, synagogues	1.0/4 seats provided
Class No. 31	Auditoriums, including school and institutional Commercial stadiums Fairgrounds, rodeos, and grandstands Racetracks	1.0/3 seats of design capacity
Class No. 32	Garage for the storage, servicing and repair of motor vehicles including body repair, painting and engine rebuilding	3.0/service bay

Class	Uses (Permitted and Conditional)	Required Spaces
Class No. 33	Battery and tire service shops Boat showrooms, sales and repairs Boat dealers, brokers and offices Farm implement stores Garden supply, tool and seed store Mobile home display, sales and service Model garage display and sales Motorcycle, bicycle and other outdoor recreational vehicle sales rental and service Motor vehicles, sales and service Nautical components, sales and service Trailer, boat and camper or camper-trailer sales, rental and service	4.0/1,000 sq. ft. of gross floor area, plus 1.0/1,500 sq. ft. of outdoor display area
Class No. 33A	Automobile auction establishment	1.0/1,000 sq. ft. of lot area
Class No. 34	Abrasives manufacturing Air, motor, and railroad freight terminal Aluminum fabrications Assembly and fabrications Asphalt manufacturing Bakery Bedding manufacturing Boot and shoe manufacturing Bottling companies Brick and structural clay products manufacturing Carpet manufacturing Cartage and express facilities Cement, bulk storage Chemical processing and manufacturing Cloth products manufacturing Cosmetics manufacturing Dairy products, processing and manufacturing Electric substation Electronic, scientific and precision instrument manufacturing Electroplating Feed mills Feed and seed store Food manufacturing, packaging and processing Foundries and forge plants Fuel and ice plants Fuels, solid or liquid, storage and wholesale distribution Fur processing Gas regulator station Glass products, production and sales	Manufacturing & Industrial: 2.5/1,000 sq. ft. of gross floor area Warehousing: 1.0/1,000 sq. ft. of gross floor area and 3.0/1,000 sq. ft. of gross floor area of office space within any warehouse

Class	Uses (Permitted and Conditional)	Required Spaces
Class No. 34 (cont.)	Grain storage and processing Graphite products manufacturing Gypsum products manufacturing Heavy machinery manufacturing Insulating material manufacturing Laundry or dry cleaning plant Leather tanning and curing Light machinery production: appliances and business machines Linen supply Linoleum manufacturing Machine shop Meat packing Metal reduction and refinement Metal stamping Mining operations Musical instrument manufacturing Orthopedic and medical appliance manufacturing Paint products manufacturing Paper products manufacturing Petroleum products, refining, storage, and processing Plastics manufacturing Pottery and ceramics manufacturing Printing and publishing Product service and distribution Restricted production and repair Rope, cord, and twine manufacturing Rubber manufacturing Scrap metal, processing and distribution Sewage treatment plant Sheet metal work Shop manufacturing Sporting goods manufacturing Steel manufacturing Stone products manufacturing Warehousing, storage and distribution Warehousing and wholesaling establishments Water station and filtration plant Wearing apparel manufacturing Woodworking, planing mills and wood products manufacturing Any similar production processing, cleaning, servicing, testing, storage and repair	

Class	Uses (Permitted and Conditional)	Required Spaces
Class No. 35	Amusement parks and establishments Billiard and pool halls Indoor amusements, including indoor archery, rifle range, shooting gallery Kiddie parks Miniature golf	Spaces equal in number to 1/3 of the design capacity of the facility
Class No. 36	Air conditioning and heating contractor Building materials and products, sales and storage Electrical showrooms Plumbing showroom	3.0/1,000 sq. ft. of gross floor area
Class No. 37	Drive-in banking facility Car wash facility: self-service	Reservoir space sufficient to accommodate an amount equal to five times the number of teller windows or bays
Class No. 38	Airports and landing fields Bus terminals Botanical gardens Cemeteries, columbariums, crematoriums and mausoleums Commercial camping grounds Heliports, commercial and private Hospitals Junkyard and auto graveyard Marinas Microwave relay towers Nature centers, zoos, or zoological gardens Outdoor rifle range, trap shooting range Public parks and playgrounds Public stables Radar installation and towers Riding academy Railroad passenger terminals Sanitary landfills Transportation centers	Spaces as required by the Development Review Board

TABLE 2 OFF-STREET LOADING TABLE

Class	Use	Gross Floor Area	Required Minimum Spaces	Size
No. 1	Hospital	10,000 to 100,000	1	12 x 30
		Each additional 100,000	1	12 x 30
		Each berth over 200,000		12 x 55
No. 2	Apartment hotels	10,000 to 100,000	1	12 x 30
	Educational/cultural institutions	Each additional 100,000	1	12 x 30
	Philanthropic/charitable institutions			
	Religious institutions			
No. 3	Recreational and social facilities	10,000 to 100,000	1	12 x 30
		Each additional 100,000 (to a maximum of 500,000)	1	12 x 30
		Each additional 500,000	1	12 x 30
No. 4	Multiple-family dwellings	100,000 to 200,000	1	12 x 30
	Rooming houses	Each additional 100,000	1	12 x 30
No. 5	Cartage and express facilities	7,000 to 40,000	1	12 x 30
	Mail order houses	40,001 to 100,000	2	12 x 30
	Printing and publishing	Each additional 100,000	1	12 x 55
	Restricted production and repair			
	Warehousing: storage and wholesale			
No. 6	Banks and financial institutions	10,000 to 100,000	1	12 x 30
	Medical and dental clinics	Each additional 100,000 (Maximum of 500,000)	1	12 x 30
	Offices: business, professional, governmental	Each additional 500,000	1	12 x 30
	Recreation buildings and community centers			
No. 7	Clubs and lodges, containing: retail shops, convention halls, exhibition halls	10,000 to 100,000	1	12 x 55
		Each additional 150,000	1	12 x 55
	Convention halls			
	Exhibition halls			
	Radio and television stations and studios			
	Recording studios			
	Hotels and motels, with accessory commercial uses			
	Stadiums, auditoriums, arenas			
	Airports and commercial heliports			

Off-Street Loading Table

Class	Use	Gross Floor Area	Required Minimum Spaces	Size
No. 7 (cont.)	Air and railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses	10,000 to 100,000	1	12 x 55
		Each additional 150,000	1	12 x 55
	Sewage treatment plants			
No. 8	Clubs/lodges (no accessory uses)	10,000 to 150,000	1	12 x 30
	Hotels/motels (no accessory commercial)	Each additional 200,000	1	12 x 30
	Meeting halls			
	Educational institutions: music, dance, business, trade			
	Theaters, Indoors			
No. 9	Amusement establishments: bowling alleys, swimming pools, skating rinks	10,000 to 100,000	1	12 x 30
		Each additional 100,000	1	12 x 30
No. 10	Undertaking establishments	7,000 to 100,000	1	12 x 30
	Funeral parlors	Each additional 100,000	1	12 x 30
No. 11	Production, processing, cleaning, servicing, testing, repair or storage of materials, or products	7,000 to 40,000	1	12 x 55
		(Berths for buildings over 10,000)		12 x 55
		40,001 to 100,000	2	12 x 55
		Each additional 100,000	1	12 x 55
No. 12	Trade schools	10,000 to 200,000	1	12 x 55
		Each additional 100,000	1	12 x 55
No. 13	Motor freight terminals	5,000 to 40,000	1	12 x 30
		40,001 to 100,000	2	12 x 30
		Each additional 100,000	1	12 x 55
No. 14	Business and office uses not specified	7,000 to 60,000	1	12 x 30
		60,001 to 100,000	2	12 x 30
		Each additional 100,000	1	12 x 30
No. 15	Industrial uses not specified	7,000 to 40,000	1	12 x 30
		40,001 to 100,000	2	12 x 30
		Each additional 200,000	1	12 x 55

FIGURE 7 - Typical Parking Lot Layout

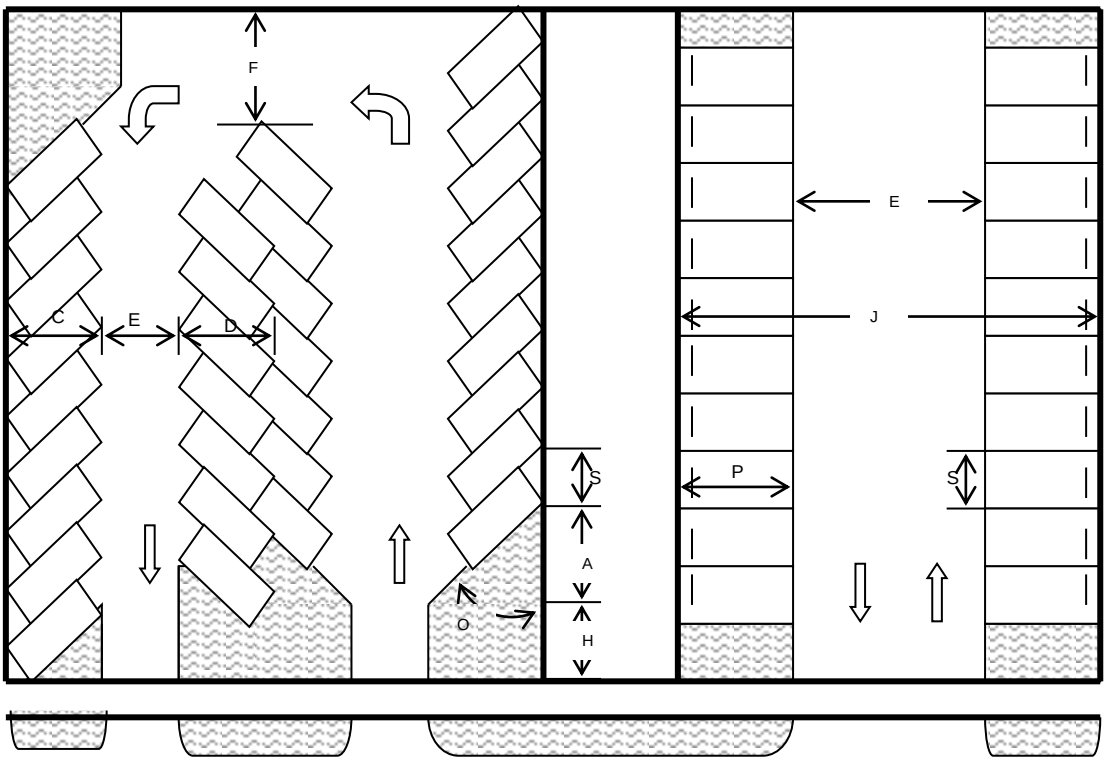

TABLE 3 - PARKING LOT DIMENSIONS (IN FEET)

O	S	P	A	B	C	D	E	F	G	H	J
0º											
30º	9.0	18.0	30.0	18.0	16.3				13.5	6.0	42.6
45º	9.0	18.0	19.8	12.7	18.5	16.6		16.0	6.4	9.0	49.0
	9.5	18.0	20.1	13.4	19.0	16.7		16.5	6.7	8.5	48.5
	10.0	18.0	20.5	14.1	19.5	16.9		17.0	7.0	8.0	48.0
60º	9.0	18.0	12.1	10.4	21.0	17.0	17.0	15.0	2.6	12.0	57.0
	9.5	18.0	12.3	11.0	21.3	14.5	14.5	15.0	2.8	11.5	55.1
	10.0	18.0	12.4	11.5	21.5	13.0	13.0	15.0	2.9	11.0	54.0
90º	9.0	18.0	0	9.0	18.0	18.0	24.0	18.0	0.0	0.0	60.0
	9.5	18.0	0	9.5	18.0	18.0	23.0	18.0	0.0	0.0	59.0
	10.0	18.0	0	10.0	18.0	18.0	22.0	18.0	0.0	0.0	58.0

