



CITY OF WAUKEGAN UNIFIED DEVELOPMENT ORDINANCE

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ACKNOWLEDGEMENTS

The Unified Development Ordinance was created by a large team of City staff and consultants. The City consulted experts and best practices to craft a document that is modern, streamlined, and fit for Waukegan. Thank you to everyone for your valuable contributions.

CITY OF WAUKEGAN TEAM

Noelle Kischer-Lepper, Director of Planning & Zoning
Isabel Guadarrama, Senior Planner
Sam Greene, Assistant Planner, Project Lead
Rachel Cantin, Assistant Planner
Tyler Williams, Assistant Planner
Kathy Reinhardt, Assistant
Steven Sabourin (prior to 2023)

CONSULTANT TEAM

Jaemi Jackson, CMAP
Seth Thomas, CMAP
Cole Neder, CMAP
Diana Beltran, CMAP
Alexis McAdams, CMAP
Katherine Darnstadt, Latent Design
Louisa Zheng, Latent Design
Damla Sucuka, Latent Design
Jake Seid, Sightline Planning & Zoning
Lindsay Bayley, CMAP & Parking Reform Network
Todd Vanadilok, Egret & Ox Planning
Natalie Burgos, Morton Arboretum CRTI
Zach Wirts, Morton Arboretum CRTI

PLANNING & ZONING COMMISSION

Michael Rodriguez, Chairman
Theodora Anderson
Michael Bill
Benjamin Grimes
Jane Haynes
Ted Haug
Rafael Rivera
Paul Young

STAKEHOLDER FOCUS GROUP

Theodora Anderson
Adam Carson
Michael Edgar (prior to 2023)
Michael Rodriguez
Diane Verratti

CORPORATION COUNSEL

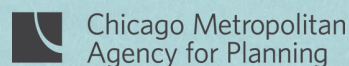
Stewart Weiss, Corporation Counsel
Kelley Gandurski, Corporation Counsel
Marcus Martinez, Asst. Corporation Counsel
Hannah Saed, Asst. Corporation Counsel

ELECTED OFFICIALS

Mayor Ann B. Taylor
City Clerk Janet Kilkelly
Dr John R. Schwab, Treasurer
Sylvia Bolton, 1st Ward Alderman
Jose Guzman, 2nd Ward Alderman
Juan Martinez, 3rd Ward Alderman
Victor Felix, 4th Ward Alderman
Edith Newsome, 5th Ward Alderman
Keith Turner, 6th Ward Alderman
Michael Donnenwirth, 7th Ward Alderman
Lynn Florian, 8th Ward Alderman
Thomas Hayes, 9th Ward Alderman

CITY STAFF

George Bridges, Chief of Staff
George Sellas, Building Commissioner
Jesus Alquicira, City Engineer
Chris Garland, Director of Public Works
Don Schultz, Interim Director of Finance
Bob Bentz, Dir. of Risk Management, ADA Coord.
David Motley, Director of Public Relations
Laraesa Garland, Director of CDBG
Antonio Dominguez, Water Plant Superintendent
Todd Zupec, Fire Marshall
Lisa May, Lakefront Coordinator
Sheri Martinez, Assistant Director of Finance
Edgar Albino, Forestry Foreman
Thomas Mailard, Government Affairs Liaison
Higinio Jasso, Civil Engineer
Alexandria Ulloa, Civil Engineer
Miguel Rodriguez, Building and Code Supervisor
Steven Negron, Licensing & Zoning Officer
Shaun Nunag, Finance Manager
Keely Sondej, Claims Analyst
Julie Hughes, Building & Code Comp. Coord.
Liz Marquez, Executive Assistant



To the residents, developers, and business owners of Waukegan:

For many years, the City has sought to replace our current Zoning Ordinance, Sign Ordinance, Tree Preservation and Landscape Ordinance, Subdivision Ordinance, and Design Guidelines with one Unified Development Ordinance (UDO) – a simple, comprehensive, and modern way of codifying the rules and regulations that shape our community. This document was drafted with the assistance of the Chicago Metropolitan Agency for Planning (CMAP) through their Local Technical Assistance Program. I am proud to say that the City has finally achieved this goal, and I could not be happier with what we have developed.

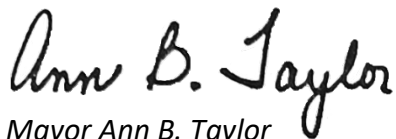
For Waukegan's requirements to be effective, they must be written in a way that is easily understood, that aligns with our Comprehensive Plan, and that builds the framework that allows us to deliver a revitalized downtown and lakefront. The ordinances that the UDO replaces predate those plans, were complicated and codified in separate ordinances, and no longer represent the community's vision for the future or even the current landscape. The previous Zoning Ordinance is nearing 40 years old and had undergone over 200 amendments. It is time for change.

The Unified Development Ordinance regulates how we experience our City from details as small as the width of a parking space to big picture policies that reduce our carbon emissions. The zoning components expand the types of homes that can be built and brings in the commercial uses residents are asking for. The updated parking requirements and streamlined processes create a business-friendly environment that will help existing businesses thrive while welcoming new ventures to fill our vacant spaces. The environmental standards will protect our natural areas and improve the air we breathe, creating more pleasant surroundings for future generations of Waukegan residents to enjoy.

Many individuals and groups were involved in creating an ordinance of this magnitude and quality. Our team researched the best practices from around the region and built the foundation for a more accessible and understandable ordinance. Every City department reviewed the document to ensure it fit the needs of our community. Along with CMAP, Latent Design and Sightline Planning brought us across the finish line and helped train staff to implement this new set of best practices. Most importantly, community members came out and offered feedback to shape the document and make it Waukegan's own. To all those that were involved in this process, thank you. Your contributions to the UDO make positive changes possible.

This Ordinance is meant to be people-focused, future-oriented, and aspirational. This Ordinance is designed to grow our City sustainably while preserving what makes Waukegan unique. This Ordinance is written to lower the cost of housing, clean our air, bolster our business community, protect our infrastructure from climate disaster, improve our City's design, greenlight our plans, and enable Waukegan to achieve the highest standard of life that residents deserve. It establishes what our City can do, but also what our City can be.

Yours in Service,

A handwritten signature in black ink that reads "Ann B. Taylor". The signature is written in a cursive, flowing style.

Mayor Ann B. Taylor

SECTION 1: GENERAL

- 1.01 Title
- 1.02 Purpose and Intent
- 1.03 Applicability
- 1.04 Transition Rules
- 1.05 Interpretation
- 1.06 Fees and Costs
- 1.07 Separability
- 1.08 Effective Date

1.01 Title

This Ordinance is known, cited, and referred to as the “City of Waukegan Unified Development Ordinance,” “UDO,” or “Ordinance.”

1.02 Purpose and Intent

- A. The Waukegan Unified Development Ordinance is adopted for the purpose of protecting and promoting the public health, safety, comfort, convenience, and general welfare of the residents, businesses, and visitors of the City. The provisions of this Ordinance are adopted pursuant to the authority granted to the City by the Illinois Municipal Code and Section 6 of Article VII of the Constitution of the State of Illinois. The fulfillment of this purpose will be accomplished by seeking:
 - 1. To protect and provide for the public health, safety, comfort, convenience, and general welfare of the residents of Waukegan, including the establishment of adequate standards for the provision of light, air, open spaces, and privacy.
 - 2. To guide the future growth and orderly and beneficial development of all parts of the City in accordance with the Comprehensive Plan.
 - 3. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the safety of streets and highways, public transportation, the pedestrian and bicycle access to the various uses of land and buildings, and to provide for the proper locations of public and private infrastructure.
 - 4. To coordinate public and private policy and action in order to provide sufficient and efficient transportation, water (potable and storm), sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
 - 5. To protect the existing urban forest and promote the enhancement, diversification, and nativization of landscaping, trees, and natural areas.
 - 6. To prevent the pollution of air, streams, lakes, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wide use and management of

natural resources throughout the City in order to preserve the integrity and stability of the community and the value of land and properties.

7. To define the powers and duties of the administrative and enforcement officers and bodies designated to administer and enforce this Ordinance.
- B. The standards and requirements contained in this Ordinance, and the district mapping reflected on the Waukegan Zoning Map, as amended from time to time, are intended to further the implementation of the objectives of the Waukegan Comprehensive Land Use Plan.

1.03 Applicability

- A. **Jurisdiction.** The regulations contained in this Ordinance apply to all land, uses, structures, and proposed subdivisions of land located within the corporate limits of the City of Waukegan.
- B. **General Applicability.** The provisions of this Ordinance are interpreted and applied as the minimum requirements for the protection and promotion of the health, safety, comfort, convenience, and general welfare of the public to achieve the purposes for which this Ordinance was adopted.
- C. **General Prohibition.** No structure, use of any structure or land, or lot of record or zoning lot may be established, enlarged, extended, altered, moved, divided, or maintained in any manner contrary to the provisions of this Ordinance.
- D. **Private Agreements.** This Ordinance is not intended to nullify any easement, covenant, or other private agreement. In cases where this Ordinance is more restrictive than a private agreement, this Ordinance controls. The City is not required to enforce, and assumes no responsibility to enforce, any private agreements.
- E. **Other Laws and Regulations.** Unless specifically stated or preempted pursuant to authority of the state or federal government, this Ordinance controls over less restrictive ordinances, regulations, and statutes, while more restrictive ordinances, regulations, and statutes control over the provisions of this Ordinance. The more restrictive provision is the provision that imposes more stringent controls. In the event of equally restrictive but differing provisions, or a lack of clarity of the controlling provision, the most recently adopted or amended provision prevails.
- F. **Enforcement.** This Ordinance is primarily administered and enforced by the Zoning Administrator appointed as set forth in Section 2.02 (Zoning Administrator) of the City's Code of Ordinances. The Zoning Administrator may seek the assistance of the City's Corporation Counsel or any attorney or firm retained by the City to enjoin, abate, or stop any violation of this Ordinance. The Zoning Administrator may seek the assistance of the Building Commissioner, Police Department, or any other City department to enforce this Ordinance. The property owner charged with a violation of this Ordinance may be held responsible for any legal expenses incurred by the City.

1.04 Transition Rules

The following transition rules apply in determining the applicability of this Ordinance with respect to the previously applicable regulations.

- A. Existing Illegal Uses, Structures, and Lots. Any use, structure, or lot that was established illegally prior to the effective date of this Ordinance set forth in Section 1.08 (Effective Date), or its subsequent amendments, remains illegal if it does not conform with the requirements of this Ordinance.
- B. Permitted Uses Rendered Conditional Uses. If a use was classified as a permitted use before the effective date of this Ordinance and is classified as a conditional use as of the effective date of this Ordinance, or its subsequent amendments, that use is deemed a lawful conditional use. Any subsequent addition, alteration, reconstruction, or expansion of that use must conform to this Ordinance's requirements for conditional uses.
- C. Conditional Uses Rendered Permitted Uses. If a use was classified as a conditional use prior to the effective date of this Ordinance and is classified as a permitted use as of the effective date of this Ordinance, or its subsequent amendments, that use is deemed a lawful permitted use. Any subsequent addition, alteration, reconstruction, or expansion of that use must conform to this Ordinance's requirements for such permitted use and the conditional use provisions under which it was originally approved. If the current use changes, it must fully conform to this Ordinance's requirements.
- D. Uses Rendered Legally Nonconforming. If a use was classified as a permitted or conditional use prior to the effective date of this Ordinance, and this Ordinance no longer classifies that use as either a permitted or conditional use in the zoning district in which it is located, that use is deemed a legal nonconforming use and is controlled by the provisions of Section 6 (Nonconformities).
- E. Structures and Lots Rendered Legally Nonconforming. If a structure and/or lot existing on the effective date of this Ordinance was conforming or legally nonconforming prior to the effective date of this Ordinance, and such structure and/or lot does not meet all standards set forth in this Ordinance, that structure and/or lot is deemed legally nonconforming and is controlled by the provisions of Section 6 (Nonconformities).
- F. Previously Issued Building Permits. If a building permit for a building or structure was lawfully issued prior to the effective date of this Ordinance, and if construction began within six months after the issuance of that permit and was diligently pursued to completion or was issued an extension, the structure may be completed based on the previously issued building permit and may be occupied under an occupancy certificate for the use originally intended upon completion.
- G. Previously Granted Conditional Uses and Variances. All conditional uses and variances granted prior to the effective date of this Ordinance remain in effect. The recipient of the conditional use or variance may proceed to develop the subject property in accordance with the plans and any applicable conditions approved by the City Council. If the recipient has failed to act on the conditional use or variance before the approval expires, including any periods of extension granted, the provisions of this Ordinance govern.

1.05 Interpretation

- A. **Defined Terms.** Terms used in this Ordinance have the meaning ascribed to them in Chapter 13 of this Ordinance. Any word not defined in Section 13 (Definitions) has the meaning given in the City's Code of Ordinances, or if none, in typical dictionary usage.
- B. **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 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 will govern.
- C. **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, and variances. A principal objective of this Ordinance is the encouragement of the appropriate innovation.
- D. **Graphics, Tables, and Text.** The graphics, tables, and text in this Ordinance are regulatory. The graphics in this Ordinance are representations of the standards of this Ordinance and are not intended to represent every circumstance which may arise in the City. In case of a conflict, text controls over tables and graphics, and tables control over graphics.
- E. **Tense and Form.** Words used in the present tense include the past and future tenses.
- F. **Number.** The singular number includes the plural number, and vice versa.
- G. **Abbreviations.** "N/A" is an abbreviation of "not applicable," "ft" is an abbreviation of "feet," and "sf" is an abbreviation of "square feet."
- H. **Mandatory vs. Permissive.** For the purpose of this Ordinance the use of the words "will" and "must" define a mandatory requirement. The use of the word "may" defines a permissive requirement.
- I. **Lists.** Lists of examples prefaced with "including the following," "such as," "including, without limitation," or similar phrases are not exclusive, and do not preclude the Zoning Administrator from interpreting the list to include similar, unspecified examples.
- J. **Computation of Time.** References to "days" are to calendar days unless otherwise noted. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the City, that day is excluded. A day concludes at the close of business of City Hall and any materials received after that time will be considered to have been received the following day.
- K. **Titles and Officers.** Any responsibility designated to a certain officer or titleholder in the City, including the Mayor, Zoning Administrator, Building Commissioner, Fire Marshal, Public Works Director, and City Engineer also includes their respective designees.

1.06 Fees and Costs

- A. Fees. Any person or agent who files an application for an amendment, an appeal, a variance, a conditional use, or any other certificate or license required under the terms of this Ordinance, will be charged a fee as provided in the City's development fee and fine schedule, which shall be adopted by resolution of the City Council. Any property owner, tenant, or operator found liable for a violation of the terms of this Ordinance may be held responsible for any legal expenses incurred by the City.
- B. Fee and Fine Schedule. The Fee and Fine Schedule, which is maintained separate from this Ordinance, provides the application fees for the following forms of relief:
1. Map (Zoning district) amendments
 2. Conditional uses
 3. Variances
 4. Planned unit developments
 5. Amendments to existing conditional use permits
 6. Special publications
 7. Special meetings
 8. Zoning permit approval
 9. Filing of an appeal from the Zoning Administrator
 10. Filing of any application for annexation of land to the corporate limits of the City for subdivided or unsubdivided lots.
- C. Penalties and Fines. Any person, firm, corporation, or organization of any kind who does not comply with any of the provisions of this Ordinance, or who resists its enforcement, will be fined for each violation in accordance with the City's fee and fine schedule. Each day that a violation exists or continues constitutes a separate offense with a separate fee. The accumulation of penalties for violations stops upon correction of the violation, but the obligation to pay for violations already committed does not.
- D. Cost Recovery
1. Deposit Requirement Established. If required by the Zoning Administrator, applications for relief filed and processed pursuant to this Ordinance that requires the City to incur third party costs or expenses beyond the standard costs covered by the application fee, including, without limitation, review and analysis by professional or technical experts and attorneys, are subject to the cost recovery deposit and escrow provisions set forth in this subsection. The cost recovery deposit is in addition to any and all other filing fees and other charges established pursuant to this Ordinance.
 2. Responsibility for Payment. The owner of the subject property and, if different, the applicant, are jointly and severally liable for the payment of all recoverable costs, and for the establishment of the cost recovery escrow. By signing the application for relief, the owner or applicant has agreed to pay, and to have consented to, payment of all recoverable costs, 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 applicant at the address set forth on the application, including any additional recoverable costs or fees assessed under other City regulations. Applicants may be required to execute a cost recovery agreement in a form acceptable to the City's Corporation Counsel as part of their application submission. The City will have the right to file a lien for unpaid recoverable costs against the subject property. Any lien filed for unpaid

recoverable costs may be foreclosed in the manner provided for mortgages or mechanics liens under Illinois law.

3. Recoverable Costs. For purposes of calculating the recoverable costs, the following costs incurred by the City in connection with an application for relief from this Ordinance are deemed to be the “actual costs” incurred by the City in processing an application:
 - a. Publication of notices
 - b. Court reporter for public hearings, including the cost of two transcripts
 - c. Professional and technical consultant services including, without limitation, traffic, photometric, sound, environmental, and engineering consultants
 - d. Legal services provided by Corporation Counsel, or other City-retained attorney or law firm including application and plan review, staff consultation, meeting attendance, and legislative document preparation, including those obtained through a professional services agreement
 - e. Copy reproduction
 - f. Document recordation
 - g. Mailing costs

4. Cost Recovery Payment and Cost Recovery Escrow
 - a. Initial Payment and Cost Recovery Escrow. When required by the Zoning Administrator pursuant to Section 1.06.D.1, applications for relief must be accompanied by the required application fee plus the cost recovery deposit, to be deposited in the cost recovery escrow account established by the City. The minimum initial cost recovery deposit must be in an amount established and adjusted from time to time by directive of the Zoning Administrator but will be no less \$1,000. No interest is payable on any funds retained in such escrow account. Any interest earned will be retained by the City to compensate it for administrative costs associated with maintaining the cost recovery escrows.
 - b. Charges against Cost Recovery Escrow. From the date of filing of any application, the City will maintain an accurate record of the actual costs of processing the application. The Zoning Administrator will instruct the Finance Department to draw funds from the cost recovery escrow account established for the application to pay such actual costs and transfer the funds to the appropriate City accounts as necessary. The Finance Department will maintain an accurate record of all the drawings from the cost recovery escrow account.
 - c. Additional Cost Recovery Escrow Deposits. Should the Zoning Administrator at any time determine that the cost recovery escrow account established in connection with any application is, or likely to become, insufficient to pay the actual costs of processing the application, the Zoning Administrator will provide notice of the insufficiency to the owner or applicant and demand an additional deposit in an amount deemed by the Zoning Administrator to be sufficient to cover current and foreseeable additional costs. If the additional deposit is not provided to the Zoning Administrator within seven days of the notice and demand to the owner or applicant, the Zoning Administrator may direct that processing of the application be suspended or terminated.
 - d. Insufficient Amounts; Reimbursement. If the amount in the cost recovery escrow account is insufficient to pay the total actual recoverable costs incurred by the City, a written demand for payment of the balance due must be mailed to the owner and the applicant.
 - e. Final Settlement. As soon as reasonably feasible following final action on an application, the Zoning Administrator will provide a final accounting of the cost recovery escrow deposits in connection with the application and of the actual cost of processing the application and make a final charge of the actual costs against the cost recovery escrow deposits. A copy of

the accounting will be provided to the owner and the applicant upon request. Any remaining funds in the cost recovery escrow account after payment of the total actual costs due pursuant to this subsection will be returned to the owner or applicant, as applicable, within one year of the issuance of the Occupancy Certificate.

5. Condition of All Applications, Approvals, and Permits. No application filed pursuant to this Ordinance is considered complete unless and until all fees and deposits due pursuant to this subsection have been paid. The effectiveness of any approval granted and every permit issued pursuant to this Ordinance is conditioned upon payment of the City's recoverable costs, as required by this subsection.
6. Tolling of Time Periods. Where this Ordinance provides that the passage of time without decision or action is considered an approval or a recommendation for approval, time periods must be tolled during any period of non-payment of the recoverable costs or deposits due pursuant to this subsection.
7. Specified Public Bodies Exempt. The cost recovery provisions of this Subsection do not apply to, and no cost recovery deposit for staff time, legal services by Corporation Counsel, postage, and publications, is required of any public body or agency deriving the majority of its revenues from taxes levied within the City. If the City needs to hire outside consultants or additional legal counsel, a cost recovery deposit may be required.

1.07 Separability

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

- A. Ordinance Application. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid by a court of competent jurisdiction for any reason whatsoever, such decision does not affect the remaining portion of this Ordinance, which remains in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be separable.
- B. Property and Subdivision Application. If any court of competent jurisdiction finds the application of any provision of this Ordinance to be invalid in regard to a particular property, building or other structure, planned unit development, or subdivision, such judgment does not affect the application of the provision to any other property, building or other structure, planned unit development, subdivision, or structure that is not specifically included in the judgment.

1.08 Effective Date

The Effective Date of this Ordinance is the date of its adoption, July 1, 2024 by a vote of two-thirds of the City Council and its approval by the Mayor of the City of Waukegan. This Ordinance will take effect immediately upon its Effective Date, the City Council having determined that the immediate implementation of this Ordinance is a matter of urgency.

SECTION 2: ADMINISTRATIVE BODIES AND APPLICATION PROCEDURES

- 2.01 Purpose
- 2.02 Zoning Administrator
- 2.03 Development Review Board
- 2.04 Planning and Zoning Commission
- 2.05 City Council
- 2.06 Application Procedure
- 2.07 Notice
- 2.08 Public Hearing

2.01 Purpose

The purpose of this Section is to establish the jurisdiction, specific administrative duties, and responsibilities of the Zoning Administrator, Development Review Board, Planning and Zoning Commission, and City Council as they relate to this Ordinance, and establish the application, notice, and public hearing procedures for applications for relief under this Ordinance. The procedure and substantive standards applied by these bodies are described in Section 4 (Zoning Relief Approval Procedures).

2.02 Zoning Administrator

- A. Appointment. The Zoning Administrator is a department head of the City vested with the authority to administer and enforce this Ordinance as set forth in this Section.
- B. Jurisdiction. The Zoning Administrator has the following specific duties and responsibilities pursuant to this Ordinance.
 - 1. Provide public information and education relative to this Ordinance.
 - 2. Review and determine for each zoning district all applications for approval of all non-listed uses, as established in Section 4.10 (Ordinance Interpretation).
 - 3. Maintain permanent and current records of this Ordinance, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications therefore.
 - 4. Forward to the Planning and Zoning Commission all applications for conditional uses, map and text amendments to this Ordinance, appeals, and variances that are initially filed with the office of the Zoning Administrator.
 - 5. Enforce all orders of the Planning and Zoning Commission.
 - 6. Issue all zoning permit approvals and zoning letters and make and maintain records thereof.

7. Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this Ordinance.
8. Issue violation notices requiring compliance and advise violators of right of appeal.
9. 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 that was unlawfully issued.

2.03 Development Review Board

- A. Establishment and Composition. The Development Review Board is established pursuant to Division 3 of Article V of Chapter 2 of the City's Code of Ordinances and will have the membership set forth therein and in this Section 2.03 (Development Review Board).
- B. Jurisdiction. The Development Review Board has the following specific duties and responsibilities pursuant to this Ordinance.
 1. Make recommendations to the Planning and Zoning Commission for any application for a conditional use permit requiring a site plan review, refer to Section 4.08 (Conditional Uses).
 2. Review and make final decisions on applications for site plan review, refer to Section 4.09 (Site Plan Review).
 3. Review and make final decisions on applications for minor adjustments, pursuant to Section 4.05 (Minor Adjustments).
 4. Review and make final decisions on appeals from decisions on sign permit applications.
 5. Review and make final decisions on minor subdivision applications, pursuant to Section 3.03 (Subdivision Applications).
 6. Review and make recommendations to the Planning and Zoning Commission on appeals from Zoning Administrator decisions, business licenses, and objections.
 7. Review all applications for zoning permits, building permits, and occupancy certificates involving nonconforming lots, structures, buildings, and uses where such lots, structures, buildings, and 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 nonconforming use as a conditional use, Section 2.03.B.1 will apply.
 8. Act as a Tree Advisory Board, Code Enforcement Board, or any other such board in the absence of a designated body, as an advisory body to the Mayor and City Council and have the duties and responsibilities designated in the City's Code of Ordinances.

2.04 Planning and Zoning Commission

- A. Establishment and Composition. The Planning and Zoning Commission is created pursuant to Article II of Chapter 16 of the City's Code of Ordinances and will have the membership set forth therein and in this Section 2.04.
- B. Jurisdiction. The Planning and Zoning Commission has the following specific duties and responsibilities pursuant to this Ordinance.
 - 1. To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator under this Ordinance pursuant to Section 4.06 (Appeals).
 - 2. To hear and make final determinations on applications for variances from the terms of this Ordinance, in the manner prescribed by the subject to the standards established herein pursuant to Section 4.04 (Variances).
 - 3. To hold public hearings on requests for amendments pursuant to Section 4.07 (Amendments), conditional uses pursuant to Section 4.08 (Conditional Uses), variances pursuant to Section 4.04 (Variances), and planned unit developments pursuant to Section 5 (Planned Unit Developments), prepare findings and recommendations, and submit same to the City Council.
 - 4. To conduct an annual review of the Ordinance and issue a report to the City Council.
 - 5. To hear and decide all matters referred to it or upon which it is required to opine or act under this Ordinance.
 - 6. To reverse, reduce, modify, or affirm, wholly, or in part, any decision brought for review and appeal.
 - 7. To periodically conduct a complete review of the Ordinance and the Comprehensive Plan, holding a series of public meetings thereon, and make recommendations to the City Council in the manner described in Section 2.08 (Public Hearing).
 - 8. To pursue other responsibilities as designated by this Ordinance or by City Council.
- C. Meetings. All meetings of the Planning and Zoning Commission required or otherwise authorized under this Ordinance will be conducted in accordance with the requirements of the Illinois Open Meetings Act (5 ILCS 120/1 et seq.). Special meetings may be called by the Chair. The Commission shall keep records of its hearings, voting, examinations, and other official actions as outlined in Section 2.08.D (Records).
- D. Rules of Procedure. The Planning and Zoning Commission will enact rules of procedure covering the procedures to be used by the commission in the discharge of its duties and responsibilities. The Commission's rules of procedure must be ratified by the City Council.

2.05 City Council

- A. Establishment and Composition. The City Council of the City of Waukegan, hereinafter referred to as the “City Council” or “Council”, as established and will be composed in accordance with Article II of Chapter 2 of the City’s Code of Ordinances and the Illinois Municipal Code.
- B. Jurisdiction. The City Council has the following specific duties and responsibilities pursuant to this Ordinance.
 - 1. Approve or deny all proposed amendments, planned developments, and conditional uses, upon receipt of recommendations from the Planning and Zoning Commission.
 - 2. Approve or deny those variances referred to it by the Planning and Zoning Commission.
 - 3. Approve or deny those variances and site plan reviews normally under the jurisdiction of the Planning and Zoning Commission or Development Review Board when the applicant is concurrently requesting other relief over which the City Council has jurisdiction in accordance with the following provisions:
 - a. All public hearings on applications for variances and site plan review conducted by the City Council must be noticed in the manner described in Section 2.07 (Notice).
 - b. All public hearings on applications for variances and site plan review conducted by the City Council must be conducted in the manner described in Section 2.08 (Public Hearing).
 - c. At the public hearing conducted by the City Council, the subsidiary body to which the variance or site plan review would normally be referred to will be given the opportunity to provide ask questions of applicants, witnesses, and others providing testimony, and provide comments or recommendations to the City Council.
 - d. Any applications for which the City Council has reserved to itself the responsibility of reviewing and conducting the public hearing will not require a separate recommendation or decision from any subsidiary body. Such reservation by the City Council will not be considered a failure to act by any subsidiary body.
 - 4. Act upon the periodic report from the Planning and Zoning Commission concerning the status of the Ordinance and the Comprehensive Plan.

2.06 Application Procedure

- A. Authorization. Any owner of property in the City, or owner of property proposed for annexation to the City in the case of annexation applications, or any individual designated by the owner of property in the City, is authorized to file an application for annexation, subdivision, floodplain development permit, site plan review, conditional use permit, variance, minor adjustment,

occupancy certificate, certificate of zoning compliance, zoning map amendment, appeal, ordinance interpretation, sign permit, or temporary use permit.

- B. Pre-Application Consultation. Prior to filing an application, the applicant may be required to schedule and attend a pre-application consultation with appropriate City staff, including the Zoning Administrator and any other appropriate City representatives, which may include the Building Commissioner, Fire Marshal, City Engineer, and Planners, to discuss the proposed project. At the pre-application consultation, the Zoning Administrator will provide the applicant with guidance on the application procedure. The Zoning Administrator may direct the applicant to correct any existing violations of any City Code or other code, law, or regulation on the subject property prior to filing an application. Additional such meetings may be required prior to filing an application.
- C. Filing. All applications must be filed in-person at a scheduled submittal meeting with the Zoning Administrator on forms provided by the City. Applications must be filed in such number as requested by the City, with plans at a scale that is sufficient to allow a clear understanding of the proposal, and with all of the elements required by the application form. Mailed, delivered, or dropped off applications will not be accepted.
- D. Fees. Every application must be accompanied by the required filing fee set forth in the fee and fine schedule. Fees may be modified from time to time and will be reflected on the fee and fine schedule. The City is not required to process any application for relief under this Ordinance until the application fee has been paid in full and any required cost recovery deposit has been provided. Applications initiated by the City staff, Planning and Zoning Commission, or the City Council are exempt from fees.
- E. Acceptance of a Completed Application. The Zoning Administrator determines whether an application is complete and accurate during a mandatory submittal meeting with the applicant. After determining that an application is complete and accurate, the application is scheduled for consideration by the appropriate board, commission, or official. If the Zoning Administrator determines that an application is deficient, processing of the application will cease until the deficiencies are rectified by the applicant. An application is not considered filed until the Zoning Administrator determines the application is complete and accurate.
- F. Failure to Act. The failure to issue a decision or make a recommendation on any application within the applicable period specified in this Ordinance, whether by the Zoning Administrator, Development Review Board, Planning and Zoning Commission, or City Council is deemed denial of or a recommendation to deny the application.
- G. Withdrawal of Application. An applicant has the right to withdraw an application at any time prior to the final decision on the application by the City Council, Planning and Zoning Commission, or Zoning Administrator. The return of application fees for withdrawn applications are subject to the recoverable costs, cost recovery deposit payment, and cost recovery escrow standards established in Section 1.06A.3 (Cost Recovery). However, application fees are non-refundable after mailed notices have been prepared by the City. Unexpended cost recovery deposits will be returned to the applicant.

- H. Successive Application. No application that has been denied in whole or in part, may be resubmitted for a period of one year from the date of said order of denial, except if substantial new information has become known since the denial. A successive application filed within one year of the date of denial must include detailed information that justifies its consideration. The Zoning Administrator determines whether a successive application is appropriate for submittal.
- I. Period of Validity. In any case where an application for relief has been approved, but any occupancy certificate or building permit has not been applied for within one year from the date of granting thereof, then, without further action by the original approving body, the use or authorization is null and void.
- J. Public Examination of Application. Applications for relief under this Ordinance are considered public records and subject to review and disclosure pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*). Any person may examine any application and any of the supporting materials, subject to the requirements and exemptions set forth in the Illinois Freedom of Information Act. Upon reasonable request, any person may receive electronic copies of the application and related documents. Applicants seeking to exempt proprietary and confidential information included in their applications, the disclosure of which would cause competitive harm, should clearly mark all such material as “proprietary and confidential” prior to submitting them to the City.

2.07 Notice

The administrative body conducting a hearing or making a decision will not hear or review an application unless the applicant complies with the notice requirements of this Section. Figure 2.07-1 Types of Required Notice indicates the types of notice required prior to public hearings or decisions on each of the applications.

Figure 2.07-1 Types of Required Notice

Application	Notice Type Required			
	Published	1st Class Mail/ Hand Delivery	Certified Mail	Posted Sign
Annexation, Section 3.02	✓		✓	
Subdivision Application, Section 3.03	✓		✓	✓
Variances, Section 4.04	✓		✓	✓
Minor Adjustment Section 4.05		✓		
Appeals, Section 4.06	✓	✓		✓
Text Amendment Section 4.07	✓			
Map Amendment, Section 4.07	✓		✓	✓
Conditional Uses Section 4.08	✓		✓	✓
Site Plan Review, Section 4.09		✓		✓
Planned Development Section 5	✓		✓	✓
*Note: A check mark (✓) indicates that the specified type of notice is required.				

A. Published Notice.

1. **Applicability.** Notices of public hearings for applications under this Ordinance will be published in the manner set forth in this Subsection (A). Notices of public meetings for applications under this Ordinance that do not require a public hearing shall be published as required by the Illinois Open Meetings Act (5 ILCS 120/1 et seq.)
2. **Timing.** Published notice must be provided in one or more newspapers of general circulation within the City no later than 15 days or earlier than 30 days before the public hearing on the application for relief.
3. **Content.** All notices of public hearings pursuant to this section must include the date, time, location, and purpose of the hearing, the name of the body holding the hearing, the name of the applicant, the address and property identification number of the subject property, and the nature of the relief sought.
4. **Proof of Notice.** A certificate or affidavit of publication of the published notice will be maintained by City staff in the application file.

B. Mailed or Hand Delivered Notices.

1. Applicability; Notice to Neighboring Properties.

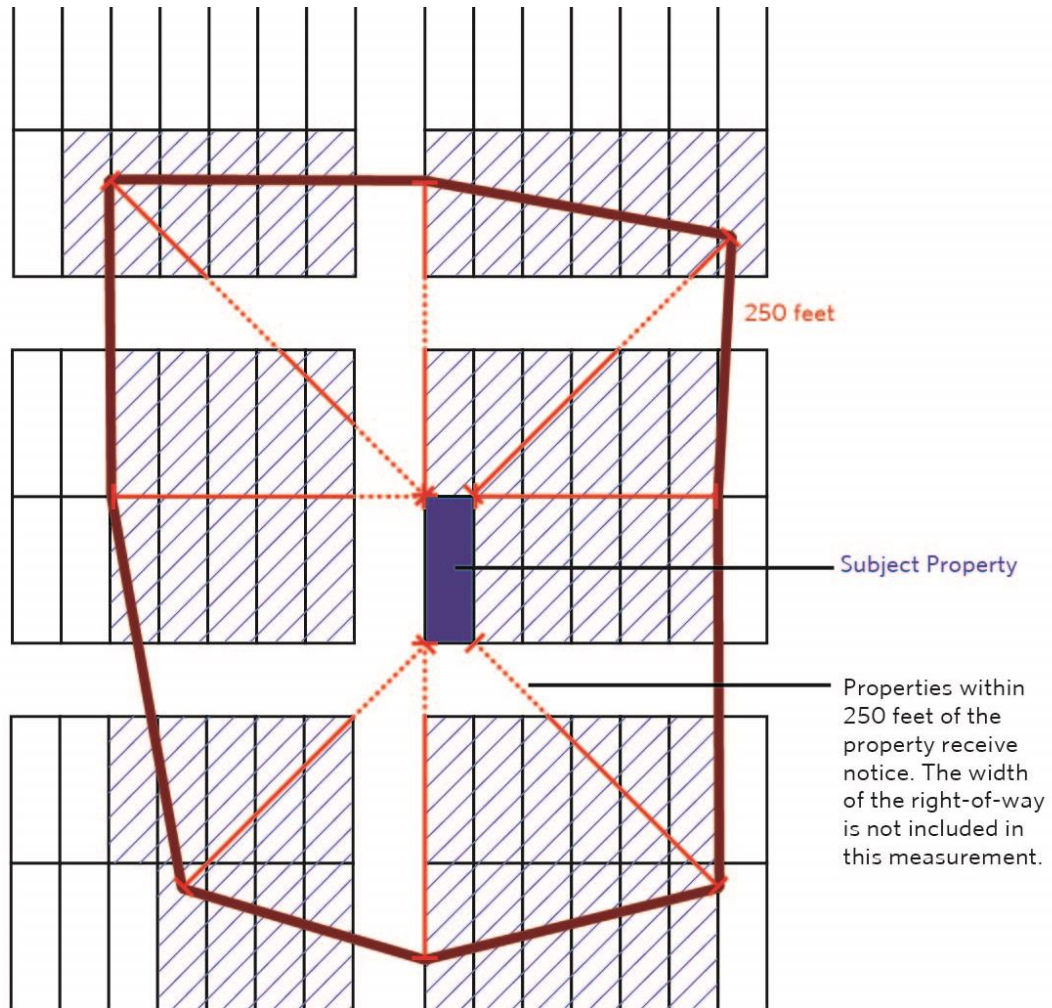
- a. Site Plan Reviews and Appeals. City staff will provide mailed notice to all owners of property located within 250 feet of any lot line of the subject property. The width of any public right-of-way will not be counted when measuring the 250-foot distance. The requirements of this Section do not prohibit the City from providing supplemental notice to owners of properties located more than 250 feet from the property line of the subject property as the Zoning Administrator may deem appropriate. See Figure 2.07-2 Notice to Neighboring Properties: 250 Feet. The identities and addresses of owners of property entitled to receive notice will be determined based on current real estate tax records maintained by Lake County available through the County's website. Provision of notice to the taxpayer of record will be deemed sufficient notice for the purpose of mailed notices. The Zoning Administrator will retain documentation stating that notice was provided to each property that states the names, addresses, and property identification numbers of all notice recipients.
- b. Map Amendments, Annexations, Preliminary and Final Plats of Subdivision, Variances, Planned Developments, and Conditional Uses. City staff will provide notice by certified mail to all owners (as determined from current real estate tax records) within 250 feet of any lot line of the subject property. The area occupied by any public right-of-way is not included as part of this requirement. The requirements of this Section do not prevent the City from providing additional notice to properties located more than 250 feet from the property line of the subject property as the Zoning Administrator may deem appropriate. See Figure 2.07-2 Notice to Neighboring Properties: 250 feet. The Zoning Administrator will retain documentation stating that notice was provided to each property that states the names, addresses, and property identification numbers of all notice recipients.
- c. Minor Adjustments. Mailed or delivered notice must be provided by the City to the owners of all properties located adjacent to and across the street from the subject property. The Zoning Administrator must prepare an affidavit stating that notice was provided to each property that states the names, addresses, and property identification numbers of all notice recipients. The Zoning Administrator will retain documentation stating that notice was provided to each property that states the names, addresses, and property identification numbers of all notice recipients.

2. Time Frame. All notices of public hearings pursuant to this section must be either mailed or hand delivered no later than 15 days or earlier than 30 days before the public hearing on the application for relief.

3. Contents. All notices of public hearings pursuant to this section must include the date, time, location, and purpose of the hearing, the name of the body holding the hearing, the name of the applicant, the address and property identification number of the subject property, and the nature of the relief sought.

4. Proof of Notice. Affidavits of mailing or delivery, along with certified mail receipts will be maintained by City staff in the application file.

Figure 2.07-2 Notice to Neighboring Properties: 250 Feet



C. Posted Sign Notice.

1. **Applicability.** For applications requiring notice to be posted on the subject property, the City will provide the applicant with a sign to post notice of a public hearing on the subject property.
2. **Timing.** The notice sign must be posted no earlier than 30 days and no later than 15 days before the public hearing and must remain in place until the conclusion of the public hearing.
3. **Location.** Applicants must post the notice sign on a location on the subject property that is visible from the right-of-way and allows the notice sign to be legible to persons on the right-of-way. Corner and through lots will be required to post a sign notice on each frontage of the subject property.
4. **Proof of Notice.** Applicant must provide the City with photographic evidence that the notice sign has been posted on the property and an affidavit that the sign was maintained in that location throughout the entire required notice period.

5. Contents. All posted notices of public hearings pursuant to this section must include the date, time, location, and purpose of the hearing, the name of the body holding the hearing, the name of the applicant, the address and property identification number of the subject property, and the nature of the relief sought.
6. Requirement Modifications. The Zoning Administrator may modify the posted sign notice requirements when these requirements are found to be inappropriate or ineffective in providing the intended notice due to the location, configuration, or conditions on the subject property. Modifications to the posted sign notice may include content, quantity, and location.

2.08 Public Hearing

- A. Call for Public Hearings. All public hearings are held at the call of the Chair or designated officer of the body designated by this Ordinance to conduct the hearing and are open to the public. The public hearing is held in accordance with procedures of the hearing body and in accordance with the requirements of the Illinois Municipal Code (65 ILCS 5/1 *et seq.*). The applicant or their representative must attend the hearing. Notice of the public hearing will be provided as required by Section 2.07 (Notice) of this Ordinance.
- B. Testimony. Any person who attends a public hearing may appear and present testimony and evidence regarding an application. All testimony must be given under oath or by affirmation. The Chair of the hearing body, or in their absence, the acting Chair, may administer oaths and compel the attendance of witnesses.
 1. The hearing body may take judicial notice of facts to the same extent and in the same manner as courts of record and may consider any relevant facts within the personal knowledge of any member of the body which are stated into the records by such member.
 2. The applicant or appellant, as the case may be, must bear the burden of presenting the evidence and testimony to establish conclusively that the requested relief will conform to all applicable laws and regulations other than that for which relief is sought.
 3. All exhibits containing plans and specifications for the proposed use, structure, building, site element, or property condition must remain part of the permanent records of the hearing body.
- C. Voting. The hearing body must keep minutes of its proceedings that show the vote of each member of the hearing body upon each application, or whether the member was absent, or failed to vote. The necessary vote to approve or recommend approval must be as set forth in this Ordinance or in the City's Code of Ordinances.
- D. Records. The hearing body will keep records of its hearings, and evaluation standards will be included in the minutes of each application specifying the reasons for the hearing body's decision. The hearing body will keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. Every rule, regulation, amendment, or repeal thereof, and every order, requirement, decision, or determination of the hearing body pursuant to this Ordinance will immediately be filed in the office of the City Clerk and be a public

record. Transcripts of hearings will only be prepared and provided at the request of, and at the sole cost and expense of, an applicant.

- E. Rules of Procedure. A hearing body's rules of procedure may not conflict with this Ordinance or with state statutes.

SECTION 3: ANNEXATION AND SUBDIVISION APPLICATION APPROVAL PROCEDURES

3.01 Purpose

3.02 Annexation Application

3.03 Subdivision Application

3.01 Purpose

The purpose of this Section is to establish the applicability, procedures, requirements, and approval standards for the annexation and subdivision of property in the City.

3.02 Annexation Applications

- A. Purpose. The purpose of this application is to provide a procedure for annexation of unincorporated land to the City of Waukegan. It is specifically intended to establish standards to mitigate the fiscal impacts of annexation, to ensure that public facilities are available and will have sufficient capacity to serve the land to be annexed, and to protect the character and the social and economic stability of all parts of the City.
- B. Procedure. See Figure 3.02-1 Annexation Application Procedure.

Figure 3.02-1 Annexation Application Procedure



1. Action by the Zoning Administrator
 - a. An application for annexation into the corporate boundaries of the City, including the negotiation of an annexation agreement, must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedure). If the subject property is incorporated within a different municipality, the owner must first disconnect the subject property from the adjacent municipality prior to filing their application with the Zoning Administrator. Properties must be directly adjacent to or located along a common right-of-way as existing City of Waukegan boundaries.
 - b. Negotiation of the annexation agreement must occur prior to consideration by the City Council.
 - c. Upon the Zoning Administrator's determination that the application is complete, the Zoning Administrator will prepare a report for City Council and schedule the application for consideration by City Council.
2. Action by City Council
 - a. City Council will consider the application for annexation no later than 90 days after receiving the report from the Zoning Administrator. The 90-day period may be extended with the written consent of the applicant.
 - b. City Council will evaluate the application based upon the Zoning Administrator's report and the City Council's evaluation of the application.

- c. City Council will take action in the form of approval or denial of the application. Failure by the City Council to take action on an application for annexation within the required time period will be deemed a denial of the application, unless such time period is extended with the consent of the applicant.
3. Annexed Land Classification.
- a. Any property annexed to the City will be classified CR Conservation/Recreation District upon annexation and is subject to the requirements of the CR District unless and until the subject property is rezoned.
 - b. A petition for annexation to the City may include a request from the applicant that the land being annexed shall, upon annexation, be zoned other than in the CR District. This request must be made in the manner set forth in Section 4.07 (Amendments). If the City Council denies the Map Amendment, the petitioner may withdraw their petition for annexation or continue the annexation request with CR District zoning.
4. Annexation Agreement. Applicants seeking annexation into the City may be required to enter into an annexation agreement with the City to address the zoning and use of the subject property to be annexed, the continuance or amortization of uses or conditions on the subject property, connection to City utilities, and the payment of required fees and donations otherwise required by this Ordinance. Any annexation agreement will be in a form acceptable to Corporation Counsel. No annexation agreement may be approved without the City Council first conducting a public hearing as required by Section 11-15-.1-3 of the Illinois Municipal Code (65 ILCS 5/11-15.1-3) and the approval of the annexation agreement by an affirmative vote of two-thirds of the members of the City Council then holding office.

3.03 Subdivision Applications

- A. Purpose. The purpose of this application is to provide a procedure for the subdivision or resubdivision of a lot into two or more lots, the consolidation of two or more lots, or a change in the boundary of one or more lots.
- B. Applicability. An applicant must comply with these regulations in order to divide, consolidate, or alter the boundaries of a lot within the City or within its extraterritorial jurisdiction. The City will not grant any permits for the improvement or occupancy of any lot until the requirements of this Section have been met, the subdivision application has been approved, the final plat has been recorded with the Recording Division of the Lake County Clerk's Office, and two copies of the recorded subdivision have been deposited with the City.
- C. Subdivision Development Standards. All subdivisions must comply with the development standards set forth in Section 7 (Subdivision Development Standards) and Section 8 (Zoning District Regulations).
- D. Subdivision Classification. Subdivisions are classified as either (1) minor subdivisions, which are approved by the Development Review Board in the manner set forth in Section 3.03.E (Minor Subdivision Procedure), or (2) major subdivisions, which are approved by the City Council in the manner set forth in in Section 3.03.F (Major Subdivision Procedure). Applications for minor

subdivisions and major subdivisions must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedure).

1. Minor Subdivision. A minor subdivision involves any of the following:
 - a. The division of a single lot into three or fewer lots that have frontage on an existing right-of-way that is not a state or county highway, are currently served by existing utilities, do not require the dedication of land for public rights-of-way, parks, or other public purposes, do not require any other public improvements, and do not require any exceptions or variances from this Ordinance; or
 - b. The consolidation of, or change in the boundary between, three or fewer adjoining lots under common ownership.

2. Major Subdivision. A major subdivision involves any of the following:
 - a. The division of a single lot into four or more new lots of record.
 - b. Any division or consolidation of property that requires the construction of new rights-of-way, access to a state or county highway, the extension of utilities, the dedication of land for rights-of-way, parks, or other public purposes, requires any other improvements, or requires exceptions or variances from this Ordinance.
 - c. The consolidation of, or change in the boundary between, four or more adjoining lots.
 - d. Any division or consolidation of property that involves conservation and cluster subdivision design in accordance with the standards of Section 7.03 (Conservation and Cluster Subdivision Design).

- E. Required Plat Elements. Preliminary and final plats of subdivision submitted with the subdivision applications must include the elements listed in the subdivision application provided by the Planning and Zoning Department, or the Compendium of Specifications for Development.

- F. Minor Subdivision Procedure. Approval of a minor subdivision requires a pre-application consultation, preliminary plat approval, and final plat approval, or combined preliminary and final plat approval. See Figure 3.03-1 Minor Subdivision Application Procedure.

Figure 3.03-1 Minor Subdivision Application Procedure

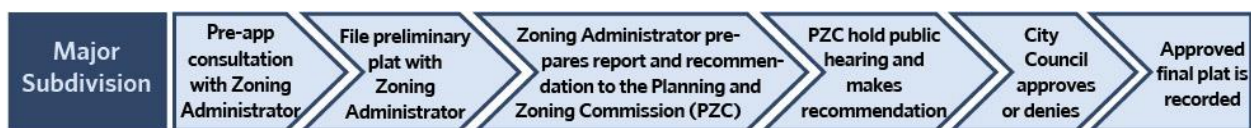


1. Pre-Application Consultation. The required pre-application consultation allows the applicant to receive advice and assistance from the Zoning Administrator and appropriate City staff prior to preparing the required plat of minor subdivision.
 - a. The applicant must provide a required sketch plan of the proposed subdivision showing the layout of lots and other features in relation to existing conditions.
 - b. During the pre-application consultation, the Zoning Administrator will determine if the proposed subdivision is exempt from any components of the minor subdivision plat submittal.

2. Action by the Zoning Administrator.

- a. Upon determining that the application is complete, the Zoning Administrator will evaluate the application pursuant to the standards of Section 7 (Subdivision Development Standards) and Section 8 (Zoning District Regulations). The Zoning Administrator may consult with other City staff during the evaluation process.
 - b. The Zoning Administrator will prepare a report and render a recommendation to the Development Review Board within 30 days after receipt of a complete application.
3. Action by the Development Review Board
- a. The Development Review Board will render a decision on a plat of minor subdivision no later than 45 days after receipt of a recommendation from the Zoning Administrator and take action in the form of approval or denial.
 - b. If a preliminary plat is approved, the applicant may prepare a final plat and submit it to the Development Review Board for review and approval.
 - c. If the preliminary plat is denied, the applicant may appeal the decision to the Planning and Zoning Commission within 30 days after the date of the decision in accordance with Section 4.06 (Appeals).
 - d. The Development Review Board may consider concurrent approval of the preliminary and final plat if recommended by the Zoning Administrator.
 - e. Following final plat approval by the Development Review Board, the Zoning Administrator may sign the approved final plat.
4. Recording the Plat. The final plat must be recorded no later than 90 days after Development Review Board approval of the final plat. The applicant may request an extension of time in writing if such extension is agreed to by the Zoning Administrator. The plat approval will expire if the final plat is not recorded within such timeframe, including any agreed upon extensions of time.
- a. The applicant will be responsible for acquiring all signatures on the final plat besides those of City officials prior to submitting the final plat with the City for recordation.
 - b. The City will record the final plat with the Recording Division of the Lake County Clerk’s Office. Two copies of the recorded final plat will be retained by the City.
 - c. A building permit will not be issued for the subject property until the final plat has been recorded and copies have been retained by the City.
- G. Major Subdivision Procedure. Approval of a major subdivision requires a pre-application consultation, preliminary plat approval, and final plat approval or combined preliminary and final plat approval. See Figure 3.03-2 Major Subdivision Application Procedure.

Figure 3.03-2 Major Subdivision Application Procedure



1. Pre-Application Consultation. The required pre-application consultation allows the applicant to receive advice and assistance from the Zoning Administrator and appropriate City staff prior to preparing the required preliminary plat.
- a. The applicant must provide the following to the Zoning Administrator at a pre-application consultation:

- (1) Sketch plan showing land use, street and lot arrangements, and tentative lot sizes, and other features in relation to existing conditions.
 - (2) Tentative proposals regarding stormwater detention areas, water supply, sewage disposal, surface drainage and street improvements.
 - (3) Identification of flood plains, soil deficiency, topographic and other possible site limitations.
 - b. During the pre-application consultation, the Zoning Administrator will determine if the proposed subdivision is exempt from any items required in the preliminary plat submittal.
2. Preliminary Plat Approval. The required preliminary plat preparation and review allows for the applicant to obtain final approval of the preliminary plat from the Planning and Zoning Commission and the City Council. The application must include a proposal for the installation of improvements and intended dedication or reservation of public lands, except when exempted from this requirement by the Zoning Administrator.
 - a. Action by the Zoning Administrator.
 - (1) Upon determining that the application is complete, the Zoning Administrator will evaluate the application pursuant to the standards of Section 7 (Subdivision Development Standards) and Section 8 (Zoning District Regulations). The Zoning Administrator may consult with other City staff and local district representatives during the evaluation process.
 - (2) The Zoning Administrator will prepare a report and render a recommendation no later than 30 days after the receipt of a complete application to the Planning and Zoning Commission based upon the standards of this Ordinance and schedule the application for consideration by the Planning and Zoning Commission.
 - b. Action by the Planning and Zoning Commission.
 - (1) The Planning and Zoning Commission will conduct a public hearing on a proposed preliminary plat at a meeting in accordance with Section 2.08 (Public Hearing) no later than 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
 - (2) The Planning and Zoning Commission will recommend approval, denial, or approval with conditions of the application.
 - (3) The Planning and Zoning Commission will forward its recommendation to City Council no later than 45 days after the close of the public hearing.
 - c. Action by City Council.
 - (1) City Council will consider the application for preliminary plat approval at a meeting within 30 days after receiving the recommendation of the Planning and Zoning Commission. The 30-day period may be extended with the written consent of the applicant.
 - (2) City Council will take action in the form of an ordinance approving, denying, or approving the application with conditions. Once a preliminary plat is approved, the applicant may prepare a final plat and submit it to the Zoning Administrator for review. After the Zoning Administrator determines that the submitted final plat substantially conforms with the approved preliminary plat, the application may proceed to City Council for approval as a final plat.
3. Final Plat Approval. The required final plat preparation and review allows for the applicant to obtain approval of the final plat from City Council.
 - a. Action by the Zoning Administrator.

- (1) The Zoning Administrator will review the application for final plat approval and determine whether the application is complete and that the submitted final plat substantially conforms with the approved preliminary plat.
 - (2) Upon acceptance of a complete application, the Zoning Administrator will prepare a report for City Council based upon the standards of this Ordinance and schedule the application for consideration by City Council no later than 30 days after receipt of the final plat.
 - (3) A final plat that includes substantial modifications from the approved preliminary plat will be considered a modified preliminary plat and will be referred to the Planning and Zoning Commission for a new public hearing. The Commission will conduct a public hearing on the modified preliminary plat in accordance with Section 2.08 (Public Hearing) no later than 45 days after receipt of the plat from the Zoning Administrator. The modified preliminary plat will be reviewed and approved in the same manner as a preliminary plat in accordance with Section 3.03.F.2 (Preliminary Plat Approval).
- b. Action by City Council on a Final Plat.
- (1) City Council will consider the application at a meeting no later than 45 days after receiving the report of the Zoning Administrator. The 45-day period may be extended with the written consent of the applicant.
 - (2) City Council will take action in the form of approving, denying, or approving the application with conditions.
- c. Recording of the Final Plat. The final plat will be recorded no later than 90 days after City Council approval of the final plat. The applicant may request an extension of time in writing if such extension is agreed to by the Zoning Administrator. The plat approval will expire if the final plat is not recorded in such timeframe, including any agreed upon extensions of time.
- (1) The City will record the final plat with the Recording Division of the Lake County Clerk's Office. Two copies of the recorded final plat will be retained by the City.
 - (2) A building permit may not be issued for the subject property until the final plat has been submitted to the Recording Division of the Lake County Clerk's Office for recording and construction security has been established.
- d. Expiration of Preliminary and Final Plat Approval.
- (1) Expiration of Preliminary Plat Approval. Preliminary plat approval will expire and be revoked if an application for approval of a final plat has not been filed within one year after approval of the preliminary plat.
 - (2) Expiration of Final Plat Approval. Final plat approval will expire and be revoked if construction of required subdivision improvements has not begun within two years of final plat approval.
 - (3) Extension of Approval. The applicant may extend the expiration period for an approved preliminary or final plat by means of a written request filed with the Zoning Administrator no less than 30 days prior to the expiration of the period. The Zoning Administrator will decide whether to grant or deny the applicant's request no later than 15 days of receipt of the applicant's written request.
- e. Simultaneous Plat Filing. The applicant may submit concurrent applications for the preliminary plat and final plat, in which case the preliminary plat and the final plat are comprised of the same document in accordance with Section 3.03.F.3 (Final Plat Approval).
- H. Illegal Recording. A subdivision may not be recorded until it has been approved in accordance with these regulations. A subdivision that is recorded without the City's approval is invalid. The City will

nullify the illegal recording and have it stricken from county records. The City is authorized to prosecute the parties responsible for the illegal recording in addition to all other remedies available to the City at law or in equity.

SECTION 4: ZONING RELIEF APPROVAL PROCEDURES

- 4.01 Purpose
- 4.02 Persons Eligible to Request Relief
- 4.03 Permit Approval
- 4.04 Variances
- 4.05 Minor Adjustments
- 4.06 Appeals
- 4.07 Amendments
- 4.08 Conditional Uses
- 4.09 Site Plan Review
- 4.10 Ordinance Interpretation
- 4.11 Reasonable Accommodations

4.01 Purpose

The purpose of this Section is to establish the applicability, procedures, requirements, and approval standards for each of the City's zoning applications.

4.02 Persons Eligible to Request Relief

Owners of real property and persons with contractual interest in real property located in the City may apply for the various forms of relief from this Ordinance set forth in this Section 4, with the exception of text amendments which are reserved to employees and officials of the City. Any applicant who is not the fee title owner of real property for which relief is sought must provide the Zoning Administrator with written consent of the owner of the property to the filing of the application.

4.03 Permit Approval

- A. Zoning Approval Required. Except as hereinafter provided, no permit pertaining to the use of land or buildings including building permits, business licenses, temporary use permits, and property transfers, can be issued by an officer, department, or employee unless the application for such permit has been examined by the Zoning Administrator and has granted an approval to it, indicating that the proposed building or structure complies with all the provisions of this Ordinance.
- B. Plans and Drawings. Applications for a permit subject to Zoning Approval may be requested to provide:
 - 1. A plot plan or Plat of Survey of the subject property, 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 the subject property.
 - 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 existing or proposed building or structure, the building lines in relations to lot line, parking layout, the use to be made

of the building, structure, or land, and 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 their judgment it is necessary, in cases involving conditional uses, planned unit development, site plan review, or any uses in the CR District, require certification by a registered professional engineer, registered architect, or registered land surveyor of applicable plan submissions.
4. For the purpose of implementing the site plan review procedure contained in Section 4.09 (Site Plan Review), the Zoning Administrator will forward all pertinent plans and drawings to the appropriate offices, departments, or boards of the City.

4.04 Variances

- A. Purpose. The purpose of a variance application process is to grant relief from the regulations of this Ordinance to the extent that literal enforcement of such regulations would create unique hardships or practical difficulties in developing property due to the unique attributes of the subject property. However, no variance may be granted from the use regulations of Section 9 (Uses).
- B. Initiation. An application for a variance may be made by any person, firm, or corporation, or by any office, department, board, bureau, or commission.
- C. Classes of Variances.
 1. Standard Variances. Variances from the quantitative regulations of this Ordinance of up to 50 percent may be granted by the Planning and Zoning Commission only in accordance with the standards established in Section 4.04.E (Standards for Variances) and may be granted only in the instances specified in this Section 4.04.C.1 (Standard Variances). Requests for any variance other than those listed below will be decided by the City Council after a hearing thereon by the Planning and Zoning Commission and subsequent recommendation to the City Council. By ordinance, the City Council may forgo further public hearing to grant any proposed variance not listed in this Ordinance by a two-thirds majority of those present constituting a quorum. If the City Council needs more information before making a decision, they may refer it back to the Planning and Zoning Commission for further consideration.
 - a. To permit any yard, height, bulk regulation, or setback different than what is required by the applicable regulations.
 - b. To permit the use of a lot or lots for a use otherwise prohibited due to insufficient lot area or lot width.
 - c. To permit a single off-street parking facility to provide required off-street parking 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 subsequently determines that because of the changed conditions or a subsequent change in use, the off-street parking facility is no longer sufficient to serve all uses, the parking

variance will be remanded to the Planning and Zoning Commission to determine whether said variance remains appropriate or should be rescinded.

- d. To reduce the applicable required off-street parking or loading facilities serving a use by not more than one parking space or loading space, or up to 50 percent of the number of required spaces, whichever number is greater.
- e. To allow an increase up to 50 percent in the maximum distance that required off-street parking spaces are permitted to be located from the use served.
- f. To allow for the deferment of the construction of required parking facilities for a reasonable period of time, such period of time to be specified as a condition of the variance. The Planning and Zoning Commission may require an applicant to post a performance bond or other surety with the City to guarantee the ability to construct the required parking facilities in the future.

- 2. Major Variances. Any variance other than those listed in Subsection 4.04.C.1 (Standard Variances) will be classified as a major variance. Major variances may be granted by the City Council only after a public hearing conducted by the Planning and Zoning Commission. The City Council may only approve a legislative variance by a two-thirds majority of the City Council and may place such conditions on the major variance to protect the public health, safety, and welfare. The City Council may, prior to making a decision on a major variance, refer any request for a major variance back to the Planning and Zoning Commission for further consideration and hearing.

D. Procedure. Notice of a public hearing for a variance application must conform with Section 2.07 (Notice). See Figure 4.04-1 Variance Application Procedure.

Figure 4.04-1 Variance Application Procedure



- 1. Action by the Zoning Administrator
 - a. An application for a variance must be filed with the Zoning Administrator, who will process such application within 45 days for the Planning and Zoning Commission to review.
 - b. After determining that the application is complete, the Zoning Administrator will prepare a report for the Planning and Zoning Commission evaluating the variance application based on each of the standards of Section 4.04.E (Standards for Variances) and schedule the application for consideration by the Planning and Zoning Commission.
- 2. Action by the Planning and Zoning Commission
 - a. The Planning and Zoning Commission will consider and act on any requested variance or transmit written recommendations thereon to the City Council, no later than 90 days of the

request from the Zoning Administrator. The 90-day period may be extended with the written consent of the applicant.

- b. The Planning and Zoning Commission will apply the standards for standard variances, as noted in Section 4.04.E (Standards for Variances), as part of their review and determination.
 - c. The Planning and Zoning Commission will take action on applications for standard variances in the form of approval, denial, or approval with conditions. All final action taken by the Planning and Zoning Commission will be memorialized in written form.
 - d. The Planning and Zoning Commission will take action on applications for major variances or variances requested concurrently with other relief for which the City Council has final decision-making authority, in the form of recommendation for approval, recommendation for denial, or recommendation for approval with conditions to the City Council for final determination.
3. Action by the City Council
- a. The City Council will consider applications for major variances or variances requested concurrently with other relief for which the City Council has final decision-making authority no later than 60 days after receiving the recommendation of the Planning and Zoning Commission. The 60-day period may be extended with the written consent of the applicant.
 - b. The City Council will evaluate the application based on the Zoning Administrator's report, the recommendation of the Planning and Zoning Commission, the evidence and testimony presented at the public hearing, and each of the standards of Section 4.04.E (Standards for Variances).
 - c. The City Council will take action in the form of an ordinance granting approval or approval with conditions, or a motion denying or referring the application back to the Planning and Zoning Commission for further consideration.

E. Standards for Variances

1. The Planning and Zoning Commission and City Council may not vary the regulations of this Ordinance unless it makes findings based upon the evidence and testimony presented to it in each specific case that:
 - a. Because of the unique physical surroundings, shape, or topographical conditions of the subject property, 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 variance is based are unique to the subject property, and are not applicable, generally, to other property within the same zoning classification.
 - c. The purpose of the variance is not based exclusively upon a desire to increase financial gain to the applicant.
 - d. The alleged difficulty or hardship is caused by this Ordinance and has not been created by the applicant or any persons presently having an interest in this property.
 - e. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located.
 - f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase noise or visual pollution, 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 diminish or impair property values within the neighborhood.

2. The Planning and Zoning Commission, or in the case of a major variance or variances requested concurrently with other relief for which the City Council has final decision-making authority, the City Council, may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section and the objectives of this Ordinance.
- F. **Period of Validity.** Where a variance has been granted pursuant to the provisions of this Ordinance, if no construction or development activity is undertaken on the subject property within 12 months of the date the variance is approved, the variance will automatically be rescinded and become null and void unless extended by the original approving body.
- G. **Appeal from Commission Decision.** Any final determination on a variance by the Planning and Zoning Commission or City Council is subject to judicial review.

4.05 Minor Adjustments

- A. **Purpose.** Where this Ordinance conflicts with any other land development regulation, the highest or strictest regulation, restriction, or standard applies, except that the Development Review Board has the authority to grant a minor adjustment in such regulation, restriction, or standard provided:
1. Such minor adjustment does not exceed 15 percent of the higher regulation, restriction or standard, or more than the regulations established in Section 4.05.B (Applicability).
 2. Such minor adjustment does not result in a regulation, restriction or standard that is less than the lesser of the conflicting standards provided by ordinance.
 3. Such minor adjustment is not an excluded variance as provided herein.
- B. **Applicability.** Any application proposing development that deviates from the specific regulations of this Ordinance as established in this Section is considered a minor adjustment.
1. A reduction of the minimum required lot area up to five percent.
 2. A reduction of the minimum required lot width up to five percent.
 3. An increase in the maximum permitted impervious coverage by five percentage points or less.
 4. A reduction of the minimum required front setback up to ten percent.
 5. An increase in the maximum permitted front setback up to ten percent.
 6. A reduction of the minimum required corner side setback up to ten percent.

7. An increase in the maximum permitted corner side setback up to ten percent.
8. A reduction of the minimum required interior side setback up to ten percent.
9. A reduction of the minimum required rear setback up to ten percent.
10. A reduction of the minimum required street frontage up to five percent.
11. A reduction of the minimum or maximum required off-street parking up to five percent, or four spaces, whichever is greater.
12. An increase in the maximum permitted sign area up to five percent.
13. An increase in the maximum permitted sign height up to five percent.
14. Any change to the standards for temporary signs as established in Section 12.09 (Temporary Signs).

C. Standards for Minor Adjustments

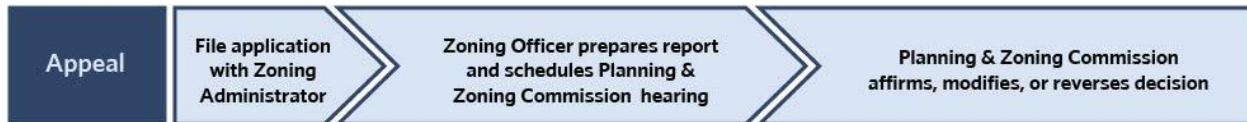
1. The Development Review Board has the authority to make minor adjustments or changes to such regulations, restrictions, and standards only in accordance with the standards set forth herein. Such minor adjustments are applicable to land, buildings, and uses that were improved or developed under standards or regulations that 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 Development Review Board is guided at all times by the spirit and intent of this Ordinance.
2. Where the Development Review 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 this Ordinance, provided:
 - a. Such minor adjustment is the least adjustment that will overcome the practical difficulty or hardship.
 - b. That hardship is not self-imposed by an applicant but is the result of the establishment of current development standards that are more restrictive than those applicable at the time at which the subject property was platted or at the time at which any improvements thereon began.
 - c. Such minor adjustment does not diminish the current regulation, restriction, or standard by more than 15 percent of the measure, value, or dimension of the regulations, restrictions, or standards, or more than the regulations established in Section 4.05.B (Applicability).
 - d. Such minor adjustment does not result in a regulation, restriction, or standard that 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 is sufficient for the Development Review 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.

4.06 Appeals

- A. Purpose. An appeal may be proposed by any person aggrieved by an administrative order, requirement, decision, or determination made by the Zoning Administrator under this Ordinance by filing an application for appeal no later than 30 days following the action being appealed.
- B. Initiation. An appeal must be filed with the Zoning Administrator, who will forward the appeal to the Planning and Zoning Commission for hearing and consideration.
- C. Procedure. Notice of hearings must be provided in accordance with Section 2.07 (Notice). See Figure 4.06-1 Appeal Application Procedure.

Figure 4.06-1 Appeal Application Procedure



- 1. Action by the Zoning Administrator
 - a. An application for an appeal must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures).
 - b. After determining that the application is complete, the Zoning Administrator will prepare a report for the Planning and Zoning Commission and schedule the application for consideration by the Planning and Zoning Commission.
 - 2. Action by the Planning and Zoning Commission
 - a. The Planning and Zoning Commission will conduct a public hearing on a proposed appeal in accordance with Section 2.08 (Public Hearing) no later than 45 days after the Zoning Administrator’s determination that the application is complete.
 - b. The Planning and Zoning Commission will take action no later than 30 days after the close of the public hearing in the form of a ruling affirming, modifying, or reversing the decision made by the Zoning Administrator. The Planning and Zoning Commission’s findings will be reduced to writing and will include a memorialization of the Commission’s findings of fact and final determination.
- D. Decisions. All decisions, after a 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 are final administrative determinations and are subject to judicial review.

4.07 Amendments

- A. Purpose. The purpose of an amendment application is to allow modifications to the text of this Ordinance or the boundaries of the zoning districts established by this Ordinance and depicted on the Zoning Map in response to changing conditions and policies.
- B. Initiation.
1. Text amendments may be proposed by the Mayor, City Council, Planning and Zoning Commission, or Zoning Administrator.
 2. Map amendments may be proposed by the owner of the subject property or the City Council, Planning and Zoning Commission, or Zoning Administrator. Map amendments initiated by the City do not require the consent of the owner of the subject property, but the owner will be provided notice of the public hearing pursuant to Section 2.07 (Notice).
- C. Procedure. Notice of the public hearing will conform with Section 2.07 (Notice). See Figure 4.07-1 Amendment Application Procedure.

Figure 4.07-1 Amendment Application Procedure



1. Action by the Zoning Administrator
 - a. An application for an amendment to this Ordinance must be filed with the Zoning Administrator.
 - b. The Zoning Administrator, upon receipt of a properly completed application for amendment, will transmit the application no later than 45 days after receipt, along with all pertinent materials, to the Planning and Zoning Commission.
2. Action by the Planning and Zoning Commission
 - a. No later than 60 days after receipt by the Planning and Zoning Commission of any application for amendment, the Commission will hold a public hearing in accordance with existing procedures and in accordance with the Revised Statutes of the State of Illinois. The applicant or their representative must attend the hearing.
 - b. The Planning and Zoning Commission will submit recommendations to the City Council no later than 30 days after the close of the public 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 will make finding based upon the evidence and testimony presented to it in each specific case with respect to, but not limited to, the following matters:
 - (1) Existing uses of the property within the general area of the subject property.
 - (2) The zoning classification of property within the general area of the subject property.
 - (3) The suitability of the subject property to the uses permitted under the existing zoning classification as well as the proposed zoning classification.

- (4) The trend of development, if any, in the general area of the subject property, including changes, if any, that have taken place in its present zoning classification.
 - (5) The objectives and land use plan of the current Comprehensive Plan.
 - c. The Planning and Zoning Commission will 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 subject property to any other classification than that requested by the applicant.
3. Action by the City Council
- a. The City Council will not act upon a proposed amendment to this Ordinance until it has received a written report and recommendation from the Planning and Zoning Commission on the proposed amendment.
 - b. The City Council may grant or deny any application for an amendment by ordinance duly adopted, provided however, that if a written protest against any proposed map amendment, signed and acknowledged by the owners of 20 percent of the frontage proposed to be altered, or by the owners of 20 percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of the 20 percent of the frontage directly opposite the frontage proposed to be altered by the map amendment, is filed with the City Clerk prior to the amendment's consideration by the City Council, such amendment may only be passed by two-thirds vote of the City Council.
- D. Effect of Denial of Amendment. No application for a map amendment which has been denied by the City Council may be resubmitted for a period of one 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.
- E. Repeal of Amendment. In any case where a change of boundary lines of the zoning district map has been granted, and where no zoning permit 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 with or without the consent of the owner of the subject property.

4.08 Conditional Uses

- A. 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 on a case-by-case basis, of the potential impact of those uses upon neighboring land and of the public need for the particular use in the particular location.
- B. Initiation. Any person owning land or having a valid contractual interest in the land may file an application to use such land for one or more of the conditional uses provided for in Section 9 (Uses)

of this Ordinance in the zoning district in which the land is located. In the case of an application to expand or alter an existing conditional use, the same procedures will be followed as those for granting a new conditional use.

- C. Procedure. Notice of the public hearing must conform with Section 2.07 (Notice). See Figure 4.08-1 Conditional Use Application Procedure.

Figure 4.08-1 Conditional Use Application Procedure



1. Action by the Zoning Administrator. An application for a conditional use permit must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures). The application must be accompanied by such plans and/or data prescribed by the Zoning Administrator or City Engineer and must include a written statement by the applicant supported by adequate evidence showing that the proposed conditional use will conform to the standards set forth in Section 4.08.D (Standards for Conditional Uses).
2. Action by the Planning and Zoning Commission
 - a. No later than 30 days after receipt of the application the Planning and Zoning Commission will hold a public hearing on each application, at such time and place determined by the Planning and Zoning Commission. The hearing will be conducted and a record of the proceedings preserved in such manner as prescribed by the Commission. Such hearings must be attended by the applicant and/or their representative.
 - b. The Planning and Zoning Commission will evaluate the application based on the Zoning Administrator’s report, the evidence and testimony presented at the public hearing, and each of the standards of Section 4.08.D (Standards for Conditional Uses).
 - c. The Planning and Zoning Commission will make findings of fact based on the testimony and evidence included in the application and presented at the public hearing. The Commission will recommend approval, approval with conditions, or denial of the application. In recommending approval, the Planning and Zoning Commission may:
 - (1) Recommend conditions on the establishment, location, construction, maintenance, and operation of the conditional use as deemed necessary to protect the public interest.
 - (2) Recommend guarantees from the applicant as deemed necessary to assure compliance with the stipulated conditions of approval.
 - d. For each application for a conditional use permit, the Planning and Zoning Commission will, no later than 30 days after the close of the public hearing, report its findings of fact and recommendations to the City Council in writing, 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.
3. Action by the City Council
 - a. The City Council will evaluate the application based on the Zoning Administrator’s report, the recommendation of the Planning and Zoning Commission, the evidence and testimony presented at the public hearing, and each of the standards of Section 4.08.D (Standards for Conditional Uses).

- b. The City Council may grant, by ordinance duly adopted or deny by motion 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 4.08.D (Standards for Conditional Uses).
 - c. In all cases where the City Council permits the establishment of a conditional use, the terms of the relief granted must be specifically set forth in the ordinance.
 - d. If a written protest against any proposed conditional use permit, signed and acknowledged by the owners of 20 percent of the subject property proposed for the conditional use, or by the owners of 20 percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of the 20 percent of the frontage directly opposite the of the subject property proposed for the conditional use, is filed with the City Clerk prior to the conditional use's consideration by the City Council, such conditional use may only be passed by a two-thirds vote of the City Council.
- D. Standards for Conditional Uses. No conditional use may be recommended by the Planning and Zoning Commission or approved by City Council, unless they find that the proposed conditional use would satisfy the following standards:
- 1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, 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 or 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 conforms 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.
- E. Unconditional Agreement and Consent; Revocations.
- 1. Each applicant for a conditional use permit must, as a condition of the effectiveness of the ordinance granting the conditional use, execute an unconditional agreement and consent to abide by the conditions and restrictions set forth in the ordinance granting the conditional use.

The unconditional agreement and consent must also be executed by the owner of the subject property, if a different person than the applicant.

2. Any violation of conditions set forth in the ordinance granting a conditional use permit will be grounds for a revocation of the conditional use permit and/or the application of fines and penalties. All elements of a conditional use are subject to periodic inspection for compliance with the approved conditional use permit.
- F. Filing and Recordation of a Conditional Use Permit. If a conditional use permit is approved by City Council, the ordinance approving the conditional use permit will be filed with the Zoning Administrator and the City Clerk and recorded with the Recording Division of the Lake County Clerk's Office.
 - G. Effect of Denial of a Conditional Use. No application for a conditional use that has been denied wholly or in part by the City Council may 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 Zoning Administrator.
 - H. Period of Validity. In any case where a conditional use has been approved, but any occupancy certificate 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 is null and void.
 - I. Expiration and Transferability. A conditional use approval authorizes only one particular conditional use and expires if the conditional use is discontinued for more than six months for any reason. However, the operator or owner of an authorized conditional use may be changed if the use remains unchanged. Such new owner may be required to execute an unconditional agreement and consent assuming the obligations of the original applicant.

4.09 Site Plan Review

- A. Purpose. To exercise uniform regulations of land use design features within areas of significant impact or critical concern, the City of Waukegan hereby establishes a site plan review process.
- B. Initiation. Approval of a site plan review application is required for the following proposed developments:
 1. New construction of an accessory dwelling unit in any zoning district.
 2. Expansion, reconstruction, or reduction of an existing off-street parking lot, tandem parking facility, shared parking facility, or any loading facility that does not meet the standards of this Ordinance.
 3. Demolition of any principal structures for located on Washington Street between Sheridan Road and West Street, or on Genesee Street between Belvidere Road and Grand Avenue.

4. Conditional use permit applications for banquet halls and funeral homes, and applications for day care homes or outdoor dining permits.
- C. Procedure. Notice must conform with Section 2.07 (Notice). See Figure 4.09-1 Site Plan Review Application Procedure. Any applicant for site plan review whose development proposal also requires the subdivision of a lot or lots is entitled to, and is encouraged to seek, concurrent review of the application for a plat of resubdivision with the application for site plan review.

Figure 4.09-1 Site Plan Review Application Procedure



- D. Action by the Zoning Administrator.
1. Applications for site plan review must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures). 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 are not limited to, the following:
 - a. A site plan of the subject property showing existing conditions with a legal description of the site, preferably in the form of a Plat of Survey.
 - b. A site plan showing how the proposed site improvements relate to adjacent, developed sites.
 - c. Engineering plans and calculations.
 - d. Traffic and/or parking studies, if deemed necessary.
 - e. Elevations of proposed buildings.
 - f. Landscape plans.
 - g. Signage plans.
 2. After determining that the application is complete, the Zoning Administrator will prepare a report for the Development Review Board evaluating the application and applying the standards of Section 4.09.F (Standards for Site Plan Review) and schedule the application for consideration and hearing by the Development Review Board.
- E. Action by the Development Review Board
1. The Development Review Board will conduct a public hearing on the application in accordance with Section 2.08 (Public Hearing) no later than 60 days after receipt of a report from the Zoning Administrator. The 60-day period may be extended with the written consent of the applicant.
 2. The Development Review Board will evaluate the application based on the Zoning Administrator's report, the evidence and testimony presented at the public hearing, and each of the standards of Section 4.09.F (Standards for Site Plan Review).
 3. The Development Review Board will take action in the form of approval, approval with conditions, or denial of the site plan.

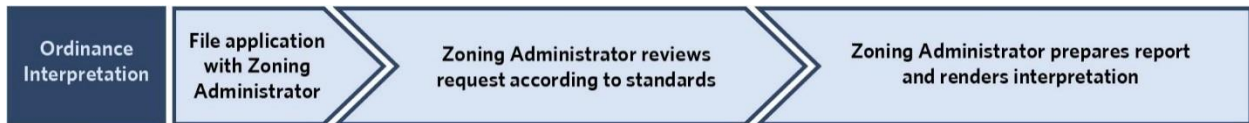
4. For the applications involving expansion, reconstruction, or reduction of existing parking lots that do not meet the requirement of this Ordinance, site plan review will be the only required approval. No further relief shall be required from the Planning and Zoning Commission or City Council.
- F. Standards for Site Plan Review. The Development Review Board will evaluate applications for site plan review based on each of the following standards:
1. The site plan for the proposed development is consistent with the existing character and zoning of adjacent properties and other property within the immediate vicinity of the proposed development.
 2. The site plan for the proposed development will not adversely impact adjacent properties and other properties within the immediate vicinity of the proposed development.
 3. The site plan for the proposed development will provide the subject property with adequate utilities, access roads, parking, loading, drainage, stormwater flow paths, exterior lighting, and/or other necessary facilities.
 4. The site plan for the proposed development will preserve the environmental resources of the zoning lot.
 5. The site plan will accommodate on-site pedestrian circulation from parking areas, plazas, open space, and public rights-of-way with the greatest separation between pedestrian and vehicular circulation possible provided.
 6. The site plan locates curb cuts for safe and efficient ingress and egress of vehicles. Shared curb cuts and cross-access easements are provided where appropriate.
 7. The site plan for the proposed development includes architectural design that will contribute positively to the City's aesthetic appearance.
 8. The site plan for the proposed development is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the City.
- G. Amendment to Approved Site Plan. Proposed amendments of any approved Site Plan must be reviewed in the same manner as site plan review.
- H. Expiration of Site Plan Review Approval. Site plan review approval may be revoked if either of the following conditions occur.
1. A building permit has not been obtained within one year after approval of the site plan. The applicant may request one six-month extension of this period by means of a written request filed no later than 30 days prior to the expiration of the one-year period. The Zoning Administrator will decide whether to grant or deny the requested extension no later than 15 days after receipt of the applicant's written request.

2. The standards of this Ordinance or any of the terms and conditions of the approved site plan are violated.

4.10 Ordinance Interpretation

- A. Purpose. The purpose of interpretations is to provide a process by which the standards of this Ordinance can be clarified and explained, to ensure consistent interpretation and application. Ordinance interpretations are not intended to amend or modify the content of this Ordinance.
- B. Limitation. All ordinance interpretation requests must be requested for the purpose of furthering an actual development or the establishment or clarification of a use.
- C. Procedure. See Figure 4.10-1 Ordinance Interpretation Application Procedure.

Figure 4.10-1 Ordinance Interpretation Procedure



1. An application for an ordinance interpretation must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures).
2. Required Elements. Each application for an ordinance interpretation must include the following:
 - a. Identification of the specific provision of the Ordinance the applicant seeks interpretation of.
 - b. Description of the conflict, question, or ambiguity the applicant seeks clarity or resolution of.
 - c. Any factual details, documentation, or illustrative materials regarding how the provision of the Ordinance has been applied to the applicant’s particular situation or property.
3. After determining that the application is complete, the Zoning Administrator will prepare a report and render an interpretation no later than 30 days after receipt of the complete application. The Zoning Administrator may consult with other City staff and local district representatives during the evaluation process.
4. The determination of the Zoning Administrator may be appealed to the Planning and Zoning Commission in accordance with Section 2 (Administrative Bodies and Procedure).

4.11 Reasonable Accommodations.

- A. Purpose. This section provides a procedure to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the Americans with Disabilities Act (ADA) (also known as the Acts) in the application of this Ordinance.

B. Eligible Applicants.

1. A request for a reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of this Ordinance acts as a barrier to fair housing opportunities.
2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment, as those terms are defined by the Acts.

C. Eligible Requests.

1. A request for a reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
2. A request for Reasonable Accommodation shall comply with Section 4.11.D (Application Requirements), below.

D. Application Requirements. An application for a reasonable accommodation shall be filed and processed in compliance Section 2.06 (Application Procedure) It is the responsibility of the applicant to provide evidence in support of the findings required by Section 4.11.E (Findings and Decision), below. The contents of the application will be held confidential to the extent permissible under the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*)

E. Review Authority.

1. Zoning Administrator. A request for reasonable accommodation shall be reviewed, and a decision shall be made, by the Zoning Administrator if no approval is sought other than the request for Reasonable Accommodation.
2. Other Reviewing Body. A request for reasonable accommodation submitted for concurrent review with another application shall be reviewed by the authority reviewing the discretionary land use application.

F. Review Procedures.

1. Zoning Administrator Review. The Zoning Administrator shall make a written decision and either approve, approve with modifications, or deny a request for reasonable accommodation in compliance with Section 4.11.E (Findings and Decision), below.
2. Other Review Authority. The written decision on whether to approve or deny the request for a reasonable accommodation shall be made by the reviewing body responsible for reviewing the application in compliance with the applicable review procedure for that relief. The decision to approve or deny the request for reasonable accommodation shall be made in compliance with Section 4.11.E (Findings and Decision), below.
3. Request of Further Information. If necessary to reach a determination on the request for Reasonable Accommodation, the review authority may request further information from the applicant consistent with the Acts, specifying in detail the information that is required.

G. Findings and Decision.

1. Findings. The applicable reviewing authority may approve a request for reasonable accommodation, with or without conditions, only after first making all of the following findings:

- a. The requested reasonable accommodation would be consistent with the Acts specified in Section 4.11A (Purpose), above;
 - b. The housing, which is the subject of the request, will be used by an individual or group defined as disabled under the Acts;
 - c. The request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
 - d. The requested reasonable accommodation would not impose an undue financial or administrative burden on the City;
 - e. The requested reasonable accommodation would not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
 - f. There would be no potential impact on surrounding uses;
 - g. The physical attributes of the subject property and structure(s) would warrant approval of the requested reasonable accommodation; and
 - h. No other reasonable accommodations would provide an equivalent level of benefit.
2. Conditions of Approval. In approving a request for Reasonable Accommodation, the review authority may impose conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the findings required by this Section 4.11.E (Findings and Decision).
 3. Failure to Make Findings. The review authority shall deny the application for a reasonable accommodation when it fails to make any one or more of the required findings.

SECTION 5: PLANNED UNIT DEVELOPMENTS

5.01 Purpose

5.02 Applicability

5.03 Procedure

5.04 Amendments to Previously Approved Planned Unit Developments

5.05 Standards for Planned Unit Developments

5.06 Permitted Exceptions for Planned Unit Developments

5.07 Provision of Community Amenities

5.08 Expiration of Approved Planned Unit Developments

5.01 Purpose

Planned unit developments are a distinct category of conditional use intended to allow flexibility in the application of the standards of this Ordinance for proposed developments that provide amenities to the community beyond those required of conventional development applications. The planned unit development process seeks to achieve the following specific purposes:

- A. Protect and promote the health, safety, comfort, convenience, and general welfare of the public.
- B. Encourage creativity, flexibility, sustainability, and environmental sensitivity in the development of land and the design of structures.
- C. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, utilities, circulation systems, parking, and other facilities.
- D. Support the creation of a variety of housing types to provide greater housing choice.
- E. Facilitate development that is consistent with the Comprehensive Plan, ensuring that the planned unit development is compatible with the character of the areas proposed for redevelopment.
- F. Encourage development that preserves and enhances the natural features, environmental resources, watercourses, and topography of the site.
- G. Facilitate the provision of open space, recreational facilities, and other amenities that will enhance the character of the site and the City as a whole.

5.02 Applicability

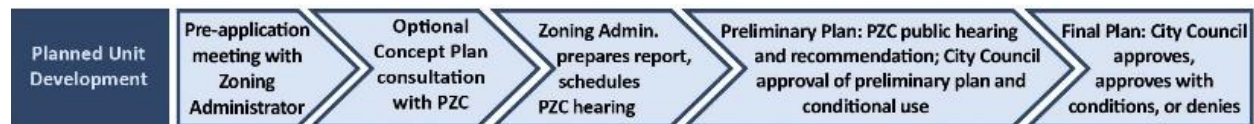
- A. The following types of proposed developments will be required to obtain planned unit development approval:
 - 1. New development proposals with a total lot area of 10,000 square feet or more within the B4, H/C, L1, L2, or L3 districts.

2. New development proposals with a total lot area of 50,000 square feet or more in all other districts.
 3. New development proposals consisting of two or more principal structures.
 4. New development proposals for which an applicant chooses to utilize the planned unit development process to achieve the development goals set forth in Section 5.01 (Purpose).
- B. Conditional Use Standards. A planned unit development is granted in accordance with the procedures, standards, and requirements of this Section, Section 9 (Uses), and Section 4.08 (Conditional Uses). A planned unit development approved as a conditional use may deviate from the standards and requirements of this Ordinance except for environmental standards, building codes, and Americans with Disabilities Act requirements.
- C. Subdivision Plats and Building Permits. A planned unit development may be granted before, concurrently, or following approval of a plat of subdivision in accordance with Section 3.03 (Subdivision Applications), Section 7 (Subdivision Development Standards), and/or a building permit in accordance with City's Code of Ordinances Title 4 (Building Regulations), Chapter 1 (Building Code).
- D. Exceptions. Planned unit developments are subject to the regulations of the zoning district in which they are located, unless exceptions from these regulations are approved by the City Council as part of the planned development approvals and found to be in accordance with Section 5.05 (Standards for Planned Unit Developments).

5.03 Procedure

An application for a planned unit development follows a four-step procedure, which includes a staff consultation, an optional concept plan consultation, submission, review, and approval of a preliminary plan, and submission, review, and approval of a final plan. The applicant may submit concurrent applications for the preliminary plan and final plan, in which case the preliminary plan and the final plan are comprised of the same document in accordance with Section 5.03.C (Final Plan). See Figure 5.03-1 Planned Unit Development Application Procedure.

Figure 5.03-1 Planned Unit Development Application Procedure



- A. Pre-Application Consultation. The purpose of the pre-application meeting is to allow the applicant to receive advice and assistance from the Zoning Administrator and appropriate City staff prior to preparation of the optional concept plan or preliminary plan.
1. Action by the Zoning Administrator

- a. Prior to filing a formal application for a planned unit development, the applicant must arrange a pre-application meeting with the Zoning Administrator to discuss the proposed planned unit development.
 - b. The Zoning Administrator and appropriate City staff will meet with the applicant to discuss the proposed planned unit development and the requirements for a planned unit development application.
 - c. The Zoning Administrator may provide advice and assistance to the applicant after determining the nature of the exceptions required from this Ordinance and whether the proposal is consistent with the intent of the Comprehensive Plan and the other land use policies of the City.
 - d. Any advice and assistance provided by the Zoning Administrator and City staff is advisory and is not binding upon the Planning and Zoning Commission or City Council with respect to the formal planned unit development application.
2. Action by the Planning and Zoning Commission
- a. After completing the pre-application meeting with the Zoning Administrator but prior to filing a formal application for a planned unit development, the applicant may arrange an optional concept plan consultation with the Planning and Zoning Commission to present the proposed planned unit development for preliminary feedback.
 - b. The Planning and Zoning Commission may meet with the applicant to discuss the proposed planned unit development and the requirements for a planned unit development application.
 - c. The Planning and Zoning Commission may provide information and guidance to the applicant after determining the nature of the exceptions required from this Ordinance and whether the proposed development is consistent with the intent of the Comprehensive Plan and the other land use policies of the City.
 - d. Any information and guidance provided by the Planning and Zoning Commission is advisory and is not binding upon the Planning and Zoning Commission or City Council with respect to any formal planned unit development application.
- B. Preliminary Plan. The purpose of the preliminary plan for a planned unit development is to allow the applicant to obtain a preliminary recommendation from the Planning and Zoning Commission and preliminary approval from the City Council prior to preparation of the final plan.
1. Action by the Zoning Administrator
- a. Applications for a preliminary plan for a planned unit development must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedure) and the requirements for a planned unit development application. Planned unit developments that include a conditional use must file a concurrent conditional use permit application with the Zoning Administrator. Applications may not be filed until the staff consultation is complete.
 - b. Upon determining that the planned unit development application is complete, the Zoning Administrator will prepare a report for the Planning and Zoning Commission evaluating the proposed planned unit development based upon the standards of Section 5.05 (Standards for Planned Unit Developments) and Section 4.08.D (Standards for Conditional Uses) and schedule the application for consideration by the Planning and Zoning Commission.

2. Action by the Planning and Zoning Commission
 - a. The Planning and Zoning Commission will conduct a public hearing on a proposed preliminary plan for a planned unit development in accordance with Section 2.08 (Public Hearing) no later than 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant. Notice for the public hearing will be provided in accordance with Section 2.07 (Notice).
 - b. The Planning and Zoning Commission will evaluate the application based upon the Zoning Administrator's report, the evidence and testimony presented at the public hearing, and the standards of Section 5.05 (Standards for Planned Unit Developments) and Section 4.08.D (Standards for Conditional Uses). The Planning and Zoning Commission may request review of the application by, and recommendations from, appropriate city departments and other public offices.
 - c. The Planning and Zoning Commission will recommend approval, approval with conditions, or denial of the application.
 - (1) In recommending approval of a preliminary plan for a planned unit development, the Planning and Zoning Commission may recommend conditions upon the establishment, location, construction, maintenance, and operation of the planned unit development and a conditional use permit as deemed necessary to protect the public interest.
 - (2) In recommending approval of a preliminary plan for a planned unit development, the Planning and Zoning Commission may recommend guarantees from the applicant as deemed necessary to assure compliance with the stipulated conditions of approval.
 - d. The Planning and Zoning Commission will forward its recommendation to the City Council no later than 30 days after the close of the public hearing.

3. Action by the City Council
 - a. The City Council will consider the application no later than 60 days after receiving the recommendation of the Planning and Zoning Commission. The 60-day period may be extended with the written consent of the applicant.
 - b. The City Council will evaluate the application based upon the Zoning Administrator's report, the recommendation of the Planning and Zoning Commission, the evidence and testimony presented at the public hearing, and the standards of Section 5.05 (Standards for Planned Unit Developments) and Section 4.08.D (Standards for Conditional Uses).
 - c. The City Council may (i) by ordinance or resolution duly adopted, grant approval or approval with conditions of the preliminary plan, or (ii) deny, or refer the application back to the Planning and Zoning Commission for further consideration by motion. In approving a preliminary plan for a planned unit development, the City Council may:
 - (1) Identify conditions upon the establishment, location, construction, maintenance, and operation of the planned unit development as deemed necessary to protect the public interest, to be imposed at such time as final plan approval of the planned unit development is granted.
 - (2) Require guarantees from the applicant as deemed necessary to assure compliance with the stipulated conditions.
 - d. Following approval of a preliminary plan for a planned unit development, the applicant may prepare and submit a final plan for the planned unit development.

- C. Final Plan. The purpose of the final plan for a planned unit development is to provide additional detail in substantial compliance with the preliminary plan and to allow the applicant to obtain final approval of the planned unit development from the City Council.

1. Action by the Zoning Administrator
 - a. Applications for a final plan for a planned unit development must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedure) and the requirements for a planned unit development application. Applications must be filed no later than 180 days after approval of the preliminary plan.
 - b. Upon determining that the application is complete, the Zoning Administrator will assess whether the final plan substantially conforms with the approved preliminary plan and any conditions and guarantees deemed necessary by the City Council.
 - c. If the final plan substantially conforms with the approved preliminary plan, the Zoning Administrator will prepare a report for the City Council recommending approval of the final plan and schedule the application for consideration by the City Council.
 - d. If the final plan does not substantially conform with the approved preliminary plan, the Zoning Administrator will allow the applicant to revise any parts of the application that are not in substantial conformance with the preliminary plan prior to preparing the report and allow the applicant to resubmit the application as a final plan in accordance with the requirements of this Section.
 - e. Failure by the applicant to revise any parts of the final plan that does not substantially conform with the preliminary plan will require the applicant to restart the preliminary plan review process, including a new public hearing before the Planning and Zoning Commission.
2. Action by the City Council
 - a. The City Council will consider the application no later than 30 days after receiving the report of the Zoning Administrator recommending approval of the final plan. The 30-day period may be extended with the written consent of the applicant.
 - b. The City Council may (i) by ordinance duly adopted, grant approval or approval with conditions of a conditional use permit for a planned unit development and the final plan, or (ii) deny the application by motion. A denial of the final plan will include a clear statement of reasoning for the denial.
 - c. Upon approval of the final plan by the City Council, the use of land and the construction or modification of any buildings or structures on the site that differ from this Ordinance will be governed by the approved final plan rather than by other provisions of this Ordinance.
3. Filing and Recordation of an Approved Final Plan. If a final plan is approved by City Council, the final plan will be filed with the Zoning Administrator and the City Clerk and recorded with the Recording Division of the Lake County Clerk's Office.

5.04 Amendments to Approved Planned Unit Developments

A final plan for an approved planned unit development may be amended only in accordance with the requirements of this Section.

- A. Classification of Amendments to Planned Unit Development.
 1. Minor Amendments. Any change to an approved final plan that minimally affects the essential design, composition, and character of a planned unit development is considered a minor amendment. The Zoning Administrator will make a decision on a request for a minor amendment in accordance with 5.03.B (Preliminary Plan). Minor amendments include the following:

- a. Any change in the proportion of land uses in the development by less than five percent.
- b. Any change in the proportion of housing types by less than 15 percent.
- c. Any change in the total area of the development by less than five percent.
- d. Any change in the building height of the development by less than five percent.
- e. Any change in the proportion of the impervious coverage of the development by less than five percentage points.
- f. Any change in the location or dimensions of walkways, driveways, streets, parking facilities, and loading facilities within the development by less than five feet.
- g. Any change in the number of off-street parking spaces provided within the development by less than ten percent.

Any amendment that is not established as a minor amendment in Section 5.04.A.1 (Minor Amendments) is considered a major amendment. The Zoning Administrator may, in their sole discretion, require that any application for an amendment to a planned unit development will be resubmitted as a major amendment in accordance with Section 5.04.A.2 (Major Amendments).

- 2. Major Amendments. Any change to an approved final plan that substantially affects the essential design, composition, and character of the planned unit development is considered a major amendment. The City Council will decide on a request for a major amendment after receiving a recommendation from the Planning and Zoning Commission in accordance with Section 5.03.B (Preliminary Plan).

B. Review and Approval of Amendments to Planned Unit Developments.

- 1. Applications for amendments shall be submitted in accordance with Section 2.06 (Application Procedure).
- 2. Minor amendments to planned unit developments may be approved, approved with conditions, denied, or referred to the Planning and Zoning Commission by the Zoning Administrator.
- 3. Major amendments shall be referred to the Planning and Zoning Commission for consideration and hearing. The Planning and Zoning Commission will recommend approval, approval with conditions, or denial of the major amendment. The City Council may (i) by ordinance or resolution duly adopted, grant approval or, approval with conditions of the major amendment, or (ii) deny, or refer the application back to the Planning and Zoning Commission for further consideration by motion.

5.05 Standards for Planned Unit Developments

The City Council, Planning and Zoning Commission, and Zoning Administrator will evaluate applications for planned unit developments applying the standards of this Section and the standards for conditional use permits set forth in Section 4.08.D (Standards for Conditional Uses).

- A. The proposed planned unit development fulfills the objectives of the Comprehensive Plan and the other land use policies of the City through an innovative and creative approach to the development of land.
- B. The proposed planned unit development will provide walkways, driveways, streets, parking facilities, loading facilities, exterior lighting, and traffic control devices that comply with the Americans with Disabilities Act and adequately serve the uses within the development, promote improved access to public transportation, and provide for safe and accessible motor vehicle, bicycle, and pedestrian traffic to and from the site.
- C. The proposed planned unit development will provide landscaping and screening that enhances the City's character and livability, improves air and water quality, reduces noise, provides buffers, and facilitates transitions between different types of uses.
- D. The proposed planned unit development will incorporate sustainable and low impact site design and development principles.
- E. The proposed planned unit development will protect the community's natural environment to the greatest extent practical, including existing natural features, water courses, trees, and native vegetation.
- F. The proposed planned unit development will provide for underground installation of utilities when feasible, including electricity, cable, fiber optics, and telephone, as well as appropriate facilities for storm sewers, stormwater retention, and stormwater detention.

5.06 Permitted Exceptions for Planned Unit Developments

Planned unit developments may be granted certain exceptions from the requirements of this Ordinance. Such exceptions may only be granted in exchange for the inclusion of benefits in the manner set forth in Section 5.07 (Provision of Community Amenities).

- A. Residential Use Exceptions. In the B2, B4, and H/C districts, ground floor dwelling units may only be allowed as a planned unit development.
- B. Other Exceptions. Planned unit developments may be granted the exceptions to the requirements of Section 8 (Zoning District Regulations), Section 10 (Off-Street Parking and Loading), Section 11 (Landscape Standards), and Section 12 (Signs) of this Ordinance, provided that the standards set forth in Section 4.08.D (Standards for Conditional Uses) are met.