LEGEND:

O = PARKING ANGLE
S = PARKING SPACE WIDTH
P = PARKING SPACE LENGTH
B = CURB LENGTH OF PARKING SPACE WIDTH
E = AISLE WIDTH
A = CURB LENGTH OF PARKING SPACE DEPTH
H = SETBACK
F = TURN AROUND AISLE WIDTH
J = WALL TO WALL DIMENSIONS
C = PERPENDICULAR LENGTH OF STALL (AGAINST WALL)
D = PERPENDICULAR LENGTH OF STALL (OVERLAP)
G = OVERHANG OF CURB LENGTH AT PERIPHERY

FIGURE 8 - Typical Parking Small Lot Layout

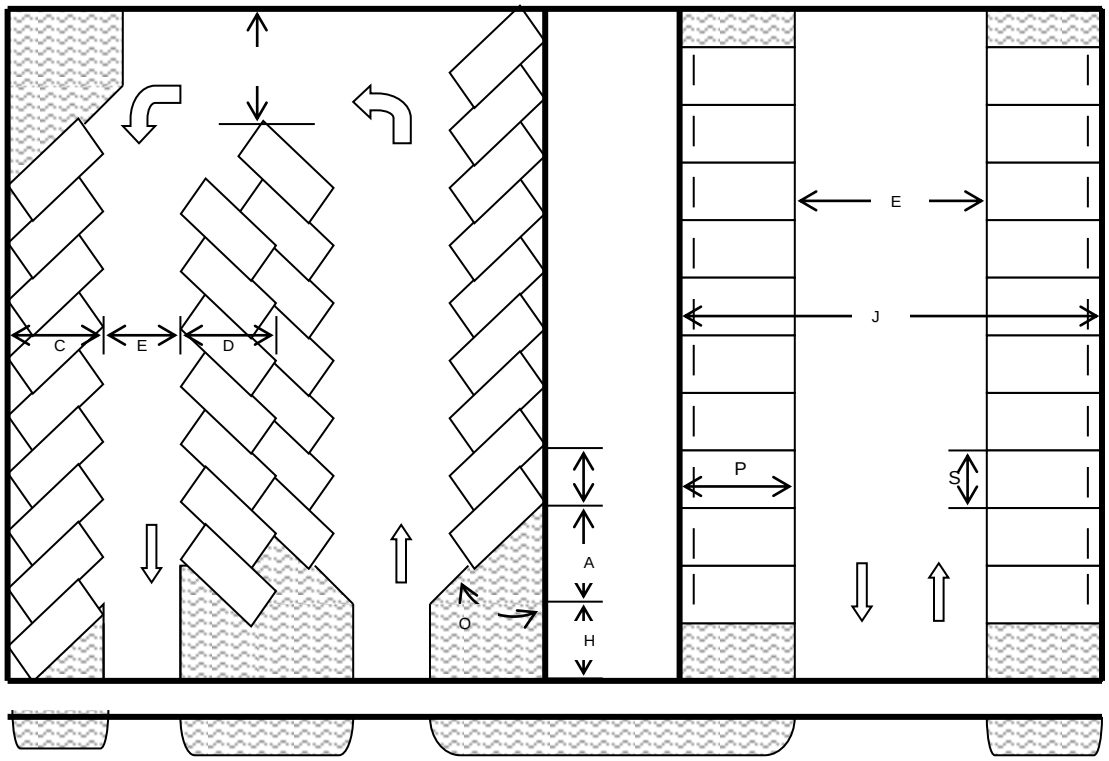

TABLE 4 – SMALL PARKING LOT DIMENSIONS (IN FEET)

O	S	P	A	B	C	D	E	F	G	H	J
45º	8.0	17.0	17.4	12.1	16.3	14.3	4.0	16.0	-	9.5	44.6
60º	8.0	17.0	10.5	9.8	17.2	16.0	14.2	15.0	-	13.0	49.6
90º	8.0	17.0	-	8.5	15.0	17.0	18.0	18.0	0.0	0.0	54.0

LEGEND:

O = PARKING ANGLE
P = PARKING SPACE LENGTH
E = AISLE WIDTH
H = SETBACK
J = WALL TO WALL DIMENSIONS
C = PERPENDICULAR LENGTH OF STALL (AGAINST WALL)
D = PERPENDICULAR LENGTH OF STALL (OVERLAP)
G = OVERHANG OF CURB LENGTH AT PERIPHERY
S = PARKING SPACE WIDTH
B = CURB LENGTH OF PARKING SPACE WIDTH
A = CURB LENGTH OF PARKING SPACE DEPTH
F = TURN AROUND AISLE WIDTH

ARTICLE 13 RULES AND DEFINITIONS

13.1 RULES

In the construction of this Ordinance, the rules and definitions contained in this Article 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 use shall apply:

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 word "shall" is mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "lot" shall include the words "piece," "parcel," and "plots." The word "building" includes all other structures of every kind regardless or similarity to buildings. And the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
5. All "measured distances" shall be to the nearest foot. If a fraction is one-half or more, the full number next above shall be taken.
6. Words contained in this Ordinance and not defined hereinafter shall assume definitions as prescribed in Webster's unabridged dictionary (1976 Edition).

13.2 DEFINITIONS

ACCESSORY BUILDING OR USE is a building or use, which is:

1. Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this Ordinance.
2. Clearly incidental to, subordinate in purpose to, and serves the principal use.
3. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.
4. Temporary use as specified in Section 4.4-2.
5. Nonresidential use. A trailer may be used as a temporary office or shelter incidental to construction on or development of the premises on which the mobile trailer is located only during the time of construction or development is actively under way, and only with required permits as appropriate. In addition, a cargo or shipping container may be used as an accessory building only if it conforms to all of the requirements of Section 12.2-1(10)(d) as amended.

ADJACENT means contiguous to or abutting, and for the purpose of interpreting Article 3, shall include that land within 100 feet therefrom.

AGRICULTURE is the use of land for agricultural purposes, including farming, pasturage, agriculture, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating or storing the produce. Provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

AIRPORT is any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other

airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open space.

ALLEY is a public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street.

ANIMAL HOSPITAL is any building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

AMBIENT SOUND shall mean the all-encompassing sound at a given location, usually a composite of sounds from many sources regardless of their spatial origin. For the purposes of this section, the "ambient sound level" shall mean the quietest of the 10-second average sound levels measured when there are no nearby or distinct and discrete auditable sound sources.

ANEMOMETER TOWER shall mean a temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy system at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

APARTMENT HOTEL is a hotel in which permanent guests occupy at least 90 percent of the hotel accommodations.

AUTOMOBILE AUCTION ESTABLISHMENT is a business involving the sale of operable automobiles and other vehicles by auction, which usually includes bidding, whereby the vehicles are sold to the highest bidder.

AUTOMOBILE REPAIR is the general repair, engine rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender straightening and repair, and painting of motor vehicles.

AUTOMOBILE SERVICE STATION is any building or premises used for dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries, or minor automobile accessories. Services offered may include the installation of tires, batteries and minor accessories, minor automobile repairs, and greasing or washing of individual automobiles.

BANQUET FACILITY is an establishment used regularly for serving food and beverages to groups that, before the day of the event, have reserved the facility for banquets or meetings. The general public is not admitted, and there is no admission charge at the door. Live entertainment may be featured as an accessory to the banquet or meeting use. A banquet facility is not a restaurant or bar.

BAR is an establishment which sells alcohol for consumption on the premises where sold, with an appropriate liquor license as set forth in Chapter 3 of the City Code of the City of Waukegan, and restaurants with a liquor-serving facility that is separate from the dining area and is regularly operated during hours not corresponding to food service hours, which is not a Category 1 Nightclub as defined herein.

BASEMENT is that portion of a building below the first or ground floor level, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

BLOCK is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines, township lines or county lines.

BOARDING HOUSE is a building or portion thereof, where meals are provided to 3 or more persons who are not members of the occupant's family or related to the operator and by pre-arrangement for definite periods of time and for compensation, whether direct or indirect.

BOARDING ROOM is a room rented as sleeping and/or living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purposes of this Ordinance. Boarding is generally provided on a weekly or monthly basis for either direct or indirect compensation.

BUFFER is any land maintained in either a natural or landscaped state and used to screen and/or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.

BUILDABLE AREA is the area of the lot remaining after the minimum open space and/or yard requirements of this Ordinance have been complied with.

BUILDING is any structure built, used, designed, or intended for the support, shelter, protection or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

BUILDING, DETACHED is a building surrounded by open space on the same lot.

BUILDING HEIGHT is the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest point gable of a pitch or hip roof.

BUILDING MOUNTED SOLAR ENERGY SYSTEM shall mean a solar energy system that is attached to a building on a parcel as the principal method of structural support. (See Figures 2 through 4 for examples).

BULK is the term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another and includes:

1. Height and area of buildings.
2. Location of exterior walls in relation to lot lines, streets or other buildings.
3. Gross floor area of buildings in relation to lot area (floor area ratio).
4. All open spaces allocated to buildings.
5. Amount of lot area required for each dwelling unit.

BUSINESS is an occupation, employment, or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

CANOPY is a roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground, and erected primarily to provide shelter from the weather.

CAR CORRAL is a free-standing and semi-portable metallic or fiberglass structure which is securely anchored to the pavement and used as a shelter for the storage of automobiles. It consists of a roof over a framework of poles with open sides. A car corral shall not consist of collapsible materials such as tarp, canvas or vinyl and typically used as a pop-up tent or canopy. As an accessory structure, it must meet the requirements of Section 4.7.

CARETAKER'S RESIDENCE is an accessory single-family residence located on the same property as the primary residence and used exclusively as living quarters for the caretaker(s) of that property. The caretaker's residence must be occupied by a person having the responsibility for the security, maintenance and/or management of the property and/or persons living on the same lot. No caretaker's residence shall be rented, let or otherwise hired out. The caretaker's residence shall not have a separate land title from the balance area of the site.

CARPORT is a covered parking area that is integrated as part of a structure's overall design, usually formed by the extension of the structure's roof. It must meet all of the required yard setbacks as it is part of the principal structure.

CAR WASH is a building, or portion thereof, containing facilities for washing more than one automobile at any one time, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by customer.

CELLAR is that portion of a building having more than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

CERTIFICATE, OCCUPANCY refers to the written approval of the Zoning Administrator certifying that the applicant's plans and drawings comply with all applicable provisions of this Ordinance. The "zoning certificate" may consist of a standardized independent form bearing the signature of the Zoning Administrator or it may be represented as a part of a building permit application.

CLINIC, MEDICAL OR DENTAL is an organization of specializing physicians or dentists or both, who have their offices in a common building. A clinic shall not include inpatient care.

CLUB OR LODGE, PRIVATE (NON-PROFIT) is a nonprofit association of persons, who are a bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. A board of directors, executive committee, or similar body chosen by the members conducts the affairs and management of such "private clubs or lodge". It shall be permissible to serve food, meals and beverages on such premises.

CLUSTER DEVELOPMENT shall mean a residential development approved only as a conditional use in which the established district yards and frontage requirements are waived in order to permit the varied design residential living environments and increases in the minimum bulk requirements as they apply to individual lots provided the yards at the exterior perimeter of the development are not reduced below the minimums required for the district, the density is not increased above the maximum allowed in the district, and all other applicable requirements are met. Any resulting attached dwellings are protected from fire hazard as provided by applicable codes.

COCKTAIL LOUNGE (See BAR)

COMMON OPEN SPACE means the portion of the site set aside in perpetuity as open space. This area may include wetlands, floodplains or flood-hazard areas, ravine corridors, bluffs, prime agricultural lands, habitats of endangered wildlife, as identified on applicable federal or state lists, scenic views, historical or cultural features, archaeological sites, or other elements to be protected from development, as well as easements for public utilities.

COMMUNITY RESIDENCE is a single dwelling unit occupied on a relatively permanent basis as a single housekeeping unit, in a family-like environment, by unrelated persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling. A community residence for persons with disabilities plus support staff shall be considered a residential use.

CONTRACTOR'S YARD is a yard and/or building used by a general contractor, landscaping contractor, or building contractor where vehicles, equipment and materials are stored. A contractor may perform maintenance, shop, or assembly work in a contractor's yard. The contractor's yard must also contain the operational offices of the business. All such yards shall be in compliance with fencing and screening requirements.

CONVALESCENT, NURSING OR REST HOME is a private home for the care of the aged or infirm or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of disease or injury.

CURB LEVEL is the level of the established curb in front of a building measured at the center of such front. (Where no curb elevation has been established, the pavement elevation at the street centerline similarly measured, or the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level.").

DAY CARE CENTER is a facility licensed by the State of Illinois that provides day care for more than eight (8) children or any number of adults.

DAY CARE HOME is a dwelling unit licensed by the State of Illinois in which day care is provided for a maximum of eight (8) children, excluding all natural, adopted and foster children of the residents of the dwelling unit. A day care home is subject to review and approval by the Development Review Board.

DISABILITY is a physical or mental impairment which substantially limits one or more of a person's major life activities, impairs their ability to live independently, or a record of having such an impairment, or being regarded as having such an impairment.

DISCONTINUANCE shall refer to a building, structure or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located which is or hereafter becomes vacant as to the nonconforming use and remains unoccupied or is not used for the nonconforming use and remains unoccupied or is not used for the nonconforming use for a continuous period of six months. The building shall not thereafter be occupied or used except by a use which conforms to the use regulations of the district in which it is located. Such discontinuance of the active and continuous operation of such nonconforming use, or part thereof, for such period of six (6) months, is hereby construed and considered to be an abandonment of such nonconforming use, regardless of any reservation of an intent not to abandon same or of an intent to resume active operations.

DORMITORY is a building or portion thereof which contains living quarters for students, staff, or any members of any college, university, boarding school, theological school, hospital, religious order, or similar use, provided that said building complies with the provisions of the rooming house ordinance.

DRIVE-IN ESTABLISHMENT shall be any establishment whose principal business operation is the sale of food or beverages in a ready-to-consume state, all or part of which is served directly to the consumer in a parked motor vehicle.

DRIVE-THRU ESTABLISHMENT shall be any establishment whose principal business operation is supplemented by the sale of goods or providing of services directly to the customers in a motor vehicle queue.

DWELLING is a building or portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, and community residences for persons with disabilities, but not including hotels or motels.

EDUCATIONAL SERVICES shall mean facilities provide classrooms and related administrative facilities to support childhood education. Such facilities do not provide sleeping or bathing accommodations, laundry facilities for personal items of clothing, or storage of personal property not belonging to the organization itself. Such facilities are designed primarily for educational purposes, allowing for children and their caregivers to gather, with programming primarily to children during out-of-school hours, to support and enhance their learning and growth. Such services may provide academic support, mentoring, youth development, arts, and sports and recreation with the goal of generating positive outcomes for youth including improved academic performance, classroom behavior, health, and nutrition. Activities may also include associated programming for parents.

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, provided such dining alcove does not exceed 125 square feet in area.

ESTABLISHMENT, BUSINESS is a place of business carrying on operation, the ownership and management of that are separate and distinct from those of any other place of business located on the same zoning lot.

EXTENDED MEDICAL CARE FACILITIES refers to those medical facilities designed to accommodate inpatients in need of lengthy, recuperative periods requiring nursing attention and periodic medication.

EXTENDED STAY HOTEL is a hotel, motel or inn containing ten or more sleeping rooms used for temporary occupancy of transient persons and containing cooking facilities in more than 15 percent of the individual rooms.

FAMILY is an individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five (5) unrelated persons, living together as a single housekeeping unit in a dwelling unit.

FAMILY COMMUNITY RESIDENCE is a single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of no more than eight (8) persons with a handicap, as defined in the Fair Housing Act, 42 USC 3602. Paid professional support staff provided by a sponsoring agency shall not count against the eight-person limit, and should be either living with the residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling. Said residence shall comply with the zoning regulations for the district in which the site is located.

FENCE is a structure which is a barrier and is used as a boundary or a means of protection or confinement, which is made of manufactured material, such as but not limited to wire mesh, chain link, wood or stone material.

FLOOR AREA (for determining floor area ratio) is the sum of the gross horizontal area of the several floors of the building measured from the exterior walls or from the centerline of walls separating two buildings. The "floor area" of a building shall include basement floor area, elevator shafts, and stairwells on 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 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 "floor area." The "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. 10 feet in height shall equal one (1) floor.

FLOOR AREA (for determining off-street parking and loading requirements) shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or mechanical or storage floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

FLOOR AREA RATIO (FAR) is the floor area of the building or buildings on a zoning lot divided by the area of such zoning lot or, in the case of planned developments, by the net site area. The "floor area ratio" requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

FREQUENCY signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

FRONTAGE is the length of all property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of a street.

FRONTAGE, ZONING LOT is the length of the property of such zoning lot fronting on a street, measured between side lot lines.

GARAGE, PRIVATE is a detached accessory building or portion of a main building housing the automobiles of the occupants of the premises.

GARAGE, PUBLIC is a building or portion thereof, other than a private garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor-driven vehicles. The term repairing shall not include an automotive body repair shop or the rebuilding, dismantling, or storage of wrecked or junked vehicles, unless expressly authorized.

GRADE is the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GROUND FLOOR is that level of a building on a sloping or multi-level site which has its floor line at or not more than three (3) feet above exit grade.

GROUND-MOUNTED SOLAR ENERGY SYSTEM shall mean a free-standing solar energy system that is not attached to and is separate from any building on the same parcel of land on which the solar energy system is located.

GROUP COMMUNITY RESIDENCE is a single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of between nine (9) and fifteen (15) persons with a handicap, as defined in the Fair Housing Act, 42 USC 3602. Paid professional support staff provided by a sponsoring agency shall not count against the limit, and should be either living with the residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling. Said residence shall comply with the zoning regulations for the district in which the site is located.

GUEST, PERMANENT is a person who occupies or has the right to occupy a hotel or motel or apartment hotel accommodation as his domicile and place of permanent residence.

GUYED TOWER is any tower that is primarily supported and/or secured by rope, cord or cable.

HABITABLE ROOM is a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closets, laundries, pantries, foyers, or communicating corridors, closet storage spaces, stairways and elevator shafts.

HOME OCCUPATION See Section 4.4-3.

HOMELESS SHELTER is a facility providing temporary housing to indigent, needy, homeless, or transient persons, generally also providing ancillary services such as counseling or vocational training.

HORIZONTAL-AXIS WIND TURBINE shall mean a tower-mounted turbine in which the rotor is mounted horizontally. ROTOR shall mean the rotating part of a wind turbine, including the blades and blade assembly or the rotating portion of the generator.

HOSPITAL is a medical institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, and care of individuals suffering from illness, disease, injury, deformity or other abnormal physical condition.

HOTEL OR MOTEL is an establishment which is open to transient guests, in contradiction to a boarding, rooming or lodging house, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service. Hotel or Motel units are not permitted to have cooking facilities.

INCOMPATIBLE USE is a use or service, which is unsuitable for direct association with certain other uses because it is contradictory, incongruous, or discordant.

INDUSTRIAL PARK is a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

INLINE RETAIL is a retail center where two or more individual retail stores are aligned side by side and access is gained to the individual retail stores directly from the outside. This type of retail center may be commonly referred to as a “strip mall.”

JUNK (or SALVAGE) YARD is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk or salvage yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

KENNEL is any premises or portion thereof on which four or more dogs, cats, or other household domestic animals over four months of age are kept, or on which more than two such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

LABORATORY is a place devoted to experimental study such as testing and analyzing. Manufacturing of product or products is not to be permitted within this definition.

LATTICE WORK TOWER is any tower composed of an open framework made of strips of metal, wood or similar material overlapped or overlaid in a regular, usually crisscross pattern.

LODGING HOUSE (including BOARDING and ROOMING HOUSE) is a residential building, or portion thereof, other than a motel, apartment hotel, or hotel, containing lodging rooms which accommodate persons who are not members of the keeper's family. Lodging with or without meals is provided for compensation on a weekly or monthly basis.

LODGING or ROOMING UNIT is a room or group of rooms forming a single habitable unit which is not physically a part of a dwelling unit, or which is physically a part of a dwelling but is used or intended for use by a person or persons other than members of the family occupying said dwelling unit and which is used or intended to be used as sleeping and living quarters but without facilities for cooking, dining, food storage, or food preparation.

LOT is a parcel of land which it either a "lot of record" or a "zoning lot."

LOT AREA, GROSS is the area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river.

LOT, CORNER is a lot situated at the intersection of two streets.

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.

LOT, INTERIOR is a lot other than a corner, or reversed lot.

LOT LINE, FRONT shall be that boundary of a lot which is along an existing or dedicated public street, or, where no public street exists, is along a public way. In the case of land-locked or partially land-locked land, the front lot line shall be that lot line that faces the access to the lot. In the case of a corner lot, the narrower of the two frontages shall be deemed the front lot line.

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.

LOT LINE, SIDE shall be any boundary of a lot which is not a front lot line or a rear lot line. Existing lots which are subdivided or reconfigured following the effective date of this Ordinance must have lot lines which are straight from the front lot line to the rear lot line.

LOT OF RECORD is a lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of Lake County, or a parcel of land, the deed to which was recorded in the office of said Recorder of Deeds prior to the adoption of this Ordinance.

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.

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.

LOT WIDTH is the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.

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.

MARQUEE is a roof-like structure of a permanent nature, which projects from the wall of a building.

MEDICAL CANNABIS CULTIVATION CENTER is a facility operated by an organization or business that is registered by the Illinois State Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensaries with usable medical cannabis.

MEDICAL CANNABIS DISPENSARY (also referred to as "Medical Cannabis Dispensing Organization," or "Dispensary,") is a facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

MEDICAL CANNABIS INFUSED PRODUCT means foods, oils, ointments, or other products containing usable cannabis that are not smoked.

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

MONOPOLE TOWER is a self-supporting pipe structure made of a continuous taper. Step-taper monopoles are prohibited.

MOTEL (see HOTEL).

MOTOR FREIGHT TERMINAL is a building or area in which freight, shipped by motor truck or railroad is received, assembled, sorted, and/or rerouted for local, intra-state, or interstate shipment by motor truck.

MOTOR VEHICLE is any passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

NIGHTCLUB (CATEGORY 1) is a business establishment whose principal use is the provision of pre-recorded or live music or other entertainment, having an occupancy load as established by the Waukegan Fire Department of more than 150 persons. A Category 1 Nightclub may or may not have a liquor license, and may charge a cover charge for entry by patrons. A Category 1 Nightclub may provide a dance floor or stage, and may or may not provide seating for the majority of patrons. Food

or beverages may be offered for sale as an ancillary use. Special conditions for the operation of a Category 1 nightclub shall be as set forth in Sections 8.3-11, 8.4-10 and 8.5-9 of the Waukegan Zoning Ordinance. A Category 1 nightclub shall not include an Adult Entertainment Establishment as regulated by Chapter 14, Division 15 of the Waukegan City Code (Ordinance #06-O-101), a banquet hall, a Category 2 Nightclub/Restaurant or a Category 3 Nightclub/Bar.