5.07 Provision of Community Amenities

In addition to those community amenities required by Section 7.06 (Cash and Land Donations), planned unit developments may be granted specific exceptions from zoning district regulations, which may include those in Section 5.06 (Permitted Exceptions for Planned Unit Developments), if the applicant demonstrates that the development will provide amenities to the City that are not required from

conventional development applications. The amenities to be considered by the City Council, Planning and Zoning Commission, and Zoning Administrator will be appropriate for the scale of the planned unit development and may include, but are not limited to, the following:

- A. Establishment of community amenities, such as plazas, gardens, public art features, outdoor seating areas, pedestrian facilities, and transit facilities.
- B. Establishment of recreational amenities accessible to the public, such as playing fields, playgrounds, swimming pools, and fitness facilities.
- C. Enhancement of the community's natural environment and open space amenities, including existing natural features, water courses, trees, trails, and native vegetation, or removal of invasive species.
- D. Preservation and enhancement or adaptive reuse of the community's cultural resources and historic places.
- E. Provision of public infrastructure improvements that exceed the requirements of the planned unit development, such as interconnected streets without dead end streets or cul-de-sacs, enhancements to rights-of-way, stormwater management systems, and sewer systems.
- F. Incorporation of sustainable development techniques, such as meeting the highest requirements of LEED or LEED-equivalent rating systems and other sustainable initiatives listed elsewhere in this ordinance as "encouraged", such as green roofs, solar panels, and bird-friendly glass.
- G. Provision of a variety of housing types, sizes, and styles with a specific emphasis on housing types identified in the Comprehensive Plan for the geographic area in which the planned unit development is located.
- H. Provision of residential dwelling units with accessible features that exceed the requirements of the Americans with Disabilities Act (ADA).
- I. Any other improvements recommended by the Planning and Zoning Commission.

5.08 Expiration of Approved Planned Unit Developments

- A. Expiration of Preliminary Plan Approval. Preliminary plan approval will expire and be revoked if a complete application for the final plan has not been approved within one year after approval of the preliminary plan by the City Council.
- B. Expiration of Final Plan Approval. Final plan approval for a planned unit development will expire and be revoked if a building permit has not been applied for within one year after approval of the final plan by the City Council.
- C. Extension of Approval. The applicant may extend the time limit in this Section 5.08 by submitting a written request filed with the Zoning Administrator no later than 60 days prior to the expiration of the period. The Zoning Administrator will decide whether to grant or deny the applicant's request no later than 21 days after receipt of the applicant's written request.

SECTION 6: NONCONFORMITIES

6.01 Purpose

6.02 Applicability

6.03 Nonconforming Uses

6.04 Nonconforming Structures

6.05 Nonconforming Lots of Record

6.06 Nonconforming Site Elements

6.01 Purpose

The purpose of this Section is to regulate uses, structures, lots, and site elements that were constructed and maintained in compliance with previously adopted development regulations, but do not conform to the standards and requirements of this Ordinance. The intent of this Section is to specify the circumstances under which legal nonconforming uses, structures, lots, and site elements may be maintained, altered, or expanded, as well as circumstances under which such nonconformities must be gradually eliminated.

6.02 Applicability

A. Authority to Continue.

1. Any use, structure, lot, or site element that was established legally or is substantially underway prior to the effective date of this Ordinance, or its subsequent amendments, may continue as long as it remains otherwise lawful.
2. Any use, structure, lot, or site element that was established legally prior to the effective date of this Ordinance, or its subsequent amendments, and has been rendered nonconforming due to the regulations of this Ordinance, or its subsequent amendments, is a legal nonconforming use, structure, lot, or site element and may be maintained subject to the provisions of this Section as long as it remains otherwise lawful.
3. Any use, structure, lot, or site element that was established illegally prior to the effective date of this Ordinance, or its subsequent amendments, will remain illegal if it is not brought into conformance with the requirements of this Ordinance.

B. Nonconforming Status. The legal nonconforming status of a nonconforming use, structure, lot, or site element runs with the property and is not affected by changes in property ownership, tenancy, or management.

C. Burden of Establishing Legal Status. The burden of establishing the legal status of a nonconforming use, structure, lot, or site element under the provisions of this Ordinance is the responsibility of the owner or operator of such use, structure, lot, or site element.

6.03 Nonconforming Uses

- A. Applicability. A legal nonconforming use is the use of land that conformed to applicable development regulations when the use was established, but no longer conforms after the effective date of this Ordinance or its subsequent amendments.
- B. Expansion within an existing structure. A legal nonconforming use may be extended throughout the building or structure in which the use is presently located, so long as no changes or structural alterations are made to the existing building or structure.
- C. Expansion of use. A legal nonconforming use may not be expanded, enlarged, or increased in intensity to include any land area or separate structure not previously occupied by such legal nonconforming use, except as permitted in Section 6.04.C (Structural Alterations).
- D. Relocation. A legal nonconforming use may not be relocated on the same lot or any other lot unless the relocation of such use meets the requirements of the zoning district in which the use is relocated.
- E. Change of Use. A legal nonconforming use must not be changed to any other use unless the new use is allowed as a permitted or conditional use within the zoning district in which the use is located. See Table 9.02-1 (Principal Uses and Structures).
- F. Discontinuation or Abandonment. If a legal nonconforming use is discontinued, or the structure that it occupies becomes vacant or remains unoccupied for a period of six consecutive months, such use is deemed abandoned and may not be reestablished regardless of the intent to continue the use, except that the six-month consecutive period may be extended by the Development Review Board pursuant to Section 2.03 (Development Review Board). Any period of discontinuance or abandonment caused by a government action or an act of nature is not included in the six-month period but requires verification of the Zoning Administrator. Any subsequent use or occupancy of such land or structure must meet the requirements of the zoning district in which the use is located.
- G. Remediation of Nonconformity Required. Before a new Occupancy Certificate can be issued for a site including a nonconforming use, structure, or lot, all structures and site elements on the premises must be brought into compliance with City's Code of Ordinances, including the removal and abatement of any solid waste or other nuisance conditions, and a No Further Remediation Letter for the site must be provided to the Zoning Administrator and Building Commissioner.

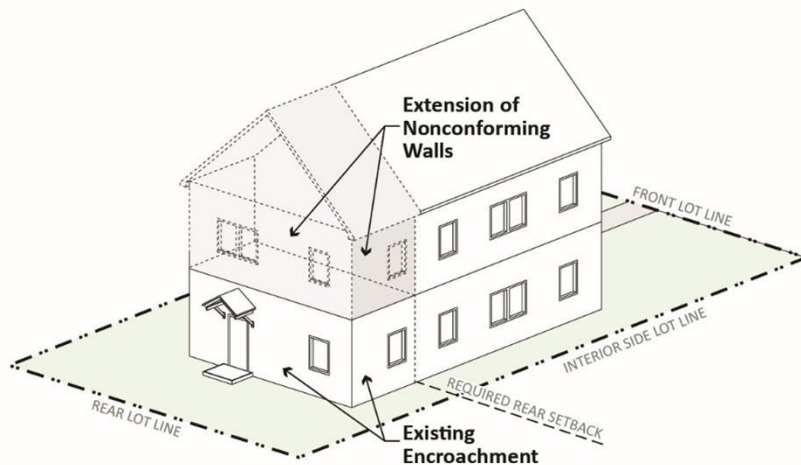
6.04 Nonconforming Structures

- A. Applicability. A legal nonconforming structure is a principal or accessory structure that at one time conformed to applicable development regulations when constructed, but no longer conforms after the effective date of this Ordinance or its subsequent amendments.
- B. Ordinary Maintenance and Repair. Ordinary maintenance and repair may be performed on any legal nonconforming structure provided that such activities will not create any new nonconformity or increase the extent of any existing nonconformity.

C. Structural Alterations, Enlargements, and Additions. Structural alterations, enlargements, and additions may not be performed on any legal nonconforming structure, except in the following situations:

1. When the alteration, enlargement, or addition is required by law or is necessary to restore the structure to a safe condition upon the order of the Building Commissioner, Fire Marshal or a court of competent jurisdiction.
2. When the alteration, enlargement, or addition is for the purpose of creating a conforming structure.
3. When the alteration, enlargement, or addition will not create any new nonconformity or increase the extent of any existing nonconformity.
4. When the alteration, enlargement, or addition extends the existing perimeter walls of a structure in a residential district with nonconforming setbacks provided that the resulting structure will not create any new nonconformity or increase the extent of any existing nonconformity. Refer to Figure 6.04-1 Extension of Nonconforming Perimeter Walls.
5. When the alteration, enlargement, or addition includes a sustainable accessory structure, such as a rainwater cistern, small wind energy system, or solar energy collection system in a manner approved by the Building Commissioner or Zoning Administrator.
6. When the alteration, enlargement, or addition provides exterior lighting compliant with the requirements of this Ordinance.

Figure 6.04-1 Extension of Nonconforming Perimeter Walls



D. Relocation. A legal nonconforming structure may not be relocated on the same lot or any other lot unless the relocation of such structure meets the requirements of the zoning district to which the structure is relocated.

E. Damage or Destruction.

1. If a legal nonconforming structure is damaged or destroyed to the extent of 50 percent or more of its replacement value, then the structure may not be repaired or reconstructed unless the repaired or reconstructed structure meets the requirements of the zoning district in which the structure is located.
2. If a legal nonconforming structure is damaged or destroyed to the extent of less than 50 percent of its replacement value, the structure may be repaired or reconstructed provided that:
 - a. The repairs will not create any new nonconformity or increase the extent of any existing nonconformity.
 - b. A building permit is obtained for such repairs no later than six months after the date of damage or destruction, and the repairs are completed within one year of issuance of the building permit or other extension period granted by the Building Commissioner.
3. The replacement value of the legal nonconforming structure may be established by one of the following methods:
 - a. The sale of the structure within the previous year.
 - b. An appraisal of the structure within the last two years.
 - c. The amount for which the structure was insured prior to the date of damage or destruction.
 - d. An alternative method determined acceptable by the Building Commissioner.
4. If a building permit has not been obtained within six months after the date of damage or destruction, or construction started no later than one year after that date, the owner may apply for a conditional use permit to repair or reconstruct the nonconforming structure subject to Section 4.08 (Conditional Uses).

6.05 Nonconforming Lots of Record

- A. Applicability. A legal nonconforming lot of record is a lot of record that conformed to applicable development regulations when it was platted or established, but no longer conforms after the effective date of this ordinance or its subsequent amendments.
- B. Contiguous Nonconforming Lots of Record. If two or more contiguous lots of record are owned by a single party, or by related parties, and one or more of the lots does not meet the requirements for lot area or lot width as established by this Ordinance, then the lots of record may only be developed as a single zoning lot. A building permit will not be issued for the development of contiguous nonconforming lots of record in violation of this Section.
- C. Individual Nonconforming Lots of Record in Residential Districts. A legal nonconforming lot of record may only be developed if the principal structure meets all of the bulk and setback requirements of the zoning district in which it is located and that the owner of that lot of record, or a related party, does not own any lots of record that are contiguous to the subject lot of record.

6.06 Nonconforming Site Elements

- A. **Applicability.** A legal nonconforming site element is a physical condition on the property that conformed to applicable development regulations when it was constructed or installed, but no longer conforms after the effective date of this Ordinance or its subsequent amendments. For the purposes of this section, legal nonconforming site elements include impervious site coverage, off-street parking and loading, landscaping, lighting, signs, or other similar conditions on a property that are not a building or structure.
- B. **Ordinary Maintenance and Repair.** Ordinary maintenance and repair may be performed on any legal nonconforming site element provided that such activities will not create any new nonconformity or increase the extent of any existing nonconformity.
- C. **Sign Face Alteration or Replacement.** If the sign face of a nonconforming sign is altered or replaced, the sign must be removed, relocated, or brought into compliance under Section 12 (Signs).
- D. **Relocation.** A legal nonconforming site element may not be relocated on the same lot or any other lot unless the relocation of such site element meets the requirements of the zoning district in which the site element is relocated.
- E. **Damage or Destruction.**
 - 1. If a legal nonconforming site element is damaged or destroyed to the extent of 50 percent or more of its replacement value, then the site element may not be repaired or reconstructed unless it meets the requirements of the zoning district in which the site element is located.
 - 2. If a legal nonconforming site element is damaged or destroyed to the extent of less than 50 percent of its replacement value, the site element may be repaired or reconstructed provided that:
 - a. The repairs will not create any new nonconformity or increase the extent of any existing nonconformity.
 - b. A building permit is obtained for such repairs no later than six months after the date of damage or destruction, and such repairs are completed within one year of issuance of the building permit or other extension period granted by the Building Commissioner.
 - 3. The replacement value of the legal nonconforming site element may be established by one of the following methods:
 - a. Two estimates of the cost of replacement of the site element by independent contractors.
 - b. The amount for which the site element was insured prior to the date of damage or destruction.
 - c. An alternative method determined acceptable by the Building Commissioner.
- F. **Discontinuation or Abandonment of Nonconforming Signs.** A legal nonconforming sign may not remain in use if the property on which the sign is located is vacant and unoccupied for a period of six months or more.

- G. Discontinued or Abandoned Nonconforming Sign Removal. Discontinued or abandoned nonconforming signs established under Section 6.06.E. must be removed by the owner. Removal must include the sign face, supporting structure, and structural trim.

SECTION 7: SUBDIVISION DEVELOPMENT STANDARDS

- 7.01 General Provisions
- 7.02 Subdivision Design and Layout
- 7.03 Conservation and Cluster Subdivision Design
- 7.04 Street Standards
- 7.05 Required Public Improvements
- 7.06 Cash and Land Donations
- 7.07 Subdivisions Created by Successive Divisions

7.01 General Provisions

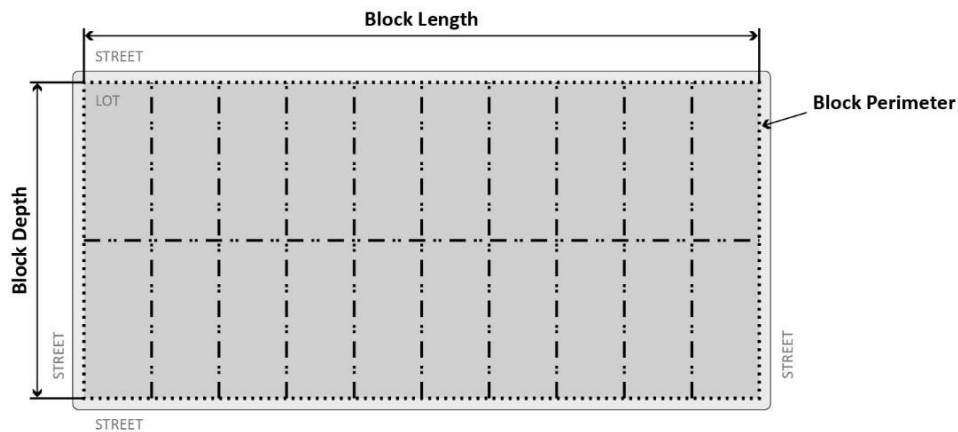
- A. Purpose. The purpose of this Section is to regulate the orderly, planned, efficient, and economical subdivision and development of land; to establish a comprehensible street system that facilitates all modes of travel; to supply water, sewage disposal, and other utilities; to provide stormwater management; to meet the goals of the City's Comprehensive Plan and the other land use policies of the City, and to promote public health, safety, and welfare.
- B. Applicability. The provisions of this Section apply to all parcels of land being subdivided within the corporate limits of the City and unincorporated parcels located within 1.5 miles of the City corporate boundaries that are under the City's subdivision jurisdiction pursuant to Section 11-13-1 of the Illinois Municipal Code (65 ILCS 5/11-13-1).
- C. Subdivision Applications. Applications for the subdivision of land must be submitted in accordance with Section 3 (Annexation and Subdivision Application Approval Procedures). The existing and proposed public improvements on the subject property to be subdivided must conform to, and be properly related to, the proposals shown in the Comprehensive Plan and the capital budget and program of the City.
- D. Conservation Features Inventory. A conservation features inventory is required for any subdivision of previously undeveloped land or land previously in agricultural use to determine whether the subdivision must follow conservation subdivision design in accordance with Section 7.03 (Conservation and Cluster Subdivision Design).
- E. Special Flood Hazard Area Review.
 - 1. Known Flood Hazards. The Zoning Administrator will take known flood hazards into account in all official actions related to subdivisions and must consult, with the City Engineer, the most recent Special Flood Hazard Area maps and data for any areas being considered for subdivision.
 - 2. Drainage of Surface Waters. Plats for new subdivisions must include a signed statement by a professional engineer that the plat accounts for changes in the drainage of surface waters in accordance with the [Plat Act \(765 ILCS 205\)](#). Plats for new subdivisions must include the following:
 - a. The boundary of the Special Flood Hazard Area.
 - b. The boundary of the floodway shown on the Special Flood Hazard Area maps.

- c. Easements dedicated to the City for channel maintenance purposes.
 - d. The base flood elevation for each building site.
3. Engineering Plans. Engineering plans for the development in the Special Flood Hazard Area must be reviewed by the City Engineer to ensure that they comply with this Section.
- F. Unsuitable Land. No land may be subdivided for residential use which is determined by the Planning and Zoning Commission and City Council, after investigation by the Zoning Administrator and City Engineer, to be unsuitable for such use due to the presence of flooding, wetlands, adverse topography, aircraft noise, environmental sensitivity, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the City in general unless sufficient site improvements can be implemented. The Planning and Zoning Commission may recommend, when it deems it necessary for the health, safety, and welfare of the present and future populations of the area, and necessary to the conservation of water, drainage, and sanitary facilities, that the City Council prohibit the subdivision of any portion of the subject property that lies within the floodplain of any stream or drainage course, as identified by the City's Code of Ordinances (see [Chapter 6, Article IV. Flood Damage and Prevention Control](#)). These floodplain areas must be preserved from any and all destruction or damaging resulting from clearing, grading, or dumping of earth, waste material, or stumps, except upon the recommendation of the Planning and Zoning Commission and approval of the City Council. The Engineering Department will maintain an up-to-date map of Waukegan's area of subdivision approval jurisdiction indicating all areas identified as potentially unsuitable for subdividing. This map will be maintained by the City Engineer.

7.02 Subdivision Design and Layout

- A. Applicability. The following subdivision design and layout requirements apply to all subdivisions.
- B. Blocks.
- 1. Block Configuration. The shape of a block must be generally rectangular when feasible, but may vary based on topography, natural features, or other site constraints if a rectangular layout would create an undue hardship. Blocks must be two lots deep when feasible. Residential blocks must have sufficient width to provide for two tiers of lots of appropriate depths. Variances to the prescribed block width are permitted in blocks adjacent to arterial roads, railroads, public open spaces, or waterways.
 - 2. Block Length and Size.
 - a. Residential Blocks. The maximum block length is 800 feet. The minimum block length is 300 feet. The maximum block perimeter is 2,400 feet. Refer to Figure 7.02-1 Maximum Block Length and Size. Wherever practicable, blocks along arterial roads and collector streets may not be less than 1,000 feet in length.
 - b. Non-Residential Blocks. Non-residential blocks designed for business, commercial, or industrial uses must have a length and width suitable to the proposed use. Sidewalks or pedestrian pathways may be required by the Planning and Zoning Commission in accordance with the design guidelines contained in the Compendium of Specifications for Development.

Figure 7.02-1 Maximum Block Length and Size



C. Lots.

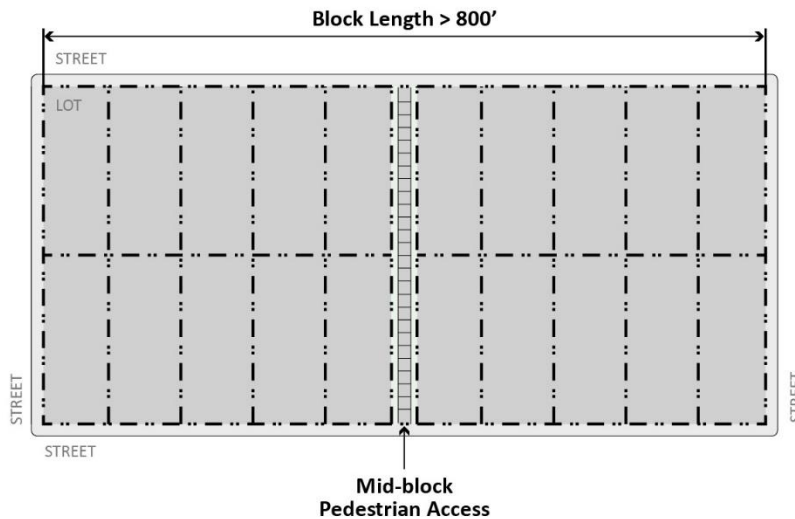
1. **Lot Dimensions.** All lots of record must be developed to meet the applicable zoning district requirements, including lot area, lot width, building height, impervious coverage, and setbacks, established in Section 8 (Zoning District Regulations). In general, the size, shape, and orientation of lots must be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. **Lot Configuration.** The shape of a lot should be rectangular wherever feasible, but may vary based on topography, natural features, or site constraints if a rectangular layout would create an undue hardship. Lots at the end of cul-de-sacs or one-way streets may flare out from the front lot line to capture available land.
 - a. **Additional Depth Required.** Residential lots that front on collector streets must be platted with a minimum of 15 feet extra depth to permit generous distances between the buildings and trafficways. Where residential lots front on arterial roads, the minimum building setback line must be increased by an additional 15 feet. Business, commercial, or industrial buildings in residential blocks must be provided with setbacks at least equal to the average setback of the residential properties in that block.
 - b. **Lot Frontage.** Every lot must front on, or have direct access to, an improved public street. Lots with access only to private drives or streets are permitted only with the expressed approval of the Planning and Zoning Commission, and only where adequate fire lanes are provided.
 - c. **Lot Drainage.** Lots must be laid out or graded to provide positive drainage away from all buildings, and individual lot drainage must be coordinated with the general storm drainage pattern for the area. Drainage must be designed to avoid concentration of storm water drainage from any lot to onto adjacent lots.
3. **Lot Shape.** Interior side lot lines must be perpendicular to the right-of-way to the extent practical.
4. **Side Lot Lines.** Side lot lines must be at right angles or radial to street lines.

5. **Corner Lots.** Corner lots in residential subdivisions will have two front yard lot lines, one for each yard that is adjacent to a street, which must provide for extra width to permit appropriate building setback from, and orientation to, both streets. Lots on major street intersections must have a radius of not less than 15 feet at the street corner. On business lots, a straight line segment may be substituted for the circular arc.
6. **Through Lots.** The creation of through lots by subdivision, which are also commonly referred to as double-frontage lots, is prohibited; provided, however, that the subdivision of an existing through lot resulting in a new through lot may be permitted to provide separation of the residential development from arterial or collector streets, or to overcome topography constraints.
7. **Reversed Corner Lots.** The creation of new reversed corner lots is prohibited unless it is necessary to provide separation of residential development from arterial or collector streets, or to overcome topographic constraints.
8. **Flag Lots.** The creation of new flag lots by subdivision is prohibited.
9. **Lots Adjacent to Arterial and Collector Streets.**
 - a. For lots with a rear lot line adjacent to an arterial or collector street, a minimum of ten feet of landscaping must be provided along the rear lot line.
 - b. For lots with a front lot line adjacent to an arterial or collector street, a minimum of 15 feet of landscaping must be provided along the front lot line.
 - c. Where a subdivision borders on or contains an existing or proposed arterial road, the Planning and Zoning Commission may require that access to such arterial road be limited by one of the following means:
 - (1) The subdivision of lots oriented with a rear yard facing the arterial road and frontage on a parallel local street; no vehicular access can be provided to the arterial road from the lots and a strip of land along the rear property line of such lots, with a width determined by the City Engineer, shall be dedicated to the City as a public right-of-way.
 - (2) The establishment of a marginal-access or service road that is separated from the arterial road by a planting or grass strip and having access to the arterial road at suitable points.
 - (3) Minimizing the number of residential or local streets entering an arterial road.
 - (4) The establishment of a series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to, such as a parallel street, with the rear lines of their terminal lots backing onto the arterial road. This type of access could only be provided if no other options are feasible.
10. **Lot Orientation.** Lot orientation along an east-west longitudinal axis is recommended for increased energy efficiency.
11. **Parking and Loading Provisions.** Depth and width of lots reserved or laid out for business, commercial, or industrial purposes must provide sufficient room for the off-street parking and loading facilities required for the development contemplated, as established in other parts of this Ordinance.

D. Bicycle and Pedestrian Connectivity.

1. Connections to Adjacent Systems. New subdivisions must connect to all adjacent planned or existing pedestrian, bicycle, and multi-use paths, and trail systems. Paths and trails must be dedicated or platted in easements to ensure public access.
2. Minimum Connections. New subdivisions must provide connections to existing bicycle or pedestrian paths at a minimum of every 800 feet along blocks that are adjacent to developable land.
3. Mid-Block Pedestrian Access. For all blocks longer than 800 feet, mid-block pedestrian access must be provided to adjacent parallel public rights-of-way via a public easement located between lots as close to the center of the block as feasible. This access easement must meet the standard for pedestrian crossings connection in Section 7.04.A.3 (Disconnected Streets). Refer to Figure 7.02-2 Required Mid-Block Pedestrian Access.

Figure 7.02-2 Required Mid-Block Pedestrian Access



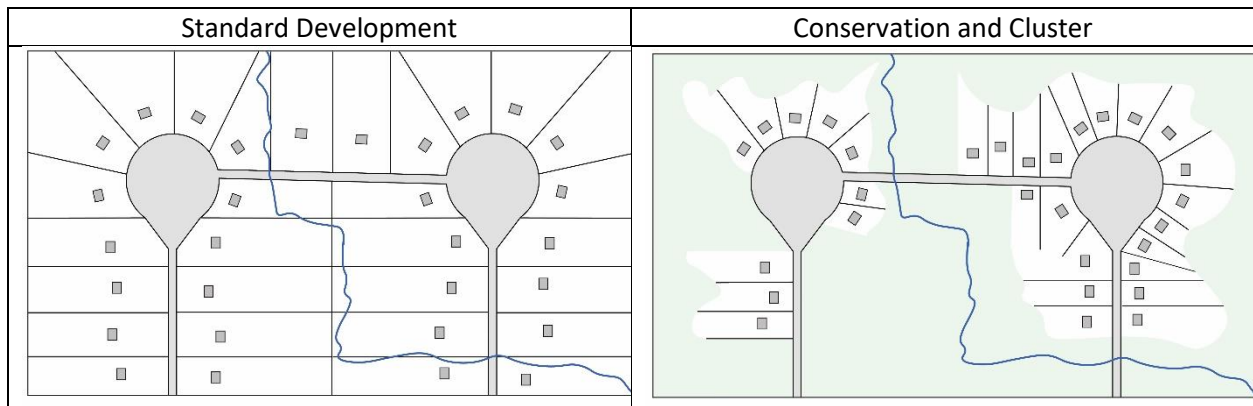
4. Internal Circulation. An internal circulation system must provide pedestrian and bicycle paths within and adjacent to the development.
5. Additional Connections. The City may require the inclusion of additional bicycle and pedestrian connections for subdivisions that could be expected to generate higher than average bicycle or pedestrian traffic, such as in the vicinity of schools, playgrounds, parks, shopping areas, or other uses.

7.03 Conservation and Cluster Subdivision Design

- A. Applicability. The provisions of this Section apply to subdivisions that are developed through conservation or cluster design. See Figure 7.03-1 Standard Development Compared to Conservation and Cluster Subdivision Design.

1. **Conservation Subdivision Design.** Conservation subdivision design is required if a conservation features inventory indicates that 20 percent or more of the total land area of a subdivision contains significant natural resources. Conservation subdivision design is a process that requires a fixed percentage of open space as platted on the final plat of subdivision to be conserved while allowing for an increase in the density of lots in a development as compared to conventional subdivision design. Conservation subdivision design is intended to promote environmentally sensitive development, preserve common open space, and achieve a balance between well-designed neighborhoods and natural resource protection.
2. **Cluster Subdivision Design.** Cluster subdivision design is an optional subdivision process. A conservation features inventory may be utilized in the planning and design of a cluster subdivision but is not required. Cluster subdivision design is a process that allows for groupings of smaller lots that do not increase the overall density of a development as compared to conventional subdivision layout. Cluster subdivision design is intended to promote environmentally sensitive development, preserve common open space, and achieve a balance between well-designed neighborhoods and natural resource protection. Cluster subdivision design may be restricted to certain zoning districts.

Figure 7.03-1 Standard Development Compared to Conservation and Cluster Subdivision Design



- B. **Conservation Features Inventory Required.** A conservation features inventory (CFI) must be conducted by any application seeking to subdivide any previously undeveloped land or land previously in agricultural use. The CFI must be submitted by the applicant to the Zoning Administrator prior to the submission of the preliminary plat. Significant natural resources that must be included in the conservation features inventory include, but are not limited to, water bodies, floodplains, wetlands, remnant prairies, sensitive aquifer recharge areas, and oak groves, heritage trees, savannas, forests, and threatened or endangered species of flora and fauna located on the subject property.
- C. **Conservation Subdivision Design Standards.**
 1. **Location.** Conservation subdivisions are permitted in the R1, R2, R3, L1, L2, and L3 Districts.
 2. **Density.** A conservation subdivision may include lot sizes of up to 50 percent less than the minimum lot size established in Section 8 (Zoning District Regulations) in the R2 District.

Minimum lot sizes may be reduced by up to 25 percent in the R3 District. Minimum lot sizes may not be reduced in the R1, L1, L2, and L3 districts.

3. Bulk and Setback Standards. Conservation subdivisions in the R2, and R3 Districts are exempt from the minimum lot area and lot width standards of the zoning district where they are located. The building height, and setback standards of the R3 District apply to all conservation subdivisions.
4. Required Common Open Space. Residential lots in conservation subdivisions must be organized around and provide access to common open space. No less than 40 percent of the land area in a conservation subdivision may be maintained as active or passive common open space in accordance with 7.03.E (Common Open Space).
5. Conservation Elements.
 - a. The subdivision must be configured to protect areas of conservation value identified in the CFI.
 - b. The subdivision must be located and oriented to minimize negative impacts on the natural, scenic, and cultural resources of the site.
 - c. Downstream impacts of the subdivision must be minimized through the provision and maintenance of adequate on-site stormwater management.
 - d. Contiguous areas of undisturbed or restored habitat must be preserved to create corridors for the movement of wildlife and natural resources. Fragmentation and clear-cutting of woodland areas and other natural ecosystems are prohibited.
 - e. The subdivision may be required to preserve scenic natural views, including scenic views from roadways.
6. Residential Lot Configuration. Residential dwellings must be configured in clustered groups of up to 30 dwelling units. Groups of residential lots must be located no less than 150 feet apart, as measured from lot line to lot line. The groups of residential lots must be separated by greenbelts or other natural features. Development is not permitted within these separation areas, but these areas may include pedestrian, bicycle, and multi-use paths, and trail systems.

D. Cluster Design Standards.

1. Minimum Subdivision Size. The minimum area of the cluster subdivision is five acres.
2. Location. Cluster subdivision is only permitted in the R2 and R3 Districts.
3. Density. A cluster subdivision may include lot sizes of up to 50 percent less than the minimum lot size established in Section 8 (Zoning District Regulations) in the R2 District. Minimum lot sizes can be reduced by up to 25 percent in the R3 District.
4. Bulk and Setback Standards. Cluster subdivisions are exempt from the minimum lot area and lot width standards of the zoning district where they are located. The building height, impervious coverage, and setback standards of the R3 District apply to all cluster subdivisions, regardless of the zoning district they are located in.

5. Required Common Open Space. Residential lots in cluster subdivisions must be organized around and provide access to common open space. No less than 25 percent of the land area in a conservation subdivision may be maintained as active or passive common open space in accordance with 7.03.E (Common Open Space).

E. Common Open Space.

1. Common Open Space Types. Required common open space must be accessible to the residents of the development. The common open space must also be available to the general public during daylight hours. The open space must be platted as a single lot and restricted from future development via easement, restrictive covenant, or other legally binding record. The following types of common open space are permitted:
 - a. Natural water bodies, wetlands, and conservation areas. However, no more than 20 percent of the common open space may consist of water bodies, wetlands, or floodplains.
 - b. Detention and retention areas designed as wetlands or natural water features with native vegetation.
 - c. Hiking trails and greenways connecting open space areas.
 - d. Parks, playgrounds, and recreational facilities, such as ball courts and swimming pools. No more than 30 percent of the common open space may be used for structures for recreational facilities.
 - e. Botanical gardens, greenhouses, native plantings, and community gardens.
 - f. Agricultural uses, including the reuse of existing barns or silos located on site.
2. Not Considered Common Open Space. The following portions of conservation or cluster subdivision may not be counted towards common open space requirements:
 - a. Yards on individual lots.
 - b. Public rights-of-way.
 - c. Off-street parking and loading areas.
 - d. Golf courses.
3. Management Plan. A management plan must be submitted for all common open space, including any detention and retention ponds serving more than one property. The designated common open space must be owned and managed by one or more of the following entities and the management plan must meet the standards for each type of plan.
 - a. Homeowners Association.
 - (1) The developer must provide the City with a description of the association, proof of incorporation, its bylaws, a declaration of covenants, easements, or restrictions, or similar documents regulating the use of the property and establishing procedures for maintaining the common open space. The documents must include a description of how control of the association will be transferred from the developer to the homeowners. Any documents amended after their initial approval must be placed on file with the City Clerk and Zoning Administrator.
 - (2) Maintenance and insurance of common open space must be the responsibility of the association. All maintenance and operational obligations of the association with regard to the common open space will be memorialized in the declaration of the subdivision or another legal instrument approved by the City's corporation counsel and suitable for recordation against the subdivision property. The declaration will provide that in the event that the association fails to perform necessary maintenance of the common open

space or allows nuisance conditions to persist on the common open space, the City will have the right, after providing notice and an opportunity to cure, to enter upon the common open space and any adjacent lots, to conduct the maintenance and to lien to subdivision property, including all lots for any costs incurred. The association's documentation must be recorded with the final plat of subdivision in accordance with Section 3.03 (Subdivision Applications). Updated documents must be recorded and provided to the City Clerk and Zoning Administrator.

- b. Public or Private Conservation Organization. With the permission of the City, the developer may transfer ownership of the common open space, or easements over the common open space, to a public or private conservation organization in accordance with the following standards.
 - (1) The organization must be a well-established conservation organization whose corporate purpose is to conserve open space and/or natural resource areas.
 - (2) Any transfer of ownership must include provisions to allow the conservation organization to return the common open space to the property owners in the event that the organization becomes unable to carry out its responsibilities.
 - (3) The organization taking ownership of the common open space must execute a maintenance agreement for the common open space in a format that is acceptable to the City's corporation counsel.
 - (4) Private Ownership. With the permission of the City, an individual may maintain the common open space as provided by a conservation easement.

If the need for such action is identified, the City may initiate a discussion about alternative management options.

- 4. Unmaintained or Mismanaged Open Space. Open spaces are subject to City of Waukegan property maintenance standards enforcement. And the City's right to enter upon the property to conduct maintenance and repairs to abate nuisance conditions.

7.04 Street Standards for Subdivisions

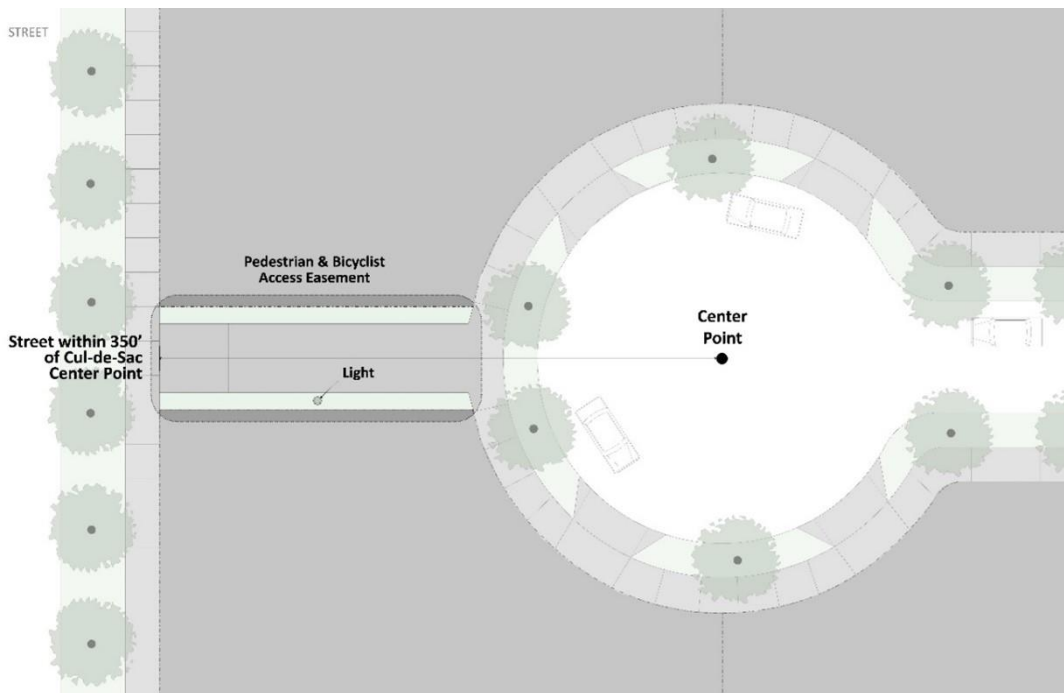
A. Street Design Standards for All Street Types.

- 1. Design and Arrangement.
 - a. A grid layout of interconnected streets is encouraged. The network of streets must form an interconnected grid pattern and provide for the continuation of existing streets into new subdivisions. Cul-de-sacs, U-shaped streets, dead-ends, and curvilinear street design must be avoided unless necessary from the topography, natural features, or other site conditions. All non-grid street layouts must follow the requirements of Section 7.04.A.4 (Disconnected Streets).
 - b. All streets must be integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the official City (or street classification system) Map and on any current city streets or thoroughfare plan.
 - c. All thoroughfares must be related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to pattern of existing and proposed land use.

- d. Local and collector streets must be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to all occupied lots within the subdivision.
 - e. Proposed streets must be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning and Zoning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
 - f. In business and industrial subdivisions, the streets and other accessways must be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walking and parking areas to minimize conflict of movement between the various types of traffic, including pedestrian.
 - g. With approval of the City Engineer, local and collector streets may have seamless curbs with level roadway and pedestrian paths. Streets of this design must be slightly crowned to shed stormwater and must incorporate landscape islands and bioswales for stormwater detention and traffic calming. Bollards or decorative paving may also be used to separate pedestrian and vehicular traffic.
2. Railroads and Highways (Freeways, Expressways). Railroad rights-of-way and limited-access highways, that impact the subdivision of adjoining lands, must be treated as follows:
- a. In residential districts, a buffer strip at least 45 feet in width, in addition to the normal depth of the lot required in the district, must be provided adjacent to the railroad right-of-way or limited-access highway. This strip must be part of platted lots and must be designated on the plat as follows: "This strip is reserved for the planting of trees, shrubs, and other vegetation by the owner. The placement of structures hereon is prohibited."
 - b. In districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to an active railroad right-of-way must, wherever practicable, be a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
 - c. Streets parallel to the railroad, when intersecting a street which crosses the railroad at grade, must be located no less than 150 feet from the railroad right-of-way, measured from the edge of pavement. The distance must take into account the minimum distance required for the construction of future grade separations and provide sufficient distance to construct appropriate approach gradients.
3. Disconnected Streets.
- a. Cul-de-Sac or Dead-End Streets. Cul-de-sac or dead-end streets are discouraged and are allowed only when approved by the Zoning Administrator in consultation with the City Engineer. Cul-de-sacs or dead-end streets may be allowed due to site constraints such as topography, natural features, railroad tracks, or raised highways. Cul-de-sacs or dead-end streets must provide pedestrian and bicyclist access according to the following standards.
 - (1) A cul-de-sac or dead-end street serving fewer than 25 dwelling units may not exceed 800 feet in length. Cul-de-sacs serving 25 or more dwelling units may not exceed 500 feet in length.
 - (2) For residential subdivisions, the diameter of a cul-de-sac turnaround (measured at the outside right-of-way) must be 100 feet or more. Pavement diameter of a cul-de-sac turnaround must be 80 feet or more.

- (3) For non-residential subdivisions, the diameter of a cul-de-sac turnaround (measured at the outside right-of-way) must be 120 feet or more. Pavement diameter of the cul-de-sac turnaround must be 100 feet or more. If a center island is provided, the diameter of the island must be 20 feet or less.
- (4) Pedestrian and Bicycle Access: Cul-de-sacs must provide pedestrian and bicyclist access along a public easement located between lots of record when the center point of the cul-de-sac is within 350 feet of a street or another cul-de-sac. Refer to Figure 7.04-1 (Pedestrian Connection from Cul-de-Sac).
- (5) The public easement must be a minimum of 20 feet wide.
- (6) The public easement must include a lighted multi-use path with a minimum width of 10 feet that is constructed of a permanent surface approved by the Zoning Administrator in consultation with the City Engineer and include permanent features to prevent automobile use, such as bollards, on any end that meets vehicular traffic.
- (7) Maintenance responsibility for the easement must be designated in the final plat of subdivision.

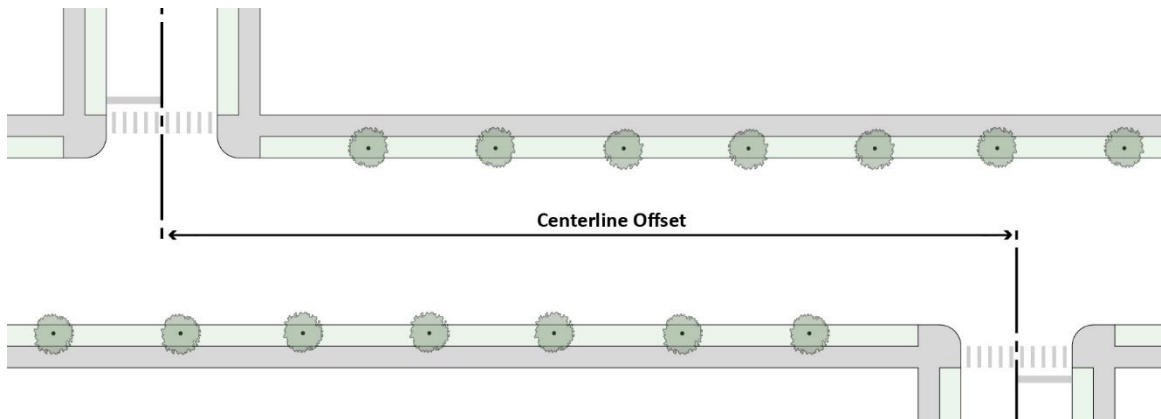
Figure 7.04-1 Pedestrian Connection from Cul-de-Sac



- b. Stub Streets. Stub streets must be extended to the boundary line of the subdivision to provide for future street connections with adjacent parcels upon their development.
- c. Half Streets. Half streets are prohibited unless otherwise approved by the Zoning Administrator in consultation with the City Engineer. Street systems in new subdivisions must be platted to establish streets with the full, required right-of-way. Where an existing half-street is adjacent to a new subdivision, the other half of the street must be dedicated by the subdivider. Where a new subdivision is adjacent to an existing street of inadequate right-of-way width, additional right-of-way width may be required to be dedicated by the subdivider to meet the requirements of this section.

4. Intersection Design and Alignment.
 - a. Alignment of New Streets. New streets must be aligned with existing streets when feasible to form intersections.
 - b. Number of Streets. No more than two streets may intersect at any point unless specifically approved by the Planning and Zoning Commission.
 - c. Angle of Intersection. Streets must be aligned to intersect at right angles whenever possible. A proposed intersection of two new streets at an angle of less than 75 degrees is prohibited.
 - d. Centerline Offsets. The centerlines of intersections must be offset by a minimum distance of 150 feet, see Figure 7.04-2 Centerline Offsets. Proposed new intersections along one side of an existing street must, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet are not permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment must be continuous.

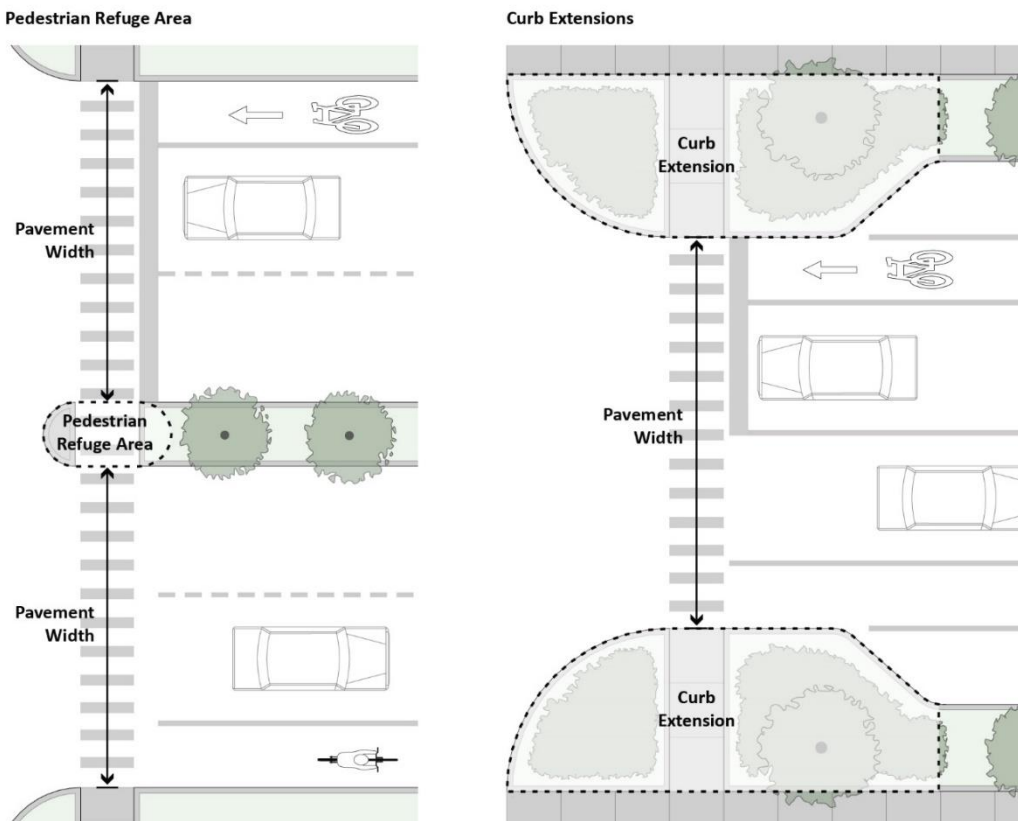
Figure 7.04-2 Centerline Offsets



- e. For sight distance, alignment of curved streets, curb radius, minimum grade, earth bank, and cross slope requirements, refer to the Compendium of Specifications for Development.
5. Alleys.
 - a. Alleys must be provided in all business, commercial and industrial districts, except that the Zoning Administrator, in consultation with the City Engineer, may waive this requirement for fire lanes where other definite and suitable provision is made for service access such as off-street loading and parking, fire suppression, police surveillance, consistent with, and adequate for, the uses proposed, and in accordance with the provisions of this Ordinance.
 - b. Dead-end alleys are generally prohibited, and crooked and "T" alleys are discouraged. Where dead-end alleys are unavoidable, they must be provided with adequate turnaround facilities at the dead end.
 - c. Alleys are prohibited in residential subdivisions with a density less than six dwelling units per acre. Where deemed necessary for access to off-street parking or loading areas or for municipal services, alleys may be approved in higher density residential subdivisions.
 - d. Alleys in nonresidential areas must have a minimum width of 24 feet. Alleys in residential areas must have a minimum width of 20 feet.

6. Crosswalks.
 - a. Location. Crosswalks are required at all intersections.
 - b. Dimensions. Crosswalks must be a minimum of six feet in width per Manual on Uniform Traffic Control Devices (MUTCD) standards.
 - c. Markings. Crosswalks must be highly visible with painted markings and/or textured or colored pavement, in accordance with MUTCD standards.
 - d. Pedestrian Crossing Distances. Crosswalks with a crossing distance of 38 feet or more must include median pedestrian refuge areas, curb extensions, or other acceptable pedestrian facilities in the right of way to improve pedestrian safety by reducing the crossing distance. Refer to Figure 7.04-4 Pedestrian Crossing Distances.
 - e. Raised Crosswalks/Speed Tables. Crosswalks of local streets with two or fewer car travel lanes that are ten or more feet from the intersection must be raised to the level of the sidewalk to prioritize pedestrian safety. Pavement markings on the incline area must be included in each direction of travel. This requirement may be waived by the City Engineer to prevent stormwater drainage or traffic management issues. Stoplight intersections and bus routes are exempt from this requirement.

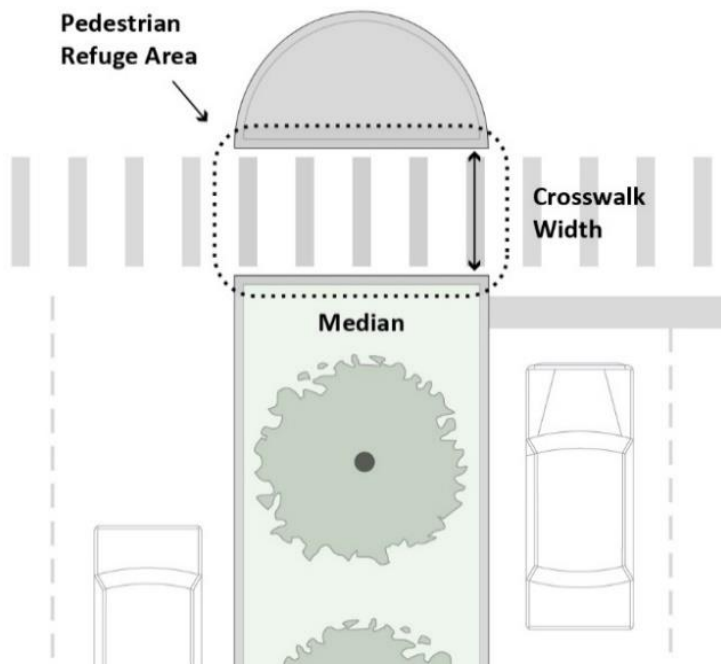
Figure 7.04-4 Pedestrian Crossing Distances



7. Medians.
 - a. Landscaping. Landscape elements within a median must be covered with living plant material. Acceptable plants include shade trees, ornamental trees, shrubs, low-growing

- evergreens, perennials, and native and no-mow grasses. Sod is allowed but discouraged. Species must be heat, drought, and salt tolerant.
- b. Visibility. Any plant material located within a median, with the exception of trees approved by the City Engineer, may not be taller than 2.5 feet at mature height.
 - c. Median Pedestrian Refuge. At any intersection requiring a pedestrian to cross more than three vehicle lanes, a median pedestrian refuge must be installed to provide adequate pedestrian safety. The pedestrian refuge cut-through or ramp must be the same width as the crosswalk. Refer to Figure 7.04-5 Median Pedestrian Refuge Design.
 - d. Emergency Vehicle Cross Path. When required by the Fire Department, angled paving must be incorporated 20 feet from the edge of the intersection to allow emergency vehicles to cross the median in the event of traffic at the intersection.