NIGHTCLUB/BAR (CATEGORY 3) is a business establishment whose primary business is the sale of alcohol for consumption on site, and which is approved for live music. A bar with an occupancy load of 150 persons or less, desiring to provide live music must apply to the Waukegan Development Review Board for approval. Application for the Category 3 designation will be made to the Waukegan Building Department, which will forward the application to the Development Review Board.

NIGHTCLUB/RESTAURANT (CATEGORY 2) is a business establishment whose primary business is the sale of food for consumption on site, and which is approved for live music. A restaurant with an occupancy load of 150 persons or less, desiring to provide live music must apply to the Waukegan Development Review Board for approval. Application for the Category 2 designation must be made to the Waukegan Building Department, which will forward the application to the Development Review Board.

NON-BOARDING is a term used in this Ordinance to indicate that no habitable rooms are permitted in the building.

NONCONFORMING BUILDING OR STRUCTURE is any building or structure, lawful at the time of enactment of this Ordinance, which:

a. Does not comply with all of the regulations of this Ordinance or of any amendment hereto governing bulk for the zoning district in which such building or structure is located; or
b. is designed or intended for a nonconforming use. A building located on a nonconforming lot is not classified as a nonconforming building solely because of insufficient lot area or width.

NONCONFORMING USE is any use of land, buildings, or structures, lawful at the time of the enactment of this Ordinance, which does not comply with all of the regulations of this Ordinance or of any amendment hereto governing use of the zoning district in which such use is located.

NOXIOUS MATTER is matter, which is capable of causing injury or illness to living organisms, or is capable of causing detrimental effects to the health or the psychological, social, or economic wellbeing of humans.

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

ODOROUS MATTER is any matter or material that yields an odor which is offensive in any way.

OPAQUE FENCE. An opaque fence or planting screen for the purposes of this Ordinance, shall mean any solid fence or wall or any fence or wall with voids constituting less than twenty percent of the surface area of the fence or wall or any dense screen of evergreens, deciduous plant materials or a mixture of both types with or without berming. The Development Review Board shall approve all screening and plant material.

ORNAMENTAL FENCE. An ornamental fence shall mean any fence designed to complement the principal or accessory structure or to enhance the character of the site. An ornamental fence shall have voids constituting fifty percent or more of the surface area of the fence. An ornamental fence does not include stockade, chain link or similar fences.

OWNING LAND OR HAVING AN ENFORCEABLE REAL ESTATE INTEREST IN THE LAND refers to a person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable; including the following classification of interest: ownership in fee simple, ownership by life estate; ownership by adverse possession purchase on contract, and possession of enforceable option. Persons shall include a real estate broker or agent or any third party involved in the sale, exchange, transfer or listing of property that is for sale.

PARKING LOT, MUNICIPAL shall be any lot (other than accessory) open to the sky, owned and operated by the City of Waukegan, which is used for the temporary parking of private passenger vehicles. Said parking lot shall have striped parking spaces and drive aisles sized according to the requirements of Article 12 of this Ordinance.

PARKING SPACE is an enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one automobile and appropriately connected with a street or alley by a surfaced driveway affording adequate ingress and egress. Such space shall be at least nine (9) feet in width and 18 feet in length and meet all other requirements of Article 12.

PARKING STRUCTURE, MUNICIPAL shall be any structure or garage (other than accessory) owned and operated by the City of Waukegan, which is used for the temporary parking of private passenger vehicles. Said parking structure shall have striped parking spaces and drive aisles sized according to the requirements of Article 12 of this Ordinance.

PARTICULATE MATTER is dust, smoke, or any other form of airborne pollution in the form of minute separate particles.

PAYDAY LOAN BUSINESS is a business which makes loans as those are defined in the Illinois Payday Loan Reform Act, 85 ILCS 122/1-1, *et. seq*., and any such business which is regulated under that Act. The payday loan business must be located a minimum of 2,500 feet away from any lawfully existing payday loan business, as measured from lot line to lot line, and a minimum of 250 feet away from a residential district. The payday loan business must have a license in good standing from the State of Illinois, and must be eligible for a City of Waukegan business license. The hours of operation for a payday loan business shall be no more than from 8:00 AM to 8:00 PM each day.

PHILANTHROPIC INSTITUTION is a structure and/or facilities devoted to the betterment and/or improvement of community life, including but not limited to such institutions as the YMCA, YWCA, boys' clubs, and educational or charitable foundations.

PLANNED DEVELOPMENT is a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible

with adjacent parcels, and the intent of the zoning district or districts in which it is located; the developer or developers may be granted relief from specific land use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole.

PROPERTY LINES are the lines bounding a zoning lot, as defined herein.

PUBLIC UTILITY is a business, organization or entity which owns, constructs or operates a facility to provide products, commodities or services, for public use, the construction of which requires the issuance of a certificate of public convenience and necessity or similar authorization or order, after hearing, by an Illinois or federal regulatory agency, and whose operation, records, books of account, services, rates, securities and debt are subject to regulation by that agency. This includes, but is not limited to, a plant, equipment, property or facility which is the subject of a certificate of public convenience and necessity obtained under Section 8-406(b) of the Illinois Public Utilities Act, [220 ILCS 5/8-406(b)].

PUBLIC WAY is any sidewalk, street, alley, highway, or other public thoroughfare.

RECREATIONAL CANNABIS terms are further defined in Article 4, Chapter 18 of this Ordinance.

RESERVOIR PARKING facilities are those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

RESTAURANT is a business establishment where food is sold primarily for consumption on site. A restaurant may rent banquet-type rooms as an accessory to the primary use as defined above, without being considered a banquet facility.

RESTAURANT, DRIVE-IN is an establishment whose principal business operation is the sale of food or beverages in a ready-to-consume state, all or part of which is served directly to the consumer in a parked motor vehicle.

RESTAURANT, DRIVE-THRU is an establishment whose principal business operation is the sale of food or beverages in a ready-to-consume state, directly to the consumers in a motor vehicle queue.

RESTAURANT, TAKE-OUT is an establishment whose principal business operation is the dispensing of edible food and/or beverage, ready for consumption on the premises, at outdoor tables, at stand-up counters, or to be carried off the premises.

RINGELMANN CHART is one that is described in the U.S. Bureau of Mines Information Circular 8333, and on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke density.

RINGELMANN NUMBER is the number of the area on the Ringelmann Chart that coincides most nearly with the visual density of emission of the light-obscuring capacity of the smoke.

ROADSIDE STAND is a structure for the display and sale of agricultural products, with no space for customers within the structure itself.

ROOMING UNIT is a term used in this Ordinance to regulate residential density in boarding, lodging, and rooming houses. "Rooming unit" is synonymous with "lodging room." Rooming units are not permitted to have cooking facilities.

ROTOR DIAMETER shall mean the diameter of the circle swept by the rotor. For measurement purposes this means the distance from the outer-most tip of the longest blade to the center of the turbine rotor multiplied by two.

SECURITY FENCE. A security fence shall mean any fence, open or opaque, to a height of at least five (5) feet or as otherwise required by this Ordinance, which is constructed with voids or spaces no wider than four (4) inches, and furnished with secure gates.

SELF-STORAGE FACILITY is a building that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers that are accessed from interior hallways of the building and rented out to customers for the storage of goods or wares.

SETBACK indicates the minimum distance maintained between a lot line and the nearest supporting member of any structure on the lot.

SHADOW FLICKER shall mean the moving shadow cast on the ground and stationary objects, created by the sun shining through the moving blades of a wind energy system.

SINGLE-ROOM OCCUPANCY UNIT is a traditional form of affordable residential housing consisting of a single room, often between 70 and 350 square feet in size, which may have cooking and sanitary facilities in each unit or have shared cooking and sanitary facilities. Single Room Occupancy Units are generally a form of affordable private housing for lower income individuals, homeless, seniors, and persons with disabilities. Generally, Single Room Occupancy Units are offered on a weekly or monthly rental basis.

SOLAR COLLECTOR SURFACE shall refer to any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface is considered the front of a solar energy system, and does not include frames, supports, or mounting hardware.

SOLAR ENERGY shall mean radiant energy received from the sun, which can be collected in the form of heat or light by a Solar Energy System.

SOLAR ENERGY SYSTEM shall mean an energy system that consists of one or more solar collection devices, solar energy related "balance of system" equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy. Solar energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the law. Solar energy systems as described in this Section are permitted in all zoning districts as an accessory use subject to the standards of this Section and to those Sections related to accessory uses in the applicable zoning district, along with any specific criteria set forth in this Zoning Ordinance. Such a system can either be "building mounted" or "freestanding." Solar energy systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

SOUND LEVEL shall mean the A-weighted sound pressure level in decibels (dB) (or the C-weighted level if specified) as measured using a sound level meter which meets the requirements of a Type 2 or better precision instrument according to the American National Standards Institute (ANSI) S1.4. The "average" sound level is time-averaged over a suitable period using an integrating sound level meter, which that meets the requirements of ANSI S12.43.

STORY is that part of a building between any floor and the floor next above, and if there is no floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one (1) dwelling unit for the caretaker of the premises.

STREET is a public or private right-of-way, which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings.

STREET BLOCK shall mean all the lots facing a street between two rights-of-way, and with the same address numbering scheme. For example, 1501, 1502 and 1503 Jackson would be considered within the same street block.

STRUCTURAL ALTERATION is any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

STRUCTURE is anything, which is constructed or erected which requires permanent location on the ground or attachment to something having permanent location on the ground.

SYSTEM HEIGHT shall mean the vertical distance measured from the finished grade of the parcel to the outermost tip of the rotor when the tip is at its highest point, or such other higher point, depending on the structure's design, if such point is higher than the rotor.

TAVERN See "BAR."

THREE-COMPONENT MEASURING SYSTEM is a complement of instruments or seismograph, which can record, simultaneously, vibration vectors in three mutually perpendicular directions.

THRESHOLD LIMIT VALUE (TLV) is the maximum allowable concentration permitted an industrial worker for eight hours exposure per day, five days a week, as adopted by the American Conference of Governmental Industrial Hygienists.

TOWER is any structure that is designed and constructed primarily for the purpose of supporting one or more antennae. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like. The height of such a tower shall be the distance measured from ground level to the highest point on the tower, even if said highest point is an antenna or lightning rod.

TOWER-MOUNTED WIND TURBINE shall mean a wind turbine mounted on a structure that is designed and constructed primarily for the purpose of elevating and supporting a wind generator, including freestanding lattice towers, monopole towers or guyed towers.

TOXIC MATERIAL is any substance (liquid, solid, gas) which by reason of inherent deleterious property when emitted in any amount, is injurious to plants, animals or human beings.

TRAILER means a movable or portable unit to be towed on its own chassis and which is used for recreational purposes, and is not designed for permanent or long-term residence.

TRANSFER shall include the sale of residential property that is sold on contract or through a recorded title transfer.

USE is the purpose for which land or premises, or building or structure thereon is designed, arranged, intended or for which it is occupied, maintained or leased.

USE, CONDITIONAL 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. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such "conditional use" may or may not be granted, subject to the terms of this Ordinance.

USE, PERMITTED is a use, which may be lawfully established in a particular district or districts provided it conforms to all requirements, regulations, and standards of such district.

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 "conditional".

USE, TEMPORARY See Section 4.4-2.

VARIATION is a relaxation of the terms of this Ordinance where such variation will not be contrary to the public interest and where a liberal enforcement of this Ordinance would result in unnecessary and undue hardship.

VERTICAL-AXIS WIND TURBINE shall mean a wind turbine in which the rotor is mounted vertically.

VIBRATION is the periodic displacement, measured in inches, of earth.

VIBRATION FREQUENCY is the number of oscillations per second of a vibration.

WIND ENERGY SYSTEM shall mean a rotary device that extracts energy from the wind. This device includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in the system.

WIND ENERGY SYSTEM, BUILDING-MOUNTED shall mean a relatively small wind generating facility, mounted on a building, which generates power for on-site use. (See Figure 6).

WIND ENERGY SYSTEM, FREESTANDING TOWER-MOUNTED shall mean a wind energy generating facility that is free standing and the principal use of the structure. See Figure 5.

WIND ENERGY SYSTEM, ON-SITE shall mean a system that is incidental and subordinate to and is designed to generate power for the principal use of the zoning lot upon which it is situated. A wind energy system is considered on-site even if excess electric power, generated by the system, and not presently needed for on-site use, is sold to the utility company in exchange for a reduction in the cost of electrical power supplied by that company.

WIND ENERGY SYSTEM, PRE-EXISTING shall mean any wind energy system that is operational on the effective date of this section.

WIND ENERGY SYSTEM, RESIDENTIAL SERVICE AREA shall mean a wind energy system intended to provide power to a residential subdivision or small grouping of residential dwellings.

WIND ENERGY SYSTEM, UTILITY shall mean the following: 1) A wind energy system that exceeds the maximum system height, maximum rotor diameter, or maximum quantity standards provided by this Section for an on-site tower-mounted wind energy system; or 2) Groupings of wind energy systems, often maintained by one entity, which generate original power on-site to be transferred to a transmission system for distribution to customers.

YARD is an open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in Section 4.8-5. A "yard" extends along a lot line and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

YARD, CORNER SIDE is a side yard which adjoins a public street.

YARD, FRONT is a yard extending along the full length of the front lot line between the side lot lines.

YARD, INTERIOR SIDE is a side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

YARD, LANDSCAPE is a yard that is designed to improve views from the exterior of a project to its interior. Landscape yards can be used to provide development identity at entry roads where permitted, storm water detention, noise screening, pedestrian and bicycle circulation and visual barriers. These purposes can be accomplished through the use of water elements, berms, plantings, trees, walks, bicycle paths, graphics and entry structures.

YARD, REAR is a yard extending along the full length of the rear lot line between the side lot lines.

YARD, SIDE is a yard extending along a side lot line from the front yard to the rear yard.

YARD, TRANSITIONAL is that yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residence District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot either in a Residence or Business District.

ZERO-LOT LINE shall mean a residential lot or a development containing lots approved only as a conditional use in which the required side or rear yards have been combined and located along one or both sides of the lot provided the design does not reduce the total amount of yard required in the district in which the development is located. Easements may be established to permit the proper maintenance of the structures built without a side or rear yard. Any resulting attached dwellings are protected from fire hazard as provided by applicable codes.

ZONING ADMINISTRATOR is the officer and assistants designated by the City Council as the office responsible for enforcing and administering all requirements of this Zoning Ordinance.

ARTICLE 14 AMENDMENTS

1. Article 13, Definitions, Definition "Discontinuance" added by ordinance #81-O-228 on October 19, 1981.
2. Article 7, Section 7.1-2(h), Conditional Use "Extraction of sand and gravel" added by ordinance #86-O-49 on May 5, 1986.
3. Article 10, Section 10.2-3, is amended by adding permitted uses #39 "Hotel/Motel" and #40 "Restaurant" by ordinance #89-O-25 on April 3, 1989.
4. Article 12, Section 12.3-2 Required Spaces, is amended by requiring two (2) parking spaces for Classes #2, #3, and #6, by ordinance #89-O-65on August 7, 1989.
5. Article 3 is amended by adding Section 3.7-4 by ordinance #89-O-72 on September 5, 1989.
6. That sub-paragraph 1 of Sections 8.2-2 and 8.3-2 is amended by ordinance #89-O-94 on November 6, 1989.
7. That the Zoning Ordinance is amended by providing for the location of residential-care homes by ordinance #91-O-60A on July 12, 1991.
8. That the Zoning Ordinance is amended by creating a new R-4 District by ordinance #93-O-117 on June 7, 1993.
9. That the Zoning Ordinance is amended by creating a new conditional use in the R/LI Research/Light Industrial District by ordinance #94-O-110 on August 1, 1994.
10. That the Zoning Ordinance is amended by creating a new definition, "Family" in Article 13, by ordinance #94-O-117 on August 15, 1994.
11. That the Zoning Ordinance is amended by creating a new fee schedule for published maps, by ordinance #95-O-33 on March 20, 1995.
12. That the Zoning Ordinance is amended by creating a new conditional use, "Bed and Breakfast Lodging", by ordinance #95-O-89 on July 3, 1995.
13. That the Zoning Ordinance is amended by creating a new Conditional Use in the B-2 District, by ordinance #95-O-127 on October 2, 1995.
14. That the Zoning Ordinance is amended by designating the zoning of annexed land as Conservation/Recreation (CR) by ordinance #95-O-148 on November 20, 1995.
15. That the Zoning Ordinance is amended by eliminating certain permitted uses and creating certain conditional uses in Section 10.4 by ordinance #97-O-89 on July 7, 1997.
16. That the Zoning Ordinance is amended by adding subparagraphs "k" and "l" to Article 12, Section 12.2-1(10), Off-Street Parking and Loading Requirements by ordinance #97-O-150 on October 20, 1997.
17. That the Zoning Ordinance is amended by eliminating certain permitted uses and creating certain conditional uses, adding lot size requirements and yard requirements, and additional conditions for garages and motor vehicle sales lots in Section 8.4 by ordinance #98-O-7on January 20, 1998.
18. That the Zoning Ordinance is amended by allowing natural gas generators as permitted obstructions by ordinance #98-O-79 on July 6, 1998.
19. That the Zoning Ordinance is amended by adding "Religious Institutions" as a conditional use in Section 9.3-4 by ordinance #99-O-82 on September 20, 1999.
20. That the Zoning Ordinance is amended by reassigning "Employment Agency" from a permitted use to a conditional use in Sections 8.3, 8.4, 8.5, and 8.6 by ordinance #00-O-11 on February 7, 2000.

21. That the Zoning Ordinance is amended by providing for additional requirements for the regulation of businesses that have late night or early morning hours of operation and are located adjacent to a residential district by ordinance #00-O-16 on March 6, 2000.
22. That the Zoning Ordinance is amended concerning penalties for violations of said code by ordinance #01-O-16 on February 20, 2001.
23. That the Zoning Ordinance is amended by adding "Public Utility" to Section 13, Definitions, and eliminating "Public utility and service uses" as a permitted use and reassigning it as a conditional use in Sections 10.2, 10.3, and 10.4 by ordinance #01-O-125 on November 19, 2001.
24. That the Zoning Ordinance is amended by establishing a moratorium on development along the lakefront area by ordinance #01-O-126 on November 19, 2001.
25. That the Zoning Ordinance is amended by adding a new subsection 7.1-11, Exterior Design and Style, and the definition "Street Block" to Article 13, Definitions, by ordinance #02-O-41 on May 6, 2002.
26. That the Zoning Ordinance is amended by adding "Lot Line, Side" to Article 13, Definitions, by ordinance #02-O-114 on October 21, 2002.
27. That the Zoning Ordinance is amended by adding a new subsection 8.3-9, Western Gateway Redevelopment Overlay District, by ordinance #03-O-11 on February 3, 2003.
28. That the Zoning Ordinance is amended by requiring lot sizes, lot widths and parking setbacks for Sections 8.3 and 8.4 by ordinance #03-O-71 on June 16, 2003.
29. That the Zoning Ordinance is amended by reassigning "Launderette" from a permitted to a conditional use in Sections 8.2, 8.3, 8.4, 8.5, and 8.6 by ordinance #03-O-112 on November 3, 2003.
30. That the Zoning Ordinance is amended by adding provisions addressing regulations for telecommunications facilities by ordinance #04-O-12 on February 2, 2004.
31. That the Zoning Ordinance is amended by adding provisions in Section 8.1-12, addressing roof-top mechanical equipment by ordinance #04-O-13 on February 2, 2004.
32. That the Zoning Ordinance is amended by adding provision for hours of operation for permitted repair garages within proximity to residential districts by ordinance #04-O-42 on April 19, 2004.
33. That the Zoning Ordinance is amended by adding provisions for Zoning Letters and Zoning Certificates by ordinance #04-O-103 on July 6, 2004.
34. That the Zoning Ordinance is amended by adding "Drive-in Establishment" and "Drive-thru Establishment" to Article 13, Definitions, by ordinance #05-O-25 on March 7, 2005.
35. That the Zoning Ordinance is amended by eliminating "Drive-in Establishments for Permitted Uses" and "Drive-in Banks and other Financial Institutions" by ordinance #05-O-26 on March 7, 2005.
36. That the Zoning Ordinance is amended by assigning "Drive-in Establishments" and "Drive-thru Establishments" to a conditional use in certain commercial districts and as a permitted use in other commercial districts by ordinance #05-O-27 on March 7, 2005.
37. That the Zoning Ordinance is amended by adding certain language and provisions for cargo or shipping containers by ordinance #05-O-42 on April 4, 2005
38. That the Zoning Ordinance is amended by eliminating permitted uses in the B3 District, Section 8.4, and making them conditional uses by ordinance #05-O-107 on July 18, 2005.
39. That the Zoning Ordinance is amended by adding provisions for the location and method of installation of fences by ordinance #05-O-147 on October 3, 2005.

40. That the Zoning Ordinance is amended by adding provisions for the recovery of costs incurred (Cost Recovery Ordinance) by ordinance #06-O-98 on June 5, 2006.
41. That the Zoning Ordinance is amended by adding provisions for nightclub uses by ordinance #06-O-100 on June 5, 2006.
42. That the Zoning Ordinance is amended by adding provisions for outdoor dining by ordinance #06-O-116 on July 5, 2006.
43. That the Zoning Ordinance is amended by adding a new "R1A Single-Family Residential District" by ordinance #06-O-135 on August 21, 2006.
44. That the Zoning Ordinance is amended by assigning "Motor Vehicle Sales" as a conditional use in the B3 General Commercial District, Section 8.4, by ordinance #06-O-141 on September 5, 2006.
45. That the Zoning Ordinance is amended by eliminating "Clubs and Lodges, non-profit and fraternal" and "Meeting Halls" from Section 8.5-3 and 8.6-3 by ordinance #06-O-151 on October 2, 2006.
46. That the Zoning Ordinance is amended by Article 3, "Administration and Enforcement" regarding Zoning Letters and Zoning Certificates by ordinance #07-O-83 on July 2, 2007.
47. That the Zoning Ordinance is amended by eliminating "Clubs and Lodges, non-profit and fraternal" and "Meeting Halls" from Section 8.3-3 and 8.4-3 by ordinance #08-O-35 on April 7, 2008.
48. That the Zoning Ordinance is amended by adding provisions for Payday Loan Businesses by ordinance #08-O-111 on December 1, 2008.
49. That the Zoning Ordinance is amended by adding provisions for the height, size and location of accessory buildings by ordinance #08-O-112 on December 1, 2008.
50. That the Zoning Ordinance is amended by establishing a moratorium multi-family development outside the downtown/lakefront overlay district, by ordinance #08-O-113 on December 1, 2008.
51. That the Zoning Ordinance is amended by creating a new "L1 South Lakefront District" by ordinance #08-O-134 on December 15, 2008.
52. That the Zoning Ordinance is amended by adding "Off-Track Betting in an existing entertainment facility, licensed by the State of Illinois" by ordinance #10-O-7 on February 16, 2010.
53. That the Zoning Ordinance is amended by assigning "Tattoo Studio and Gallery" as a conditional use in the B5 Central Service District, Section 8.6, by ordinance #10-O-93 on November 15, 2010.
54. That the Zoning Ordinance is amended by assigning "Vocational Schools" as a permitted use in the B2 Community Shopping District, Section 8.3, by ordinance #10-O-97 on December 20, 2010.
55. That the Zoning Ordinance is amended by restructuring and renaming the Development Commission the "Planning and Zoning Commission" by ordinance #12-O-44 on July 2, 2012.
56. That the Zoning Ordinance is amended by removing the use, "Residential Rehabilitation Centers" as a conditional use in the R5, R6, R7, R8 and O/I-1 Zoning Districts and remove the definition of the term by ordinance #12-O-109 on December 3, 2012.
57. That the Zoning Ordinance is amended by establishing guidelines for residential cluster developments (Section 3.11-11) and adding the definitions "Buffer" and "Common Open Space" by ordinance #13-O-01 on January 7, 2013.