Figure 7.04-5 Median Pedestrian Refuge Design

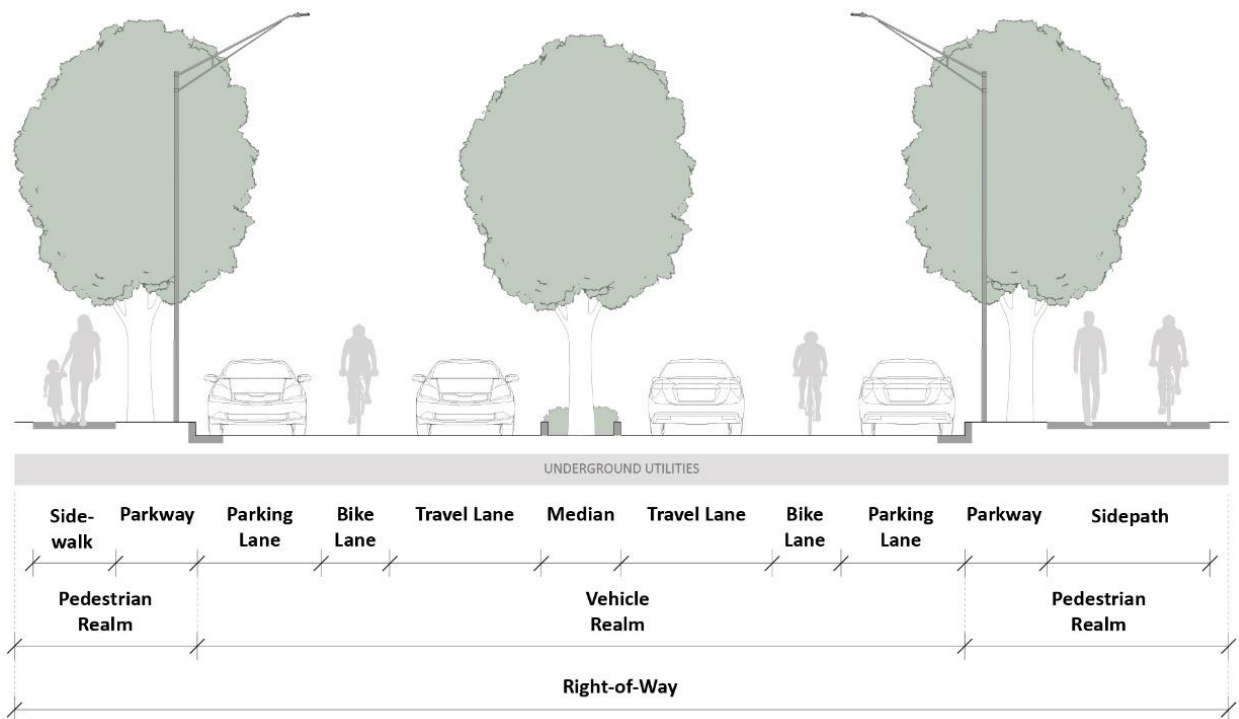


8. Curb Extensions. Curb extensions must be installed at the intersections of all street types that contain an on-street parking lane adjacent to the curb, to support pedestrian safety. Curb extensions may contain landscaped bioretention cells to facilitate stormwater infiltration and meet the requirements of Section 7.04.D.4 (Parkways and Stormwater Management Facilities).
9. Accessible Ramps and Warning Panels. Accessible ramps and warning panels are required where all sidewalks or trails terminate at a crosswalk or curb, per the Americans with Disabilities Act or any more stringent state requirement. Two ramps per corner at intersecting streets are required and must be oriented perpendicular to traffic. ADA-compliant pedestrian call buttons are required at all signalized intersections.
10. Curbs and Gutters. The dimensions and materials of all curbs and gutters must comply with standards established by the City's Engineering Division.

B. Street Type Design Standards.

1. General Standards for Street Types. New streets within subdivisions will be configured as a street type that meets the requirements of the General Standards for Street Types according to the Compendium of Specifications for Development. The Zoning Administrator, in consultation with the City Engineer, may require modifications to the street type standards depending on the unique characteristics of the site. Typical street elements are part of either the vehicle realm or the pedestrian realm. Refer to Figure 7.04-6 Typical Right-of-Way Elements.

Figure 7.04-6 Typical Right-of-Way Elements

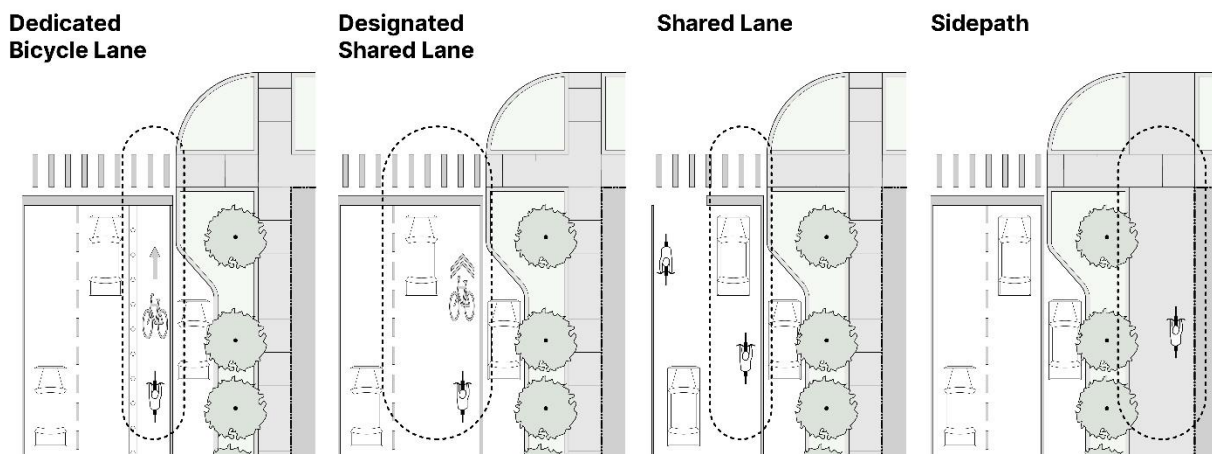


2. Bicycle Lanes. New streets in subdivisions must include on-street or off-street bicycle facilities in conformance with the City’s Complete Streets Policy and relevant planning documents. Three types of on-street bicycle facilities are permitted, and one type of off-street bicycle facility is permitted. The option that promotes the highest level of pedestrian safety possible must be implemented. Designs other than those specified in this Ordinance may be considered. Refer to Figure 7.04-7 Bicycle Lanes for examples.
 - a. Dedicated Bicycle Lane. Dedicated bicycle lanes are on-street striped lanes outside the outermost vehicular travel lanes. Dedicated bicycle lanes must be located on one or both sides of the street and must be a minimum of four feet wide with a one-foot buffer per lane. Dedicated bicycle lanes must incorporate a buffer from vehicle traffic via concrete curbs or flexposts. Where vehicles must cross the designated bicycle lane, green piano-style street paint must be incorporated, and the buffer must be removed for the width of the vehicle crossing.
 - b. Designated Shared Lane. Designated shared lanes are on-street lanes that are shared by vehicles and bicycles. Designated shared lanes must be a minimum of 14 feet wide to accommodate both vehicles and bicycles. On two-way streets, a designated shared lane is

required in both directions. Designated shared lanes must be indicated by shared lane markings or “sharrows”.

- c. Shared Lane. Shared lanes are on-street facilities that do not have dedicated bicycle lanes or designated shared lanes, but that allow bicycles to comfortably share lanes with vehicular traffic due to the speed and configuration of the street. Speed limits may not exceed 20 miles per hour on shared lane roads.
- d. Sidepath. Sidepaths are off-street facilities that are shared by pedestrians and bicyclists. Sidepaths function like a sidewalk but are wide enough to accommodate pedestrians and bicyclists simultaneously. Sidepaths are required on both sides of the street and must be a minimum of 10 feet wide. At the Zoning Administrator’s discretion, a sidepath may be located on only one side of the street provided the sidepath is a minimum of 12 feet wide.

Figure 7.04-7 Bicycle Lanes



- 3. Street Trees. Street trees must be installed in public rights-of-way in accordance with Section 11.04 (Street Trees).
- 4. Parkway and Stormwater Management Facilities. Stormwater management facilities approved by the City Engineer must be integrated within the parkway of all street types to help clean and infiltrate stormwater runoff (refer to Figure 7.04-8 Bioswale Design, Figure 7.04-9 Bioretention Planter Design, and Figure 7.04-10 Bioretention Curb Extension Design).
 - a. Bioswales, bioretention planters, or other stormwater management best management practices are encouraged to be installed within all new parkways.
 - b. Bioretention cells may be included within curb extensions for all street types when a parking lane is adjacent to the parkway. Bioretention cells may extend into the parkway.

Figure 7.04-8 Bioswale Design

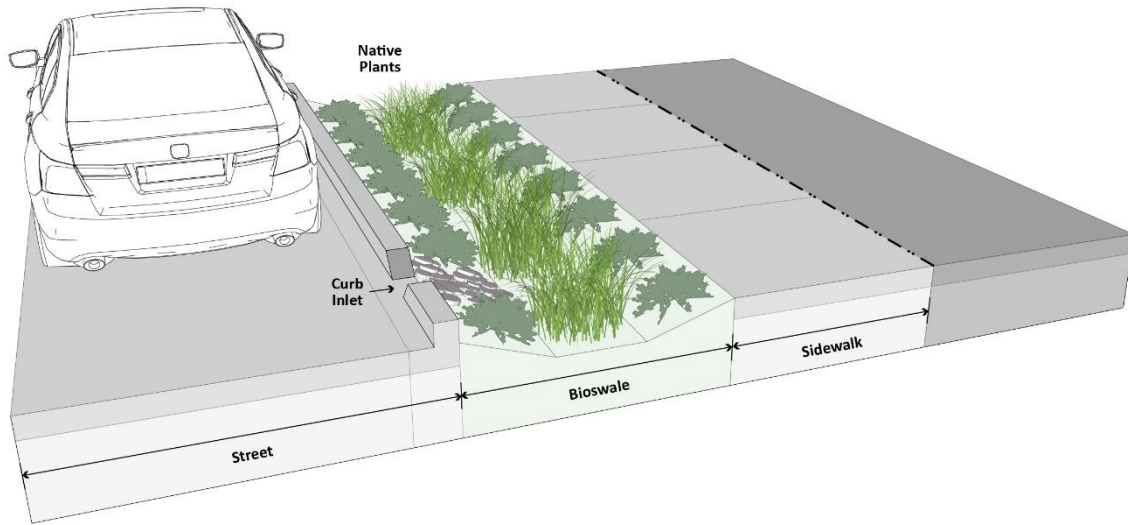


Figure 7.04-9 Bioretention Planter Design

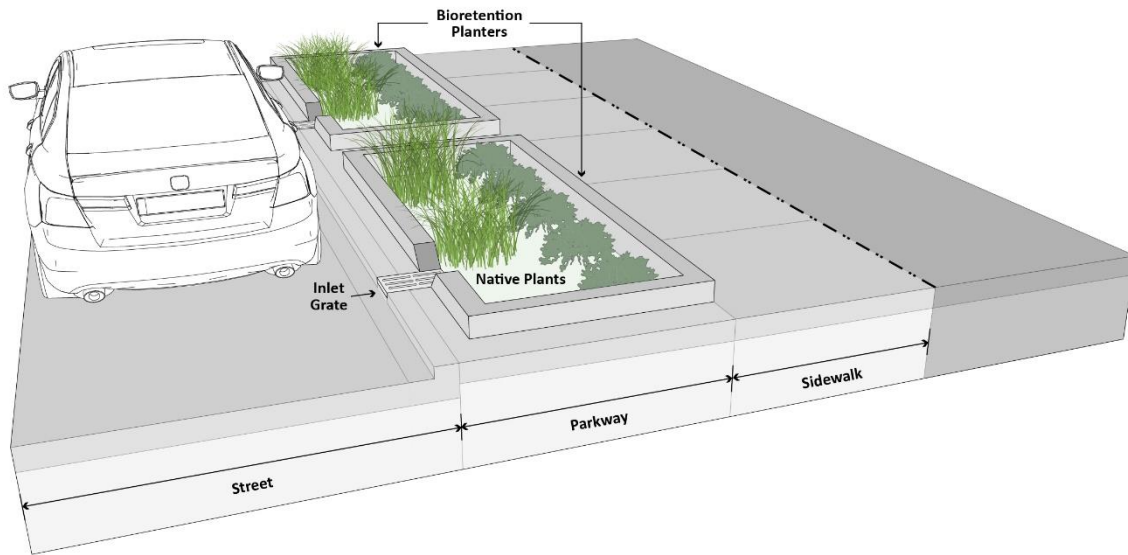
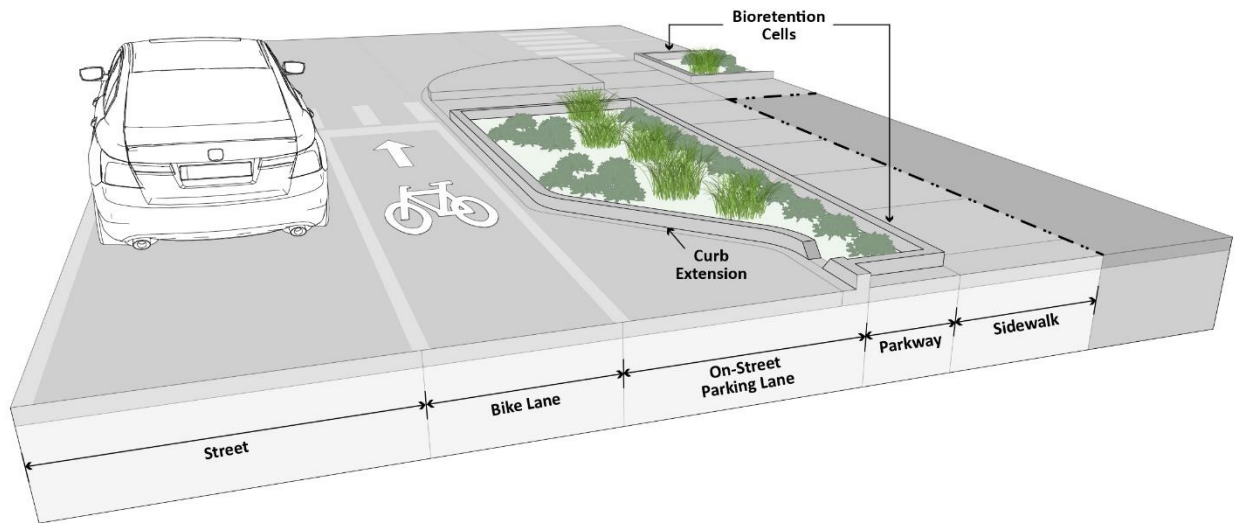


Figure 7.04-10 Bioretention Curb Extension Design



7.05 Required Public Improvements

Required public improvements must be provided in accordance with the City of Waukegan Engineering Department's Compendium of Specification for Development.

7.06 Cash and Land Donations

- A. Applicability. The requirements of this Section apply to new subdivisions and new planned unit developments to provide for the City's needs for various facilities and services, such as public schools, parks, street maintenance, and police and fire protection. Recognizing that Waukegan Park District and Waukegan Community Unit School District 60 are separate entities, their jurisdiction to require and collect land or fee contributions from developers shall prevail.
 - 1. Land Donation. The Planning and Zoning Commission and/or City Council may require that land be reserved for school purposes or for parks, playgrounds, or other recreational purposes, or for other public improvements purposes, in locations designated on the current City of Waukegan Comprehensive Plan or otherwise where such reservations would be appropriate. Each such reservation must be of suitable size, dimension, topography, and general character, and must have adequate road access for the particular purposes envisioned by the Planning and Zoning Commission and/or City Council. The area must be shown and marked on the plat "Reserved for Park and/or Recreation Purposes" or "Reserved for School Purposes" or "Reserved for Future Fire Stations" etc. The developer must dedicate all school or recreation areas or other public improvement areas to the City or the respective District as a condition of final subdivision plat approval.

2. Cash-in-Lieu Donation. The City Council, acting on the recommendation of the Planning and Zoning Commission after receiving the plat review comments of the City or respective district, and in those instances where either the proposed subdivision is too small to solely support the planned improvement or facility or such facility would benefit a much larger area of the city, may require the applicant to deposit with the city or the district a cash payment in lieu of land dedication.

B. Ultimate Population Per Dwelling Unit. The ultimate population density generated by a subdivision or planned unit development will be calculated using the projections set forth in Table 7.06-1 Ultimate Population Per Dwelling Unit.

Table 7.06-1 Ultimate Population Per Dwelling Unit

Type of Dwelling	Pre-School 0-4 Years	Elementary Grades K-6 5-11 Years	Junior High Grades 7-8 12-13 Years	High School Grades 9-12 14-17 Years	Adults 18+ Years	Total Population Per Dwelling
Single-Unit Dwelling						
1-Bedroom	0.000	0.000	0.000	0.000	1.193	1.193
2-Bedroom	0.113	0.136	0.048	0.020	1.700	2.017
3-Bedroom	0.292	0.369	0.173	0.184	1.881	2.899
4-Bedroom	0.418	0.530	0.298	0.360	2.158	3.764
5-Bedroom	0.283	0.345	0.248	0.300	2.594	3.770
Two-Unit Dwelling, Three-Unit Dwelling, Four-Unit Dwelling, and Townhouse Dwelling						
1-Bedroom	0.000	0.000	0.000	0.000	1.193	1.193
2-Bedroom	0.064	0.088	0.048	0.038	1.752	1.990
3-Bedroom	0.212	0.234	0.058	0.059	1.829	2.392
4-Bedroom	0.323	0.322	0.154	0.173	2.173	3.145
Multi-Unit Dwelling						
Studio	0.000	0.000	0.000	0.000	1.294	1.294
1-Bedroom	0.000	0.002	0.001	0.001	1.754	1.758
2-Bedroom	0.047	0.086	0.042	0.046	1.693	1.914
3-Bedroom	0.052	0.234	0.123	0.118	2.526	3.053

C. Park Site Donation.

1. General Provisions.

- a. Conveyance of Land. Required land donations must be provided per Section 7.06.A.1 (Land Donation).
- b. Cash in-Lieu Donations. Required cash donations must be provided per Section 7.06.A.2 (Cash-in-Lieu Donation).

- c. Phasing. The improvement of all donated park land sites must be completed by the developer prior to the issuance of certificates of occupancy for more than 20 percent of the dwelling units planned to be constructed in the development.
2. Park Land Donation Calculation.
 - a. Park Acreage Requirement. The amount of park land required is determined by the ultimate density of the proposed development. For parks, 10 acres of park land per 1,000 residents must be donated.
 - b. Land Donation Formula. The amount of park land to be donated is determined by the following formula.
 - i. The total number of units for each dwelling type to be built is multiplied by the corresponding population density in Table 7.06-1 Ultimate Population Per Dwelling Unit.
 - ii. The product for each dwelling type is added to calculate the ultimate population of the development. The ultimate population for all dwelling units is then divided by 1,000.
 - iii. The result of such division is then multiplied by 10 to determine total acreage needed for park land donation.
 3. Criteria for Required Park Land Donation.
 - a. Site Criteria. The location of the park land donation must be suitable for the purposes for which it is intended. Wetlands, floodplains, detention areas, stormwater retention basins, and areas of steep slope are not considered suitable park land and cannot be counted as a land donation. The proposed donation site must be an integral component of the neighborhood, rather than left over parcels, and must be safely and conveniently accessible to pedestrians and cyclists.
 - b. General Uses. The required park land donations may only be improved with play lots, mini parks, neighborhood parks, and community parks in accordance with Table 7.06-2 Types of Parks.

Table 7.06-2 Types of Parks

Type	Size Range	Minimum Acres Per 1,000 People
Play Lots and Mini Parks	0.25 - 1.5 acres	1.0
Neighborhood Parks	3.0 - 10.0 acres	4.0
Community Parks	15.0 acres or more	5.0

- c. Location. Parks established pursuant to a land donation must be located no less than 1,320 feet (equivalent of ¼ mile) from every lot in the subdivision, as measured by walking distance, so parks are accessible to the surrounding neighborhood. The City retains final selection and approval authority for all park site locations. This range may be extended up to 0.75 miles for community parks.
- d. Compatibility with Current Plans. The City’s Comprehensive Plan and its other land use policies will guide the location of park sites. Land donation will only be accepted in instances where a developer owns land in reasonable proximity to a planned park site. In all other cases, the payment of the cash-in-lieu of land donation is required.
- e. Condition of Donated Land. Donated land must be in a condition ready for development as parkland including proper site drainage and curb and gutter treatment in a manner consistent with the rest of the development. Donated land may not contain hazardous or

toxic materials or must be remediated to residential standards. Original topsoil and vegetative cover must either remain undisturbed or the site must be prepared in a manner consistent with the standards of the applicable park district.

4. Park Land Donation Substitutions.

- a. Cash-in-Lieu. If it is determined by the Zoning Administrator that park land would be more appropriately located off-site, per the requirements of Section 7.04.A.2 (Cash-in-Lieu Donation), the City may agree to accept cash-in-lieu of donation.
- b. Off-Site Park Land Donations. Off-site park land may provide credit for up to a maximum of 50 percent of the total required park land donation provided that such land is accessible to the community, and advances City goals to naturalize flood-prone properties, transition to passive recreation use, or increase conservation areas.
- c. Park Improvements Credit. The City Council may recognize existing or proposed park improvements as equal to or greater than the value of the improvement fees required in this Section and may credit the development's total required park contribution with the value of such site improvements.
- d. Private Parks. Private parks may provide credit for up to a maximum of up to 25 percent of the total park land donation, provided that such land is determined to be of equivalent value to public park land and that the park is available by right to all residents of the development. Private parks are only eligible for credit when they are open to the public from 8:00 am to 8:00 pm.

D. School Site Donation.

1. General Provisions.

- a. Conveyance of Land. Required land donations must be provided per Section 7.06.A.1 (Land Donation).
- b. Cash Donations. Required cash donations must be provided per Section 7.06.A.2 (Cash-in-Lieu Donation).

2. School Land Donation Calculation.

- a. School Classifications and Size of School Site. School classifications and the size of school locations within the City must be determined in accordance with the criteria shown in Table 7.06-3 School Classifications and Size. The criteria provided is consistent with the Illinois Office of Education Standards, as adopted by the Illinois State Board of Education.
- b. Land Donation Formula. The ultimate number of students generated by a subdivision or planned unit development have a direct impact on the amount of land required for school sites. The following formula determines how many acres are required to be donated.
 - (1) The total number of units for each dwelling type to be built is multiplied by the corresponding population density in Table 7.06-1 Ultimate Population Per Dwelling Unit.
 - (2) Use the resulting projections for students and Table 7.06-3 School Classifications and Size to establish the ratio of projected students to the required acreage for school sites for each school classification.

Table 7.06-3 School Classifications and Size

Type	Maximum Number of Students	Minimum Acres of Land
Elementary schools, grades K-5	600	15
Middle schools, grades 6-8	900	25
High schools, grades 9-12	2,400	80

- E. Reservation of Additional Land for Parks and Schools. In situations where the City’s Comprehensive Plan and the other land use policies of the City call for a larger park or school site than the amount calculated by the requirements of this Section, the land needed must be reserved for purchase by the City or other public body designated by the City. The purchase will be set at the average fair market value of the land, as determined by the City, provided that the agreement for land acquisition is made no later than one year after final plat approval. The failure of the City or other public body to reach an agreement for land acquisition within one year of final plat approval will terminate the reservation and release said property for future development in accordance with this Ordinance.
- F. Conveyance of Land Donation.
1. Title. All land donations for park, school or other municipal or public purpose must be conveyed to the City, school district, the Waukegan Park District, or other public body following the recording of a final plat or approval of a planned unit development agreement.
 2. Conveyance Requirements. Each deed or other instrument conveying land must be accompanied by:
 - a. A written commitment issued by a title insurer licensed to do business in Illinois to insure the title to such real estate in an amount equal to its value. The written commitment will be subject to current real estate taxes, covenants, conditions, and restrictions.
 - b. A current boundary line survey, certified to the City by a licensed Illinois Land Surveyor.
 - c. An assessment plat and tax division petition in a form acceptable to the appropriate county authorities so that the land can be assigned its own property index number.
 - d. A phase one environmental study prepared by an environmental consultant assuring the City that there are no hazardous or toxic materials on the property as defined in federal, state, or local laws.
 3. Acceptance of Dedicated Land for Public Use. When a final plat of subdivision has been approved by the City Council and all other required approvals are obtained and the plat is recorded, that approval constitutes acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public, including street dedications. Whenever a preliminary plat includes a proposed dedication of land to public use and the Planning and Zoning Commission finds that such land is not required or not suitable for public use, the Planning and Zoning Commission may recommend that the City Council either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision to include such land.
 4. Maintenance. Maintenance of the land reserved for a park, school, municipal, or other public purpose is the responsibility of the developer of the property from the date that it is conveyed

until ownership is transferred or the property is sold. Failure of the developer to maintain the property will result in relinquishing all rights to the property, subject to statutory law governing conveyances of municipal real estate.

G. Cash Donations.

1. Establishment of Fees.
 - a. Determination of In-Lieu Fee Amounts. The cash contribution in lieu of land is determined by multiplying the acreage demand for a given development by the average fair market value for land acquisition.
 - b. Determination of Fair Market Value. The cash contributions in lieu of land is based on the fair market value of subdivided land that otherwise would have been donated as park or school sites. The average fair market value for acquiring improved land in the City is \$90,000 per acre as of the date of adoption of this Ordinance. The fair market value will be adjusted upward at an annual rate of 3 percent.
2. Criteria for Requiring a Contribution in Lieu of Land Donation.
 - a. Unsuitability Determination. The determination that available land is unsuitable for a park or school site will be made by the City after inspecting the land and receiving the recommendation of the public agency, whether the Waukegan Park District or local school district affected.
 - b. Small or Otherwise Inappropriate Sites. In cases where a development is small and the resulting site would be inappropriate for a park or school, the City will require the developer to pay a cash contribution in lieu of land donation.
3. Donation of Both Land and Cash-In-Lieu of Land. Situations where a required donation of both land and a cash-in-lieu donation will be determined by the City as follows.
 - a. A portion of the land to be developed is proposed as the location for a park or school site. The portion of the land within the subdivision that is within the park or school site must be donated as an appropriate site and a cash contribution is required in lieu of any additional land that is required.
 - b. A part of the designated park or school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portion is required by donation, and a cash contribution in lieu of the land is required.
 - c. A certain park or school site will be donated, and the rest of the required park or school site acreage would be unsuitable for a park or school. In this case, the cash must be contributed in lieu of the rest of the required school or park site acreage.
4. Time and Manner of Payment. The amount of cash-in-lieu donation will be determined by the City at the time of final plat or planned unit development approval. It must be recognized that the dedication of land or cash-in-lieu donation, required for public improvements and services as established in this subsection, may not be confused with, or substituted wholly or in part for, the standard required improvements specified in City of Waukegan Engineering Department's Compendium of Specifications for Development.
 - a. Schools. Such payment must be placed in a School Improvement Fund to be established by the district and must be used by the appropriate school district for the construction of new schools or the improvement of existing facilities, including acquisition costs. Such deposit

- must be used for facilities that will actually be available to, and benefit the persons in said district, as agreed by the subdivider and the school board in prior agreement.
- b. Parks. Such payment must be placed in a Parks and Recreational Improvement Fund established by the Waukegan Park District and must be used by the district for the development or improvement of parks and recreational facilities, including any acquisition costs. Such deposit must be used for facilities that will actually be available to and benefit the persons in said district.
 - c. Other Public Improvements. Such payment must be placed in the appropriate corporate fund account, and will be used by the City of Waukegan for the development or improvement of firefighting, protection, public health and security services and facilities, traffic signals, or other roadway or other traffic movement improvements, and other public improvements necessitated by or for the benefit of, the City
5. Cash Donations for Special Districts.
- a. Deposit and Distribution. Cash contributions for non-City services must be deposited with the City and subsequently distributed to special districts upon written request by the applicable district. The amount of the contribution will be determined by the City in consultation with the district. The funds will be used by the district in which the funds were collected to improve facilities, equipment, or operations.
 - b. Indemnification. By accepting land and/or cash, the special district must indemnify the City in writing against any loss, cost, or expense designated for the district.
 - c. Reimbursement. By accepting land and/or cash, the special district must reimburse the City for all expenses incurred in obtaining the land and/or cash required by this Section. The payment must be made to the City no later than 30 days after the district's receipt of the land and/or cash, or receipt of an invoice from the City, whichever occurs later.

7.07 Subdivisions Created by Successive Divisions

Whenever a parcel of land is subdivided into lots containing one or more acres, and there are indications that such lots will eventually be subdivided into smaller building sites, the Planning and Zoning Commission may require that such parcels of land be divided to allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

SECTION 8: ZONING DISTRICT REGULATIONS

- 8.01 Purpose
- 8.02 Applicability
- 8.03 Development Standards of General Applicability
- 8.04 Zoning Map
- 8.05 Use of Land and Buildings
- 8.06 Establishment of Zoning Districts and Purpose Statements
- 8.07 Summary Table of Zoning Requirements
- 8.08 CR Conservation/Recreation District
- 8.09 Residential Zoning District Design Requirements
- 8.10 Residential Zoning District Bulk and Setback Requirements
- 8.11 Lakefront Zoning District Design Requirements
- 8.12 Lakefront Zoning District Bulk and Setback Requirements
- 8.13 Business Zoning District Design Requirements
- 8.14 Business Zoning District (B1, B2, and B4) Bulk, Setback, and Supplemental Design Requirements
- 8.15 Business Zoning District (B3, H/C, and E) Bulk, Setback, and Supplemental Design Requirements
- 8.16 Industrial Zoning District Design Requirements
- 8.17 Industrial Districts: R/LI and I

8.01 Purpose

The purpose of this Section is to establish various zoning districts and corresponding development standards for properties within the City.

8.02 Applicability

The provisions of this Section apply to all new developments, including construction and significant exterior renovation of existing structures that require a building permit. Refer to Section 6 (Nonconformities) for information on the continuation of nonconforming structures.

8.03 Development Standards of General Applicability

The following sections provide development requirements that must be met in addition to the development requirements for each zoning district established in this Section.

- A. Site Plan Review. See Section 4.09 (Site Plan Review) for applicable site plan review requirements.
- B. Uses. See Section 9 (Uses) for principal, accessory, and temporary use requirements as well as standards for accessory and temporary structure requirements.
- C. Parking and Loading. See Section 10 (Off-Street Parking and Loading) for off-street parking, loading, and access requirements.

- D. Landscaping and Buffering. See Section 11 (Landscape Standards) for landscaping, buffering, and screening requirements.
- E. Signs. See Section 12 (Signs) for sign requirements.
- F. Building Regulations. Refer to [Chapter 6 \(Buildings and Building Regulations\)](#) of the City's Code of Ordinances for additional development requirements outside the purview of this Ordinance.

8.04 Zoning Map

- A. Establishment of Zoning Map. The location and boundaries of the districts established in this Section are hereby established on the map designated as the City of Waukegan Zoning Map and referred to herein as the "Zoning Map." The Zoning Map is adopted by reference and incorporated as part of this Ordinance.
- B. Map for Reference. The Zoning Map is maintained for reference and public inspection on the City's website and in the offices of both the City Clerk and the Zoning Administrator.
- C. Zoning Map Amendments. All map amendments, see Section 4.07 (Amendments), that involve a change to the designation of a lot within a zoning district must be documented on the Zoning Map.
- D. Interpretation of Boundary Lines. The boundaries of all zoning districts shown on the Zoning Map are determined in accordance with the following:
 - 1. Right-of-Way Lines. Where zoning district boundary lines coincide with streets, alleys, railroads, easements, or similar rights-of-way, the centerline of the right-of-way is considered the boundary line of the district.
 - 2. Lot Lines. Where zoning district boundary lines coincide with a lot line, the lot line is considered the boundary line of the district.
 - 3. Lot of single ownership. Where a zoning district boundary line divides a lot in single ownership, the Zoning Administrator will determine which zoning district designation will apply to the entire site by written interpretation.

8.05 Use of Land and Buildings

- A. Number of Buildings on a Lot. No more than one principal building may be located on a lot used for a single-unit or multi-unit residential dwelling, except as part of a planned unit development in accordance with Section 5 (Planned Unit Developments). For non-residential uses, more than one principal building may be located on a zoning lot provided that each building complies with the applicable requirements of this Section as though it were an individual principal building on a zoning lot or if it was approved as a planned unit development in accordance with Section 5 (Planned Unit Developments).

B. Applicability of Regulations.

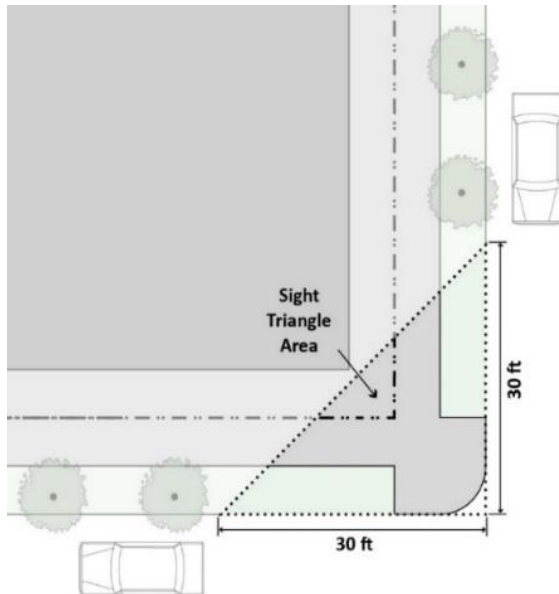
1. Applicability of Use Regulations. A building, structure, or lot may only be used for a use that is allowed as either a permitted or approved conditional use in the zoning district in which such building, structure, or land is located. Buildings, structures, or lots may also be used for an approved accessory use or a temporary use in accordance with the requirements of Section 9.03 (Accessory Uses and Structures) and Section 9.04 (Temporary Uses and Structures).
2. Applicability of Lot and Setback Regulations. Lot dimensions and setbacks may not be reduced below the minimum requirements or extended beyond the maximum requirements of this Ordinance without a variance or planned unit development approval. Lots or setbacks created after the effective date of this Ordinance must meet the requirements for the zoning district in which the structure is located. All setbacks allocated to a structure must be located on the same zoning lot as such building.
3. Consolidation of Contiguous Lots Operated as a Single Zoning Lot. Multiple contiguous lots under the same ownership and used as a single zoning lot must consolidate the lots into a single parcel upon zoning review and staff recommendation in accordance with Section 3.03 (Subdivision Application) and Section 7 (Subdivision Development Standards).
4. Applicability of Bulk and Height Requirements. All structures erected after the effective date of this Ordinance must meet the bulk and height requirements for the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the zoning district in which the structure is located.
 - a. Airport Height Restrictions. Areas surrounding the boundaries of the Waukegan National Airport are required to comply with the height restrictions as prescribed in state and federal regulations for runway protection zones and airspace clearance.
 - b. Airport Height Restriction Variances. Structures that exceed the height requirements in the approach plan of the require an aeronautical study and may receive a variance if they are found to not be an obstruction to air navigation. (See Section 4.04 Variances)

C. Air Rights. Development involving the use of air rights from properties in the same zoning district and fronting a common right-of-way is allowed in all non-residential zoning districts (B1, B2, B3, B4, H/C, E, R/LI, I). Air rights development requires a conditional use permit and may only be initiated by the property owner. See Section 2.06 (Application Procedure) and Section 4.08 (Conditional Uses).

D. Obstruction of Visibility Prohibited. No building, structure, or sign may be erected or placed, or vegetation allowed to grow in a manner that will create a visibility obstruction for motorists, bicyclists, or pedestrians along or over public rights-of-way. No building, structure, sign, or vegetation may obstruct the area between 2.5 feet and 8 feet in height within the sight triangle area. The sight triangle area is measured along 30 feet of curb line or edge of pavement where no curbs are present, from the point where two or more streets intersect, or where a street intersects railroad tracks. (See Figure 8.05-1 Visibility Obstruction)

- E. Solid Waste. No building, structure, or lot may be used in a manner that creates a solid waste nuisance on its premises as defined in Section 11-36 of the City's Code of Ordinances. No solid waste may be produced or be a byproduct of production if the solid waste cannot be disposed of via general waste collection to a licensed Subtitle D Landfill. No solid waste of any kind may be stored on any property for longer than a regular waste disposal cycle or 30 days, whichever is less.

Figure 8.05-1 Visibility Obstruction



8.06 Establishment of Zoning Districts and Purpose Statements

In order to carry out the purpose and intent of this Ordinance, the City is hereby divided into the following zoning districts:

- A. CR Conservation/Recreation District. The CR Conservation/Recreation District is established to encourage development of land for recreational open space, accommodate agricultural uses and limited non-agricultural uses that are compatible with agricultural development, preserve natural resources, and reduce the potential financial burden to areas subject to periodic flooding or with high water tables.
- B. Residential Districts.
 - 1. R1 Single-Unit Dwelling District. The R1 District is established to accommodate low-density residential development. The R1 District allows single-unit dwellings, other residential uses, and limited non-residential uses that are compatible with surrounding residential neighborhoods.
 - 2. R2 Single-Unit Dwelling District. The R2 District is established to accommodate moderate density residential development. The R2 District allows single-unit dwellings, other residential uses, and limited non-residential uses that are compatible with surrounding residential neighborhoods.

3. R3 General Residential District. The R3 District is established to accommodate single-unit, two-unit, three-unit, and four-unit dwellings, townhouse dwellings, and other residential uses and limited non-residential uses that are compatible with surrounding residential neighborhoods.
4. R4 General Residential District. The R4 District is established to accommodate high density residential development. The R4 District allows single-unit, two-unit, three-unit, and four-unit dwellings, townhouse dwellings, multiple-unit dwellings, and other residential uses and limited non-residential uses that are compatible with surrounding residential neighborhoods.
5. R5 Multiple-Unit Residential District. The R5 District is established to accommodate multiple-unit dwelling development. The R5 District allows multiple-unit dwellings, other residential uses, and limited non-residential uses that are compatible with surrounding residential neighborhoods.

C. Business Districts.

1. B1 Neighborhood Convenience District. The B1 District is established to accommodate pedestrian development that serves surrounding neighborhoods. The B1 District allows a narrowly defined set of commercial, institutional, and limited residential uses primarily along local roads.
2. B2 Community Shopping District. The B2 District is established to accommodate pedestrian and auto-oriented development that serves surrounding neighborhoods and communities. The B2 District allows a range of commercial, institutional, and limited residential uses primarily along major and minor arterial roads.
3. B3 General Commercial District. The B3 District is established to accommodate auto-oriented commercial development that serves the City and surrounding communities. The B3 District allows a wide range of commercial, institutional, and limited residential uses primarily along major arterial roads.
4. B4 Downtown District. The B4 District is established to accommodate dense, pedestrian-oriented development that serves the City and surrounding communities. The B4 District allows a wide range of commercial, residential, and institutional uses within Downtown Waukegan.
5. H/C Health/Civic District. The H/C District is established to accommodate office buildings, business headquarters, civic and cultural structures, and educational, hospital and medical services, and institutional uses in a mutually compatible environment.
6. E Entertainment District. The E District is established to accommodate large-scale entertainment and retail developments that serve the City and surrounding communities. The E District allows a range of entertainment, cultural, and retail uses, and multi-unit dwellings in a mutually compatible environment.

D. Industrial Districts

1. R/LI Research/Light Industrial District. The R/LI District is established to accommodate research, light industrial, business, corporate, and professional office uses that can be developed in a unified manner. The R/LI District allows development of large tracts of land that are accessible to the regional interstate highway systems.
2. I Light Industrial District. The I District is established to accommodate low intensity manufacturing development with minimal impacts on neighboring properties. The I District allows a narrowly defined set of light manufacturing, office, and research uses.

E. Lakefront Districts

1. L1 South Lakefront District. The L1 District is established to accommodate open space and moderate density residential and pedestrian development that serves surrounding neighborhoods. The L1 District allows one-unit, two-unit, three-unit, and four-unit dwellings, townhouse dwellings, and low-rise multiple-unit dwellings, and limited commercial uses that are compatible with surrounding residential neighborhoods.
2. L2 Marina District. The L2 District is established to accommodate marina, recreational, and mixed use commercial and residential development that serves the City and surrounding communities. The L2 District allows multi-unit dwellings, mixed-use developments, and a wide range of commercial and recreational uses.
3. L3 North Harbor District. The L3 District is established to accommodate marina, recreational, and mixed use commercial and residential development that serves surrounding neighborhoods. The L3 District allows townhouse dwellings, multi-unit dwellings, mixed-use developments, and a wide range of commercial, and recreational uses.

8.07 Summary Table of Zoning Requirements

Table 8.07-1. Summary Table of Zoning District Requirements: Conservation, Residential, and Lakefront Districts and Table 8.07-2 Summary Table of Zoning District Requirements: Business and Industrial Districts provide a summary of the bulk and setback requirements for each zoning district established in this Section.

Table 8.07-1 Summary Table of Zoning District Requirements: Conservation, Residential, and Lakefront Districts

Bulk	CR	R1	R2	R3	R4	R5	L1	L2	L3
Minimum Lot Area (sf)	N/A ⁽¹⁾	40,000	7,200	5,000	5,000	5,000	3,600	3,600	5,000
Minimum Lot Width (ft) ⁽²⁾	N/A	Type A: 100-199	Type A: 50-149	Type A: 40-149	Type A: 40-99	Type A: 40-99	30	30	45
		Type B: 200-499	Type B: 150-199	Type B: 150-199	Type B: 100-199	Type B: 100-149			
		Type C: 500 or more	Type C: 200 or more	Type C: 200 or more	Type C: 200 or more	Type C: 150 or more			
Maximum Principal Building Height (ft)	N/A	45	45	45	60	80	35	45 ⁽³⁾	45 ⁽⁴⁾
Setback	CR	R1	R2	R3	R4	R5	L1	L2	L3
Minimum Front Setback (ft)	50	A: 40	A: 25	A: 20	25	15	15	5	15
		B: 50	B: 30	B: 25					
		C: 60	C: 50	C: 50					
Maximum Front Setback (ft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Corner Side Setback (ft)	50	A: 30	A: 20	A: 15	A: 15	20	10	5	10
		B: 40	B: 30	B: 25	B: 20				
		C: 50	C: 40	C: 40	C: 40				
Maximum Corner Side Setback (ft)	N/A	N/A	N/A	N/A	N/A	N/A	10	N/A	15
Minimum Interior Side Setback (ft)	50	A: 20	A: 6	A: 6	A: 6	A: 6	5	0	5
		B: 25	B: 15	B: 15	B: 10	B: 10			
		C: 30	C: 30	C: 30	C: 30	C: 20			
Minimum Rear Setback (ft)	50	A: 40	A: 30	A: 25	A: 25	A: 25	20	20	20
		B: 50	B: 40	B: 30	B: 30	B: 30			
		C: 75	C: 75	C: 60	C: 40	C: 40			

Notes

(1) A minimum lot area of 217,800 sf is required for agricultural uses.

(2) Based on a sliding scale in coordination with varying front, side, and rear setback requirements that fall within one of three ranges (Type A, Type B, or Type C), which accounts for variability in land use types and intensities.

(3) A limited number of point towers in the L2 district may project up to 150 ft.

(4) A limited number of structures may go up to 120 feet. Structures fronting Pershing and Seahorse Drive may go up to 60 feet. Refer to the Design Guidelines (2005) for the Waukegan Lakefront-Downtown Master Plan (2003).

Table 8.07-2 Summary Table of Zoning District Requirements: Business and Industrial Districts

Bulk	B1	B2	B3	B4	H/C	E	R/LI	I
Minimum Lot Area (sf)	N/A	N/A	N/A ⁽¹⁾	N/A	6,000	N/A	25,000	40,000
Minimum Lot Width (ft)	N/A	N/A	N/A	N/A	50	N/A	50	100
Maximum Principal Building Height (ft)	45	100	100	160 ⁽²⁾	N/A	220	60	80
Setback	B1	B2	B3	B4	H/C	E	R/LI	I
Minimum Front Setback (ft)	15	5	15	N/A	5	N/A	30	30
Maximum Front Setback (ft)	N/A	15	N/A	15	N/A	N/A	N/A	N/A
Minimum Corner Side Setback (ft)	15	15	15	N/A	5	N/A	30	30
Maximum Corner Side Setback (ft)	25	15	N/A	15	N/A	N/A	N/A	N/A
Minimum Interior Side Setback (ft)	N/A	N/A	N/A	N/A	N/A	N/A	10	10
Minimum Rear Setback (ft)	N/A	N/A	N/A	N/A	N/A	N/A	20	20
Minimum Setback Adjacent to a CR, R1, R2 (ft)	15	45	45	10	10	45	45	60
Minimum Setback Adjacent to a R3, R4, R5 (ft)	12	45	45	N/A	N/A	45	45	45
Minimum Setback Adjacent to a CR, R1, R2 with screening (ft) ⁽³⁾	N/A	15	15	0	5	15	25	45
Minimum Setback Adjacent to a R3, R4, R5 with screening (ft) ⁽³⁾	N/A	12	12	0	5	12	25	45
Minimum Setback Adjacent to any other district (ft)	N/A	N/A	N/A	N/A	N/A	N/A	25	45

Notes

(1) Auto repair use requires a minimum lot size of 15,000 sf; auto sales use requires a minimum lot size of 30,000 sf.

(2) Developments along Sheridan Road must be at least 60 feet in height. For preferred location of structure height, refer to the Design Guidelines (2005) for the Waukegan Lakefront-Downtown Master Plan (2003).

(3) See Section 11.08 (Buffer Yards).

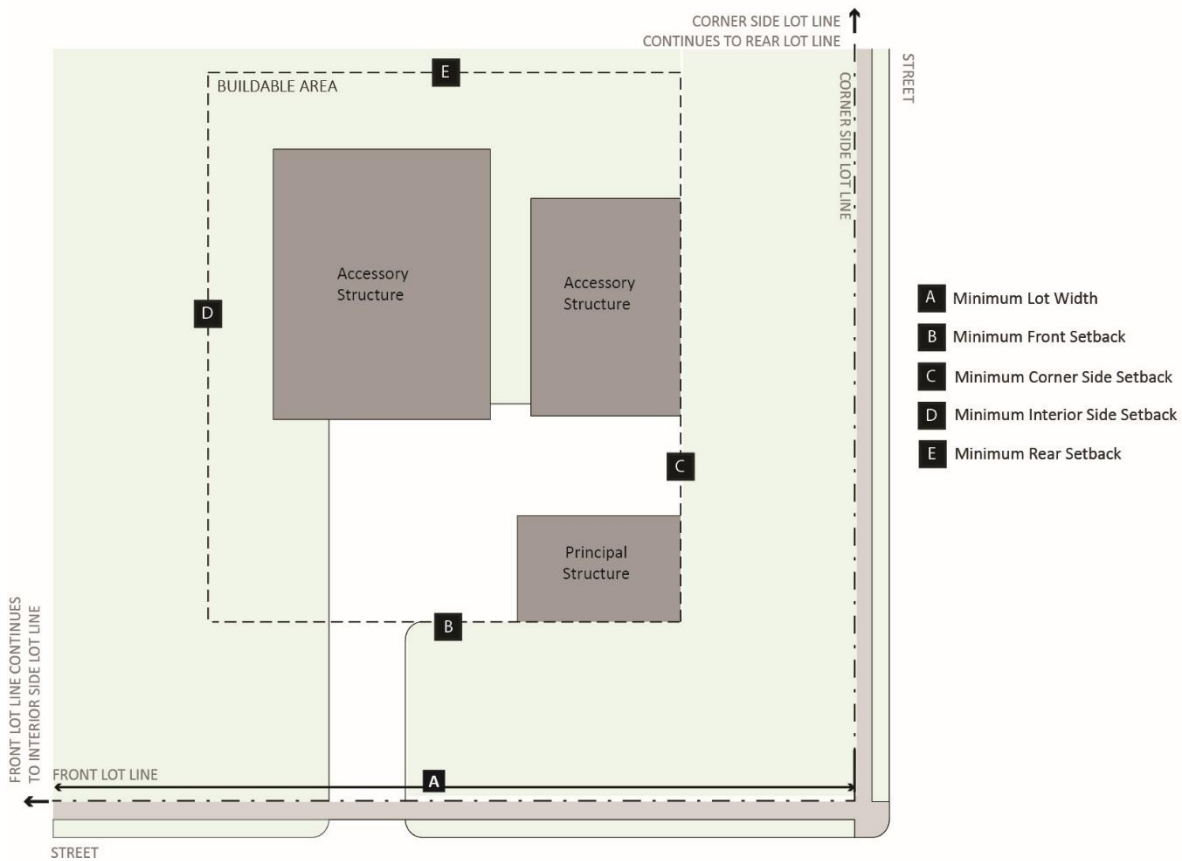
8.08 Conservation/Recreation District Bulk and Setback Requirements

Table 8.08-1 CR District Requirements and Figure 8.08-1 CR District Requirements establish bulk and setback regulations for the CR District. See Section 9.03 (Accessory Uses and Structures) for provisions related to accessory structures.

Table 8.08-1 CR District Requirements

Bulk Requirements		
	Minimum Lot Area (sf)	N/A
	Minimum Lot Area for agricultural uses (sf)	217,800
A	Minimum Lot Width (ft)	N/A
Setback Requirements		
B	Minimum Front Setback (ft)	50
C	Minimum Corner Side Setback (ft)	50
D	Minimum Interior Side Setback (ft)	50
E	Minimum Rear Setback (ft)	50

Figure 8.08-1 CR District Requirements



8.09 Residential Zoning District Design Requirements

- A. Applicability. The design requirements in this section apply to all new construction and additions to single-unit dwellings, two-unit dwellings, three-unit dwellings, four-unit dwellings, townhouse dwelling units, and multiple-unit dwellings within the City's residential zoning districts.
- B. Design Requirements for Single-Unit Dwellings, Two-Unit Dwellings, Three-Unit Dwellings, and Four-Unit Dwellings. Refer to Figure 8.09-1 Single-Unit Dwelling, Two-Unit Dwelling, Three-Unit Dwelling, and Four-Unit Dwelling Design Requirements and Figure 8.09-2 Anti-Monotony Façade Separation.
1. Building Orientation for All Lots. The entrance to single-unit and two-unit dwellings must be oriented toward the front lot line. The entrance to three-unit and four-unit dwellings must include a minimum of two entrances, at least one of which is oriented toward the front lot line with primary access via the front lot line.
 2. Building Orientation for Corner Lots. The entrance to single-unit, two-unit, three-unit, and four-unit dwellings located on corner lots must have a relationship with both intersecting streets in a manner that maintains the existing street wall on both streets to the greatest extent possible.
 3. Façade Articulation. To avoid the appearance of blank walls, façades facing the front yard and corner side yard must include façade articulation, such as entrances, bay windows, porches, or other architectural features.
 4. Façade Transparency. At least one window is required on façades facing the front yard, corner side yard, interior side yard, and rear yard. Minimum transparency of 25 percent is required on façades facing the front yard and corner side yard. Minimum transparency of ten percent is required on façades facing the rear yard.
 5. Additions. Additions to single-unit, two-unit, three-unit, and four-unit dwellings must maintain the architectural style, scale, and building mass of the existing structure. The building addition's materials, colors, trim, and other architectural details must complement the existing structure. All additions must meet the requirements of Section 8.09.B (Design Requirements of Single-Unit Dwellings, Two-Unit Dwellings, Three-Unit Dwellings, and Four-Unit Dwellings).
 6. Roofs. Sloped roofs must include eaves of at least six inches in width.
 7. Anti-Monotony. New construction of single-unit, two-unit, three-unit, and four-unit dwellings involving four or more lots must have distinctive façade designs. Dwelling units with similar façade designs must be separated by two or more lots on both sides of the street. Dwelling units are considered distinct if they are different according to at least four of the following features.
 - a. Number of stories.
 - b. Architectural style, such as craftsman, prairie, or ranch.
 - c. Shape and dimensions of the front façade.
 - d. Color palettes and materials for walls, trim, and roofs.
 - e. Placement, size, and style of doors and windows.
 - f. Roofline, roof pitch, and the number and location of dormers.
 - g. Location and proportion of front porches.
 - h. Location and proportion of garages and garage doors, if included on the front façade.

Figure 8.09-1 Single-Unit Dwelling, Two-Unit Dwelling, Three-Unit Dwelling, and Four-Unit Dwelling Design Requirements

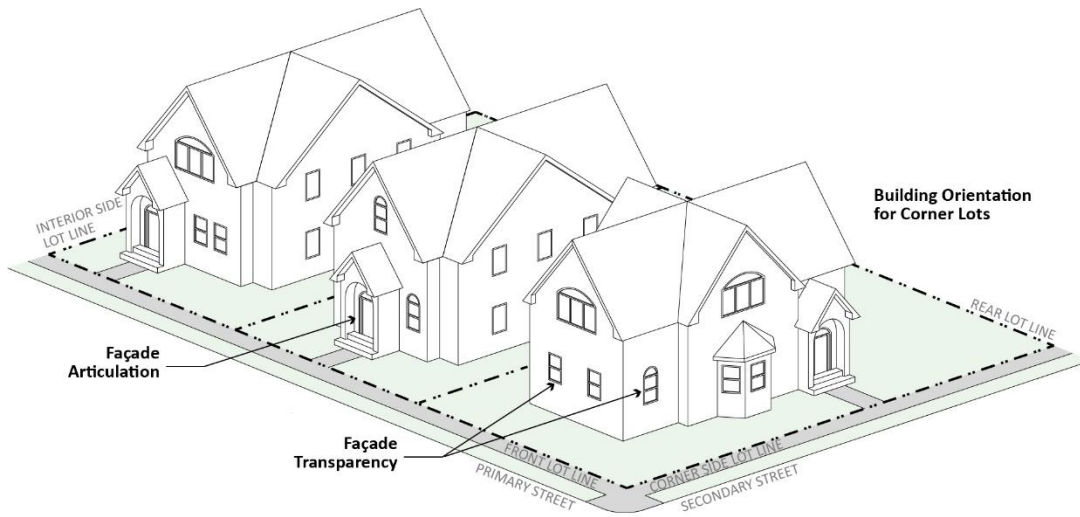
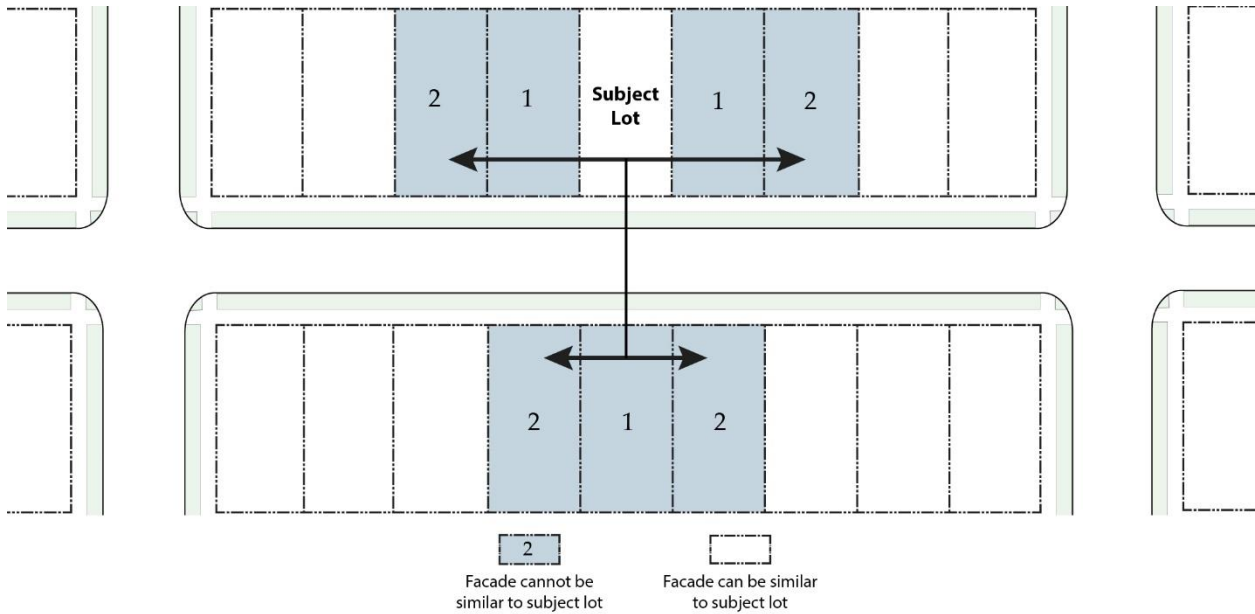


Figure 8.09-2 Anti-Monotony Façade Separation



C. Design Requirements for Multiple-Unit Dwellings and Townhouse Dwelling Units. Refer to Figure 8.09-3 Multiple-Unit Dwelling and Townhouse Dwelling Unit Design Requirements and Figure 8.09-4 Building Separation Distance.

1. Façade Articulation. To avoid the appearance of blank walls, façades facing the front yard and corner side yard must include façade articulation, such as entrances, bay windows, porches, or other architectural features.

2. **Façade Transparency.** Minimum transparency is required on façades facing the front yard, corner side yard, and interior side yard. Minimum transparency of 25 percent is required on façades facing the front yard and corner side yard. Minimum transparency of ten percent is required on façades facing the rear yard.
3. **Unified Design.** The façades of multiple-unit and townhouse dwelling units must utilize common architectural forms, elements, materials, and colors that wrap around all façades of the building to provide a unified architectural design when the development is viewed from all directions.
4. **Building Separation.** In developments with more than one building, there must be a minimum separation of 40 feet between two front façades, two rear façades, a front and rear façade, a front and side façade, or a rear and side façade. There must be a minimum separation of ten feet between two side façades. Walkways, driveways, and parking areas may be located within the minimum building separation areas.
5. **Doors, Windows, and Balconies.** Doors and windows must have frames with raised elements, such as jambs, entablatures, thresholds, and casings, to create articulation. Windows must be set back into or projected out from the façade to provide façade depth and shadow. Bay windows and balconies are encouraged to provide dimensional elements on a façade.
6. **Roofs.** Sloped roofs must include eaves of at least six inches in width. Roof forms must be articulated so that varied planes and massing within the overall roof are provided. Large monotonous roofs and simple pitched roofs without breaks in the expanse of the roof are prohibited. For flat roofs, the use of cornices and/or parapets is required to break up the roofline.

Figure 8.09-3 Multiple-Unit Dwelling and Townhouse Dwelling Unit Design Requirements

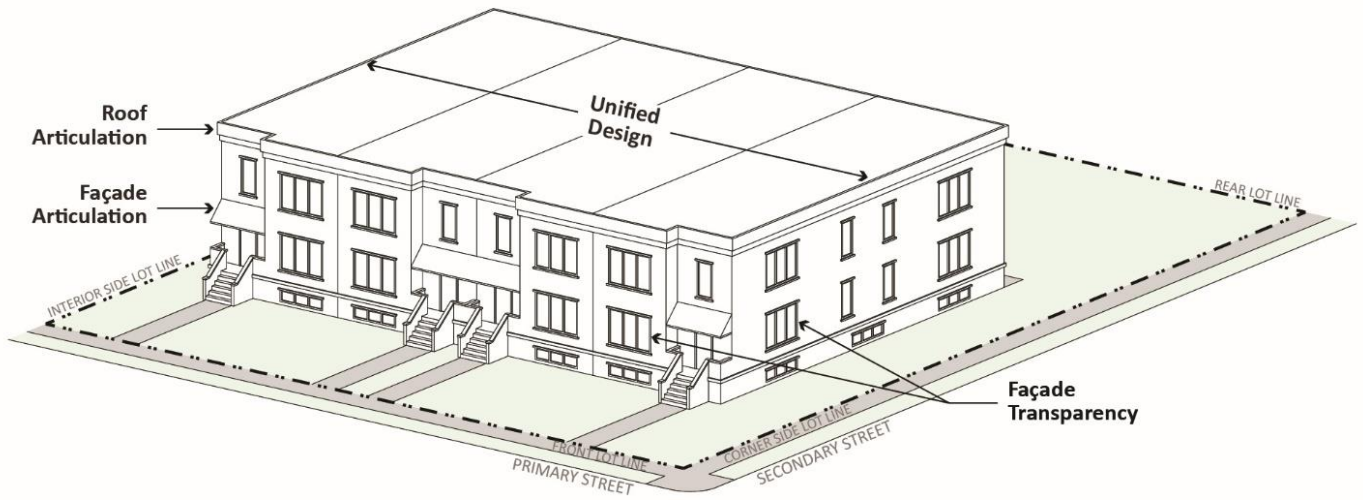
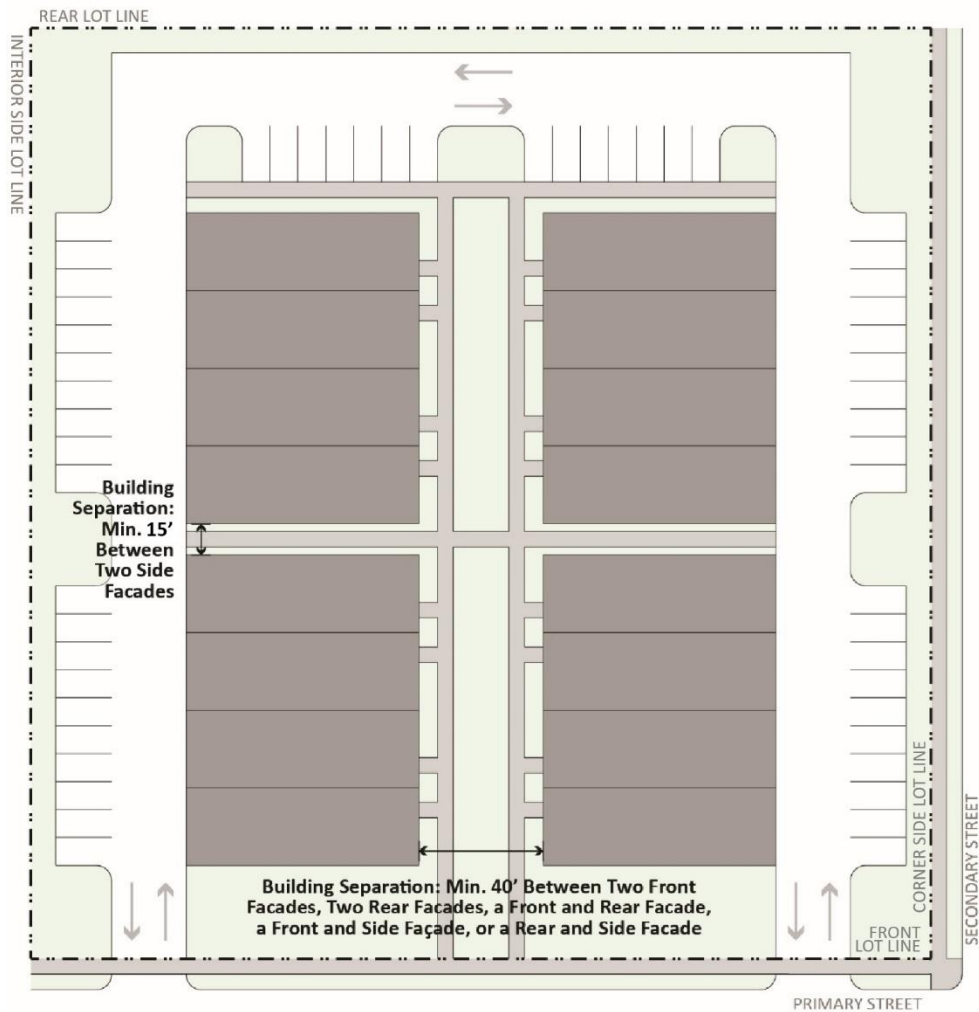


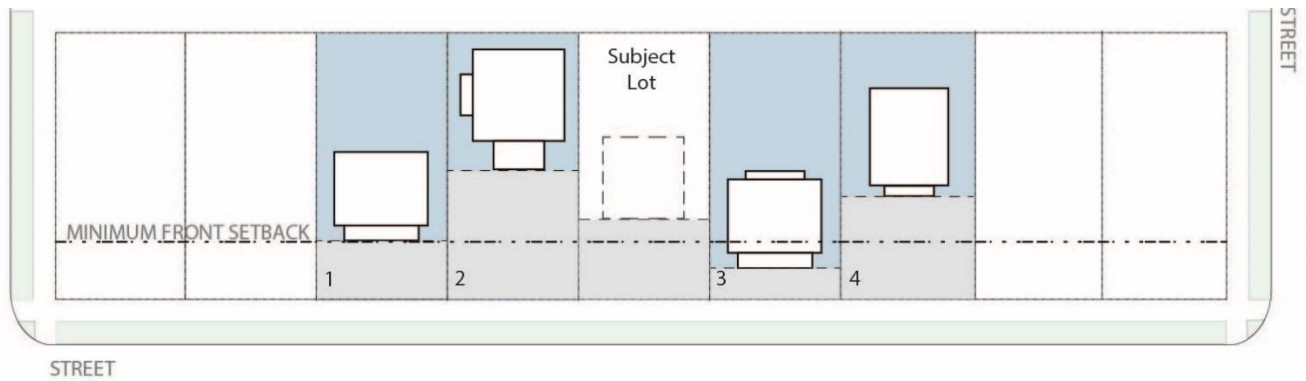
Figure 8.09-4 Building Separation Distance



D. Front Setback Averaging in the R2 and R3 Districts. In situations where a block contains lots with buildings that have a difference in front setbacks of 15 feet or more, then a new building or an addition to an existing building may be built to the average front setback of adjacent lots instead of the minimum front setback requirement. These setback averaging provisions may not be used to reduce the front setback to less than 20 feet. Refer to Figure 8.09-5 Setback Averaging.

1. Lots to Be Included. The average front setback must include the four lots closest to the subject lot that are on the same side of the block as the subject lot.
2. Lots Not to Be Included. Lots with frontage on a different street than the subject lot, or that are separated from the subject lot by a street or alley, may not be used in computing the front setback average.
3. Vacant Lots. Vacant lots used for averaging will be deemed to have a front yard setback equal to the minimum requirement of the subject zoning district.

Figure 8.09-5 Setback Averaging



8.10 Residential Zoning District Bulk and Setback Requirements

Table 8.10-1 Residential Zoning District Requirements and Figure 8.10-1 Residential Zoning District Requirements establish bulk and setback regulations for the R1, R2, R3, R4, and R5 Districts. See Section 9.03 (Accessory Uses and Structures) for provisions related to accessory structures.

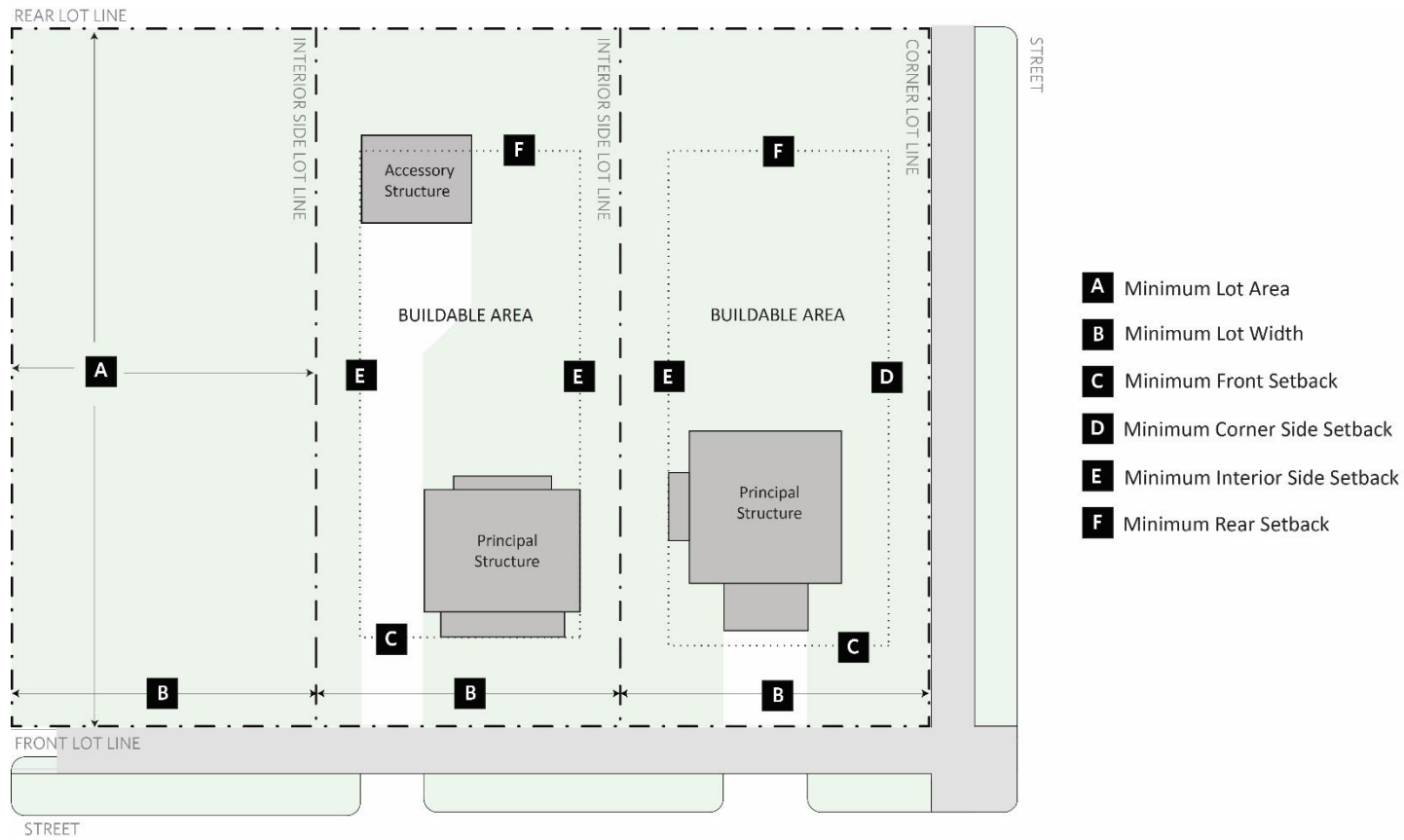
Table 8.10-1 Residential Zoning District Requirements

		R1	R2	R3	R4	R5
Bulk Requirements						
A	Minimum Lot Area (sf)	40,000	7,200	5,000	5,000	5,000
B	Minimum Lot Width (ft) ⁽¹⁾	Type A: 100-199	Type A: 50-149	Type A: 40-149	Type A: 40-99	Type A: 40-99
		Type B: 200-499	Type B: 150-199	Type B: 150-199	Type B: 100-199	Type B: 100-149
		Type C: 500 or more	Type C: 200 or more	Type C: 200 or more	Type C: 200 or more	Type C: 150 or more
	Maximum Principal Building Height (ft)	45	45	45	60	80
Setback Requirements						
C	Minimum Front Setback (ft)	A: 40	A: 25	A: 20	25	15
		B: 50	B: 30	B: 25		
		C: 60	C: 50	C: 50		
D	Minimum Corner Side Setback (ft)	A: 30	A: 20	A: 15	A: 15	20
		B: 40	B: 30	B: 25	B: 20	
		C: 50	C: 40	C: 40	C: 40	
E	Minimum Interior Side Setback (ft)	A: 20	A: 6	A: 6	A: 6	A: 6
		B: 25	B: 15	B: 15	B: 10	B: 10
		C: 30	C: 30	C: 30	C: 30	C: 20
F	Minimum Rear Setback (ft)	A: 40	A: 30	A: 25	A: 25	A: 25
		B: 50	B: 40	B: 30	B: 30	B: 30
		C: 75	C: 75	C: 60	C: 40	C: 40

Notes

(1) Based on a sliding scale in coordination with varying front, side, and rear setback requirements that fall within one of three ranges (Type A, Type B, or Type C), which accounts for variability in land use types and intensities.

Figure 8.10-1 Residential Zoning District Requirements



8.11 Lakefront Zoning District Design Requirements

- A. Applicability. The design requirements in this section apply to all new construction and additions to residential dwellings, and all new construction and significant exterior renovation of existing structures for all other uses within the City’s Lakefront Zoning Districts.
- B. Design requirements for Single-Unit Dwellings, Two-Unit Dwellings, Three-Unit Dwellings, and Four-Unit Dwellings must comply Section 8.09.B (Design Requirements for Single-Unit Dwellings, Two-Unit Dwellings, Three-Unit Dwellings, and Four-Unit Dwellings). Refer to Figure 8.09-1 Single-Unit Dwelling, Two-Unit Dwelling, Three-Unit Dwelling, and Four-Unit Dwelling Design Requirements and Figure 8.09-2 Anti-Monotony Façade Separation.
- C. Design requirements for Multiple-Unit Dwellings and Townhouse Dwelling Units must comply with Section 8.09.C (Design Requirements for Multiple-Unit Dwellings and Townhouse Dwelling Units). Refer to Figure 8.09-3 Multiple-Unit Dwelling and Townhouse Dwelling Unit Design Requirements.
- D. Design requirements for non-residential structures must comply with Section 8.13 (Design Requirements for Business Zoning Districts). Refer to Figure 8.13-2 Business District Design Requirements, and Figure 8.14-1 Business District Requirements.

8.12 Lakefront Zoning Districts

Table 8.12-1 Lakefront Zoning District Requirements establish bulk and setback regulations for the L1, L2, and L3 Districts. See Section 9.03 (Accessory Uses and Structures) for provisions related to accessory structures.

Table 8.12-1 Lakefront Zoning District Requirements

	L1	L2	L3
Bulk Requirements			
Minimum Lot Area (sf)	3,600	3,600	5,000
Minimum Lot Width (ft)	30	30	45
Maximum Principal Building Height (ft)	35	45 ⁽¹⁾	45 ⁽²⁾
Setback Requirements			
Minimum Front Setback (ft)	15	5	15
Minimum Corner Side Setback (ft)	10	5	10
Maximum Corner Side Setback (ft)	10	N/A	15
Minimum Interior Side Setback (ft)	5	0	5
Minimum Rear Setback (ft)	20	20	20

Notes

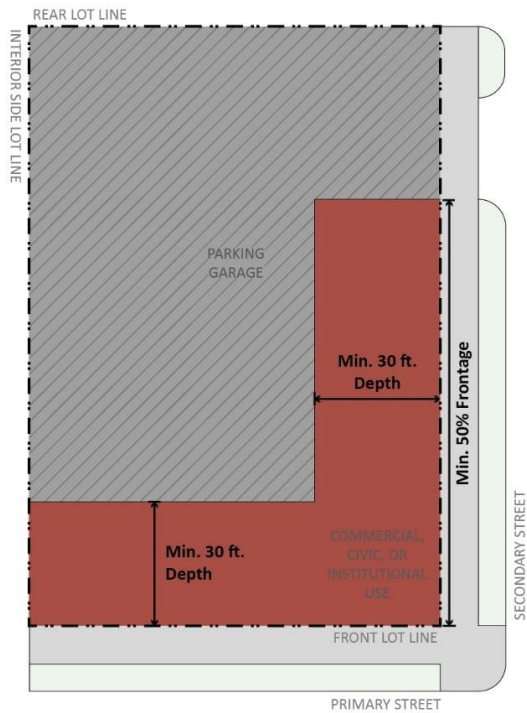
- (1) A limited number of point towers in the L2 district may project up to 150 ft.
- (2) A limited number of structures may go up to 120 feet. Structures fronting Pershing and Seahorse Drive may go up to 60 feet. Refer to the Design Guidelines for the Waukegan Lakefront-Downtown Master Plan (2003).

8.13 Design Requirements for Business Zoning Districts

- A. Applicability. The design requirements in this section apply to all new construction and significant exterior renovation of existing commercial, mixed-use, and multiple-unit structures within the City's B1, B2, B3, and B4 Districts. For additional design requirements specific to each business zoning district, see Section 8.14 (Business Zoning Districts: B1, B2, and B4) and Section 8.15 (Business Zoning Districts: B3, H/C, and E). For design requirements specific to dwellings above ground floor-commercial within the City's business zoning districts see Section 8.09 (Residential Zoning District Design Requirements).
- B. Design Requirements.
1. Façade Design.
 - a. Defined Base, Middle, and Top. Buildings with three or more stories must be designed with a distinct base (ground story), middle, and top. The base of the building must be defined from the upper stories by a horizontal expression line, which is a decorative, three-dimensional linear element protruding or indented at least two inches from a building façade. The top of the building must be crowned with a similar expression line six inches or greater in width. Neither the base nor the top of a building may constitute less than one story or more than one third of the building's façade.
 - b. Façade Articulation. For buildings with more than 50 feet of building width or depth, vertical architectural or structural elements must be incorporated along all street-facing façades at regular intervals to divide large, flat wall planes. Examples of such elements include texture change, material change, color change, or wall articulation change, such as an offset, pilaster, column, reveal, or vertical expression line, of no less than six inches.
 2. Building Façade Materials.
 - a. Allowed Materials. Durable and natural materials are allowed on any building façade, such as stone, brick, stucco, concrete, burnished concrete masonry units, fiber cement siding, and non-reflective glass, unless otherwise limited by Section 8.13.B.2.b (Limited Materials).
 - b. Limited Materials. The following materials may only be utilized for trim or architectural details and may not exceed 20 percent of the total area of any building façade: utility brick, vinyl or metal siding, metal wall panels, exposed aggregate (rough finish) concrete wall panels, non-burnished concrete masonry units, exterior insulation and finishing systems, fiberglass, plastic, untreated wood, and mirrored glass.
 - c. Alteration. Except for murals and public art, the painting of brick, limestone, or other natural stone is prohibited so that such materials retain their natural colors.
 3. Building Details. Pedestrian-scale elements are encouraged on any building façade fronting a public right-of-way, such as decorative lighting not more than nine feet from the ground, planters, and awnings.
 4. Roof Design. Sustainable and environmentally friendly roof designs are encouraged, including, but not limited to green roof, white roof, and blue roof designs.
 5. Parking Garage Design. Parking garages in all zoning districts must meet the requirements for façade design in accordance with Section 8.13 (Design Requirements for Business Zoning Districts).

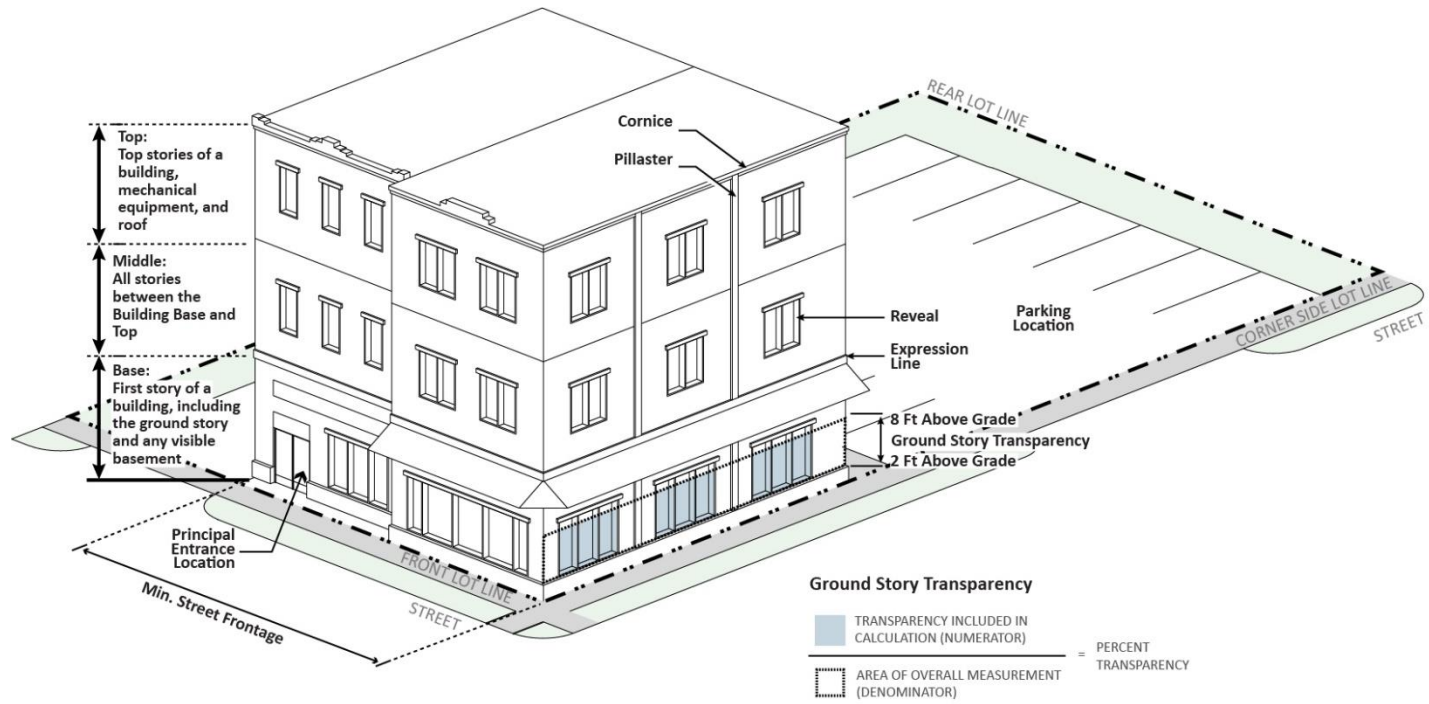
6. Ground Floor Uses. In the B4 District, an allowed commercial, civic, or institutional use must occupy the first 30 feet of building depth only on the ground floor of a parking garage along a minimum of 50 percent of the street-facing façade, in accordance with Figure 8.13-1 Parking Garage Setback.

Figure 8.13-1 Parking Garage Setback



- C. Explanation of Table Requirements. The following information explains the design requirements established in Figure 8.13-2 Business District Requirements and Table 8.14-1 Business District Requirements.
 1. Minimum Street Frontage. The minimum proportion of a principal building required to be located adjacent to a right-of-way expressed as a percentage of the total length of the lot line adjacent to the right-of-way.
 2. Parking Location. The yards in which an off-street parking lot is allowed.
 3. Minimum Transparency. The amount of highly transparent, non-reflective glass required as a percentage of the total area of the street-facing ground story façades between two and eight feet above grade. Tinting of glass in excess of 20 percent is prohibited. Buildings larger than 30,000 square feet are exempt from these standards. Spandrel glass or covered windows may be substituted for transparent windows with approval from the Zoning Administrator or referral to the Development Review Board.
 4. Principal Entrance Location. The façade on which the principal building entrance must be located.

Figure 8.13-2 Business District Design Requirements



8.14 Business Zoning Districts: B1, B2, and B4

Table 8.14-1 Business District Requirements and Figure 8.14-1 Business District Requirements establish bulk and setback regulations for the Business Districts. See Section 9.03 (Accessory Uses and Structures) for provisions related to accessory structures.

Table 8.14-1 Business District Requirements

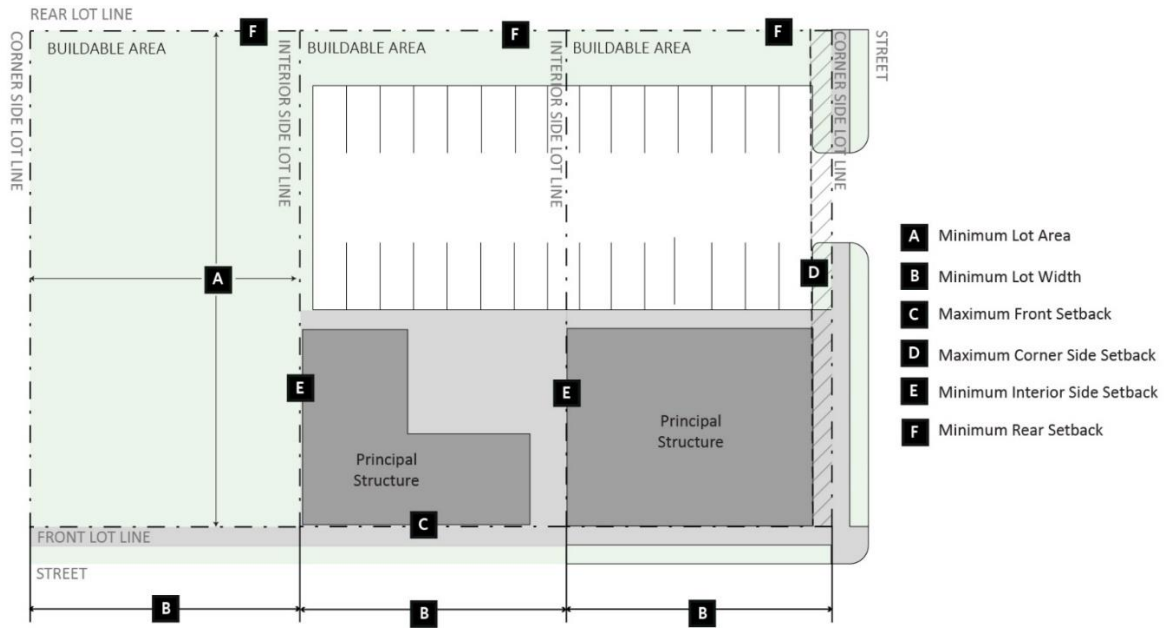
Bulk Requirements		B1	B2	B4
A	Minimum Lot Area (sf)	N/A	N/A	N/A
B	Minimum Lot Width (ft)	N/A	N/A	N/A
	Maximum Principal Building Height (ft)	45	100	160 ⁽¹⁾
Setback Requirements				
	Minimum Front Setback (ft)	15	5	N/A
C	Maximum Front Setback (ft)	N/A	15	15
	Minimum Corner Side Setback (ft)	15	15	N/A
D	Maximum Corner Side Setback (ft)	25	15	15
E	Minimum Interior Side Setback (ft)	N/A	N/A	N/A
F	Minimum Rear Setback (ft)	N/A	N/A	N/A
	Minimum Setback Adjacent to CR, R1, R2 (ft)	15	45	10
	Minimum Setback Adjacent to R3, R4, R5 (ft)	12	45	N/A
	Minimum Setback Adjacent to a CR, R1, R2 with screening (ft) ⁽²⁾	N/A	15	0
	Minimum Setback Adjacent to a R3, R4, R5 with screening (ft) ⁽²⁾	N/A	12	0
Design Requirements				
	Minimum Street Frontage on Primary Street	90%	90%	95%
	Parking Location	Rear or side yard	Rear or side yard	Rear yard
	Minimum Transparency	60%	60%	65%
	Principal Entrance Location	Front or corner side façade		

Notes

(1) Developments along Sheridan Road must be at least 60 feet in height. For preferred location of structure height, refer to the Design Guidelines for the Waukegan Lakefront-Downtown Master Plan (2003).

(2) See Section 11.08 (Buffer Yards).

Figure 8.14-1 B1, B3, and B4 Business District Requirements



8.15 Business Zoning Districts: B3, H/C, and E

Table 8.15-1 B3, H/C, and E District Requirements and Figure 8.15-1 B3, H/C, and E District Requirements establish bulk and setback regulations for the B3, H/C, and E Districts. See Section 9.03 (Accessory Uses and Structures) for provisions related to accessory structures.

Table 8.15-1 B3, H/C, and E District Requirements

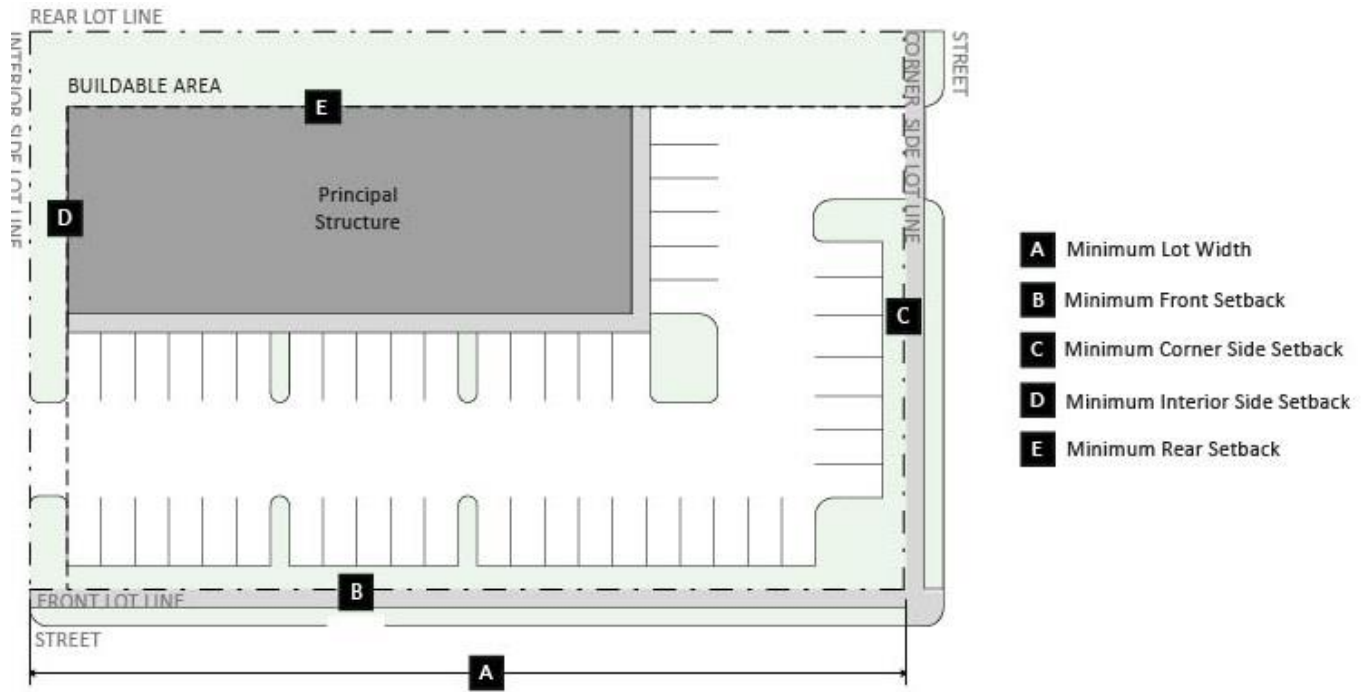
Bulk Requirements		B3	H/C	E
	Minimum Lot Area (sf)	N/A ⁽¹⁾	6,000	N/A
A	Minimum Lot Width (ft)	N/A	50	N/A
	Maximum Principal Building Height (ft)	100	N/A	220
Setback Requirements				
B	Minimum Front Setback (ft)	15	5	N/A
C	Minimum Corner Side Setback (ft)	15	5	N/A
D	Minimum Interior Side Setback (ft)	N/A	N/A	N/A
E	Minimum Rear Setback (ft)	N/A	N/A	N/A
	Minimum Setback Adjacent to a CR, R1, R2 (ft)	45	10	45
	Minimum Setback Adjacent to a R3, R4, R5 (ft)	45	N/A	45
	Minimum Setback Adjacent to a CR, R1, R2 with screening (ft) ⁽²⁾	15	5	15
	Minimum Setback Adjacent to a R3, R4, R5 with screening (ft) ⁽²⁾	12	5	12
Design Requirements				
	Parking Location	Front, corner side, interior side, or rear yard		
	Minimum Transparency	60%		
	Principal Entrance Location	Front, corner side, or interior side façade		

Notes

(1) Auto repair use requires a minimum lot size of 15,000 sf; auto sales use requires a minimum lot size of 30,000 sf.

(2) See Section 11.08 (Buffer Yards).

Figure 8.15-1 B3, H/C, and E District Requirements



8.16 Design Requirements for Industrial Zoning Districts

- A. Applicability. The design requirements in this section apply to all new construction and significant exterior renovation of existing structures within the City's R/LI, and I Districts. Refer to Figure 8.16-1 Industrial District Design Requirements.

- B. Design Requirements.
 - 1. Façade Articulation. For buildings with more than 100 feet of building width or depth, vertical architectural or structural elements must be incorporated along all street-facing façades at regular intervals no less than one third of the building's width or depth to vertically divide large, flat wall planes. Examples of such elements include texture change, material change, color change, or wall articulation change, such as an offset, pilaster, column, reveal, or vertical expression line, of no less than six inches.

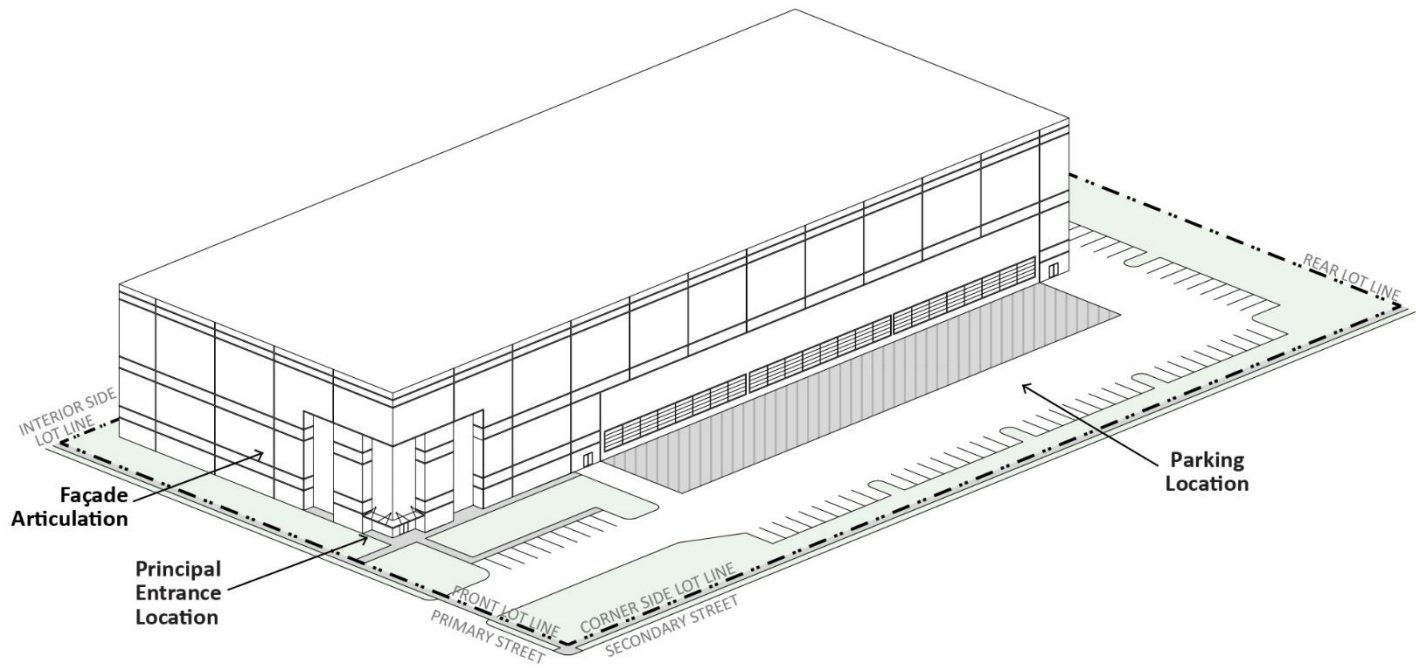
 - 2. Building Façade Materials.
 - a. Allowed Materials. Durable and natural materials are allowed on any building façade, such as stone, brick, stucco, concrete, burnished concrete masonry units, fiber cement siding, and non-reflective glass, unless otherwise limited by Section 8.16.B.2.b (Limited Materials).
 - b. Limited Materials. The following materials may only be utilized for trim or architectural details and may not exceed 25 percent of the total area of any building façade: utility brick, vinyl or metal siding, metal wall panels, exposed aggregate concrete wall panels (rough finish), non-burnished concrete masonry units, exterior insulation and finishing systems, fiberglass, plastic, untreated wood, and mirrored glass. Except for murals and public art, the painting of brick, limestone, or other natural stone is prohibited so such materials retain their natural colors.

 - 3. Roof Design. Sustainable and environmentally friendly roof designs are encouraged, including, but not limited to green roof, white roof, and blue roof designs

 - 4. Parking Location. Parking areas may be located in the front, corner side, interior side, or rear yards. Parking areas located in the front or corner side yard may not be the dominant visual element of the site when viewed from a right-of-way. Parking areas of 50 parking spaces or more must be located in interior side and rear yards. See Section 10 (Off-Street Parking and Loading).

 - 5. Principal Entrance Location. Principal entrances must be located on the front or corner side façade.

Figure 8.16-1 Industrial District Design Requirements



8.17 Industrial Zoning Districts: R/LI and I

Table 8.17-1 Industrial District Requirements and Figure 8.17-1 Industrial District Requirements establish bulk and setback regulations for the R/LI and I Districts. See Section 9.03 (Accessory Uses and Structures) for provisions related to accessory structures.

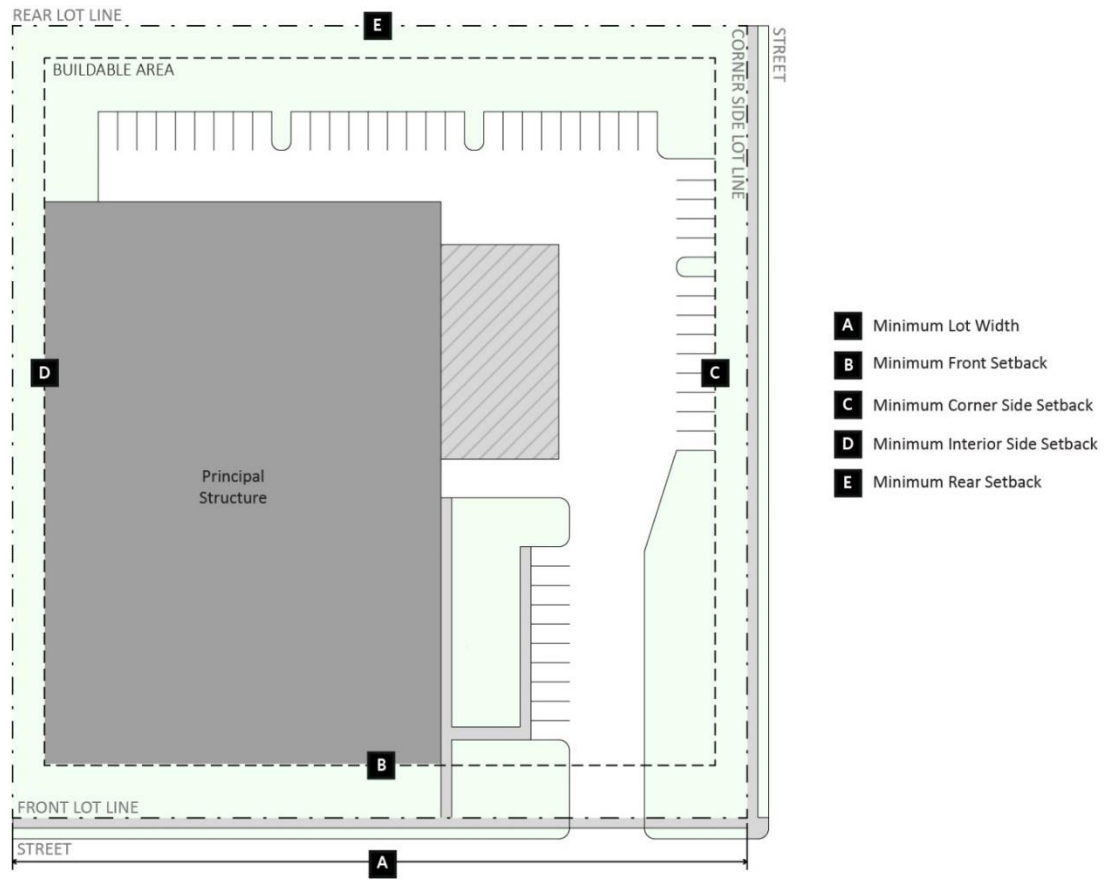
Table 8.17-1 Industrial District Requirements

Bulk Requirements		R/LI	I
	Minimum Lot Area (sf)	25,000	40,000
A	Minimum Lot Width (ft)	50	100
	Maximum Principal Building Height (ft)	60	80
Setback Requirements			
B	Minimum Front Setback (ft)	30	30
C	Minimum Corner Side Setback (ft)	30	30
D	Minimum Interior Side Setback (ft)	10	10
E	Minimum Rear Setback (ft)	20	20
	Minimum Setback Adjacent to a CR, R1, R2 (ft)	45	60
	Minimum Setback Adjacent to a R3, R4, R5 (ft)	45	45
	Minimum Setback Adjacent to a CR, R1, R2 with screening (ft) ⁽¹⁾	25	45
	Minimum Setback Adjacent to a R3, R4, R5 with screening (ft) ⁽¹⁾	25	45
	Minimum Setback Adjacent to any other district (ft)	25	45

Notes

(1) See Section 11.08 (Buffer Yards).