58. That the Zoning Ordinance is amended by reducing the period of the discontinuance of a nonconforming use from 12 months to 6 months (Section 5.3-5) by ordinance #13-O-25 on May 20, 2013.
59. That the Zoning Ordinance is amended by removing the use "Contractor or construction offices, shops and yards" as a conditional use in the B3 General Commercial District by ordinance #13-O-26 on May 20, 2013.
60. That the Zoning Ordinance is amended by removing the use "Contractors, architecture, engineering offices and shops" as a permitted use in the I1 Restricted Industrial District by ordinance #13-O-26 on May 20, 2013.
61. That the Zoning Ordinance is amended by removing the uses "Contractors/engineers offices, shops and yards" and "Contractors, architects, engineers equipment and material storage yards" as a permitted use in the I2 General Industrial District by ordinance #13-O-26 on May 20, 2013.
62. That the Zoning Ordinance is amended by adding the term "Contractor's Yard" and its definition to Section 13.2, Definitions, by ordinance #13-O-26 on May 20, 2013.
63. That the Zoning Ordinance is amended by adding "Contractor's Yard" as a permitted use in the I1 Restricted Industrial District by ordinance #13-O-26 on May 20, 2013.
64. That the Zoning Ordinance is amended by adding "Contractor's Yard" as a permitted use in the I2 General Industrial District by ordinance #13-O-26 on May 20, 2013.
65. That the Zoning Ordinance is amended by adding Section 10.3-9, "Additional Requirements Applicable to Contractor's Yards" by ordinance #13-O-26 on May 20, 2013.
66. That the Zoning Ordinance is amended by adding Section 10.4-9, "Additional Requirements Applicable to Contractor's Yards" by ordinance #13-O-26 on May 20, 2013.
67. That the Zoning Ordinance is amended by amending Section 7.3-4(3), "Accessory Uses", by adding "Caretaker's residence" as a permitted accessory use by ordinance #13-O-86 on November 4, 2013.
68. That the Zoning Ordinance is amended by amending Section 7.3-4(3), "Accessory Uses", by adding a minimum lot size of 200,000 square feet and a minimum lot width of 150 feet for caretaker's residences by ordinance #13-O-86 on November 4, 2013.
69. That the Zoning Ordinance is amended by amending Section 7.3-4(3), "Accessory Uses", by lowering the minimum lot size requirement for the stabling of horses from 5 acres to 200,000 square feet by ordinance #13-O-86 on November 4, 2013.
70. That the Zoning Ordinance is amended by amending Section 7.3-4(3), "Accessory Uses", by establishing a minimum square footage requirement of 25,000 square feet for each horse stabled by ordinance #13-O-86 on November 4, 2013.
71. That the Zoning Ordinance is amended by amending Section 7.3-5(1), "Yard Requirements", of the Waukegan Zoning Ordinance by lowering the minimum front yard setback requirement for single-family detached residences from 50 feet to 45 feet by ordinance #13-O-86 on November 4, 2013.
72. That the Zoning Ordinance is amended by amending Section 7.3-5(3), "Yard Requirements", of the Waukegan Zoning Ordinance by adding minimum front, interior side, corner side, and rear yard setback requirements for caretaker's residences by ordinance #13-O-86 on November 4, 2013.
73. That the Zoning Ordinance is amended by amending Section 7.4-4(3), "Accessory Uses", by lowering the minimum lot size requirement for the stabling of horses from 5 acres to 200,000 square feet by ordinance #13-O-87 on November 4, 2013.

74. That the Zoning Ordinance is amended by amending Section 7.4-4(3), “Accessory Uses”, by establishing a minimum square footage requirement of 25,000 square feet for each horse stabled by ordinance #13-O-87 on November 4, 2013.
75. That the Zoning Ordinance is amended by adding the term “Caretaker’s Residence” and its definition to Section 13.2, Definitions, by ordinance #13-O-88 on November 4, 2013.
76. That the Zoning Ordinance is amended by amending the existing definition for “Ornamental Fence” in Section 13.2, Definitions, by ordinance #13-O-88 on November 4, 2013.
77. That the Zoning Ordinance is amended by amending Section 4.4-1(2), “Fences in Residence Districts”, by adding language regarding nonconforming fences and height of fences in the ER-1 Estate Residence District by ordinance #13-O-89 on November 4, 2013.
78. That the Zoning Ordinance is amended by amending Section 8.3-4, “Conditional Uses”, of the B2 Community Shopping District by eliminating the use “Nightclub/Dance Hall” by ordinance #13-O-96 passed on December 2, 2013.
79. That the Zoning Ordinance is amended by amending Section 8.3-4, “Conditional Uses”, of the B2 Community Shopping District by adding the use “Nightclub (Category 1)” by ordinance #13-O-96 passed on December 2, 2013.
80. That the Zoning Ordinance is amended by amending Section 8.4-4, “Conditional Uses”, of the B3 General Commercial District by eliminating the use “Nightclub/Dance Hall” by ordinance #13-O-96 passed on December 2, 2013.
81. That the Zoning Ordinance is amended by amending Section 8.4-4, “Conditional Uses”, of the B3 General Commercial District by adding the use “Nightclub (Category 1)” by ordinance #13-O-96 passed on December 2, 2013.
82. That the Zoning Ordinance is amended by amending Section 8.5-4, “Conditional Uses”, of the B4 Central Service District by eliminating the use “Nightclub/Dance Hall” by ordinance #13-O-96 passed on December 2, 2013.
83. That the Zoning Ordinance is amended by amending Section 8.5-4, “Conditional Uses”, of the B4 Central Service District by adding the use “Nightclub (Category 1)” by ordinance #13-O-96 passed on December 2, 2013.
84. That the Zoning Ordinance is amended by amending Section 8.3-11, “Additional Conditions Applicable to Nightclubs”, of the B2 Community Shopping District by adding the following as condition #11: “Conditional Use Permits for Category 1 Nightclubs shall be reviewed by the Planning & Zoning Commission every 90 days following approval for compliance with all laws, regulations, and required conditions” by ordinance #13-O-96 passed on December 2, 2013.
85. That the Zoning Ordinance is amended by amending Section 8.4-10, “Additional Conditions Applicable to Nightclubs”, of the B3 General Commercial District by adding the following as condition #11: “Conditional Use Permits for Category 1 Nightclubs shall be reviewed by the Planning & Zoning Commission every 90 days following approval for compliance with all laws, regulations, and required conditions” by ordinance #13-O-96 passed on December 2, 2013.
86. That the Zoning Ordinance is amended by amending Section 8.5-9, “Additional Conditions Applicable to Nightclubs”, of the B4 Central Business District by adding the following as condition #11: Conditional Use Permits for Category 1 Nightclubs shall be reviewed by the Planning & Zoning Commission every 90 days following approval for compliance with all laws, regulations, and required conditions” by ordinance #13-O-96 passed on December 2, 2013.

87. That the Zoning Ordinance is amended by amending Section 13.2, “Definitions” of the Waukegan Zoning Ordinance is hereby amended by eliminating the term “Bar” and its definition by ordinance #13-O-96 passed on December 2, 2013.
88. That the Zoning Ordinance is amended by amending Section 13.2, “Definitions” of the Waukegan Zoning Ordinance is hereby amended by eliminating the term “Dance Hall” and its definition by ordinance #13-O-96 passed on December 2, 2013.
89. That the Zoning Ordinance is amended by amending Section 13.2, “Definitions” of the Waukegan Zoning Ordinance is hereby amended by eliminating the term “Nightclub” and its definition by ordinance #13-O-96 passed on December 2, 2013.
90. That the Zoning Ordinance is amended by amending Section 13.2, “Definitions” of the Waukegan Zoning Ordinance is hereby amended by eliminating the term “Restaurant” and its definition by ordinance #13-O-96 passed on December 2, 2013.
91. That the Zoning Ordinance is amended by amending Section 13.2, “Definitions” of the Waukegan Zoning Ordinance by adding the term “Bar” and its definition by ordinance #13-O-96 passed on December 2, 2013.
92. That the Zoning Ordinance is amended by amending Section 13.2, “Definitions” of the Waukegan Zoning Ordinance by adding the term “Restaurant” and its definition by ordinance #13-O-96 passed on December 2, 2013.
93. That the Zoning Ordinance is amended by amending Section 13.2, “Definitions” of the Waukegan Zoning Ordinance by adding the term “Nightclub (Category 1)” and its definition by ordinance #13-O-96 passed on December 2, 2013.
94. That the Zoning Ordinance is amended by amending Section 13.2, “Definitions” of the Waukegan Zoning Ordinance by adding the term “Nightclub/Restaurant (Category 2)” and its definition by ordinance #13-O-96 passed on December 2, 2013.
95. That the Zoning Ordinance is amended by amending Section 8.3-3, “Permitted Uses”, of the B2 Community Shopping District by adding the use “Nightclub/Restaurant (Category 2)” by ordinance #13-O-96 passed on December 2, 2013.
96. That the Zoning Ordinance is amended by amending Section 8.4-3, “Permitted Uses”, of the B# General Commercial District by adding the use “Nightclub/Restaurant (Category 2)” by ordinance #13-O-96 passed on December 2, 2013.
97. That the Zoning Ordinance is amended by amending Section 8.5-3, “Permitted Uses”, of the B4 Central Business District by adding the use “Nightclub/Restaurant (Category 2)” by ordinance #13-O-96 passed on December 2, 2013.
98. That the Zoning Ordinance is amended by amending Section 3.4-2, “Jurisdiction”, by adding a new #9 by ordinance #13-O-96 passed on December 2, 2013.
99. That the Zoning Ordinance is amended by amending Section 13.2, “Definitions” of the Waukegan Zoning Ordinance by adding the term “Nightclub/Bar (Category 3)” and its definition by ordinance #13-O-96 passed on December 2, 2013.
100. That the Zoning Ordinance is amended by amending Section 8.3-3, “Permitted Uses”, of the B2 Community Shopping District by adding the use “Nightclub/Bar (Category 3)” by ordinance #13-O-96 passed on December 2, 2013.
101. That the Zoning Ordinance is amended by amending Section 8.4-3, “Permitted Uses”, of the B3 General Commercial District by adding the use “Nightclub/Bar (Category 3)” by ordinance #13-O-96 passed on December 2, 2013.
102. That the Zoning Ordinance is amended by amending Section 8.5-3, “Permitted Uses”, of the B4 Central Business District by adding the use “Nightclub/Bar (Category 3)” by ordinance #13-O-96 passed on December 2, 2013.