Figure 8.17-1 Industrial District Requirements



SECTION 9: USES

9.01 General Provisions

9.02 Principal Uses and Structures

9.03 Accessory Uses and Structures

9.04 Temporary Uses and Structures

9.05 Environmental Performance Standards

9.01 General Provisions

- A. Purpose. The purpose of this Section is to protect and promote the health, safety, comfort, convenience, and general welfare of the public by providing clear standards for the allowed usages of the land within the City.
- B. General Standards. The following standards apply generally to the uses allowed by this Ordinance.
1. Federal, State, and Local Requirements. All uses must comply with relevant federal, state, and local standards including licensing, registration, health, and safety requirements.
 2. Number of Principal Uses. A zoning lot may contain more than one principal use.
 3. Principal, Accessory, and Temporary Uses. Each use may function as a principal, accessory, or temporary use on a zoning lot, unless otherwise specified.
 4. Uses Within Enclosed Buildings or Structures. Each use must be primarily located within an enclosed building or structure, unless specifically permitted by this Ordinance. A use that typically includes an outdoor component is exempt from this requirement. Examples include, but are not limited to, community gardens, outdoor entertainment, outdoor recreation, outdoor storage areas, or parks. All buildings and structures must comply with the applicable requirements of this Section and Section 8 (Zoning District Regulations).
 5. Exempt Public Uses. The following public uses are allowed to be erected, constructed, altered, or maintained in any zoning district with City approval.
 - a. Traffic signals, fire hydrants, and other similar public safety devices.
 - b. Utility poles, wires, mains, drains, pipes, conduits, cables, wireless telecommunication small cells, and other similar public service improvements.
- C. Interpretation. Some of the uses and structures included in this Section are defined as broad categories that contain a group of similar uses. See Section 13 (Definitions) for definitions of the uses and structures included in this Section. Applicants may request an interpretation of the uses and structures allowed by Ordinance from the Zoning Administrator in accordance with Section 4.10 (Ordinance Interpretation).
1. Unlisted Similar Use or Structure. If a use or structure is not listed in this Section but is similar in nature and impact to a use or structure allowed within a zoning district, the Zoning Administrator may interpret the unlisted use or structure to be an allowed use.

- a. The unlisted use or structure is subject to any use standards that apply to the similar allowed use or structure.
 - b. The Zoning Administrator may interpret an unlisted use as requiring the approval of a conditional use permit if the similar allowed use requires the approval of a conditional use permit.
2. Unlisted Dissimilar Use or Structure. If a use or structure is not listed in this Section and the Zoning Administrator does not deem the use or structure to be similar in nature and impact to a use or structure allowed within a zoning district, then the use is not allowed and may only be approved through an amendment of this Ordinance. See Section 4.07 (Amendments).

9.02 Principal Uses and Structures

- A. Use Table. Table 9.02-1 Principal Uses and Structures establishes the uses allowed in each zoning district. Each use is given one of the following designations for each zoning district.
 1. Permitted Use (“P”). “P” indicates that a use is allowed by-right within the designated zoning district provided that it meets all applicable use standards set forth in Section 9.02.B (Use Standards for Principal Uses and Structures).
 2. Conditional Use (“C”). “C” indicates that the use requires the approval of a conditional use permit, refer to Section 4.08 (Conditional Uses), in order to be allowed within the designated zoning district and must meet all applicable use standards set forth in Section 9.02.B (Use Standards for Principal Uses and Structures).
 3. No Designation. The absence of a letter (a blank space) or the absence of the use from the table indicates that the use is not allowed within the designated zoning district.

Table 9.02-1 Principal Uses and Structures (Use Table)

P: Permitted Use **C:** Conditional Use

Principal Uses and Structures	CR	R1	R2	R3	R4	R5	B1	B2	B3	B4	H/C	E	R/LI	I	L1	L2	L3	Use Standards
Residential																		
Dwelling: Single-Unit		P	P	P	P	C									P			None
Dwelling: Two-Unit (Attached)			P	P	P	P									P	P	P	None
Dwelling: Three-Unit (Attached)				C	P	P									P	P	P	None
Dwelling: Four-Unit (Attached)				C	P	P									P	P	P	None
Dwelling: Townhouse				C	P	P									P	P	P	None
Dwelling: Multi-Unit					C	P									C	P	P	None
Dwelling: Unit Above the Ground Floor							P	P	C	P	P	C			C	P	P	None
Dwelling: Live/Work						C	P	P	C	C	C							See 9.02.B.12

Principal Uses and Structures	CR	R1	R2	R3	R4	R5	B1	B2	B3	B4	H/C	E	R/LI	I	L1	L2	L3	Use Standards
Dwelling: Community Residence (Large)				C	C	C	C											See 9.02.B.11
Dwelling: Community Residence (Small)		C	C	C			C											See 9.02.B.11
Dwelling: Residential Care Facility					C	C	C		C									See 9.02.B.13
Dwelling: Single-Room Occupancy Units					C	C	C											See 9.02.B.14
Civic and Institutional	CR	R1	R2	R3	R4	R5	B1	B2	B3	B4	H/C	E	R/LI	I	L1	L2	L3	Use Standards
Cemetery	C	C																See 9.02.B.6
College or University		C	C	C	C	C		C	C		C							None
Cultural Facility	C	P				C	P	P	P	C	P	C	P			P	P	None
Elementary, Middle, or High School		P	P	P	P	P	P			C	C				C	C	C	See 9.02.B.15
Government Facility			C	C	C	C	C	C	C	C	C		C		C			See 9.02.B.17
Hospital						C	C				C		C					None
Park	P	P	P	P	P	P	P	C	C	C					P	C	C	None
Place of Worship (Large)		C	C	C	C	P	C	C	C	C		C	C		C	C	C	See 9.02.B.25
Place of Worship (Small)		P	P	P	P	P	P	C	C	C		C	P		C	C	C	See 9.02.B.24
Vocational School			C	C	C	C	C	C	P	C	C		P	P				See 9.02.B.14
Commercial	CR	R1	R2	R3	R4	R5	B1	B2	B3	B4	H/C	E	R/LI	I	L1	L2	L3	Use Standards
Adult Entertainment Establishment														C				None
Animal Boarding, Hospital, or Shelter								C	P			C						See 9.02.B.2
Banquet Hall							C	C	C			C				C	C	None
Bar/Tavern							C	P	P	P		P			C	C	C	None
Bed and Breakfast		C	C	C	C	C									C			See 9.02.B.3
Body Art Establishment							P	P	P	P		P				P	P	None
Cannabis Dispensary									C	C		C		C		C		See 9.02.B.4
Car Wash									C					C				See 9.02.B.5
Casino												C						None
Day Care Center								C	C	C			C		C	C	C	See 9.02.B.8
Day Care Home		P	P	P	P	P									P	P	P	See 9.02.B.9
Drive-Through Facility									P			C						See 9.02.B.10
Financial Institution							P	P	P	P	P	P				P	P	None
Funeral Home / Crematory								C	C	C	C							None
Garden Center								P	P	C	C		P					None
Gas Station								C	C					C				See 9.02.B.16
Golf Course	C	C	C	C	C												C	None
Hotel/Motel									C	P	C	P	C			C	C	None
Indoor Entertainment (Large)							C	C	C	P		C				C	C	See 9.02.B.23
Indoor Entertainment (Small)							P	P	P	P		P				P	P	See 9.02.B.23

Principal Uses and Structures	CR	R1	R2	R3	R4	R5	B1	B2	B3	B4	H/C	E	R/LI	I	L1	L2	L3	Use Standards
Indoor Recreation		C	C	C	C	C	P	P	P	P	C	C	C				C	See 9.02.B.19
Laundromat							C	C	C	C								None
Machinery and Equipment Sales and Rental									C				C	P				None
Marina, Commercial / Recreational																P		See 9.02.B.20
Marina, Motor Vehicle Dealership									C							C		See 9.02.B.20
Microbrewery or Distillery								C	C	C		C	C	C		C	C	None
Motor Vehicle Rental									C									See 9.02.B.22
Motor Vehicle Repair and/or Service									C					C				See 9.02.B.21
Motor Vehicle Sales									C									See 9.02.B.22
Outdoor Entertainment	C								C	C		C	C			C	C	See 9.02.B.23
Outdoor Recreation	C								C						C	C	C	See 9.02.B.23
Outdoor Storage Area														C				See 9.02.B.24
Pawn Shop									C									See 9.02.B.25
Personal Services Establishment							P	P	P	P	P		P		C	P	P	None
Professional Office							P	P	P	P	P		P	P		C	C	None
Research/Development Facility									C	C			P	P				None
Restaurant							P	P	P	P		P	P	C	C	P	P	None
Retail Goods Establishment							P	P	P	P		P			C	P	P	None
Self-Storage (Indoor)														C				None
Title or Payday Loan Establishment									C									See 9.02.B.25
Manufacturing	CR	R1	R2	R3	R4	R5	B1	B2	B3	B4	H/C	E	R/LI	I	L1	L2	L3	Use Standards
Cannabis Craft Grower														C				See 9.02.B.4
Cannabis Cultivation Center														C				See 9.02.B.4
Cannabis Infuser														C				See 9.02.B.4
Cannabis Processor														C				See 9.02.B.4
Cannabis Transporter														C				See 9.02.B.4
Contractor Yard														C				See 9.02.B.7
Light Manufacturing													P	P				None
Warehousing and Distribution Facility													P	P				None
Other Uses	CR	R1	R2	R3	R4	R5	B1	B2	B3	B4	H/C	E	R/LI	I	L1	L2	L3	Use Standards
Agricultural Use	P																	None
Airport														C				See 9.02.B.1
Club, Lodge, or Hall								C	C	C						C	C	None
Convention and Exhibition Halls									C	C		C				C	C	None

Principal Uses and Structures	CR	R1	R2	R3	R4	R5	B1	B2	B3	B4	H/C	E	R/LI	I	L1	L2	L3	Use Standards
Homeless Shelter											C							See 9.02.B.18
Planned Unit Development		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	None
Multi-Modal Facility									C	C		C				C		None
Stable	C	C																See 9.02.B.26
Utility	C													C				See 9.02.B.27
Utility-Scale Solar Energy System	C																	See 9.02.B.28
Small Wind Energy System (Ground-mounted)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	See 9.02.B.29
Wireless Telecommunication Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	See 9.02.B.30
Wireless Telecommunication Tower	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	See 9.02.B.30

B. Use Standards for Principal Uses and Structures. The following standards apply to principal uses and structures as designated in the Use Standards column of Table 9.02-1 Principal Uses and Structures.

1. Airport. Airports and surroundings boundary areas are subject to the rules and regulations of the State of Illinois Department of Aeronautics as well as the following regulations:
 - a. The height of structures in areas surrounding the boundaries of airports must comply with the restrictions set forth in the established approach plan that has been approved by the State of Illinois Department of Transportation Division of Aeronautics.
 - b. The height of structures in areas within the approved approach plan must also comply with the requirements set forth by local, state, and federal authorities.
 - c. Structures exceeding the maximum permitted heights will be considered obstructions to air navigation unless found not to be objectionable after special aeronautical study. Such structures may be specifically authorized by a variance granted pursuant to Development Review Board or Planning and Zoning Commission procedures.
2. Animal Boarding, Hospital, or Shelter.
 - a. Location. Animal boarding facilities, hospitals, and shelters that are not entirely enclosed are not allowed directly adjacent to any residential use.
 - b. Outdoor Boarding. Two outdoor dog runs per establishment are allowed. Outdoor animal boarding facilities may only be located in the interior side and/or rear yard and must be enclosed with a privacy fence with a minimum height of six feet. See Section 9.03.C.16 (Fence or Wall) for additional fence standards.
 - c. Drainage. Drainage from outdoor dog runs or kennels may not drain onto adjacent properties, into the public right-of-way, or into stormwater catchments.
 - d. Safety. All animal boarding facilities, hospitals, and shelters must be designed to ensure the safety, health, and well-being of the animals on-site, including protection from predators, the elements, and inclement weather.
3. Bed and Breakfast.
 - a. Residential Character. The location and operation of the facility may not alter the residential character of the neighborhood, and the facility must incorporate a residential design that is

- compatible with the surrounding residences in accordance with Section 8.09 (Design Requirements for Residential Zoning Districts).
- b. Minimize Adverse Impacts. The facility must minimize traffic congestion, pedestrian hazards, noise, and other adverse impacts on surrounding properties.
 - c. Facilities. Bed and breakfasts must offer at least one meal to guests per day. Individual guest units may not contain cooking facilities. Any meals offered by the facility must be provided in a common location within the residence.
 - (1) No more than six guest rooms may be rented during any given time.
 - (2) The facility must also be the primary residence of the owner.
 - (3) No more than two non-residents may be employed on the premises.
 - d. Duration of Stay. Guests are permitted a maximum of seven consecutive days to reside at the facility.
4. Cannabis Business Establishments (Non-Retail) - Cannabis Craft Grower, Cannabis Cultivation Center, Cannabis Dispensary, Cannabis Infuser, Cannabis Processor, or Cannabis Transporter.
- a. Minimum Spacing. A cannabis craft grower, cannabis dispensary, cannabis cultivation center, cannabis infuser, cannabis processor, or cannabis transporter may not be located within 1,000 feet of a lot zoned or used for residential purposes, or any residential care facility, licensed childcare facility, library, school, college, university, or public park. If a lot zoned or used for residential purposes is separated from a none-retail cannabis business establishment by a major state roadway, the minimum spacing may be reduced to 250 feet.
 - b. On-Site Consumption. Cannabis products may not be consumed on-site.
 - c. Security. The site design of the non-retail cannabis business establishment must incorporate adequate security measures, such as security personnel, controlled access, vault storage, exterior lighting, surveillance cameras, and/or fencing that meet or exceed the State of Illinois requirements for such facilities.
 - d. Exterior Appearance and Display. The exterior appearance of the building must be compatible with commercial or industrial structures already constructed or under construction within the immediate neighborhood. Signage may not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, imagery orientated towards youth, or language referencing cannabis.
 - e. Colocation. Any cannabis craft grower, cannabis dispensary, cannabis cultivation center, cannabis infuser, cannabis processor, or cannabis transporter may, operate on the same zoning lot and within the same building as one or more other cannabis business establishment provided that each cannabis business establishment must be properly licensed by the state of Illinois and have obtained a conditional use permit.
5. Car Wash.
- a. Stacking Spaces. Stacking spaces associated with a car wash must comply with the requirements of Section 10.07 (Vehicle Stacking Requirements).
 - b. Screening. The street frontage adjacent to any outdoor car wash area must be screened in accordance with the requirements of Section 11.07.A (Parking Lot Perimeter Landscape).
 - c. Overhead Doors. All wash bays must be secured with overhead doors when the establishment is closed.
 - d. Drainage. Drainage from a car wash may not drain onto adjacent properties, into the right-of-way, or into stormwater catchments.

- e. Traffic Study. The City may require a traffic study to ensure that a proposed development does not adversely affect safe and efficient traffic circulation for motorists, bicyclists, or pedestrians.
6. Cemetery. R Districts. In R Districts, Cemeteries may only be owned and operated by a place of worship.
7. Contractor Yard.
- a. Location. No Contractor Yard may be located within 500 feet of any residential district measured from property line to property line.
 - b. Operations. All operations with the contractor yard must be located onsite. The site must be the primary business location of the business and the business must be registered with the Secretary of State to that address. The City business license will list that address on the business license.
 - c. Storage and screening. All materials and equipment must be stored or located behind the front yard and corner yard setback line. Any materials stored or located within view of the public right-of-way must be screened in accordance with the requirements of Section 11.07.A (Parking Lot Perimeter Landscape).
 - d. Design Standards. Windows and doors seen from the public right-of-way must remain unobstructed.
8. Day Care Center.
- a. Minimize Adverse Impacts. The design of the facility must minimize traffic congestion, pedestrian hazards, noise, and other adverse impacts on surrounding properties.
 - b. Traffic Study. The City may require a traffic study to ensure that the proposed development does not adversely affect safe and efficient traffic circulation for motorists, bicyclists, or pedestrians.
9. Day Care Home.
- a. Residential Character. The location and operation of the facility may not alter the residential character of the neighborhood, and the facility must incorporate a residential design that is compatible with the surrounding residences in accordance with Section 8.09 (Design Requirements for Residential Zoning Districts). A day care home may have no more than eight children present at any time, including any children who reside in the home.
 - b. Residency of Operator. The day care home must be the primary residence of the operator.
 - c. Employees. Additional non-resident employees are allowed to work in a day care home.
 - d. Minimize Adverse Impacts. The design of the facility must minimize traffic congestion, pedestrian hazards, noise, and other adverse impacts on surrounding properties.
 - e. Development Review Board. Day Care Home uses may be subject to review and conditions set by the Development Review Board per Section 2.03 (Development Review Board), dependent on regulation found in City's Code of Ordinances.
10. Drive-Through Facility.
- a. Accessory Use. Drive-Through Facilities are only allowed as an accessory component to restaurants, financial institutions, and retail goods establishments.
 - b. Access. Driveways must comply with the requirements of Section 10.06 (Driveways).
 - c. Stacking Spaces. Stacking spaces must comply with the requirements of Section 10.07 (Vehicle Stacking Requirements).

- d. Minimum Street Frontage Requirement. Drive-through facilities are exempt from the minimum street frontage requirements established in Section 8 (Zoning District Regulations).
 - e. Minimize Adverse Impacts. The location of entrances and exits must minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.
 - f. Drive aisles must be designed to minimize crossings with pedestrian walkways. Where pedestrian crossings are necessary, they must have clear visibility, be at-level with the pedestrian walkway, and be identified by special paving, striping, and/or signage
 - g. Screening. Any drive-through establishment within 100 feet of any residential zoning district must provide landscape, wall, or fence screening six feet in height along queue areas to shield adjacent properties from headlight and menu display glare.
 - h. Noise. Any drive-through establishment must control the noise level of any speaker so that it does not exceed 65 decibels at any property line.
 - i. Traffic Study. The City may require a traffic study to ensure that a proposed development does not adversely affect safe and efficient traffic circulation for motorists, bicyclists, or pedestrians.
11. Dwelling: Community Residence (Large) or Community Residence (Small).
- a. Occupancy. A community residence (large) provides living accommodations for nine or more unrelated residents while a community residence (small) provides living accommodates for eight or fewer unrelated residents.
 - b. Minimum Spacing. A community residence may not be located within 1,000 feet of another community residence, measured from the property line, and more than one community residence may not be located on a single block.
 - c. Residential Character. The location and operation of the facility may not alter the residential character of the neighborhood, and the facility must incorporate a residential design that is compatible with the surrounding neighborhood, in accordance with place-based guidelines set forth in the 2020 Waukegan Comprehensive Plan.
 - d. B1 District Location. In the B1 District, a community residence may only be located above the ground floor.
12. Dwelling: Live/Work.
- a. Sales. On-site retail transactions associated with a live/work dwelling are permitted.
 - b. Residency of Operator. The live/work dwelling must be the primary residence of the operator.
 - c. Employees. One additional employee who does not reside in the dwelling unit is allowed to work in a live/work dwelling.
 - d. Signage. All signs must follow home-based business sign regulations
 - e. Space Limitation. No more than 50 percent of the total square footage of the premises may be used for residential uses.
 - f. Structural Limitations. No exterior alterations of any kind can be made to the dwelling unit that would change its residential character as a dwelling unit, with the exception of conforming signs.
 - g. Dwellings Above the Ground Floor. A dwelling of a live/work use may be located above the ground floor in the B1 and B2 District.
13. Dwelling: Residential Care Facility. B1 District Location. In the B1 District, a residential care facility must be located above the ground floor.

14. Dwelling: Single-Room Occupancy Units.

- a. Dimensions. A Single-Room Occupancy Unit must contain at least 120 square feet of floor space, including at least four-square feet of closet space with an unobstructed height of at least five feet, for use by the occupant.
 - (1) If the closet space is less than four square feet, the habitable floor space in the unit must be increased by the amount of the deficiency.
 - (2) Such floor space minimums must increase by 100 square feet for each additional person allowed to reside in a single-room occupancy unit.
- b. Access. The occupant must be able to access the unit without passing through any other unit. Each unit must have immediate access to two or more approved means of exit from the building, appropriately marked and leading to safe and open space at ground level.
- c. Amenities. Single-room occupancy units must have access to a communal cooking facility and shared or private sanitary facilities.

15. Elementary, Middle, High, or Vocational School.

- a. Minimize Adverse Impacts. The location of facilities, entrances, exits, service areas, parking areas, and loading docks must minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.
- b. Pedestrian Access. Drive aisles must be designed to minimize crossings with pedestrian walkways. Where pedestrian crossings are necessary, they must have clear visibility, be at-level with the pedestrian walkway, and be identified by special paving, striping, and/or signage.

16. Gas Station.

- a. Minimum Street Frontage Requirement. Gas stations are exempt from the minimum street frontage requirements established in Section 8 (Zoning District Regulations).
- b. Stacking Spaces. Stacking spaces must comply with the requirements of Section 10.07 (Vehicle Stacking Requirements).
- c. Canopy Height. The height of a gas station canopy may not exceed 30 feet.
- d. Traffic Study. The City may require a traffic study to ensure that a proposed development does not adversely affect safe and efficient traffic circulation for motorists, bicyclists, or pedestrians.
- e. Light Pollution. Lighting must be designed with luminaires recessed under the canopy to minimize light pollution. The illuminance of the canopy may not exceed 20 foot-candles as measured at any location on the lot. See Section 11.10 (Outdoor Lighting).
- f. Landscaping. Street frontage not occupied by building or driveways must be improved in accordance with the requirements of Section 11.07.A (Parking Lot Perimeter Landscape).
- g. Underground storage tanks must meet or exceed state and federal environmental regulations.

17. Government Facility. Access. Government facilities are exempt from the maximum driveway widths established in Section 10.06 (Driveways).

18. Homeless Shelter. The following specific conditions apply to all Homeless Shelters when considering an application for a conditional use permit:

- a. Parking and Loading. If services of the facility include transport via private bus, van, or other multi-passenger vehicles, loading for such vehicle must comply with the requirements of Section 10.09 Off-Street Loading Facility Requirements.
 - b. Accessibility. Location of Homeless Shelters should be based on convenience and proximity to public transportation, designated bicycle and pedestrian infrastructure, or proximity to other relevant services.
 - c. Security. Facilities must be designed and operated with functional security cameras in all public or shared spaces and hallways and building and site perimeters.
 - d. Staff. A paid professional staff member must be on-site at all times that clients or guests are on the premises.
19. Indoor Entertainment (Large), Indoor Entertainment (Small), or Indoor Recreation.
- a. Minimize Adverse Impacts. The location of entrances and exits, service areas, and parking and loading docks must minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.
 - b. Traffic Study. The City may require a traffic study to ensure that a proposed development does not adversely affect safe and efficient traffic circulation for motorists, bicyclists, or pedestrians.
20. Marina, Motor Vehicle Dealership or Marina, Commercial/Recreational.
- a. Minimize Adverse Impacts. Any cleaning, painting, servicing, testing, or repair of boats or other products may not produce adverse impacts to surrounding properties through additional emissions, noise pollution, smoke, dust, or other particulate material that causes odor, fire, pollution into surrounding water systems, or glare.
 - b. Storage. All storage, except of motor vehicles or water-borne craft in operable condition, must be within completely enclosed buildings or effectively screened by a solid wall or fence in accordance with the requirements of Section 11.07.A (Parking Lot Perimeter Landscape).
21. Motor Vehicle Repair and/or Service.
- a. Location. All parking or storage of vehicles in connection with motor vehicle repair and/or service facilities must be set back a minimum of 10 feet from any property line adjacent to a public street in accordance with Section 11.08 (Buffer Yards).
 - b. Hours of Operation. Motor vehicle repair and/or service facilities which are located within 50 feet of any residential district are permitted to operate only between the hours of 6:00 AM and 8:00 PM.
 - c. Outdoor Storage. Disabled or inoperable vehicles and those awaiting pick-up may be stored outdoors only under the following conditions:
 - (1) Location. Outdoor storage of vehicles is prohibited in the front yard and corner side yard setbacks.
 - (2) Screening. All storage areas must be screened from view of the public right-of-way by building and/or landscape screening in accordance with the requirements of Section 11.07.A (Parking Lot Perimeter Landscape).
 - (3) Storage Duration. Motor vehicle repair and/or service facilities may not store the same vehicles outdoors for more than 30 days.
 - (4) Any vehicle stored outdoors must appear in operable condition.
 - d. Location for Repairs. All repairs must occur inside an enclosed building.

- e. Screening. Street frontage not occupied by buildings or driveways must be improved with landscape screening in accordance with the requirements of Section 11.07.A (Parking Lot Perimeter Landscape).
22. Motor Vehicle Rental or Motor Vehicle Sales.
- a. Screening. The street frontage adjacent to any motor vehicle rental or motor vehicle sales use must be improved with landscape screening in accordance with the requirements of Section 11.07.A (Parking Lot Perimeter Landscape).
 - b. Light Pollution. The illuminance of any outdoor motor vehicle sales and display area may not exceed 10 foot-candles as measured at any location on the lot.
23. Outdoor/Indoor Entertainment or Outdoor Recreation.
- a. Minimize Adverse Impacts. The location of entrances and exits, service areas, and parking and loading docks must minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.
 - b. Noise will be managed so as not to create a public nuisance for surrounding properties in compliance with the requirements of Section 9.05.A (Noise).
 - c. Traffic Study. The City may require a traffic study to ensure that a proposed development does not adversely affect safe and efficient traffic circulation for motorists, bicyclists, or pedestrians.
24. Outdoor Storage Area.
- a. Location. Outdoor storage areas may only be located in the interior side yard or rear yard and must be located on a hard surface such as asphalt or concrete unless an alternative surface type is approved by the City Engineer.
 - b. Height. Materials in an outdoor storage area may not exceed eight feet in height if they are located 20 feet or less from a lot line. Materials in an outdoor storage area may not exceed 18 feet in height if they are located more than 20 feet from a lot line.
 - c. Uses. Outdoor storage areas are allowed as a principal use in association with the following principal uses: garden center, gas station, light manufacturing, machinery and equipment sales and rental, and warehousing, storage, or distribution facility. Outdoor storage areas may be allowed as a principal use in association with other types of principal uses with prior written approval by the Zoning Administrator.
 - d. Screening. The requirements of Section 11.09 (Screening Requirements) apply to outdoor storage areas.
 - e. Traffic Study. The City may require a traffic study to ensure that a proposed development does not adversely affect safe and efficient traffic circulation for motorists, bicyclists, or pedestrians.
25. Pawn Shop or Title or Payday Loan Establishment.
- a. Minimum Spacing.
 - (1) A currency exchange, pawn shop, or title or payday loan establishment may not be located within 2,500 feet of another currency exchange, pawn shop, or title or payday loan establishment.
 - (2) A currency exchange, pawn shop, or title or payday loan establishment may not be located within 250 feet of any residential district, school, day care center, park, or place of worship.

- b. Location of Transactions. All transactions must occur entirely inside the facility at a service counter. No transactions may be permitted through an exterior walk-up window or drive-through facility.
 - c. Hours of Operation. Currency exchanges, pawn shops, or title or payday loan establishments may only operate between the hours of 8:00 AM and 8:00 PM.
26. Stable. Setbacks. Any structure used for the stabling of horses must be setback a minimum of 50 feet from any property line.
27. Utility. Screening. The street frontage adjacent to the utility must be treated with landscape screening in accordance with the requirements of Section 11.07.A (Parking Lot Perimeter Landscape).
28. Utility-Scale Solar Energy System.
- a. General Solar Energy System Regulations. The following regulations apply to both principal use and accessory use solar energy systems.
 - (1) Wind Resistance. All supporting structures must be rated to withstand wind speeds of 110 miles per hour or greater.
 - (2) Electrical Wiring. All electrical wiring must be located underground or inside the building on which the solar energy system is mounted.
 - (3) Lighting. Solar energy systems may not be artificially illuminated.
 - (4) Signs. No signs are permitted on solar energy systems or supporting structures, except for the manufacturer's safety information and warning signs in accordance with Section 12.08.B.2 (Warning Signs).
 - (5) Utility Interconnection. On-grid solar energy systems may not be installed until documentation has been provided by an electrical utility provider agreeing to interconnect with the utility provider's transmission system. Off-grid solar energy systems are not permitted.
 - (6) Emergency Disconnection.
 - (a) For principal use solar energy systems, an emergency disconnection switch must be provided in an easily accessible outdoor location.
 - (b) For accessory use solar energy systems, an emergency disconnection switch must be located near the electric meter.
 - (7) Solar Access Easements. Property owners may seek solar access easements from their neighbors and have those easements legally recorded with the applicable county.
 - (8) 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.
 - (9) Compliance with Building Codes. All solar energy systems must meet approval of local building code officials, consistent with the City of Waukegan's current adopted codes. All solar thermal systems must comply with HVAC-related requirements of the current edition of the International Energy Conservation Code as adopted by the State of Illinois.
 - (10) Compliance with National Electrical Code. All photovoltaic systems must comply with the current edition of the National Electrical Code.
 - (11) Compliance with State Plumbing Code. Solar thermal systems must comply with applicable State of Illinois Plumbing Code requirements.

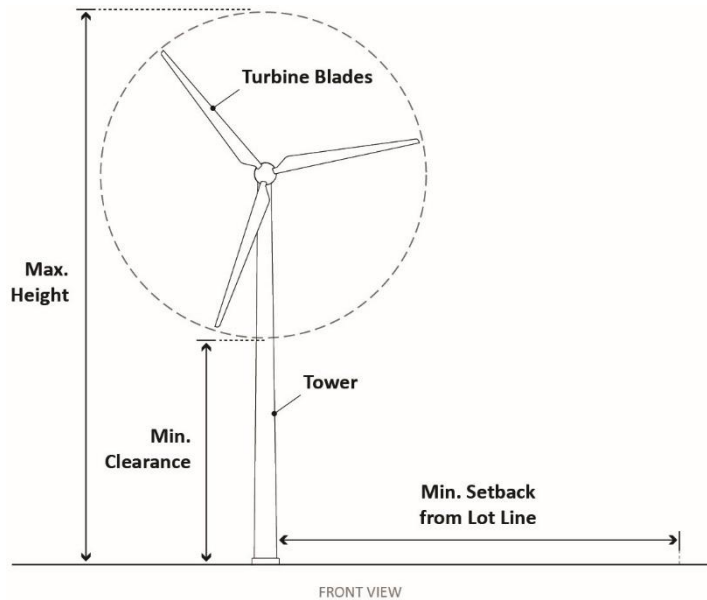
- b. Impervious Coverage. Maximum impervious coverage requirements do not apply to utility-scale solar energy systems, so long as the soil under the collectors is not compacted and is maintained with vegetation.

29. Small Wind Energy Systems.

- a. General Wind Energy System Regulations. The following regulations apply to both principal use and accessory use wind energy systems.
 - (1) Tower Design. All wind energy system towers must be free-standing monopoles or latticed with no guyed wires. Tilt-down towers are permitted. All wind energy systems must be painted a non-reflective white, off-white, or gray.
 - (2) Electrical Wiring. All electrical wiring must be located underground or inside the building on which the wind energy system is mounted.
 - (3) Lighting. Wind energy systems may not be artificially illuminated, unless required by the Federal Aviation Administration.
 - (4) Sound. All wind energy systems must comply with Section 9.05.A (Noise). Noise standards may be temporarily exceeded during severe weather such as tornados and thunderstorms.
 - (5) Signs. No signs are permitted on wind energy systems or supporting structures, except for the manufacturer's safety information and warning signs in accordance with Section 12.05.A.10 (Warning Signs).
 - (6) Utility Interconnection. On-grid wind energy systems may not be installed until documentation has been provided by an electrical utility provider agreeing to interconnect with the utility provider's transmission system. Off-grid systems are not permitted.
 - (7) Emergency Disconnection.
 - (a) For principal use wind energy systems, an emergency disconnection switch must be provided in an easily accessible outdoor location.
 - (b) For accessory use wind energy systems, an emergency disconnection switch must be located near the electric meter.
 - (8) Clearance. All wind energy systems must have a minimum of 15 feet of clearance between the turbine blades and the ground. Greater clearance may be necessary for tilt-down towers.
 - (9) Climbing Apparatus. Any external climbing apparatus associated with a wind energy system must be inaccessible to the public.
 - (10) 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 to protect an existing or intended wind turbine's ability to harness the wind from obstruction of buildings and trees. The property owner is responsible creating, obtaining, and recording such easements. Such easements must 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.
 - (d) Recording of Easements. Wind access easements must be recorded with the Recording Division of the Lake County Clerk's Office and filed with the Building and Engineering Departments.

- (e) Construction in Easement Areas. Any person seeking a building permit to construct or modify any structure or building to increase the consumption of airspace over that lot must certify in writing that no wind access easement will be impacted by the construction.
 - (f) Denial of Permit. No building permit will be granted if the City's Building Commissioner determines that the proposed construction would intrude upon the easement.
- (11) Turbine Certification. All small wind energy systems must be approved by a small wind turbine certification program recognized by the American Wind Energy Association.
- b. Small Wind Energy System (Ground-Mounted)
- (1) General Wind Energy System Regulations. All ground-mounted small wind energy systems must comply with the general wind energy system regulations in Section 9.02.B.29.a (General Wind Energy System Regulations). Refer to Figure 9.02-3 Small Wind Energy System (Ground-Mounted).
 - (2) Location. Ground-mounted small wind energy systems are allowed only in the interior side and rear yards.
 - (3) Setbacks. All ground-mounted small wind energy systems must be setback a minimum of 15 feet or the distance equal to the tower height, whichever is greater, from any lot lines, above ground utility lines, and other utility-scale wind turbines.
 - (4) Quantity. There is no limit on the quantity of turbines that may be installed for a ground-mounted wind energy system.
 - (5) Height.
 - (a) The maximum system height for a ground-mounted small wind energy system is the maximum building height of the zoning district in which the turbine is located.
 - (b) The maximum system height for a ground-mounted small wind energy system of 90 feet may be granted in the B1, B2, B3, B4, H/C, R/LI, and I Zoning Districts through the conditional use permit process. (See Section 4.08 Conditional Uses)
 - (6) Shadow Flicker and Sound Impacts. All applications for a conditional use permit under this Subsection must 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, must be addressed through conditions related to siting or mitigation measures.

Figure 9.02-2 Small Wind Energy System (Ground-Mounted)



30. Wireless Telecommunication Facility and/or Tower.

a. General Requirements.

- (1) **Lighting.** Wireless telecommunication facilities and towers may not include artificial lighting, unless required by the Federal Communications Commission, the Federal Aviation Administration, or the City.
- (2) **Signs.**
 - (a) All towers and antennae must 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. This sign may not exceed two square feet in size.
 - (b) Wireless telecommunication facilities and towers may not display signs except for the information required under Section 9.02.B.29.a.5, or for government regulation, such as Federal Communications Commission registration information.
- (3) **Screening.** Wireless telecommunication facilities and towers must include landscape screening in accordance with the requirements of Section 11.08.B (Buffer Yard Requirements), except for required fencing, which must be a minimum of six feet and maximum of ten feet in height.
- (4) **Storage.** Vehicle and outdoor storage on site of any tower is prohibited.
- (5) **Removal.**
 - (a) If the installation is maintained or operated in such a fashion to be in violation of this section and the owner has failed to eliminate the violation within 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.
 - (b) Any installation that is not operated for a continuous period of six months will be considered abandoned, provided that if there are two or more users of a single tower, the tower will not be considered abandoned until all users cease using the tower. The owner of such installation must remove same within 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 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.

- (6) Deviations. An application that demonstrates that any provision or combination of provisions of Section 9.02.B.29 (Small Wind Energy Systems) individually or collectively renders 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 to permit a functioning installation which will still be consistent with Section 9.02.B.29 (Small Wind Energy Systems).
- b. Wireless Telecommunication Facility.
 - (1) Height. The maximum height of a wireless telecommunication facility is 12 feet.
 - (2) Size. The maximum footprint of the facility is the footprint of the building be larger than 12 feet by 15 feet.
 - (3) Roof Design. The facility must have a conventional peaked roof. A flat roof is prohibited.
 - (4) Use. Wireless telecommunication facilities may house equipment and supplies for the operation of wireless telecommunication towers. Such facilities must be unstaffed and must be used for equipment that is used as part of the operation of the facility.
 - c. Wireless Telecommunication Tower.
 - (1) Location.
 - (a) City of Waukegan Property. All towers or antennae should be located on property or structures owned or controlled by the City if available and structurally feasible. If no property owned or controlled by the City is available or structurally feasible to serve the needs of the wireless provider, property or structures 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 will be the next preference.
 - (b) Installation is not allowed in a wetland or floodplain unless no damage would occur to the wetland or flood plain and the proposed tower is structurally sound.
 - (2) Height. The maximum height of a wireless telecommunication tower is 150 feet, unless a taller height is required to function satisfactorily; in such case, the applicant must present a report indicating the need for a height greater than 150 feet as an additional material required for a variance application. See Section 4.04 (Variances).
 - (3) Setbacks. Towers, antennae, and accessory facilities must satisfy the minimum zoning district setback requirements. Towers greater than 100 feet in height may not be located closer than 0.25 miles from any existing tower that is greater than 100 feet in height.
 - (4) Design.
 - (a) Wireless telecommunication towers must be designed to accommodate at least three telecommunication providers and their accompanying wireless telecommunication facilities.
 - (b) New telecommunications towers must allow for the co-location of city-owned repeaters, boosters and/or transmitters for emergency communications systems.
 - (a) 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.

- (b) The provider will provide and maintain any necessary normal electric power, per city specification for any city-owned repeaters, boosters, antennae and/or transmitters.
- (c) An ample protective enclosure, per city specification, must be provided for any city- owned repeaters, boosters, and/or transmitters.
- (d) 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.
- (c) Wireless telecommunication towers must be galvanized and painted a neutral color, unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration, or the City.

9.03 Accessory Uses and Structures

Accessory uses and structures are subject to the requirements of this Section.

A. General Provisions for Accessory Structures.

1. Construction Phasing. No accessory structure may be constructed prior to the construction of the principal building to which it is accessory.
2. Location. Accessory structures may be located in the rear yard of a zoning lot, unless otherwise established by this Ordinance. Accessory structures, except fences and walls, are not allowed in any easement whether publicly or privately held.
3. Setback. Accessory structures, except fences and walls, must be located a minimum of five feet from any interior lot line or rear lot line unless otherwise established by this Ordinance.
4. Height. No accessory structure may exceed the height of the principal structure, unless otherwise established by this ordinance or by this Ordinance.
5. Lot Coverage. No accessory structure may occupy more than 40 percent of any yard. No accessory structure, when combined with impervious ground cover, may occupy more than 40 percent of any yard, unless otherwise established by this Ordinance. The total area of accessory structures on a lot may not occupy more than 40 percent of all yards combined and may not be larger in area or any dimension than the principal structure.

B. Accessory Uses and Structures Table. Table 9.03-1 Accessory Uses and Structures includes accessory uses and structures that may be located in each zoning district within the City.

1. Allowed (“A”). “A” indicates that the accessory use or structure does not require a building permit and is allowed by-right within the designated zoning district provided that it meets all applicable standards set forth in Section 9.03.C (Use Standards for Accessory Use and Structures).
2. Allowed with Building Permit (“BP”). “BP” indicates that the accessory use or structure requires the approval of a building permit in accordance with [Chapter 6 \(Buildings and Building](#)

[Regulations](#)) of the City's Code of Ordinances and must meet the use standards set forth in Section 9.03.C (Use Standards for Accessory Uses and Structures) in order to be allowed within the designated zoning district.

- No Designation. The absence of a letter (a blank space) indicates that the use or structure is not allowed within the designated zoning district.

Table 9.03-1 Accessory Uses and Structures

A: Allowed **BP:** Building Permit

Accessory Uses and Structures	CR	R1	R2	R3	R4	R5	B1	B2	B3	B4	H/C	E	R/LI	I	L1	L2	L3	Use Standards
Accessibility Ramp	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	None
Accessory Dwelling Unit (Detached)		BP	BP	BP	BP	BP									BP	BP	BP	See 9.03.C.1
Arbor	A	A	A	A	A	A	A								A		A	None
Awning or Canopy		BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP		BP	BP	BP	See 9.03.C.2
Balcony		BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP		BP	BP	BP	See 9.03.C.3
Ball Court	BP	BP	BP	BP	BP	BP									BP		BP	See 9.03.C.4
Bay Window		BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP			BP	BP	BP	See 9.03.C.5
Blue Roof or Green Roof	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	None
Cabana, Gazebo, or Pergola	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP		BP			BP	BP	BP	See 9.03.C.6
Car Corral		BP	BP	BP	BP	BP									BP	BP	BP	See 9.03.C.7
Chimney		BP	BP	BP	BP	BP									BP	BP	BP	See 9.03.C.8
Community Library Kiosk	A	A	A	A	A	A	A	A	A	A					A	A	A	See 9.03.C.9
Compost Bin	A	A	A	A	A	A	A	A		A					A	A	A	See 9.03.C.10
Deck		BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP		BP	BP	BP	See 9.03.C.11
Dog Run		A	A	A	A	A									A		A	See 9.03.C.12
Eave, Gutter, Sill, or Cornice	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.13
Electric Vehicle Charging Station	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.14
Electrical Generator		BP	BP	BP	BP	BP									BP		BP	See 9.03.C.15
Fence	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.16
Flagpole	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See 9.03.C.17
Garage	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.18
Greenhouse	BP	BP	BP	BP	BP	BP			BP						BP		BP	See 9.03.C.19
Home-Based Business		A	A	A	A	A									A	A	A	See 9.03.C.20
Hoophouse	A	A	A	A	A	A		A	A	A	A				A		A	See 9.03.C.21
Mechanical Equipment	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.22
Outdoor Dining							BP	BP	BP	BP		BP	BP	BP	BP	BP	BP	See 9.03.C.23
Outdoor Fireplace or Fire Pit		BP	BP	BP	BP	BP	BP	BP	BP	BP		BP	BP		BP		BP	See 9.03.C.24
Outdoor Sales and Display Area								A	A	A						A		See 9.03.C.25
Patio and Open Terrace		BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP		BP	BP	BP	See 9.03.C.26
Porch		BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP		BP	BP	BP	See 9.03.C.27

Accessory Uses and Structures	CR	R1	R2	R3	R4	R5	B1	B2	B3	B4	H/C	E	R/LI	I	L1	L2	L3	Use Standards
Rain Barrel or Rainwater Cistern	A	A	A	A	A	A	A								A	A	A	None
Recreation Equipment	A	A	A	A	A	A									A		A	See 9.03.C.28
Refuse, Recycling, or Grease Container	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See 9.03.C.29
Shed	BP	BP	BP	BP	BP	BP	BP								BP	BP	BP	See 9.03.C.30
Small Wind Energy System (Building-Mounted)	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.31
Solar Energy System (Building-Mounted)		BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.32
Solar Energy System (Ground-Mounted)	BP	BP	BP	BP	BP	BP	BP				BP	BP	BP	BP	BP			See 9.03.C.32
Stairs or Stoop		BP	BP	BP	BP	BP	BP	BP							BP	BP		See 9.03.C.33
Swimming Pool or Hot Tub		BP	BP	BP	BP	BP									BP	BP	BP	See 9.03.C.34
Treehouse		BP	BP	BP	BP	BP									BP	BP	BP	See 9.03.C.35
Wall	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.16
Wireless Telecommunication Antenna	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.36
Wireless Telecommunication Small Cell	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	None

C. Use Standards for Accessory Uses and Structures. The following standards apply to accessory uses and structures in the Use Standards column of Table 9.03-1 Accessory Uses and Structures.

1. Accessory Dwelling Unit. Accessory dwelling units are subject to site plan review and must meet the following standards.
 - a. Location. Accessory dwelling units are permitted as a detached accessory structure on zoning lots that contain a single-unit dwelling in the R1, R2, R3, R4, R5, L1, L2, and L3 Districts. An accessory dwelling unit is allowed in the rear yard only.
 - b. Number. One accessory dwelling unit is permitted per zoning lot.
 - c. Size. The maximum size of an accessory dwelling unit is 900 square feet. Accessory dwelling units, as well as all accessory structures and paved surfaces, are included in impervious ground cover calculation. Impervious surfaces may not occupy more than 40 percent of the yard in aggregate.
 - d. Design. An accessory dwelling unit must be designed to be clearly secondary to the principal dwelling unit on the site. The exterior materials of the accessory structure in which the dwelling unit is in must be compatible with the primary dwelling unit, including siding and trim materials, window design, roof shape, roof pitch, and roof material. Accessory dwelling units may not have axels or wheels. Accessory dwelling units may not be larger than the principal structure.
 - e. Parking. An accessory dwelling unit counts as an additional dwelling unit when calculating residential parking requirements.

- f. Residency of Owner. The owner of any Accessory Dwelling Unit must maintain primary residency on the same zoning lot as the unit. The owner of the rental license for any rented accessory dwelling unit must be held by the owner of the zoning lot.
2. Awning or Canopy
 - a. Encroachment. Awnings and canopies may encroach up to four feet into any yard.
 - b. Ground Clearance. Awnings and canopies must have a minimum ground clearance of eight feet.
 - c. Signs. For regulations pertaining to awning signs see Section 12.05.A (Awning Signs).
3. Balcony.
 - a. Encroachment. Balconies may encroach up to four feet into any yard.
 - b. Ground Clearance. In residential districts, balconies must have a minimum ground clearance of two feet. In non-residential districts, balconies must have a minimum ground clearance of eight feet.
4. Ball Court.
 - a. Location. Ball courts are allowed in the rear yard, except that one fixed basketball standard and backboard are allowed in the front yard, corner side yard, interior side yard, or rear yard in the R1, R2, R3, R4, R5, L1, and L3 Districts without a building permit. Fixed basketball standards and backboards must be located in a driveway and must be located at least six feet from any sidewalk and three feet from any lot line. Ball courts in the CR District are exempt from these requirements.
 - b. Lot coverage. Ball courts are considered impervious ground covered and combined with accessory structures, may not occupy more than 40 percent of any yard.
5. Bay Window. Encroachment. Bay windows may encroach up to four feet into any yard.
6. Cabana, Gazebo, or Pergola.
 - a. Location. Cabanas and gazebos are allowed in the rear yard only. Pergolas are allowed in any yard.
 - b. Number. A zoning lot may have two of either a cabana, gazebo, or pergola.
 - c. Size. A cabana, gazebo, or pergola may be a maximum of 350 square feet.
 - d. Design. Each side of a cabana, gazebo, or pergola must be at least 25 percent open.
7. Car Corral. Materials. A car corral may not consist of collapsible materials such as tarp, canvas or vinyl typically used as a pop-up tent or canopy.
8. Chimney. Encroachment. Chimneys may encroach up to three feet into any yard.
9. Community Library Kiosk.
 - a. Location. Community library kiosks may be located in the front or corner side yards.
 - b. Size. The enclosed area used for storing books and materials may be no larger than two feet on any side.
 - c. Design. Community library kiosks must be constructed on a single post and securely attached.
 - d. Maintenance. All community library kiosks must be maintained in a state of structural integrity and good repair (e.g. free from peeling paint and rotting wood).

10. Compost Bin.
 - a. Location. Compost bins are allowed in the rear yard only.
 - b. Enclosure. Compost must be contained in a fully enclosed receptacle with a tightly fitted lid.
 - c. Maintenance. Compost bins must be maintained in a sanitary condition so as not to become a nuisance. Compost may not contain sewage, meat, bones, or grease.

11. Deck. Location. Uncovered decks are allowed in the interior side yard or rear yard. Covered decks are allowed only in the rear yard.

12. Dog Run.
 - a. Location. Dog runs may be located in the rear yard only.
 - b. Coverage. Dog runs must be uncovered in the R1, R2, R3, R4, and R5 Districts.
 - c. Size. Dog runs may not exceed 48 square feet in the R1, R2, R3, R4, and R5 Districts. Any dog run exceeding 48 square feet must meet the standards set forth in Section 9.03.C.16 (Fence or Wall).

13. Eave, Gutter, Sill, or Cornice. Encroachment. Eaves, gutters, sills, and cornices may encroach up to four feet into any yard.

14. Electric Vehicle Charging Station.
 - a. Location. Electric vehicle charging stations may be located within any garage, parking garage, or parking lot, or attached to a non-street-fronting façade adjacent to a residential driveway.
 - b. Standards. Electric vehicle charging stations must meet the standards set forth in Section 10.10 (Parking and Charging Infrastructure for Electric Vehicles).

15. Electrical Generator.
 - a. Location. Electrical generators may be located in the interior side and rear yard only.
 - b. Screening. Electrical generators must be screened with dense plants or sound attenuating fencing. The height of the screening must be 1.5 feet higher than the top of the generator.
 - c. Environmental performance standards. The maximum noise generated after screening is installed may not exceed 75 decibels measured from the property line of the zoning lot on which the generator is installed.

16. Fence or Wall.

- a. Height. Table 9.03-2 Maximum Fence Height provides maximum height requirements for fences or walls by zoning district. Maximum fence heights shown are for both open fence and solid fence designs, unless otherwise noted. The maximum height of a fence or wall is measured from the ground at the base of the fence or wall.

Table 9.03-2 Maximum Fence Height

Zoning District	Yard	Maximum Fence Height
R1, R2, R4, R4, R5, L1, L2, L3	Front	4 ft
	Corner Side	4 ft
	Interior Side	6 ft
	Rear	6 ft
All other zoning districts	Corner Side	4 ft
	Interior Side	6 ft
	Rear	6 ft
	Rear	8 ft

- b. Location. All fences must be located on or within the zoning lot for which a fence permit has been issued. No fence or fence post may encroach on property outside the zoning lot for which a fence permit has been issued.
- c. Construction, Design, and Appearance. In all zoning districts, both sides of a fence or wall must be similar in construction, design, and appearance. The finished side of a fence or wall must face outward from the zoning lot so that all posts are located on the property owner’s side of the fence or wall.
 - (1) Prohibited Materials. Fences may not be constructed of barbed wire, electrically charged wire, or razor wire, in the R1, R2, R3, R4, R5, L1, L2, and L3 Districts. Fences constructed of barbed wire, electrically charged wire, or razor wire may be allowed in all other districts subject to site plan review, see Section 4.09 (Site Plan Review), and may not exceed seven feet in height.
 - (2) Design. Fences in residential districts located within front or corner side yard setbacks must be ornamental in appearance and construction consisting of 50 percent transparency. Ornamental fences include wrought iron, picket, and split rail. Fences elsewhere on residential zoning lots may be any style, including stockade, basket weave, or ornamental. In-ground pools must be fully fenced with self-locking gates in all zoning districts.
 - (3) Lakefront Fences. All fences in the L1, L2, and L3 Districts must be ornamental with 50 percent transparency, regardless of location on a zoning lot. Ornamental fences include wrought iron, picket, and split rail.
- d. Access. Every fence with frontage on a public right-of-way, except for corner lots, must include a gate or opening that provides access to the public right-of-way.
- e. Electric Pet Fence. Electric pet fences are allowed in the R1, R2, R3, R4, R5, L1, L2, and L3 Districts for single-unit, two-unit, three-unit, four-unit, and townhouse dwellings. Electric pet fences must be installed underground and located three feet inside of all lot lines. At least one sign indicating the presence of an electric pet fence signs must be installed adjacent to a public right-of-way in accordance with Section 12.05.N (Yard Signs).

17. Flagpole.

- a. Location. Flagpoles must be located at least five feet from the lot line.
- b. Number. A maximum of three flag poles are allowed per zoning lot.
- c. Height. The maximum height of a flagpole is 30 feet in residential districts and 40 feet in non-residential districts.

18. Garage.

- a. Single-Unit, Two-Unit, Three-Unit, Four-Unit, and Townhome Dwellings. Refer to Figure 9.03-1 Garage Location for Single-Unit, Two-Unit, Three-Unit, Four-Unit, and Townhome Dwellings.

(1) Attached Garage Location. Attached garages may be attached to the corner side, interior side, or rear elevation of the principal structure. Attached garages with a front-facing garage must be set back a minimum of five feet from the front elevation of the principal structure.

(2) Detached Garage.

(a) Location. Detached garages are only allowed in the rear yard.

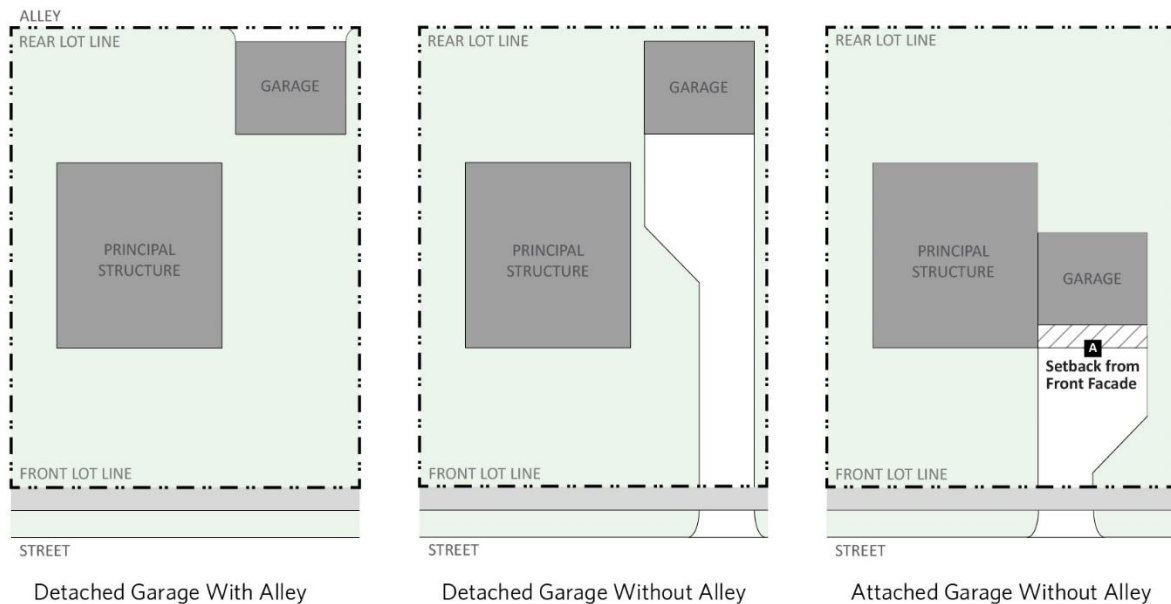
(b) Setbacks. Detached garages must be a minimum of 3 feet from the rear and side lot lines. The eaves and gutter of the garage may extend up to 18 inches from the garage towards the rear and side lot line.

(c) Detached garages must be located a minimum of 6 feet from the principal structure.

(3) Number. One attached or one detached garage is allowed per dwelling unit.

- b. Multiple-Unit Dwellings. The exterior materials of a garage accessory to a multiple-unit dwelling must be compatible with the principal building. A garage accessory to a multiple-unit dwelling must have a varied roofline, in terms of height, shape, or material.
- c. Alley Orientation. Where a zoning lot is located with a side or rear lot line adjacent to a dedicated alley, all motor vehicle access to a garage must occur through the alley.

Figure 9.03-1 Garage Location for Single-Unit, Two-Unit, Three-Unit, Four-Unit, and Townhome Dwellings



19. Greenhouse.

- a. Location. Greenhouses are allowed only in rear yards in the CR, R1, R2, R3, R4, R5, B3, L1, and L3 Districts.
- b. Size. Greenhouses are limited to a maximum size of 200 square feet.

20. Home-Based Business.

- a. Location. A home-based business is permitted within any dwelling unit in the City as part of a principal and/or accessory building in accordance with the following standards. Home-based business standards do not apply to day care homes which are regulated in accordance with the requirements of Section 9.02.B.9 (Day Care Home).
- b. Certificate of Zoning Compliance. All home-based businesses must obtain a Certificate of Zoning Compliance in accordance with Section 4.03 (Permit Approval).
- c. Business License. All home-based businesses are subject to applicable businesses licensing and inspection requirements.
- d. Residential Character. The location and operation of a home-based business may not alter the residential character of the dwelling or neighborhood.
- e. Structural Limitations. No alterations to the dwelling unit are permitted for the sole purpose of the home-based business that would change its residential character.
- f. Uses. Examples of allowed home-based businesses include, but are not limited to, artist, consultant, counselor, craftsperson, home kitchen operator, designer, tutor, writer, and instructor of music, craft, or fine art. Home-based businesses may not engage in on-site retail or wholesale sales, or manufacturing or industrial processes.
- g. Residency of Operator. The operator of the home-based business must reside in the dwelling unit in which the home-based business is located.
- h. Employees. No more than one additional employee who does not reside in the dwelling unit is allowed to work in a home-based business.
- i. Visitors. A maximum of one visitor (such as a client, customer, or pupil) associated with the home-based business may be present at any given time.
- j. Hours of Operation. Home-based businesses with outside visitors may operate from 7:00 AM to 9:00 PM on a daily basis.
- k. Outdoor storage. No outdoor storage is allowed in connection with any home-based business.
- l. Parking. Any parking needs associated with the home-based business must be accommodated on the same zoning lot within an existing driveway or garage.
- m. Deliveries. Deliveries and shipments are not allowed to or from the premises, with the exception of carriers that typically provide service to residential neighborhoods, such as the U.S. Postal Service and/or express shipping services (e.g. UPS, FedEx, DHL, Amazon).
- n. Signs. Signs for home-based businesses are permitted in accordance with Section 12 (Signs).

21. Hoophouse.

- a. Use Limitation. Hoophouses are only allowed in conjunction with agricultural uses, community gardens, gardens, and garden centers.
- b. Size. Hoophouses are limited to a maximum size of 200 square feet.

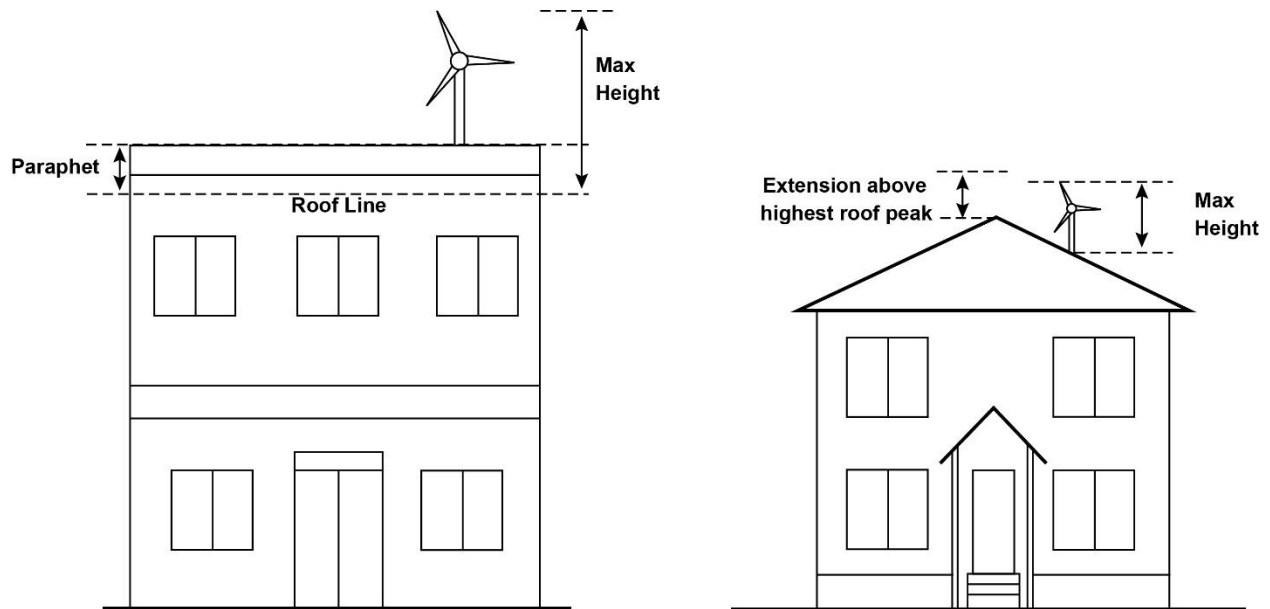
22. Mechanical Equipment.

- a. Location. Ground-mounted mechanical equipment may project four feet into any side or rear yard. Roof-mounted mechanical equipment must be located a minimum of six feet

- from the edge of the supporting walls of any roof. Window-mounted air conditioning units may project two feet into any yard.
- b. Screening. Roof-mounted mechanical equipment screening must equal the height of the tallest mechanical equipment installed on the roof of the building. In the absence of screening attached to the unit, the parapet of the façade must be extended such that the unit is not visible from the curb of the sidewalk across the street from the structure on which the unit is located. The requirements of Section 11.09 (Screening Requirements) apply to ground-mounted mechanical equipment.
 - c. Mechanical requirements standards do not apply to electrical generators which are regulated in accordance with the requirements of Section 9.02.B.15 (Electrical Generator).
23. Outdoor Dining.
- a. Location. Outdoor dining may only be located on private property, unless otherwise allowed by the City. Outdoor dining may not be located in any yard that is adjacent to a residential use or zoning district, except when such residential use is part of a mixed-use development. Outdoor dining areas must be separated from the right-of-way and parking areas with masonry walls, planters, bollards, fencing, or similar elements.
 - b. Sidewalk Clearance. Outdoor dining areas must be located and oriented to provide a minimum of four feet of sidewalk clearance available for pedestrians at all times in accordance with the Americans with Disabilities Act Accessibility Guidelines.
 - c. Parking Lot Clearance. Outdoor dining may not interfere with the drive aisles and required parking spaces of a parking lot. Outdoor dining structures may not occupy more than 40 percent of available parking spaces nor any provided ADA parking stalls.
 - d. Site Plan Review. Permits for outdoor dining areas and structures are subject to site plan review in accordance with Section 4.09 (Site Plan Review).
24. Outdoor Fireplace or Fire Pit.
- a. Location. Outdoor fireplaces and fire pits are allowed in the rear yard only.
 - b. Setback. Outdoor fireplaces and fire pits must be located a minimum of 15 feet from any building.
 - c. Size. The maximum diameter of outdoor fireplaces and fire pits is four feet.
25. Outdoor Sales and Display Area.
- a. Items Offered. The items permitted to be offered in outdoor sales and display areas include, but are not limited to, building or garden supplies for retail sale, nursery plants, equipment for household use, and other household items that are typically used or stored outdoors. Permanent outdoor sales and display areas for motor vehicle sales are subject to the requirements for Section 9.02.B.22 (Motor Vehicle Rental or Motor Vehicle Sales).
 - b. Size. Outdoor sales and display areas may not exceed 15 percent of the gross lot area in commercial zoning districts and 25 percent in industrial zoning districts.
 - c. Improved Surface. Outdoor sales and display areas must be paved.
 - d. Access. Outdoor sales and display areas may not obstruct driveways, parking areas, sidewalks, and landscaped yards.
 - e. Fencing. If an outdoor sales and display area is secured with a fence, it must be constructed of treated wood, simulated wood, or decorative metal.

26. Patio and Open Terrace.
- a. Location. Open patios and terraces are allowed in any yard. Permanently roofed patios are allowed only in the rear yard.
 - b. Height. Patios and open terraces may not be higher than three feet above the average level of the adjoining ground.
27. Porch. Location. Porches are allowed in the rear yard only. Porches must be located at least five feet from a lot line and may project a maximum of eight feet from a structure.
28. Recreation Equipment.
- a. Location. Recreation equipment is allowed in the rear yard and interior side yard only.
 - b. Size. The maximum size of a children's playhouse in residential zoning districts is 144 square feet.
 - c. There is no maximum size of a children's playhouse in business districts for day care centers.
29. Refuse, Recycling, and Grease Containers.
- a. Applicability. Refuse, recycling, and grease container regulations apply only to those uses that collect refuse, recyclable materials, and grease in commercial containers. These regulations do not apply to collection containers provided to residences by the City's designated waste hauling franchisee.
 - b. Location. Refuse, recycling, and grease containers are prohibited in the front yard.
 - c. Screening. The requirements of Section 11.09 (Screening Requirements) apply to refuse, recycling, and grease containers.
30. Shed.
- a. Location. Sheds are allowed only in rear yards.
 - b. Number. One shed is allowed per zoning lot.
 - c. Area. In the R1, R2, R3, R4, and R5 Districts, the maximum area of a shed is 144 square feet.
 - d. Motor Vehicle Storage. The storage of motor vehicles, including, but not limited to, cars, trucks, and vans, in sheds is prohibited.
31. Small Wind Energy System (Building-Mounted).
- a. General Wind Energy System Regulations. All building-mounted small wind energy systems must comply with the general wind energy system regulations in Section 9.02.B.29 (General Wind Energy System Regulations).
 - b. Quantity.
 - (1) In the R1, R2, R3, R4, R5, L1, L2, and L3 Districts, one building-mounted small wind energy system is permitted per zoning lot.
 - (2) In the B1, B2, B3, B4, H/C, E, R/LI, and I Districts, there is no maximum number of building-mounted small wind energy systems per zoning lot.
 - c. Location. Building-mounted wind energy turbines may be attached to any roof surface on a principal or accessory structure.
 - d. Height.
 - (1) The maximum height of a building-mounted small wind energy system is 15 feet.
 - (2) Building-mounted small wind energy systems may extend no more than 10 feet above the highest peak of a pitched roof.

Figure 9.03-2 Small Wind Energy System (Building-Mounted)



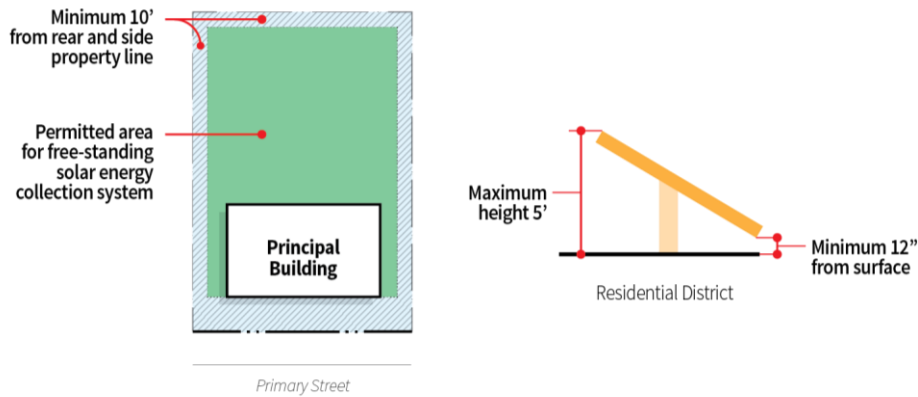
32. Solar Energy Systems (Private, Non-Utility).

a. General Requirements.

- (1) **On-site Use.** Energy produced through the private solar energy system must be utilized on-site but may be delivered to a power grid to offset the cost of energy on-site.
- (2) **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 private solar energy system.
- (3) **Glare.** Solar collection systems may not adversely impact adjacent properties, or otherwise be a nuisance. Solar collection devices must be designed and located to avoid glare or reflection onto adjacent properties, businesses, residences, and adjacent roadways and will not interfere with traffic or create a safety hazard. All private solar energy systems using a reflector to enhance solar production must minimize glare from the reflector that is likely to impact adjacent or nearby properties. This provision may not be read to apply to PV systems, or other solar energy systems which absorb sunlight and do not reflect it.
- (4) **Tree Removal.** Tree removal will be minimal and comply with the regulations of Section 11.02 (Tree Preservation).
- (5) **Arrangement.** Where feasible, solar collector units must be consolidated into array groupings located toward the center of the roof, rather than situated in a disjointed manner.
- (6) **Conditional Use.** Except as provided in this Section, the conditional use permit process outlined in Section 4.08 (Conditional Uses) of this Ordinance must be the method used for requesting approval for a private solar energy system that exceeds applicable district 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 will be considered. In addition, the requirements of paragraphs 1 through 6 of this section will be considered.

- (7) Placement on Landmarked Properties. If a private 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 will be required. The Historic Preservation Commission may not deny a private solar energy system's placement solely because of the property's landmarked status, however, other factors required under Section 11.4 of that Ordinance will be considered. Coordination with the Illinois State Historic Preservation Office may be required.
- b. Ground-Mounted Private Solar Energy Systems.
- (1) General Private Solar Energy System Regulations. All ground-mounted solar energy systems must comply with the general private solar energy system regulations detailed in Section 9.02.B.29.a (General Solar Energy System Regulations).
 - (2) Location.
 - (a) Ground-mounted private solar energy systems are allowed in the rear yard of any zoning district.
 - (b) Ground-mounted private solar energy systems are allowed in the interior side yard in B1, B2, B3, B4, B5, H/C, E, R/LI, and I Districts.
 - (3) Setback. All parts of a ground-mounted solar energy system must be located a minimum of three feet, or the height of the system, whichever is less, from any interior lot line or rear lot line.
 - (4) Height. The maximum height of ground-mounted solar energy systems is 15 feet when positioned at maximum tilt.
 - (5) Quantity. The aggregate area of panels in a ground-mounted private solar energy system may not exceed 20 percent of the rear yard area in the CR, R1, and R2 Districts.
 - (6) Coverage. Ground-mounted private solar energy systems on non-residential lots may not exceed half the area of the principal structure on the lot.
 - (7) Visibility. Active ground-mounted private solar energy systems must be screened from the view of public rights-of-way; provided, that screening should not be required to an extent that it affects the operation of the system. Any power transmission lines connecting a ground-mounted private solar energy system to any other structure on the zoning lot must be buried underground.
 - (8) Not an Impervious Surface. Ground-mounted private solar energy systems are exempt from percentage of required yard occupied calculations (for impervious surfaces) contained in Section 9.03.A.5 (Lot Coverage) only if the soil under the collector is not compacted and is maintained in vegetation.
 - (9) Abandonment. If a ground-mounted solar energy system is inoperable or abandoned for a period of six consecutive months, the property owner may be notified by the City that the system must either be repaired and made operable, or removed, no later than 90 days after delivery of the notice. The property owner must comply with any such order or seek other relief within the time allowed.
 - (10) Placement on Environmental Hazard Sites. If a ground-mounted private 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.

Figure 9.03-5 Solar Energy System (Ground-mounted)



- c. Building-Mounted Private Solar Energy Systems.
 - (1) General Solar Private Energy System Regulations. All building-mounted private solar energy systems must comply with the general private solar energy system regulations in 9.02.B.32.a (General Requirements). Refer to Figure 9.03-6 Solar Energy System (Building-Mounted).
 - (2) General Requirements.
 - (a) Location. Building-mounted private solar energy systems may be installed on principal or accessory structures in any district.
 - (b) Orientation. Panels must be oriented to maximize solar access.
 - (c) Roof Access. Roof access to solar collection devices must be provided for fire-fighting purposes.
 - (3) Residential Uses.
 - (a) Placement. Solar collection panels are 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 collection devices are not allowed on any part of the vertical portion of a mansard roof.
 - (b) Height. Height is measured from the surface on which the private solar collection device is mounted, to the highest edge of the system. See Figure 9.03-6 Solar Energy System (Building-Mounted).
 - i. Sloping Roof. Private solar energy systems must be mounted flush with the roof, may not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and the surface of the collector may not extend any further than 12 inches from the roof surface at any point. No portion of the solar collectors can extend beyond the ridgeline of the roof at any point. The total height of the building including the solar collection devices must comply with the height regulations of the zoning district.
 - ii. Flat Roof. The maximum height of solar collection devices mounted on a flat roof is five feet, or the height of the building parapet, whichever is less. Solar collection devices may not be visible at-grade from adjacent properties or exceed the height regulations of the zoning district.
 - (c) Projection. The collector surface and mounting devices for roof-mounted solar energy systems may not extend beyond the roof edge or the exterior perimeter of the principal structure.

- (d) Roof Coverage.
 - i. Sloping Roof. A building-mounted private solar energy system may cover 75 percent of a pitched roof.
 - ii. Flat Roof. There is no coverage limit for building-mounted private solar energy systems on flat roofs.
- (e) Roof Vents. Building-mounted private solar energy systems may not be located within six inches of a roof vent.
- (4) Non-residential Uses.
 - (a) Placement. Solar access is optimized on the front and corner façades. Systems are simultaneously used to shade the structure's windows. See Figure 9.03-5 Solar Energy System (Ground-Mounted). Solar collection panels are allowed on the following areas of a structure:
 - i. Any roof face.
 - ii. Side and rear building façades.
 - iii. Front or corner building façades, if the following conditions are met:
 - (b) Height. Height is measured from the surface on which the solar collection device is mounted, to the highest edge of the system. Solar collection devices may not cause the structure to exceed the maximum permitted height of the structure within the zoning district. See Figure 9.03-6 Solar Energy System (Building-Mounted).
 - i. Sloping Roof. The maximum height of a solar collection devices mounted on a sloping roof is 15 inches above the ridge of the roof.
 - ii. Flat Roof. The maximum height of solar collection devices mounted on a flat roof is 15 feet when oriented at maximum tilt, or the height of the building parapet, whichever is less. Solar collection devices must be consolidated into array groupings located toward the center of the roof.
 - (c) Projection. The collector surface and mounting devices for roof- mounted solar energy systems may 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 façade as follows:
 - i. The collector surface and mounting devices may project up to four feet from a building façade or roof edge provided the systems are simultaneously used to shade the structure's windows. See Figure 9.03-7 Solar Energy System (Façade).
 - ii. The collector surface and mounting devices may project into a side or rear setback. However, under no circumstances may any part of the system be closer than five feet, or the height of the unit, whichever is greater, to the side or rear property line.

Figure 9.03-6 Solar Energy System (Building-Mounted)

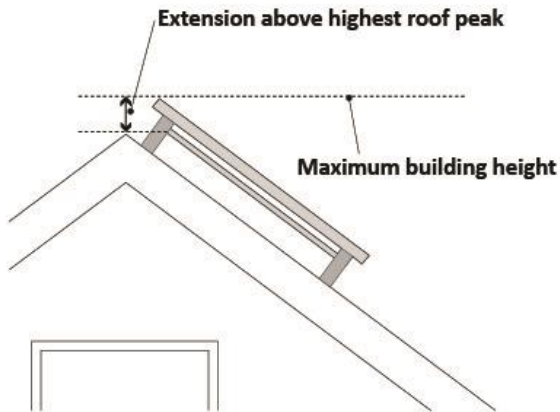
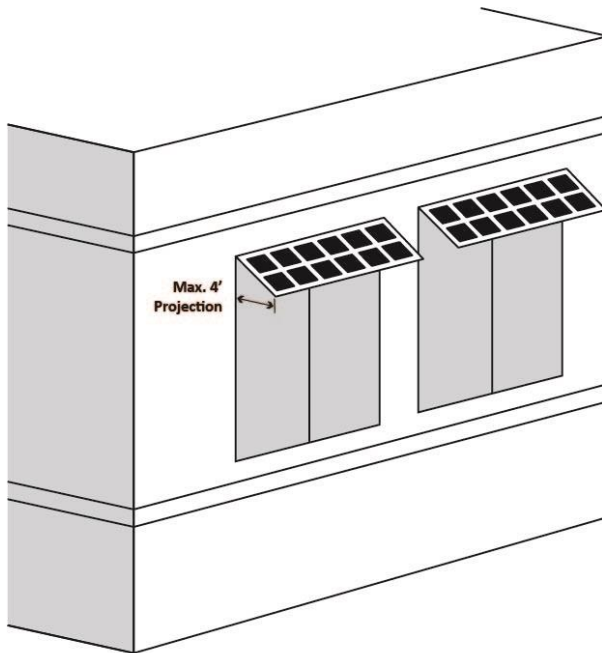


Figure 9.03-7 Solar Energy System (Façade)



33. Stairs or Stoop.

- a. Encroachment. Stairs and stoops may encroach up to five feet into any yard.
- b. Height. Stairs and stoops that encroach into any yard may not exceed four feet in height above grade.

34. Swimming Pool or Hot Tub. The following standards apply to swimming pools and hot tubs, with a depth equal to or greater than two feet.

- a. Location. Swimming pools and hot tubs are allowed in the rear yard.
- b. Height. Aboveground swimming pools and hot tubs may not exceed six feet in height.

- c. Distance from Other Structures. A swimming pool or hot tub must be a minimum of three feet from any other structure or building on a zoning lot, with the exception of a permanent deck or patio. A swimming pool must be at least five feet from any buried utility lines or cables and 10 feet from any aerial utility lines or cables, as verified by the Zoning Administrator.
- d. Minimum Lot Coverage. Swimming pools and hot tubs are counted towards the 40 percent lot coverage limit for accessory structures.
- e. Fence required. Yards with swimming pools or hot tubs must have a fence at least four feet in height surrounding the pool or hot tub.

35. Treehouse.

- a. Location. Treehouses are allowed in the rear yard.
- b. Number. A maximum of one treehouse is allowed per zoning lot.
- c. Size. The maximum size of a treehouse is 100 square feet.
- d. Tree Incorporation. Treehouses must incorporate a planted tree as a critical structural element.

36. Wireless Telecommunication Antenna.

- a. General Requirements. Wireless telecommunication antennas must meet the general requirements for wireless telecommunication facilities and/or towers in Section 9.02.B.30.a (General Requirements).
- b. Height. A wireless telecommunication antenna may not increase the height of any building, structure, or wireless telecommunication tower on which it is mounted by more than ten percent.
- c. Stealth Design. All wireless telecommunication antennas must utilize stealth design to blend into the structure on which it is mounted, such as a rooftop, tower, spire, or other similar feature, including those co-located on a wireless telecommunication tower. A wireless telecommunication antenna must be enclosed, camouflaged, screened, or obscured so that it is not readily apparent to a casual observer.

9.04 Temporary Uses and Structures

Temporary uses are established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure. Temporary structures may be constructed in furtherance of a temporary use and are not intended to be permanent fixtures on property. Temporary uses and structures are subject to the requirements of this section. Some temporary uses may require a special event permit in addition to a temporary use permit.

A. Temporary Uses and Structures Table. Table 9.04-1 Temporary Uses and Structures establishes the allowed temporary uses and structures for each zoning district. Table 9.04-1 Temporary Uses and Structures is not an exhaustive list of temporary uses and structures that may be located within the City. Each use or structure is given one of the following designations for each zoning district.

- 1. Allowed (“A”). “A” indicates that the temporary use or structure does not require a temporary use permit and is allowed by-right within the designated zoning district provided that it meets all applicable use standards set forth in Section 9.04.B (Use Standards for Temporary Uses and Structures).

2. Allowed with Temporary Use Permit Approval (“T”). “T” indicates that the temporary use or structure requires the approval of a temporary use permit in accordance with Section 4.03 (Permit Approval) and must meet any applicable use standards set forth in Section 9.04.B (Use Standards for Temporary Uses and Structures) in order to be allowed within the designated zoning district.
3. No Designation. The absence of a letter (a blank space) indicates that the use is not allowed within the designated zoning district.

Table 9.04-1 Temporary Uses and Structures

A: Allowed **T:** Allowed with Temporary Use Permit Approval

Temporary Uses and Structures	CR	R1	R2	R3	R4	R5	B1	B2	B3	B4	H/C	E	R/LI	I	L1	L2	L3	Use Standards
Construction Trailer	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	See 9.04.B.1
Farmers Market							T	T	T	T	T	T	T		T	T	T	See 9.04.B.2
Garage or Yard Sale	A	A	A	A	A	A									A		A	See 9.04.B.3
Residential Model Unit		T	T	T	T	T									T		T	See 9.04.B.4
Temporary Outdoor Entertainment	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	See 9.04.B.5
Temporary Outdoor Sale	T						T	T	T	T	T	T	T			T		See 9.04.B.6
Temporary Storage Container	T	T	T	T	T	T									T	T	T	See 9.04.B.7
Tent	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	See 9.04.B.8

B. Use Standards for Temporary Uses and Structures. The following standards apply to temporary uses and structures designated as permitted (“A”) or permitted with a Certificate of Zoning Compliance/ Temporary Use Permit (“T”) in the zoning districts noted in the “Use Standards” column of Table 9.04-1 Temporary Uses and Structures. Temporary uses may be located outdoors or within an enclosed building or structure.

1. Construction Trailer. Duration. Construction trailers permitted on zoning lots for which building permits have been issued and may only be maintained on the premises during the period when construction work, including demolition and site grading, is being actively conducted. Construction trailers may not contain accommodations for sleeping or cooking.
2. Farmers Market.
 - a. Schedule. The schedule and duration of a farmers market will be determined as part of a temporary use permit. A temporary use permit for a farmers market can be issued on an annual basis, which allows for a schedule of days per week and number of weeks per year.
 - b. Management Plan. A management plan must be submitted addressing the following:
 - (1) The on-site presence of a manager to direct the operation of vendors.
 - (2) An established set of operating rules, days and hours of operation, vendor set-up and take-down times, a maintenance plan, and provisions for waste removal.
 - (3) A site plan indicating vendor stalls, visitor facilities, seating areas, restrooms, parking, and all entrances and exits to the site.

3. Garage or Yard Sale.
 - a. Eligibility. Only residential properties may hold garage or yard sales.
 - b. Merchandise. Merchandise for sale may only be household goods sold at resale. Offering retail overstock goods in large quantities is not permitted at garage or yard sales.
 - c. Frequency. Garage and yard sales may be held for three consecutive days up to three times per year. City-wide garage and yard sales do not count toward this total.
 - d. Hours of Operation. Garage and yard sales may operate from 7:00 AM to 7:00 PM.
 - e. Signs. Garage and yard sale signs must be in accordance with Section 12.06.N (Yard Signs).

4. Residential Model Unit. Duration. Residential model units are permitted only during the period of active selling and/or leasing of space in a new residential development. Residential model units may not be used for sleeping, bathing, or cooking purposes.

5. Temporary Outdoor Entertainment.
 - a. Duration. Temporary outdoor entertainment is limited to a period of seven consecutive days. The Zoning Administrator may grant additional time or successive permits through the temporary use permit process.
 - b. Frequency. A maximum of two temporary outdoor entertainment permits may be issued per year for any zoning lot.
 - c. Other Local Regulations. Temporary outdoor entertainment must comply with the requirements of the City's Code of Ordinances (see [Chapter 15, Article V. Special Events and Parades](#)) and other local regulations.
 - d. Zoning Permit Approval. Approval of a temporary use permit is based on the adequacy of the lot area, provision of parking, traffic access, and public safety, as well as the absence of undue adverse impacts on adjacent properties. A permit application for a temporary use permit must include the following:
 - (1) Site Plan. As part of an application for a temporary use permit, the operator of the event must submit a site plan to the City prior to the event that illustrates the location of major site components and ingress and egress routes for emergency vehicles.
 - (2) Proof of State Inspection. The operator of the event must provide proof that all amusement devices have been inspected and approved by the State of Illinois Department of Labor.
 - e. Bulk and Setback Requirements. Temporary outdoor entertainment is exempt from the bulk and setback requirements of Section 8 (Zoning District Regulations).
 - f. Live Musicians. Approved temporary outdoor entertainment and outdoor dining uses, in accordance with Section 9.03.C.23 (Outdoor Dining), may allow live musicians to perform for guests in the outdoor dining area.

6. Temporary Outdoor Sale.
 - a. Duration. Temporary outdoor sales for antiques markets, art fairs, craft fairs, and holiday sales are limited to a period of up to three days. Temporary outdoor sales for pumpkin sales lots and Christmas tree lots are limited to a period of up to 30 days.
 - b. Frequency. A maximum of three temporary use permits for temporary outdoor sales may be issued per year for any zoning lot.
 - c. Zoning Permit Approval. Approval of a zoning permit is based on the adequacy of the lot area, provision of parking, traffic access, and public safety, as well as the absence of adverse impacts on adjacent properties. The zoning permit application must include a site plan

- submitted to the City prior to the event that illustrates the location of major site components and ingress and egress routes for emergency vehicles.
- d. Bulk and Setback Requirements. Temporary outdoor sales for pumpkin sales lots and Christmas tree lots are exempt from the bulk and setback requirements of Section 8 (Zoning District Regulations).
 - e. Sidewalk Clearance. A minimum of four feet of sidewalk clearance must remain available for pedestrians in accordance with the Americans with Disabilities Act Accessibility Guidelines.
 - f. Refuse. Temporary outdoor sales must provide and service metal refuse containers in the number and locations required by the Zoning Administrator.
 - g. Storage. Merchandise must be stored inside the building during non-business hours where practical.
7. Temporary Storage Container.
- a. Number. One temporary storage container or dumpster is permitted per zoning lot at any one time.
 - b. Duration. Temporary storage containers may be located on a lot for a period of no more than 30 consecutive days unless used in conjunction with an approved building permit.
 - c. Extension. Temporary storage containers used not in conjunction with a building permit are permitted to be located on a lot of an additional 30 consecutive day period with written approval from the Building Commissioner, if requested a minimum of 10 days before the expiration of the permit.
 - d. Frequency. A maximum of two instances of temporary storage container installation are allowed per year. An extension to a permit will not count as a second instance.
 - e. Improved Surface. The temporary storage container must be located on an improved hard surface. Containers may not be permanently attached to the ground, have permanent utility service, or be stacked on top of one another.
 - f. Sight Obstruction. Temporary storage containers must be located at least ten feet from the any street-adjacent property line to prevent sight obstructions.
8. Tents. Duration. Temporary tents are limited to a period of up to ten days. When a temporary tent is associated with any permitted use, accessory use, temporary use, or conditional use permit, the tent must be removed no more than two days after the period during which the associated use is allowed. Tents may not be used as dwelling units.

9.05 Environmental Performance Standards

All uses in all zoning districts must comply with the performance standards established in this Section, unless any federal, state, county, or local regulations establish a more restrictive standard, in which case the more restrictive standard applies.

- A. Noise. No activity or use may be conducted in a manner that generates a level of sound, as measured on another property, greater than that allowed by federal, state, county, and local regulations. These limits do not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads, and aircraft.
 - 1. Small wind energy systems. Measured at the property line, maximum noise in any residential

zoning district is 55 dBA, and the maximum noise in commercial and industrial zoning districts is 60 dBA; except during short-term events such as utility outage or a severe windstorm. Measurement of such levels can account for ambient sound conditions. To limit the level of low frequency sound, the average C-weighted sound level during system operation will not exceed the A-weighted ambient sound level by more than 20 dBA.

2. Industrial Zoning Districts.

- a. Noise measurement. Noise levels are 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 are subject to the performance standards hereinafter prescribed provided that such noises will be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this Ordinance, those noises which cause fluctuations of the needle of the sound level meter with a variance of no more than plus or minus two (± 2) decibels. Noises incapable of being so measured, such as those of an irregular intermittent nature, must be controlled so as not to become a nuisance to adjacent uses.
- b. Noise Level Standards. The maximum noise measured at the zoning district boundary of residential and business zoning districts may not exceed levels included in Table 9.05-1 Industrial Noise Limits:

Table 9.05-1 Industrial Noise Limits

Octave Band (Preferred Center Frequency)	Sound Level in Decibels (Re 0002 Microbar)	
	8:01 AM to 10:00 PM	10:01 PM to 8:00 AM
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

- B. Odor. No activity or use may be conducted in a manner that generates odors of such intensity and character as to be harmful to the health, welfare, or comfort of the public. Any such use must be stopped or modified to remove the odor.
- C. Dust, Smoke, and Air Pollution. Dust and air pollution carried by the wind from sources such as storage areas, yards, parking areas, equipment, and the like, within zoning lot boundaries, must be kept to a minimum by appropriate landscaping, screening, paving, wetting, or other acceptable means. In industrial districts, the following regulations apply.
 - a. 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 will henceforth be unlawful.

- b. Particulate matter emissions caused by the wind from open storage areas, yards, roads, etc. within zoning lot lines must be kept to a minimum by appropriate landscaping, paving, oiling, wetting, or other means.
 - c. For 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 will be employed.
 - d. No industrial operation can 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 1,000 pounds of gases adjusted to 12 percent CO₂ content for the products of combustion.
 - e. The emission, from all sources within any zoning lot, of particulate matter containing more than ten percent by weight of particles having a particulate diameter larger than 44 microns is prohibited.
 - f. 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 will have a density or equivalent opacity no greater than Ringelmann No. 1.
- D. Glare and Heat. No activity or use may be conducted in a manner that generates glare or heat that may be detected at any point off the zoning lot on which the use is located. Light sources must be shielded so as not to cause a nuisance across lot lines.
- E. Vibration. No activity or use may be conducted in a manner that generates earthborn vibration that can be detected at any point off the zoning lot on which the use is located.
- F. Fire and Explosion Hazards. Materials that present potential fire and explosion hazards must be transported, stored, used, and disposed of only in conformance with all applicable federal, state, county, and local regulations. In industrial zoning districts, the following regulations apply.
- 1. 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 187°F, is permitted subject to compliance with all other performance standards for Industrial Zoning Districts.
 - 2. 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 187°F but not less than 105°F, is permitted subject to compliance with all other performance standards for the Industrial Districts, and provided the following conditions are met:
 - 3. Said materials or products must 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 City's Code of Ordinances of Waukegan.

4. 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 105°F, will be permitted in the Industrial Districts provided:
 - a. The final manufactured product does not itself have a closed cup flash point of less than 187°F.
 - b. The use and storage of such materials must be in conformity with standards prescribed by the National Fire Protection Association and with the requirements of other ordinances in the City's Code of Ordinances of Waukegan.
 - c. The storage of said materials are prohibited above ground.
 5. Any use that involves the storage, utilization, or manufacture of fire and explosion hazards may be required to provide the City with an Emergency Management Plan and necessary training and equipment for enacting said plan in the event of an emergency.
- G. Electromagnetic Interference. Electromagnetic interference from the operation of any use that is not in compliance with the rules and regulations of the Federal Communications Commission may not adversely affect the operation of any equipment located off the zoning lot on which such interference originates.
- H. Hazardous, Radioactive, and Toxic Materials. No activity or use may produce hazardous, radioactive, or toxic material without prior notice to the City. Notice must be given to the Zoning Administrator at least 30 days before the operation commences. The transport, handling, storage, discharge, clean up, and disposal of all hazardous, radioactive, or toxic materials, including waste, must comply with applicable federal, state, county, and local regulations. In industrial zoning districts, the following regulations apply.
1. Released toxic materials may not exceed ten percent of the maximum permissible airborne concentration allowed an industrial worker when measured at any point beyond the zoning lot line, either at ground level or habitable elevation, whichever is more restrictive.
 2. 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 must prove that proposed levels will be safe for the general population.

SECTION 10: OFF-STREET PARKING AND LOADING

- 10.01 General Provisions
- 10.02 Off-Street Parking Spaces
- 10.03 Bicycle Parking
- 10.04 Parking Design Standards
- 10.05 Pedestrian Circulation Systems
- 10.06 Driveways
- 10.07 Vehicle Stacking Requirements
- 10.08 Recreational Vehicle Parking
- 10.09 Off-Street Loading Facility Requirements
- 10.10 Parking and Charging Infrastructure for Electric Vehicles

10.01 General Provisions

- A. Purpose. The purpose of this Section is to promote the health, safety, and general welfare of the public by providing for safe and efficient traffic circulation, ensuring an appropriate quantity of vehicular and bicycle parking to support a variety of land uses, minimizing impervious surface coverage associated with parking and loading, and providing for adequate site access and loading facilities.
- B. Applicability. The requirements of this Section apply to the following:
 - 1. New construction of a principal structure or establishment of a principal use.
 - 2. The construction of new parking facilities, loading facilities, drive-through facilities, and/or driveways.
 - 3. The reconfiguration, reduction, expansion, or reconstruction of existing parking facilities, loading facilities, drive-through facilities, and/or driveways.
- C. General Requirements. The following requirements apply to all parking and loading areas.
 - 1. Site Plan Review Approval. Site plan review approval is required prior to the expansion, reduction, reconfiguration, or reconstruction of an existing parking lot. Existing parking lots that fully meet the landscaping requirements of Section 11.07 (Parking Lot Landscaping) do not require a site plan review in accordance with Section 4.09 (Site Plan Review).
 - 2. Permit. Construction of new off-street parking lots and loading areas required by this Section must be completed prior to the issuance of an occupancy certificate for the uses served by the parking and loading facilities.
 - 3. Change in Use. When an existing use is changed to a new use, the minimum required number of parking and loading spaces may be increased or decreased in accordance with the new use parking requirements and with an approved permit or site plan review.

4. Encroachment. Parking facilities are allowed to encroach into the front yard, corner side yard, interior side and/or rear yard of a zoning lot, but must be at least five feet from any lot line, provided no parking lot perimeter landscape, see Section 11.07.A (Parking Lot Perimeter Landscape), or buffer yard, see Section 11.08 (Buffer Yards) is required.
5. Maintenance Responsibility. The owner of the zoning lot is responsible for maintaining all parking and loading facilities in good repair. The condition of parking and loading facilities will be assessed by the Building Commissioner. For parking and loading facilities adjacent to residential districts, no cleaning or maintenance of such facilities may be performed between the hours of 10:00 PM and 7:00 AM, except for the removal of snow.
6. Waukegan Compendium of Specifications for Development. All parking and loading areas must be constructed and maintained according to the requirements of the Compendium of Specifications for Development.

10.02 Off-Street Parking Spaces

- A. General Requirements. Off-street parking spaces for motor vehicles must be provided in accordance with the following standards.
 1. Availability of Spaces. All parking spaces on a zoning lot must be made available to the users of the principal use. Spaces may not be utilized for motor vehicle repair, service, or for long-term storage or display of vehicles, materials, or goods with the exception of approved marina/motor vehicle dealership, motor vehicle sales, and motor vehicle rental uses.
 2. Accessible Parking.
 - a. State Requirements. Accessible parking spaces must be designed, marked, and display appropriate signage as required by the Illinois Accessibility Code, Americans with Disabilities Act, and all additional applicable laws.
 - b. Applicability. Accessible parking must be provided in all parking facilities that provide parking for residents, employees and/or visitors except for single-unit, two-unit, three-unit, and four-unit dwellings, as required by the Americans with Disabilities Act.
 - c. Minimum Parking Requirements. The number of accessible parking spaces are counted toward the total number of off-street parking spaces required.
 3. Off-Premises Parking Facilities. Parking facilities for uses other than single-unit, two-unit, three-unit, four-unit, and townhouse dwellings may be provided on a separate zoning lot with prior written approval by the Zoning Administrator on the following conditions:
 - a. Residential Uses. Any off-premises parking facility serving a multi-dwelling unit must be located no farther than 300 feet, measured along a publicly accessible pedestrian route, from the nearest principal entrance of the building served by the off-premises parking facility.
 - b. Non-residential Uses. Any off-premises parking facility serving a non-residential use must be located no farther than 500 feet, measured along a publicly accessible pedestrian route, from the nearest principal entrance of the building served by the off-premises parking facility.

- c. **Off-Premises Parking Facility Agreement.** Off-premises parking facilities that are not owned or controlled by the owner of the property being served may only be used if the owner or operator of the property being served enters into a written lease agreement for use of the off-premises parking facility. The lease agreement must guarantee that the off-street parking facilities will be available for as long as the uses requiring the off-premises parking remains in operation. The agreement must be in a format satisfactory to the City Attorney and must be recorded in the Recording Division of the Lake County Clerk's Office, as applicable.
 4. **Tandem Parking.** Tandem parking may be granted for residential uses only through an application for site plan review, see Section 4.09 (Site Plan Review). Both parking spaces must be designated for use by occupants of the same dwelling unit. Motor vehicle repair and/or service facilities may utilize tandem parking in their parking lots, pursuant to an application for site plan review.
 5. **Shared Parking Facilities.** Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each are permitted.
 6. **Commercial Vehicles in Residential Districts.** The following vehicles may not be parked in a residential zoning district unless the vehicle is parked in an enclosed garage, or is in use for deliveries, repairs, construction, maintenance, loading, or unloading: limousines, buses, tow trucks, semi-truck trailers, box trucks, construction vehicles, landscaping vehicles and trailers, agricultural vehicles, and other similar commercial vehicles. Parking of commercial vehicles on public streets or in private driveways visible from the public right-of-way is prohibited.
- B. **Computation.** Off-street parking spaces are determined using the following standards.
1. **Units of Measurement.**
 - a. **Gross Floor Area.** Unless otherwise stated, parking standards for non-residential uses must be calculated based on gross floor area (GFA) in square feet (sf) of all principal structures on a zoning lot.
 - b. **Occupancy- or Capacity-Based Requirements.** Parking spaces required per employee, student, or occupant must be calculated based on either (i) the maximum number of employees on the largest shift, or (ii) maximum fire-rated permitted occupancy of the building, whichever measurement is applicable.
 - c. **ADA Spaces.** ADA Access Aisles must be counted as one additional parking space.
 - d. **Semi-truck Spaces.** Semi-truck spaces must be counted as two parking spaces.
 2. **Fractions of Parking Spaces.** When computation of parking spaces results in a fraction, any fraction of less than one-half may be disregarded, and the required number of spaces rounded down to the next whole number, and any fraction of one-half or more must be rounded up to the next greater whole number of required spaces.
 3. **Multiple Uses Served by a Single Parking Facility.** When multiple uses are served by a single parking facility, the total number of parking spaces required must be the sum of the parking requirements for each individual use, unless each use operates at set hours that do not overlap.

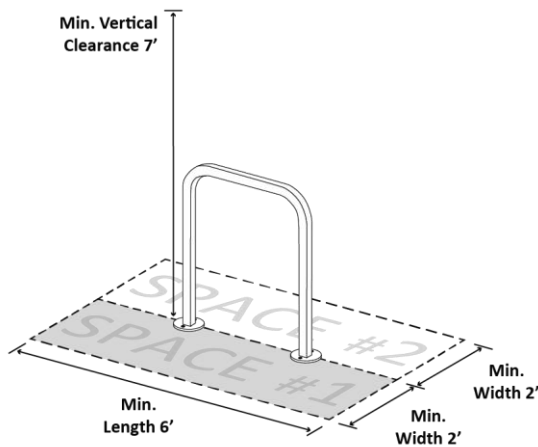
4. Use of Off-Street Loading Area. Area allocated to any off-street loading spaces may not be used to satisfy parking space requirements.
- C. Parking Standards. Table 10.03-1 Off-Street Parking Standards establishes the minimum and maximum vehicular parking requirements for the listed uses. Table 10.03-1 also establishes the minimum short-term and long-term bicycle parking requirements for the listed uses.
1. B4 District. In the B4 District, the minimum vehicle parking requirements of Table 10.03-1 do not apply to residential and non-residential uses.
 2. Lakefront Districts. In the L1, L2, and L3 Districts, the minimum vehicular parking requirements of Table 10.03-1 do not apply to residential uses. In the L1, L2, and L3 Districts, residential uses must only provide a minimum of 0.5 parking spaces per dwelling unit.
 3. Uses Subject to Development Applications. In all zoning districts, approved development applications including conditional uses, planned unit developments, and site plans, may be subject to minimum and maximum parking requirements established through the approval process, see Section 4.08 (Conditional Uses).
 4. Use Not Specified. Any use not specified in Table 10.03-1 Off-Street Parking Standards must adhere to the minimum parking requirements provided for the most similar use as determined by the Zoning Administrator.
 5. Excess Parking Waiver; Fee. The applicant for a proposed use may be permitted to install and maintain parking spaces in excess of the maximum permitted off-street parking in instances where the Zoning Administrator determines that providing only the maximum allowed amount of parking on-site is not sufficient to serve the proposed use and provides a waiver from the maximum permitted parking requirement. Applicants requesting a waiver from the maximum permitted off-street parking requirements will be required to pay a one-time per space fee in an amount set forth in the fee and fine schedule. All waiver fees must be placed into a fund to be used by the City for the acquisition, construction, and maintenance of short-term bicycle parking located in the public right-of-way, or on City owned property. The use granted the waiver from the maximum number of vehicle parking spaces must be credited permanently by ordinance or resolution identifying the number of spaces for which payment was received by the City. Requests for parking in excess of maximum permitted parking for single-unit, two-unit, three-unit, four-unit, and townhouse dwellings are not subject to the excess parking adjustment fee but must follow the standards of Section 4.04 (Variances) and Section 4.05 (Minor Adjustments).