103. That the Zoning Ordinance is amended by amending Section 3.4-2, “Jurisdiction”, by adding a new #10 by ordinance #13-O-96 passed on December 2, 2013.
104. That the Zoning Ordinance is amended by amending Section 8.4-4, “Conditional Uses”, of the Waukegan Zoning Ordinance by adding “Automobile Auction Establishment” as a conditional use by ordinance #14-O-03 passed on January 6, 2014.
105. That the Zoning Ordinance is amended by amending Section 8.4-5, “Lot Size Requirements”, of the Waukegan Zoning Ordinance by adding a new #3 with the following language: “With respect to automobile auction establishments, a minimum contiguous lot area of three (3) acres is required” by ordinance #14-O-03 passed on January 6, 2014.
106. That the Zoning Ordinance is amended by amending Section 12.3-2, “Required Spaces”, of the Waukegan Zoning Ordinance by adding a new Class No. 33A, “Automobile Auction Establishment” and requiring a minimum of one (1) parking space for every 1,000 square feet of lot area by ordinance #14-O-03 passed on January 6, 2014.
107. That the Zoning Ordinance is amended by amending Section 13.2, “Definitions” of the Waukegan Zoning Ordinance by adding the term “Automobile auction establishment” and its definition by ordinance #14-O-03 passed on January 6, 2014.
108. That the Zoning Ordinance is amended by amending Section 3.7-3, “Certificate of Zoning Compliance”, paragraph 3, “Letter Required”, by ordinance #14-O-07 passed on January 21, 2014.
109. That the Zoning Ordinance is amended by amending Section 3.7-3, “Certificate of Zoning Compliance”, paragraph 5, “Application for Letter”, by ordinance #14-O-07 passed on January 21, 2014.
110. That the Zoning Ordinance is amended by amending Section 3.7-3, “Certificate of Zoning Compliance”, paragraph 7, “Delivery of Report”, by ordinance #14-O-07 passed on January 21, 2014.
111. That the Zoning Ordinance is amended by amending Section 3.7-3, “Certificate of Zoning Compliance”, by eliminating paragraph 8, “Method of Enforcement”, by ordinance #14-O-07 passed on January 21, 2014.
112. That the Zoning Ordinance is amended by amending Section 3.7-3, “Certificate of Zoning Compliance”, by eliminating paragraph 10, “Zoning Classification Poster”, by ordinance #14-O-07 passed on January 21, 2014.
113. That the Zoning Ordinance is amended by eliminating Section 3.7-4, “Zoning Verification”, by ordinance #14-O-07 passed on January 21, 2014.
114. That the Zoning Ordinance is amended by amending Section 4.15-2, “General Provisions”, paragraph 1f, by ordinance #14-O-35 passed on April 7, 2014.
115. That the Zoning Ordinance is amended by amending Section 4.15-3, “Conditional Use Permits”, paragraph 4, by ordinance #14-O-35 passed on April 7, 2014.
116. That the Zoning Ordinance is amended by amending Section 9.2-4, “Conditional Uses”, by adding “Medical cannabis dispensaries”, by ordinance #14-O-99 passed on October 6, 2014.
117. That the Zoning Ordinance is amended by amending Section 9.3-3, “Permitted Uses”, by adding “Medical cannabis dispensaries, only when accessory to a hospital”, by ordinance #14-O-99 passed on October 6, 2014.
118. That the Zoning Ordinance is amended by amending Section 9.3-4, “Conditional Uses”, by adding “Medical cannabis dispensaries, if located in other than a hospital, by ordinance #14-O-99 passed on October 6, 2014.

119. That the Zoning Ordinance is amended by amending Section 10.2-4, “Conditional Uses”, by adding “Medical cannabis dispensaries” and “Medical cannabis cultivation centers”, by ordinance #14-O-99 passed on October 6, 2014.
120. That the Zoning Ordinance is amended by amending Section 9.2-4, “Conditional Uses”, by adding certain additional language to its paragraph by ordinance #14-O-99 passed on October 6, 2014.
121. That the Zoning Ordinance is amended by amending Section 9.3-4, “Conditional Uses”, by adding certain additional language to its paragraph by ordinance #14-O-99 passed on October 6, 2014.
122. That the Zoning Ordinance is amended by amending Section 10.2-4, “Conditional Uses”, by adding certain additional language to its paragraph by ordinance #14-O-99 passed on October 6, 2014.
123. That the Zoning Ordinance is amended by adding Section 9.2-9, “Additional Requirements Applicable to Medical Cannabis Dispensaries” by ordinance #14-O-99 on October 6, 2014.
124. That the Zoning Ordinance is amended by adding Section 9.3-9, “Additional Requirements Applicable to Medical Cannabis Dispensaries” by ordinance #14-O-99 on October 6, 2014.
125. That the Zoning Ordinance is amended by adding Section 10.2-9, “Additional Requirements Applicable to Medical Cannabis Dispensaries” by ordinance #14-O-99 on October 6, 2014.
126. That the Zoning Ordinance is amended by adding Section 10.2-10, “Additional Requirements Applicable to Medical Cannabis Cultivation Centers” by ordinance #14-O-99 on October 6, 2014.
127. That the Zoning Ordinance is amended by amending Section 13.2, “Definitions” of the Waukegan Zoning Ordinance by adding the term “Medical Cannabis Cultivation Center” and its definition by ordinance #14-O-99 passed on October 6, 2014.
128. That the Zoning Ordinance is amended by amending Section 13.2, “Definitions” of the Waukegan Zoning Ordinance by adding the term “Medical Cannabis Dispensary” and its definition by ordinance #14-O-99 passed on October 6, 2014.
129. That the Zoning Ordinance is amended by amending Section 13.2, “Definitions” of the Waukegan Zoning Ordinance by adding the term “Medical Cannabis Infused Product” and its definition by ordinance #14-O-99 passed on October 6, 2014.
130. That the Zoning Ordinance is amended by amending paragraph 2 of Section 4.15-3, “Conditional Use Permits” regarding photo simulations by ordinance #14-O-100 passed on October 6, 2014.
131. That the Zoning Ordinance is amended by adding a new subsection 4.7-6, Exemptions, to Section 4.7, Accessory Structures, by ordinance #14-O-114 passed on November 3, 2014.
132. That the Zoning Ordinance is amended by adding a new subsection 10.2-11, McGaw Business Center Overlay District, to Section 10.2, R/LI Research and Light Industrial District, by ordinance #14-O-119 passed on November 12, 2014.
133. That the Zoning Ordinance is amended by adding “Educational institutions – a. Schools - private, primary and secondary, private or public colleges and universities for-profit or not-for-profit, boarding and non-boarding” to Section 8.5-4, Conditional Uses, of the B4 Central Business District by ordinance #15-O-01 passed on February 2, 2015.
134. That the Zoning Ordinance is amended by adding “Educational institutions – a. Schools - private, primary and secondary, private or public colleges and universities for-profit or not-for-profit, boarding and non-boarding” to Section 8.4-4, Conditional Uses, of the B3 General Commercial District by ordinance #15-O-10 passed on March 2, 2015.

135. That the Zoning Ordinance is amended by amending Section 4.15-2, General Provisions, paragraph 5c, increasing the setback distance of 100' to 500' for cellular towers from the buildable areas for residences by ordinance #15-O-21 passed on April 6, 2015.
136. That Section 3.13-2 of the Zoning Ordinance is amended by adding conditional use application fees for medical cannabis cultivation centers and medical cannabis dispensaries by ordinance #15-O-22 passed on April 6, 2015.
137. That Section 8.2-4, Conditional Uses, of the B1 Neighborhood Convenience District, is amended by eliminating "Parking lots, open and other than accessory, for the storage of private passenger automobiles" by ordinance #15-O-30 passed on May 4, 2015.
138. That Section 8.3-4, Conditional Uses, of the B2 Community Shopping District, is amended by eliminating "Parking garages or structures, other than accessory, for the storage of private passenger automobiles only" by ordinance #15-O-30 passed on May 4, 2015.
139. That Section 8.4-4, Conditional Uses, of the B3 General Commercial District, is amended by eliminating "Parking garages or structures, other than accessory, for the storage of private passenger automobiles only", "Parking lots, open and other than accessory, for the storage of private passenger automobiles only", and "Parking lots and structures" by ordinance #15-O-30 passed on May 4, 2015.
140. That Section 8.5-4, Conditional Uses, of the B4 Central Business District, is amended by eliminating "Parking garages or structures, other than accessory, for the storage of private passenger automobiles only" by ordinance #15-O-30 passed on May 4, 2015.
141. That Section 8.6-3, Permitted Uses, of the B5 Central Service District, is amended by eliminating "Parking lots, open and other than accessory, for the storage of private passenger automobiles only", and "Parking garages or structures, other than accessory, for private passenger automobiles" by ordinance #15-O-30 passed on May 4, 2015.
142. That Section 13.2, Definitions, is amended by adding the terms "Parking lot, municipal" and "Parking structure, municipal" and their definitions by ordinance #15-O-31 passed on May 4, 2015.
143. That Section 8.5-3, Permitted Uses, of the B4 Central Business District, is amended by adding "Parking lot, municipal" and "Parking structure, municipal" as permitted uses by ordinance #15-O-32 passed on May 4, 2015.
144. That Section 8.6-3, Permitted Uses, of the B5 Central Service District, is amended by adding "Parking lot, municipal" and "Parking structure, municipal" as permitted uses by ordinance #15-O-32 passed on May 4, 2015.
145. That Section 12.2-2, Small Car Parking Spaces, is amended by revising the number of small car parking spaces permitted by ordinance #15-O-77 passed on September 8, 2015.
146. That Section 13.2, Definitions, is amended by revising the definition for "Lot Line, Front" by clarifying which lot line is the front lot line on a corner lot by ordinance #16-O-22 passed on April 4, 2016.
147. That Section 8.1-13, Guidelines for Inline Retail Developments, is created establishing minimum lot size requirements for inline retail developments by ordinance #16-O-23 passed on April 4, 2016.
148. That Section 8.1-13, Guidelines for Inline Retail Developments, is created requiring a minimum number of tenants that have signed a letter of intent prior to construction of the inline retail development by ordinance #16-O-23 passed on April 4, 2016.
149. That Section 8.3-3, Permitted Uses, is amended by adding "Inline retail" as a permitted use in the B2 Community Shopping District by ordinance #16-O-23 passed on April 4, 2016.

150. That Section 8.4-3, Permitted Uses, is amended by adding “Inline retail” as a permitted use in the B3 General Commercial District by ordinance #16-O-23 passed on April 4, 2016.
151. That Section 13.2, Definitions, is amended by adding the term “Inline Retail” and its definition by ordinance #16-O-23 passed on April 4, 2016.
152. That Section 3.11-11, Residential Cluster Developments, is amended by clarifying the type of perimeter common open space used in subparagraph 3d by ordinance #16-O-54 passed on August 1, 2016.
153. That Section 4.8-5, Permitted Obstructions in Required Yards, is amended by adding driveways and patios as permitted obstructions under subparagraph 1, “In All Yards”, by ordinance #16-O-53 passed on August 1, 2016.
154. That Section 8.4-3, Permitted Uses, is amended by eliminating “Mini-warehouses” as a permitted use in the B3 General Commercial District by ordinance #16-O-70 passed on October 3, 2016.
155. That Section 13.2, Definitions, is amended by adding the term “Self-storage facility” and its definition by ordinance #16-O-71 passed on October 3, 2016.
156. That Section 8.4-4, Conditional Uses, is amended by adding “Self-storage facility” as a conditional use in the B3 General Commercial District by ordinance #16-O-72 passed on October 3, 2016.
157. That Section 10.3-3, Permitted Uses, is amended by adding “Self-storage facility” as a permitted use in the I1 Restricted Industrial District by ordinance #16-O-72 passed on October 3, 2016.
158. That Section 10.4-3, Permitted Uses, is amended by adding “Self-storage facility” as a permitted use in the I2 General Industrial District by ordinance #16-O-72 passed on October 3, 2016.
159. That Article 7, Sections 7.2-2, 7.3-2, 7.4-2, 7.5-2, 7.6-2, 7.7-2, 7.8-2, 7.9-2, 7.10-3, 7.11-3, 7.12-3, and 7.13-3, Permitted Uses, are amended by adding “Wireless telecommunications, building or tower-mounted antenna” by ordinance #16-O-80 passed on November 7, 2016.
160. That Article 7, Sections 7.2-3, 7.3-3, 7.4-3, 7.5-3, 7.6-3, 7.7-3, 7.8-3, 7.9-3, 7.10-4, 7.11-4, 7.12-4, and 7.13-4, Conditional Uses, are amended by adding “Wireless telecommunications, freestanding tower” by ordinance #16-O-80 passed on November 7, 2016.
161. That Article 8, Sections 8.2-3, 8.3-3, 8.4-3, 8.5-3, 8.6-3, and 8.7-3, Permitted Uses, is amended by adding “Wireless telecommunications, building or tower-mounted antenna” by ordinance #16-O-80 passed on November 7, 2016.
162. That Article 8, Sections 8.2-4, 8.3-4, 8.4-4, 8.5-4, 8.6-4, and 8.7-4, Conditional Uses, is amended by adding “Wireless telecommunications, freestanding tower” by ordinance #16-O-80 passed on November 7, 2016.
163. That Article 9, Sections 9.2-3 and 9.3-3, Permitted Uses, is amended by adding “Wireless telecommunications, building or tower-mounted antenna” by ordinance #16-O-80 passed on November 7, 2016.
164. That Article 9, Sections 9.2-4 and 9.3-4, Conditional Uses, is amended by adding “Wireless telecommunications, freestanding tower” by ordinance #16-O-80 passed on November 7, 2016.
165. That Article 10, Sections 10.2-3, 10.3-3 and 10.4-3, Permitted Uses, is amended by adding “Wireless telecommunications, building or tower-mounted antenna” by ordinance #16-O-80 passed on November 7, 2016.

166. That Article 10, Sections 10.2-4, 10.3-4 and 10.4-4, Conditional Uses, is amended by adding "Wireless telecommunications, freestanding tower" by ordinance #16-O-80 passed on November 7, 2016.
167. That Article 11, Section 11.1-3, Permitted Uses, is amended by adding "Wireless telecommunications, building or tower-mounted antenna" by ordinance #16-O-80 passed on November 7, 2016.
168. That Article 11, Section 11.1-4, Conditional Uses, is amended by adding "Wireless telecommunications, freestanding tower" by ordinance #16-O-80 passed on November 7, 2016.
169. That Article 13, entitled "Rules and Definitions," of the Waukegan Zoning Ordinance shall be amended by adding "Day care center" and "Day care home" and their definitions to Section 13.2, "Definitions" by ordinance #16-O-81 passed on November 7, 2016.
170. That Article 7, Sections 7.5-3, 7.6-3, 7.7-3, 7.8-3, 7.9-3, 7.10-4, Conditional Uses, is amended by eliminating "Day care centers" by ordinance #16-O-81 passed on November 7, 2016.
171. That Article 7, Sections 7.11-3 and 7.12-3, Permitted Uses, is amended by eliminating "Day care centers" by ordinance #16-O-81 passed on November 7, 2016.
172. That Article 7, Sections 7.5-4(2), 7.6-4(2), 7.7-4(2), 7.8-4(2), 7.9-4(2), 7.10-5(2), Lot Size Requirements for Conditional Uses, is amended by eliminating "Day care centers" and its respective minimum lot area and minimum lot width by ordinance #16-O-81 passed on November 7, 2016.
173. That Article 7, Sections 7.11-5(1) and 7.12-5(1), Lot Size Requirements for Permitted Uses, is amended by eliminating "Day care centers" and its respective minimum lot area and minimum lot width by ordinance #16-O-81 passed on November 7, 2016.
174. That Article 7, Sections 7.11-4 and 7.12-4, Conditional Uses, is amended by adding "Day care center, as an accessory use" by ordinance #16-O-81 passed on November 7, 2016.
175. That Article 7, Section 7.13-4, Conditional Uses, of the Zoning Ordinance is amended by changing "Day care centers" to "Day care center, as an accessory use" by ordinance #16-O-81 passed on November 7, 2016.
176. That Article 7, Sections 7.11-5(2) and 7.12-5(2), Lot Size Requirements for Conditional Uses, is amended by adding "Day care center" and a Minimum Lot Area of 10,000 square feet and a Minimum Lot Width of 100 feet by ordinance #16-O-81 passed on November 7, 2016.
177. That Article 7, Section 7.13-5(2), Lot Size Requirements for Conditional Uses in the R8 General Residence District, is amended by increasing the Minimum Lot Width of 75 feet to 100 feet by ordinance #16-O-81 passed on November 7, 2016.
178. That Article 8, Sections 8.3-4, 8.4-4, 8.5-4, and 8.6-4, Conditional Uses, is amended by adding "Day care center" by ordinance #16-O-81 passed on November 7, 2016.
179. That Article 7, Sections 7.3-2, 7.4-2, 7.5-2, 7.6-2, 7.7-2, 7.8-2, 7.9-2, 7.10-3, 7.11-3, 7.12-3, and 7.13-3, "Permitted Uses", is amended by adding "Day Care Home" as a permitted use by ordinance #16-O-81 passed on November 7, 2016.
180. That Section 8.5-6, "Yard Requirements" of the B4 Central Business District, of the Waukegan Zoning Ordinance is amended by revising the setbacks to 0' maximum in all yards except the rear yard by ordinance #16-O-82 passed on November 7, 2016.
181. That Section 8.6-6, "Yard Requirements" of the B5 Central Service District, of the Waukegan Zoning Ordinance is amended by revising the setbacks to 0' maximum in all yards except the rear yard by ordinance #16-O-82 passed on November 7, 2016.

182. That Section 8.3-9, “Western Gateway Redevelopment Overlay District”, of the Waukegan Zoning Ordinance is amended by adding new properties to the overlay district by ordinance #16-O-92 passed on December 5, 2016.
183. That Section 7.4-3, “Conditional Uses”, of the Waukegan Zoning Ordinance is amended by adding “Stabling of horses (commercial)” as a conditional use in the ER-2 District by ordinance #16-O-93 passed on December 5, 2016.
184. That Section 7.4-4, “Lot Size Requirements”, paragraph 2, “Conditional Uses”, of the Waukegan Zoning Ordinance is amended by establishing a minimum lot area requirement of twenty-eight (28) acres for the stabling of horses (commercial) in the ER-2 District by ordinance #16-O-93 passed on December 5, 2016.
185. That Section 7.4-4, “Lot Size Requirements”, paragraph 2, “Conditional Uses”, of the Waukegan Zoning Ordinance is amended by establishing a minimum lot width requirement of five hundred (500) feet for the stabling of horses (commercial) in the ER-2 District by ordinance #16-O-93 passed on December 5, 2016.
186. That Section 7.4-4, “Lot Size Requirements”, paragraph 2, “Conditional Uses”, of the Waukegan Zoning Ordinance is amended by establishing a minimum lot area requirement of 13,000 square feet for each horse stabled for the stabling of horses (commercial) in the ER-2 District by ordinance #16-O-93 passed on December 5, 2016.
187. That Section 7.4-4(3), “Accessory Uses”, of the Waukegan Zoning Ordinance is amended by adding “Caretaker’s residence” as a permitted accessory use in the ER-2 District by ordinance #16-O-94 passed on December 5, 2016.
188. That Section 7.4-4(3), “Accessory Uses”, of the Waukegan Zoning Ordinance is amended by adding a minimum lot size of 200,000 square feet and a minimum lot width of 150 feet for caretaker’s residence in the ER-2 District by ordinance #16-O-94 passed on December 5, 2016.
189. That Section 7.4-5(3), “Yard Requirements”, of the Waukegan Zoning Ordinance is amended by adding the following minimum front, interior side, corner side, and rear yard setback requirements for caretaker’s residence in the ER-2 District by ordinance #16-O-94 passed on December 5, 2016.
190. That Section 7.2-3, subparagraph 4, “Public utility and service uses”, of the Waukegan Zoning Ordinance is amended by adding “Solar voltaic systems, energy systems, energy storage and related facilities” as a conditional use in the CR District by ordinance #16-O-96 passed on December 5, 2016.
191. That Section 13.2, “Definitions”, of the Waukegan Zoning Ordinance is amended by adding the term “Educational Services” and its definition by ordinance #17-O-99 passed on December 4, 2017.
192. That Section 8.2-4, “Conditional Uses” is amended by adding “Educational services” as a conditional use in the B1 Neighborhood Convenience District by ordinance #17-O-99 passed on December 4, 2017.
193. That Section 8.2-5, “Lot Size Requirements” is amended by assigning a minimum lot size requirement for “Educational services” in the B1 Neighborhood Convenience District by ordinance #17-O-99 passed on December 4, 2017.
194. That Article 7, “Conservation and Residence Districts”, is amended by eliminating Section 7.6, “R1A Single-Family Residence District”, by ordinance #18-O-53 passed on May 21, 2018.
195. That Section 13.2, “Definitions”, of the Waukegan Zoning Ordinance is amended by redefining the term “Carport” by ordinance #19-O-15 passed on March 4, 2019.

196. That Section 13.2, “Definitions” of the Waukegan Zoning Ordinance is amended by adding the term “Car corral” and its definition by ordinance #19-O-15 passed on March 4, 2019.
197. That Section 4.8-5, “Permitted Obstructions in Required Yards” is amended by adding “Car corral” to subparagraph 3, “In Rear Yards” by ordinance #19-O-15 passed on March 4, 2019.
198. That the Waukegan Zoning Ordinance is amended by adding Section 4.16, “Regulations for Solar Energy Systems” by ordinance #19-O-23 passed on March 18, 2019.
199. That the Waukegan Zoning Ordinance is amended by adding Section 4.17, “Regulations for Small Wind Energy Systems” by ordinance #19-O-23 passed on March 18, 2019.
200. That Section 13.2, “Definitions” of the Waukegan Zoning Ordinance is amended by adding numerous terms and definitions related to solar and small wind energy systems by ordinance #19-O-23 passed on March 18, 2019.
201. That Section 4.16, “Regulations for Solar Energy Systems” and Section 4.17, “Regulations for Small Wind Energy Systems” are amended by adding Figures 1 – 6 by ordinance #19-O-23 passed on March 18, 2019.
202. That numerous sections throughout the Zoning Ordinance were amended related to Family Community Residences, Group Community Residences, SRO’s, Hotels, Motels, Extended Stay Hotels and Homeless Shelters including definitions and specific requirements by ordinance #19-O-102 passed on October 21, 2019.
203. That numerous sections throughout the Zoning Ordinance were amended related to Adult Use Recreational Cannabis including definitions and specific requirements by ordinance #19-O-109 passed on November 4, 2019.
204. That Section 3.13-2, Conditional Uses and Variances, of the Zoning Ordinance is amended by revising the conditional use application fees for medical cannabis cultivation centers and medical cannabis dispensaries to $5,000.00 by ordinance #20-O-20 passed on March 16, 2020.
205. That Section 3.13-2, Conditional Uses and Variances, of the Zoning Ordinance is amended by adopting subsection 3.13-2(f) to read as follows: “Any Recreational Cannabis Business Establishment: $5,000.00”, by ordinance #20-O-20 passed on March 16, 2020.