10.03 Bicycle Parking

- A. Applicability. Minimum bicycle parking requirements apply to the use categories in Table 10.03-1 Off-Street Parking Standards, provided that those use categories meet the development thresholds listed in Section 10.01.B (Applicability).

- B. Minimum Requirement. Where bicycle parking is required, a minimum of two spaces must be provided.
- C. Bicycle Parking Design. Bicycle parking spaces must be designed in accordance with the following requirements:
 1. Dimensions. Each bicycle parking space must have a minimum width of two feet, minimum length of six feet, and minimum vertical clearance of seven feet, see Figure 10.03-1 Bicycle Parking Design.
 2. Safe Access. Bicycle parking spaces must be protected from motor vehicle traffic and located to permit safe access to and from the use served. A sidewalk, shared path, or other means of access, with a minimum width of five feet, must be provided adjacent to bicycle parking facilities to ensure adequate maneuvering space.
 3. Racks and Structures. Secure racks and supporting structures must be provided for each bicycle parking space and must be designed to accommodate both chain and U-shaped locks. Bicycle parking spaces must permit the bicycle frame and one wheel to be locked to the rack and supporting structure. A locked bicycle must be supported in a stable position without damage to the wheels, frame, or components. Racks with artistic designs are encouraged.
 4. Visibility and Maintenance. Areas used for bicycle parking must be designed and maintained to be well-lit and reasonably free from standing water, mud, and dust.
 5. Signage. If bicycle parking spaces for non-residential uses are not visible from the street, signs must be posted to indicate the location of such parking.

Figure 10.03-1 Bicycle Parking Design



- D. Short-Term Bicycle Parking. The following standards apply to required short-term bicycle parking spaces, as established in Table 10.03-1 Off-Street Parking Standards.
 1. Location. Short-term bicycle parking must be located in a highly visible, publicly accessible location within 50 feet of the principal entrance to a building containing the use it serves. For buildings or uses requiring more than eight short-term bicycle parking spaces, all parking spaces

must be covered for weather protection. Parking spaces in excess of these eight spaces may be located more than 50 feet from the principal building entrance.

2. Spaces Within the Right-of-Way. With the permission of the City Engineer, the property owner may install the required short-term bicycle parking spaces within the public right-of-way. Spaces within the right-of-way must maintain a path of egress that complies with the standards of accessible design of the Americans with Disabilities Act and the Public Right-of-Way Accessibility Guidelines.
 3. Credit for Existing Public Parking Facilities. With the permission of the Zoning Administrator, the property owner may receive credit for existing public bicycle parking spaces located in the right-of-way, or on City property, within 600 feet of the front-door of the use to comply with the required short-term bicycle parking.
 4. Waiver; Fee-In-Lieu. A fee-in-lieu of providing short-term bicycle parking spaces may be permitted with written approval of the Zoning Administrator in instances where the Zoning Administrator determines that providing short-term bicycle parking on-site is not practical. Applicants requesting a waiver from the short-term bicycle parking requirement will be required to pay a one-time per space fee in an amount set forth in the fee and fine schedule. All fees-in-lieu must be placed into a fund to be used by the City for the acquisition, construction, and maintenance of short-term bicycle parking or other bicycle infrastructure located in the public right-of-way, or on City owned property. The use granted the reduction in the number of required short-term bicycle parking spaces must be credited permanently by ordinance or resolution identifying the number of spaces for which payment was received by the City.
- E. Long-Term Bicycle Parking. The following standards apply to required long-term bicycle parking spaces, as established in Table 10.03-1 Off-Street Parking Standards.
1. Location. Long-term bicycle parking must be located within an enclosed, limited-access area designed to protect bicycles from inclement weather, unauthorized use, and theft, and must comply with the following requirements:
 - a. Long-term bicycle parking must be provided within the building containing the use that it is intended to serve, or within a structure that has a principal entrance 200 feet or less from the principal entrance to the building.
 - b. Long-term bicycle parking serving multiple uses or buildings may be combined into a single area, enclosure, or facility.
 - c. Where long-term bicycle parking is located adjacent to vehicular parking or loading facilities, a physical barrier must be provided to prevent damage to bicycles by motor vehicles.
 2. Facilities. Long-term bicycle parking spaces may be provided within the following types of facilities:
 - a. Enclosed spaces within a building, such as bicycle rooms or garages.
 - b. Bicycle sheds.
 - c. Bicycle lockers.
 - d. Other enclosed or covered spaces as approved by the Zoning Administrator.

Table 10.03-1 Off-Street Parking Standards (Parking Table)

Uses	Vehicle Parking Requirement		Bicycle Parking Requirement	
	Minimum Parking	Maximum Parking	Short-Term	Long-Term
Residential				
Dwelling: Single-Unit	1 per dwelling unit	40% of any yard	None	None
Dwelling: Two-Unit (Attached or Detached)	2 per dwelling unit	40% of any yard	None	None
Dwelling: Three-Unit, Four Unit (Attached)	2 per dwelling unit	40% of any yard	None	None
Dwelling: Townhouse	2 per dwelling unit	40% of any yard	None	None
Dwelling: Multi-Unit	1 per dwelling unit	3 per dwelling unit	1 per 20 dwelling units	1 per dwelling unit
Dwelling: Unit Above Ground Floor	1 per dwelling unit	1.5 per dwelling unit	1 per 20 dwelling units	1 per dwelling unit
Dwelling: Live/Work	1 per dwelling unit	1.5 per dwelling unit	None	None
Dwelling: Community Residence (Large or Small)	0.5 per bed	1 per bed	1 per 20 beds	1 per 10 beds
Dwelling: Residential Care Facility	0.5 per dwelling unit or bed, whichever is applicable	1.5 per dwelling unit or bed, whichever is applicable	1 per 30,000 sf of GFA	None
Dwelling: Single-Room Occupancy Units	1 per dwelling unit	1.5 per dwelling unit	1 per 20 dwelling units or beds, whichever is applicable	1 per dwelling unit
Civic and Institutional				
Cemetery	None	3 per 1,000 sf of GFA of office and/or preparation area	None	None
College or University	None	2 per classroom + 3 per 1,000 sf of office space + 1 per 5 students	10 per classroom	None
Cultural Facility	None	1 per 1,000 sf of GFA	1 per 3,000 sf of GFA	None
Elementary, Middle, or High School	None	2 per classroom + 3 per 1,000 sf of office space + 1 per 20 students	5 per classroom	None
Government Facility	None	1 per 1,000 sf of GFA	1 per 3,000 sf of GFA	1 per 15,000 sf of GFA
Hospital	None	4 per bed	1 per 30,000 sf of GFA	1 per 15,000 sf of GFA
Park	None	None	5 per acre	None
Place of Worship (Small, Large)	None	10 per 1,000 sf of GFA of largest assembly area	1 per 10,000 sf of GFA of largest assembly area	5% of maximum capacity of largest assembly area
Vocational School	None	2 per classroom + 3 per 1,000 sf of office space + 1 per 20 students	4 per classroom	None
Commercial				
Animal Boarding, Hospital or Shelter	None	3 per 1,000 sf of GFA of indoor area	1 per 12,000 sf of GFA of indoor area	None
Banquet Hall	None	12 per 1,000 sf of GFA	1 per 5,000 sf of GFA	None
Bar/Tavern	None	6 per 1,000 sf of GFA	1 per 1,000 sf of GFA	None
Bed and Breakfast	1 per room	1 per bed	None	None
Body Art Establishment	None	4 per 1,000 sf of GFA	1 per 1,000 sf of GFA	None
Cannabis Craft Grower	None	6 per 1,000 sf of GFA	1 per 3,000 sf of GFA	None
Cannabis Dispensary	None	6 per 1,000 sf of GFA	1 per 3,000 sf of GFA	None
Car Wash (Automatic)	None	1 per 100 sf of car wash facility tunnel	None	None
Car Wash (Manual)	None	2 per bay	None	None

Uses	Vehicle Parking Requirement		Bicycle Parking Requirement	
	Minimum Parking	Maximum Parking	Short-Term	Long-Term
Casino	None	None	1 per 10,000 sf of GFA	None
Day Care Center	None	2 per 1,000 sf of GFA	0.25 per classroom (minimum of 1)	None
Drive-Through Facility	None	None	None	None
Financial Institution	None	3 per 1,000 sf of GFA	1 per 1,000 sf of GFA	None
Funeral Home/Crematory	None	N/A	2 per chapel or parlor	None
Garden Center	None	3 per 1,000 sf of GFA of indoor and outdoor areas	1 per 3,000 sf of GFA of indoor and outdoor areas + 1 per each additional 10,000 sf of GFA over 60,000 sf of GFA	None
Gas Station	None	4 per 1,000 sf of GFA of any retail use	1 per 3,000 sf of GFA of any retail use	None
Golf Course	None	3 per tee box	2 per 9 holes	
Hotel/Motel	None	2 per key (room)	1 per 30,000 sf of GFA	1 per 15,000 sf of GFA
Indoor Entertainment (Large and Small)	None	5 per 1,000 sf of GFA	1 per 10,000 sf of GFA	None
Indoor Recreation	None	5 per 1,000 sf of GFA	1 per 10,000 sf of GFA	None
Laundromat	None	5 per 1,000 sf of GFA	1 per 10,000 sf of GFA	None
Marina, Commercial/Recreational	None	4 per 1,000 sf of GFA	1 per 10,000 sf of GFA	None
Marina, Motor Vehicle Dealership	None	4 per 1,000 sf of GFA	1 per 12,000 sf of GFA	None
Microbrewery or Distillery	None	12 per 1,000 sf of GFA	1 per 3,000 sf of GFA	None
Motor Vehicle Rental	None	4 per 1,000 sf of GFA	1 per 12,000 sf of GFA	None
Motor Vehicle Repair and/or Service	None	4 per 1,000 sf of GFA	1 per 12,000 sf of GFA	None
Motor Vehicle Sales	None	4 per 1,000 sf of GFA	1 per 12,000 sf of GFA	None
Outdoor Entertainment	None	1/2.5 seats capacity	10% of maximum capacity	None
Outdoor Recreation	None	1/2.5 seats capacity	10% of maximum capacity	None
Pawn Shop	None	4 per 1,000 sf of GFA	1 per 3,000 sf of GFA	None
Title Loan Establishment	None	3 per 1,000 sf of GFA	1 per 12,000 sf of GFA	None
Personal Services Establishment	None	3 per 1,000 sf of GFA	1 per 1,000 sf of GFA	None
Professional Office	None	3 per 1,000 sf of GFA	1 per 12,000 sf of GFA	None
Research/Development Facility	None	2 per 1,000 sf of GFA	4 spaces for any use larger than 60,000 sf of GFA	None
Restaurant	None	12 per 1,000 sf of GFA	1 per 1,000 sf of GFA	None
Retail Goods Establishment	None	4 per 1,000 sf of GFA	1 per 3,000 sf of GFA + 1 per each additional 10,000 sf of GFA over 60,000 sf of GFA	None
Self-Storage (Indoor)	None	1 per 1,000 sf of GFA	4 spaces for any use larger than 60,000 sf of GFA	None
Manufacturing				
Cannabis Cultivation Center	None	6 per 1,000 sf of GFA	4 spaces for any use larger than 60,000 sf of GFA	None

Uses	Vehicle Parking Requirement		Bicycle Parking Requirement	
	Minimum Parking	Maximum Parking	Short-Term	Long-Term
Cannabis Infuser	None	6 per 1,000 sf of GFA	4 spaces for any use larger than 60,000 sf of GFA	None
Cannabis Processor	None	6 per 1,000 sf of GFA	4 spaces for any use larger than 60,000 sf of GFA	None
Cannabis Transporter	None	6 per 1,000 sf of GFA	4 spaces for any use larger than 60,000 sf of GFA	None
Heavy or Light Manufacturing	None	6 per 1,000 sf of GFA	4 spaces for any use larger than 60,000 sf of GFA	None
Machinery and Equipment Sales and Rental	None	6 per 1,000 sf of GFA	4 spaces for any use larger than 60,000 sf of GFA	None
Warehousing, Storage, or Distribution Facility	None	6 per 1,000 sf of GFA	4 spaces for any use larger than 60,000 sf of GFA	None
Other Uses				
Agricultural Use	None	None	None	None
Airport	None	None	None	None
Club, Lodge, or Hall	None	6 per 1,000 sf of GFA	1 per 12,000 sf of GFA	None
Convention and Exhibition Halls	None	6 per 1,000 sf of GFA	1 per 10,000 sf of GFA	None
Homeless Shelter	None	1 per 1,000 sf of GFA	1 per 3,000 sf of GFA	1 per 15,000 sf of GFA
Multi-Modal Facility	None	None	20 spaces	5 spaces
Stable	None	3 per 1,000 sf of GFA	None	None
Utility	None	1 per 4 employees	None	None
Wireless Telecommunication Facility or Tower	None	None	None	None

10.04 Parking Design Standards

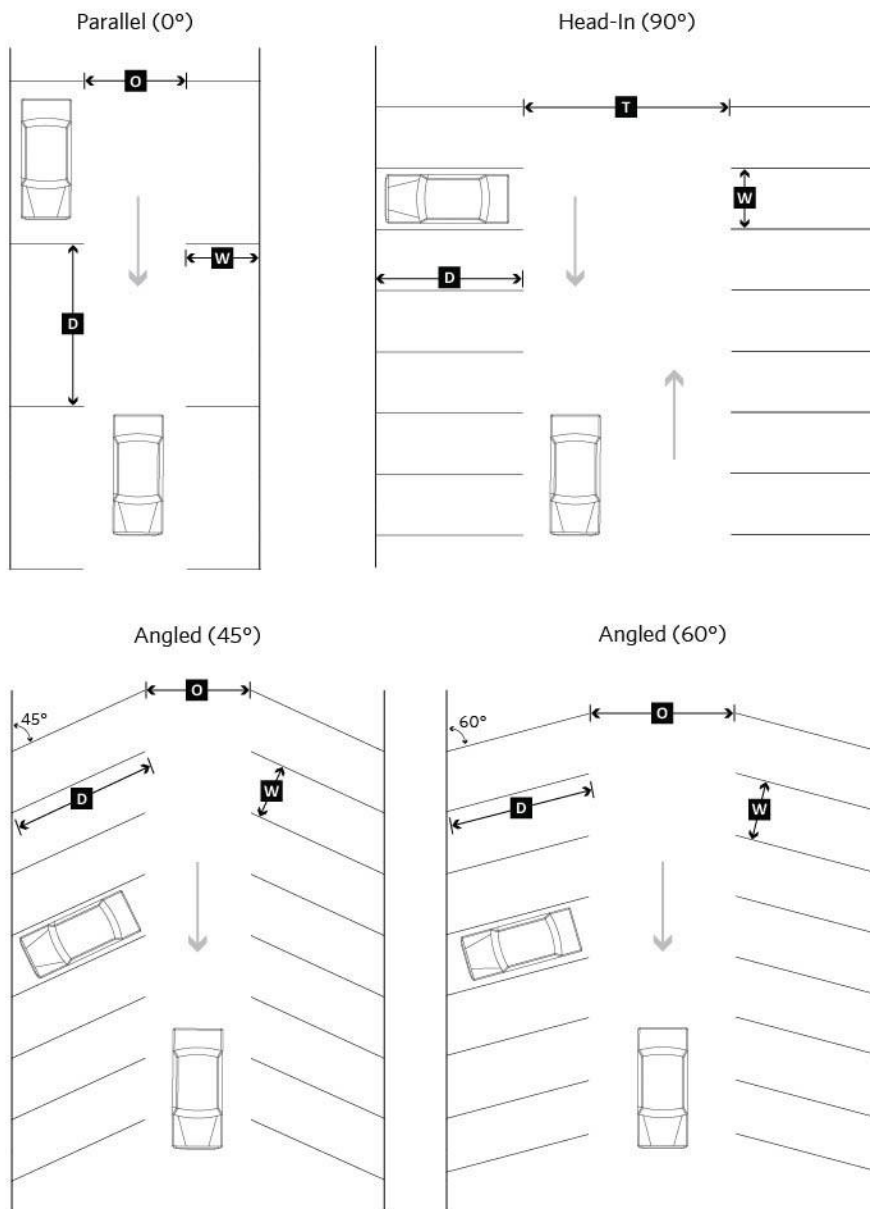
- A. Dimensions. All off-street parking aisles and spaces must be designed in compliance with the requirements established in Table 10.04-1 Off-Street Parking Dimensions and Figure 10.04-1 Parking Lot Layout.
1. Vertical Clearance. Each parking space must have a minimum vertical clearance of seven feet.
 2. Compact Spaces. Up to ten percent of the total required off-street parking facilities may be met with compact parking spaces. Compact spaces must be clearly marked, grouped in contiguous areas, and may not be mixed with spaces designed for full-size cars or with Electric Vehicle Charging Stations.
 3. Electric Vehicle Charging Station. EV parking and EV charging infrastructure must adhere to the requirements established in Section 10.10 (Parking and Charging Infrastructure for Electric Vehicles).
 4. Semi-Truck Trailers. The dimensions for a semi-truck trailer parking space are 12 feet in width, 60 feet in length, and 14 feet in vertical clearance.

Table 10.04-1 Off-Street Parking Dimensions

Angle	Car Type	Space Width (W)*	Space Depth (D)*	Aisle Width: One-Way (O)*	Aisle Width: Two-Way (T)*
0° (Parallel)	Full Size	9 ft	20 ft	12 ft	24 ft
	Compact	7.5 ft	20 ft		
45°	Full Size	9 ft	18 ft	12 ft	24 ft
	Compact	7.5 ft	15 ft		
60°	Full Size	9 ft	18 ft	18 ft	24 ft
	Compact	7.5 ft	15 ft		
90° (Head-In)	Full Size	9 ft	18 ft	18 ft	24 ft
	Compact	7.5 ft	15 ft		

***Note:** Space widths may be exceeded by up to two feet. Space depths may be exceeded by up to three feet. Aisle widths may be exceeded by up to 20 percent but may not exceed 26 feet.

Figure 10.04-1. Parking Lot Layout



- B. **Materials.** All off-street parking lots, loading areas, drive-through facilities, and driveways must be constructed using a hard surface, all-weather, dustless material such as asphalt, concrete, or other material approved by the City Engineer.
1. **Pervious Paving Materials.** The use of pervious paving materials for parking facilities is allowed. In all districts, the use of pervious paving materials is subject to the prior approval of the Development Review Board.
 - a. **Maintenance Plan.** A maintenance plan for the pervious paving must be approved by the City Engineer before a building permit can be issued.

b. Impervious Coverage. Pervious paving materials are counted towards impervious coverage. Parking lot landscape requirements in accordance with Section 11.07 (Parking Lot Landscaping) and lot coverage requirements in accordance with Section 8 (Zoning District Regulations) still apply.

2. Recycled Materials. Recycled materials are encouraged and may be used for parking facilities subject to the prior written approval of the City Engineer.

C. Access.

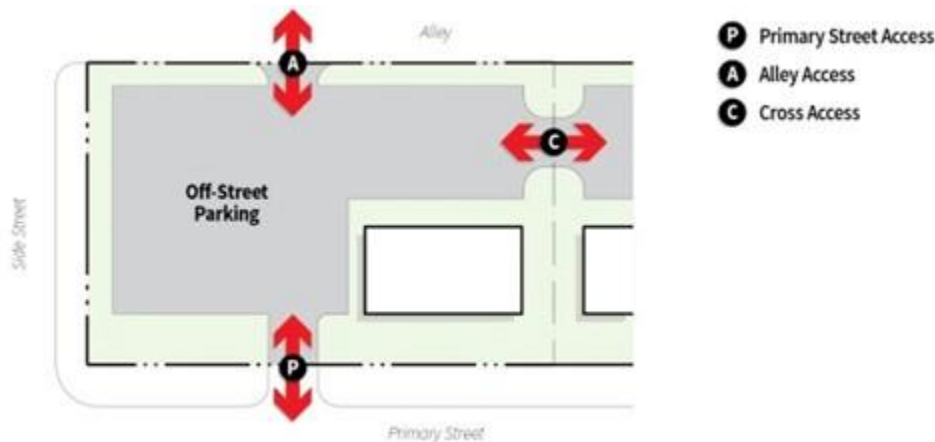
1. Parking Lots. Parking lots must be designed with adequate means of vehicular access from a driveway, street, or alley in a manner that minimizes interference with traffic movement on surrounding streets. Parking facilities must be designed to allow drivers to proceed forward into traffic from an access point, rather than backing out. Existing parking facilities and those that serve single-unit, two-unit, three-unit, four-unit, and townhouse dwellings are exempt from this requirement.

2. Parking Spaces. Each parking space within a parking lot must open directly onto an aisle or driveway of sufficient width to provide adequate means of vehicular access to the parking space.

3. Cross-Access Drives. Mixed-use and non-residential uses adjacent to other mixed-use and non-residential uses are encouraged to provide a vehicular cross-access drive to allow circulation between sites. Property owners who establish cross-access drives will be required to record an easement allowing cross-access in a form acceptable to the City's Corporation Counsel.

4. Pedestrian Cross-Access. Where sidewalks are not present, mixed-use and non-residential uses are required to provide pedestrian cross-access to allow circulation between adjacent sites, see Figure 10.04-2 Off-Street Parking Access.

Figure 10.04-2 Off-Street Parking Access



D. Striping. Off-street parking lots must include clear delineations of parking spaces with paint or another permanent, durable material that is clearly visible.

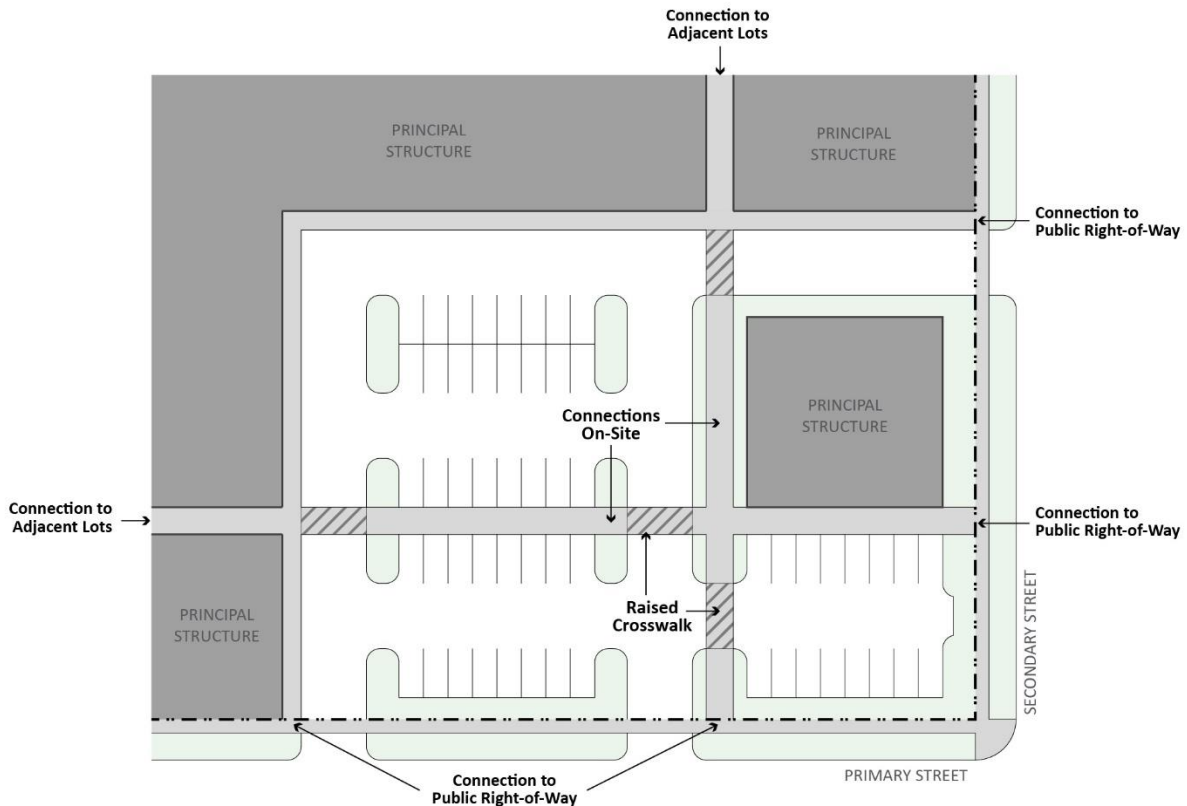
- E. **Wheel Stops, Bumper Stops, and Curbing.** Wheel stops, bumper stops, and/or curbing must be permanently and securely installed along the perimeter of parking lots to prevent vehicles from encroaching on sidewalks, landscape areas, fencing, walls, or buildings. The Zoning Administrator may waive this requirement after determining that appropriate stormwater infrastructure is present.
- F. **Drainage.** Off-street parking lots must be graded for proper drainage so that water is not designed to flow into adjacent properties, as approved by the City Engineer. On-site retention and filtration of stormwater must be provided where practical.
- G. **Landscape Requirements.** Parking facilities must meet the applicable landscape requirements of Section 11 (Landscape Standards).
- H. **Outdoor Lighting Requirements.** Parking facilities must meet the applicable outdoor lighting requirements of Section 11.10 (Outdoor Lighting).
- I. **Sign Requirements.** Parking facilities must meet the applicable sign requirements of Section 12 (Signs).
- J. **Snow Storage.** Snow storage areas must be provided on or adjacent to all off-street parking facilities. Snow removal equipment, salt, and de-icing agents stored in off-street parking facilities must be properly enclosed and protected from weather. Snow storage in off-street parking facilities for residential uses may not reduce the available parking below required minimums.
 - 1. **Obstructions.** Snow must be stored in a manner that does not restrict access or circulation for pedestrians or vehicles.
 - 2. **Storage in Landscape Areas.** Landscape areas may not be used for snow storage unless designed for that purpose with non-compacted soils and plantings selected for salt-tolerance and durability.
 - 3. **Storage in Stormwater Management Facilities.** Snow may not be stored on top of storm drain catch basins or within stormwater management facilities.
 - 4. **Off-Site Snow Storage.** If snow storage cannot be accommodated on-site, the applicant must arrange for off-site snow storage with approval from the Zoning Administrator.

10.05 Pedestrian Circulation Systems

- A. **Applicability.** Off-street parking areas require pedestrian circulation systems to ensure the safety of pedestrians, bicyclists, and motorists in accordance with the applicability standards of Section 10.01.B (Applicability). Refer to Figure 10.05-1 On-Site Pedestrian Circulation.
- B. **Required Connections.** The pedestrian circulation system must connect all buildings on the site to one another and provide walkway connections to vehicle parking facilities, bicycle parking facilities, adjacent public rights-of-way, and to adjacent properties along a shared street frontage. The Zoning

Administrator may waive this requirement after determining that such connection would not be feasible or if it would create a safety hazard.

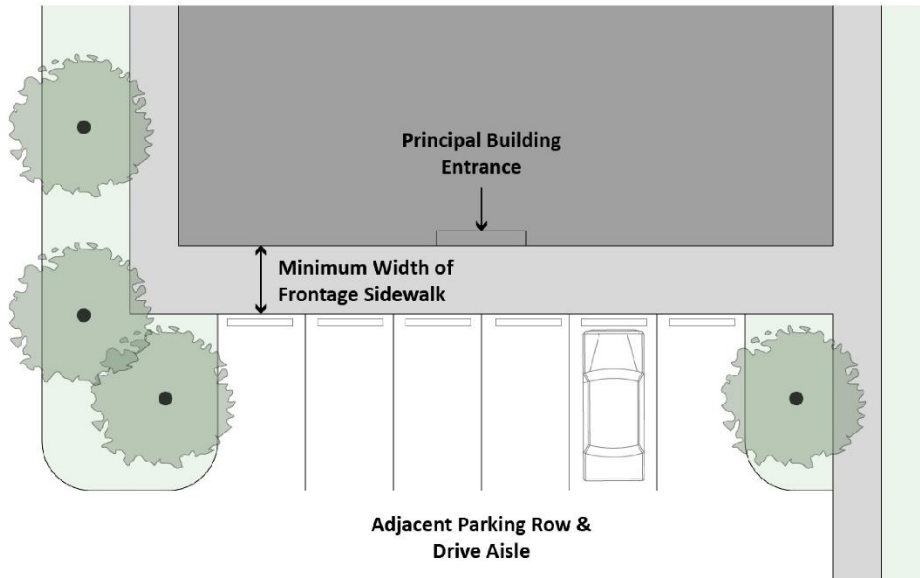
Figure 10.05-1 On-Site Pedestrian Circulation



- C. Design Standards for On-Site Pedestrian Circulation Systems. On-site pedestrian circulation systems must be designed in accordance with the following requirements:
1. Width. The pedestrian circulation system must be paved with a minimum width of five feet.
 2. Clear Markings. Where the pedestrian circulation system crosses driveways, drive aisles, or loading areas, it must be clearly marked by a change in grade, a change in materials, special pavers, stamped asphalt or concrete. Painted striping does not meet this requirement.
 3. Raised Surface. Where the pedestrian circulation system is parallel to an adjacent driveway or drive aisle, it must be raised at least four inches above the surface of the vehicle travel lane and separated by a raised curb. The pedestrian circulation system may also include landscaping, decorative bollards, or other architectural features.
 4. Frontage Sidewalk. A sidewalk with a minimum width of five feet is required along the full length of any building frontage containing a primary entrance that is directly adjacent to a parking row, driveway, or drive aisle. For parking lots with more than 150 parking spaces, a minimum width of ten feet is required. Refer to Figure 10.05-2 Frontage Sidewalk.

5. Integrated Design. The design of pedestrian circulation systems must be integrated with parking lot landscaping in accordance with Section 11.07 (Parking Lot Landscaping), where appropriate.
6. Materials. All pedestrian circulation systems must be constructed using a hard surface, all-weather, dustless material in accordance with Section 10.04.B (Materials).

Figure 10.05-2 Frontage Sidewalk



10.06 Driveways

- A. Driveways providing access to a lot from a right-of-way, alley, or other vehicular access point must comply with the following requirements:
 1. Location. Driveways are permitted to encroach into the required corner side yard, interior side yard and/or rear yard, but must be at least one foot from the interior side lot line, except when the driveway provides shared access for two adjacent properties through a recorded easement. Driveways must be essentially perpendicular to the right-of-way being accessed. Driveways are permitted to encroach into the front yard if access is from the street and driveway extends to a parking pad past the front line of the house or garage. Parking pads may not be located directly in front of the house.
 2. Quantity. One driveway per principal structure is allowed, provided that the minimum frontage requirements established in Section 8 (Zoning District Regulations) are met. Driveways must be located at least 60 feet from a signalized intersection, and 30 feet from all other intersections, measured from edge of pavement. Lots with at least 150 linear feet of frontage per block face may incorporate one additional driveway along that frontage, with approval from the Development Review Board. On properties for which more than one driveway is permitted, the distance between the driveway entrances must be a minimum of 50 feet.

3. Driveway Width. Minimum driveway width is nine feet wide. Driveways must be constructed in compliance with Table 10.06-1 Maximum Driveway Width. Driveway width must be measured at the lot line.
4. Driveways are subject to lot coverage requirements in accordance with Section 8 (Zoning District Requirements) except for interior side yards when extending to a parking pad or garage in the rear yard.

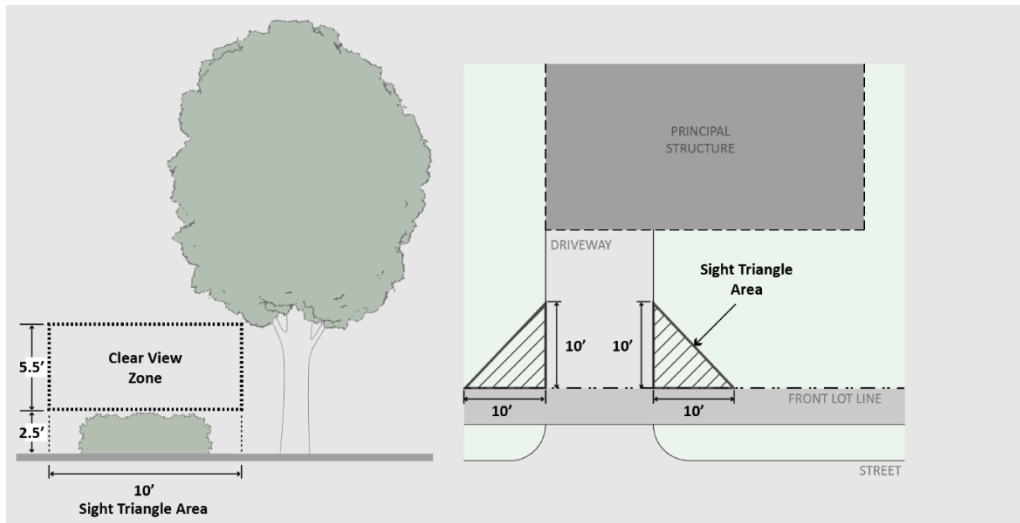
Table 10.06-1 Maximum Driveway Width at Lot Line

Uses	One-Way Driveway	Two-Way Driveway
Detached Single-Unit	25% of lot width, but not more than 22 ft	N/A
Two-Unit Dwellings with Two-Car Garage Door	22 ft	N/A
Two-Unit Dwellings with One-Car Garage Door	12 ft	N/A
Three- or Four-Unit Dwelling	22 ft	N/A
Townhouse Dwelling Units	22 ft	N/A
Multiple-Unit Dwellings	12 ft	26 f
Commercial, Civic, and Institutional	15 ft	36 ft
Industrial	15 ft	36 ft

Note: All driveways existing at the time of adoption of this ordinance may retain the previously approved width (measured at lot line), but not more than the narrowest width of the driveway apron and receive renewed approval from the City Engineer.

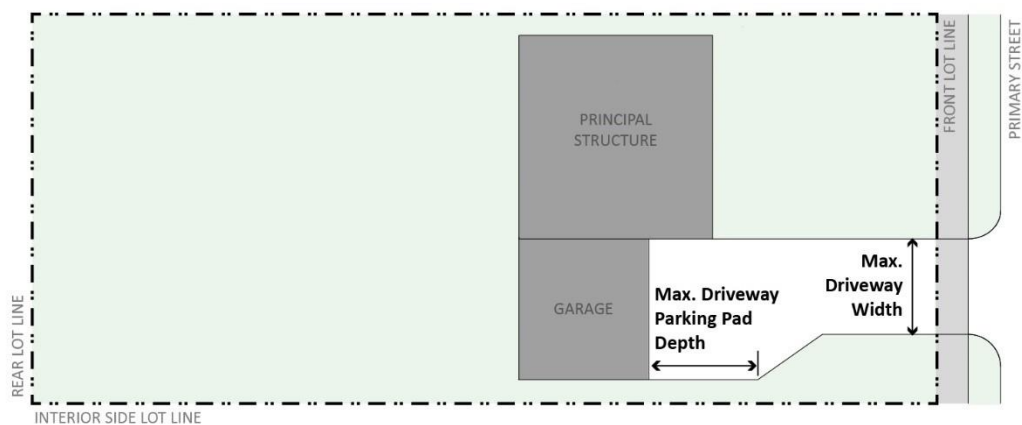
5. Visibility. No building, structure, sign, or landscape element that is more than 50 percent opaque may obstruct the area between two and a half feet and eight feet in height within the sight triangle area on each side of any driveway. Beginning at the intersection of the driveway with the lot line, the sight triangle is formed by measuring ten feet along the lot line in the opposite direction of the driveway and ten feet along the driveway in the opposite direction of the lot line, then connecting the endpoints of the lines across the subject lot (refer to Figure 10.06-1 Visibility at Driveways).

Figure 10.06-1 Visibility at Driveways



6. Turning Radii.
 - a. Multiple-Unit Dwellings and Commercial Uses. Entrances to multiple-unit dwellings and commercial uses must have minimum turning radii that meet Waukegan Fire Department approval standards.
 - b. Industrial Uses. Entrances to industrial uses must have minimum turning radii that meet Waukegan Fire Department approval standards.
7. Intersection of Sidewalk and Driveway.
 - a. Sidewalk. In locations where a sidewalk is crossed by a driveway, the sidewalk must be constructed of a permanent, concrete surface with a minimum width of five feet.
 - b. Driveway Aprons. Driveway aprons may not exceed the width of a driveway by more than three feet on each side of the driveway. Driveway aprons must be constructed of asphalt or concrete material as approved by the City Engineer.
8. Residential Driveways. The following standards apply to driveways for single-unit, two-unit, three-unit, four-unit, and townhouse dwellings only.
 - a. Driveway Parking. Vehicles are permitted to park on driveways provided that the vehicles do not encroach into rights-of-way, recorded easements, or adjacent properties.
 - b. Alley Orientation. Where an alley exists adjacent to the side or rear lot line, all motor vehicle access to a garage must occur through the alley in accordance with Section 9.03.C.18 (Garage).
 - c. Driveway Parking Pad. A parking pad the width of the garage served by the driveway is permitted to extend up to 20 feet in depth from the garage doors before tapering back to the required driveway width, see Figure 10.06-3 Driveway Parking Pad Width.

Figure 10.06-3 Driveway Parking Pad Width



10.07 Vehicle Stacking Requirements

- A. Space Requirements. Every use having a drive-through facility must provide stacking spaces for organized movement of traffic through the premises. The following requirements apply to all stacking spaces and drive-through facilities in accordance with Table 10.07-1 Table of Required Stacking Spaces.
- B. Stacked spaces are required in addition to the Table 10.03-1 Off-Street Parking Standards and are not counted toward the maximum parking requirement.

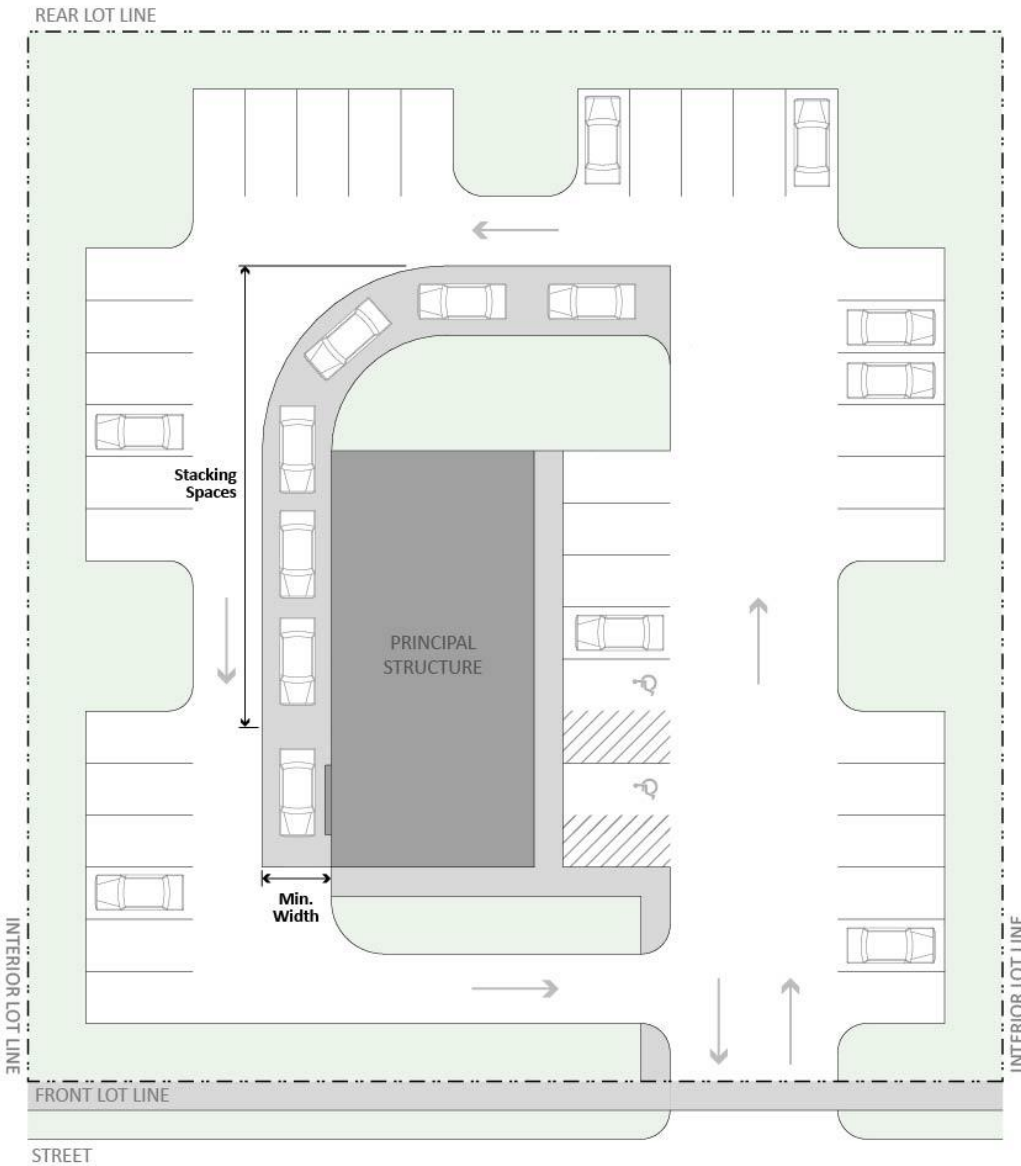
Table 10.07-1 Table of Required Stacking Spaces

Uses	Minimum Requirement	Point of Measurement
Bank/Automated Teller	2 per lane	Teller window or machine
Coffee Shop	6 per lane	Pick-up window
Restaurant	5 per lane	Pick-up window
Car Wash (Automatic)	5 times the tunnel operating capacity	Entrance to car wash
Car Wash (Manual)	2 per stall	Entrance to wash bay
All Other Uses	Discretion of Zoning Administrator	Discretion of Zoning Administrator

- C. Dimensions. All stacking spaces must have a minimum width of nine feet, as measured from the edge of the drive-through lane to the outermost edge of the last point of service, such as a drive-through window. Stacking spaces must have a minimum length of 20 feet.
- D. Location. Stacking spaces must be located behind the vehicle parked at the last point of service, such as a drive-through window, and placed in a line within the drive-through lane. Stacking spaces must be located so that they do not obstruct access to the site or to parking and loading spaces. Refer to Figure 10.07-1 Stacking Spaces.
- E. Visibility. Pick-up windows must be located so that stacking spaces are not oriented along the street-facing property line with the most visibility.

- F. Wayfinding. Each drive through lane exit and entrance must be designated by pavement markings indicating direction of traffic

Figure 10.07-1 Stacking Spaces



10.08 Recreational Vehicle Parking

- A. Use. Recreational vehicles may not be used as active dwelling units, including sleeping, bathing, or food preparation, while located within City boundaries. Recreational vehicles may not be connected to sewer, water, or other utilities for any period of time, except for temporary service connections for basic maintenance.

- B. **Principal and Accessory Structures.** Recreational vehicles are not permitted to be parked or stored on a lot without a principal structure. Recreational vehicles may not be used as accessory structures but may be kept within an enclosed accessory structure provided that the accessory structure satisfies the requirements of Section 9.03 (Accessory Uses and Structures).
- C. **Operability.** Recreational vehicles parked or stored on private property must always remain operable. Recreational vehicles may not be permanently affixed to the ground in a manner that would prevent timely removal.
- D. **Proprietorship.** Recreational vehicles may only be owned, leased, or rented by the occupant of the lot on which the recreational vehicles are parked or stored.
- E. **Location.** Recreational vehicle parking or storage is allowed in the interior side yard and/or rear yard behind the front line of the primary structure. Recreational vehicles in the interior side yard must be parked at least one foot from the interior side lot line but are not allowed where the driveway provides shared access for two adjacent properties. Recreational vehicles in the rear yard must be parked at least three feet from the rear lot line. Recreational vehicles may not park on any public street in the City between the hours of 10:00 PM and 7:00 AM. Recreational vehicles may not park on, or block, any sidewalk in the City at any time.
- F. **Loading and Unloading.** A recreational vehicle may only be parked in a driveway located in any yard for a period of no more than 24 hours for the purposes of maintenance, loading and unloading. An applicant may extend this 24-hour period by means of a written request filed with the Zoning Administrator no less than seven business days prior to the event. The Zoning Administrator must decide whether to grant or deny the applicant's request no less than five business days after receipt of the applicant's written request.
- G. **Parking Surface and Dimensions.** Recreational vehicles must be parked on a hard surface, all-weather, dustless material in accordance with Section 10.04.B (Materials) that is equal or greater in length and width to the recreational vehicles being parked.
- H. **Screening.** Recreational vehicles must be screened by a solid, opaque fence in accordance with fence regulations, or with landscape screening with at least 75 percent opacity to a height of at least six feet.

10.09 Off-Street Loading Facility Requirements

- A. **Applicability.** A minimum number of off-street loading spaces may be required as part of a site plan review, conditional use permit, or planned unit development. The maximum number of loading spaces required for any zoning lot is four spaces, but this standard does not apply to warehousing, storage, or distribution facility uses.
- B. **Dimensions.** Loading spaces must have a minimum width of ten feet, minimum length of 25 feet, and minimum vertical clearance of 14 feet.

- C. Location. All loading spaces must be located on the same zoning lot as the use served, unless an alternate location has been approved by the Zoning Administrator through the site plan review process in accordance with Section 4.09 (Site Plan Review).
 - 1. Side or Rear Yard. Loading facilities may only be located in the interior side and/or rear yard of the lot. A designated loading area may be located within a drive aisle with prior written approval from the Zoning Administrator.
 - 2. Residential Districts. A loading space may not be closer than 50 feet from the lot line of a residential district, unless the space is screened in accordance with Section 11.09.C (Off-Street Loading Area Screening Requirements).
 - 3. Intersections. Loading spaces may be located less than 50 feet from a signalized intersection, and 30 feet from all other intersections, measured from edge of pavement.
- D. Access. Each required off-street loading space must have appropriate means of vehicular access from a driveway, street, or alley in a manner that minimizes interference with traffic movement. A loading space may not project into or block a street, sidewalk, alley, access drive, or parking area. Loading facilities must be designed to allow the driver to proceed forward into traffic from an access point, rather than backing out.
- E. Central Loading. Central Loading facilities may be substituted for loading berths on the individual zoning lots, provided the following conditions are met:
 - 1. Each zoning lot served will have direct access to the central loading area without crossing streets or alleys at-grade.
 - 2. No zoning lot served will be 500 feet removed from the central loading area.
 - 3. The tunnel or ramp connecting the central loading area with the zoning lot served will be a minimum of seven feet in width and have a minimum clearance of seven feet.

10.10 Parking and Charging Infrastructure for Electric Vehicles

- A. Applicability. The requirements of this section apply to the use categories in Table 10.03-1 Off-Street Parking Standards, provided that those use categories meet the development thresholds listed in Section 10.01.B (Applicability).
- B. Number of Spaces Required. The minimum parking requirements for EV-capable, EV-ready, and EV-installed spaces are included in the total number of allotted parking spaces established in Table 10.03-1 Off-Street Parking Standards.
 - 1. Residential Uses. New construction of single-unit and two-unit dwellings must have at least one EV-ready parking space per dwelling unit. All other residential uses must provide EV charging infrastructure in accordance with Table 10.10-1 EV Minimum Parking Standards.

2. Non-Residential Uses. EV charging infrastructure must be provided in accordance with Table 10.10-1 EV Minimum Parking Standards.
3. Calculation. The quantities shown in Table 10.10-1 EV Minimum Parking Standards are cumulative. EV-installed spaces can substitute for EV-ready and EV-capable spaces as a portion of the total requirement.

Table 10.10-1 EV Minimum Parking Standards

EV Spaces Required	Total Parking Spaces Provided				
	1 to 10	11 to 20	21 to 30	31 to 75	76 or More
EV-Capable Spaces	1	2	3	5	10
EV-Ready Spaces	0	1	2	3	10
EV-Installed Spaces	0	0	0	2	5
Total EV Spaces	1	3	5	10	25

- C. Location. EV-capable, EV-ready, and EV-installed spaces must be located in the same parking lot as the principal use and are encouraged to be located in desirable and convenient parking locations within the parking lot.
- D. Design Standards. In addition to the requirements set forth in Section 10.04 (Parking Design Standards), EV-capable, EV-ready, and EV-installed parking spaces must comply with the following design requirements.
 1. Charging equipment must be mounted on the wall or on a structure at the end of the electric vehicle parking space provided. No charging device may be placed within the dimensions of a parking space, on the sides, or entrance to a parking space.
 2. Outlets and connector devices must be a minimum of 36 inches and a maximum of 48 inches from the pavement surface where the charging device is mounted. Devices may not impede on pedestrian travel or snow removal activities.
 3. All charging equipment must incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords must be retractable or have a device to safely hang the cord without touching the pavement surface.
 4. Wayfinding signs, if installed, must be placed to effectively guide the motorist to the designated parking space. Signage must comply with existing regulations set forth in Section 12.06 (Regulations for Accessory Signs).
- E. Accessibility. For non-residential uses, a minimum of one EV-installed space must be located adjacent to an Americans with Disabilities Act designated space to provide access to the charging station. The EV-installed space must have all relevant parts located within accessible reach.

SECTION 11: LANDSCAPE STANDARDS

- 11.01 General Provisions
- 11.02 Tree Preservation
- 11.03 Design, Installation, and Maintenance
- 11.04 Street Trees
- 11.05 Residential Planting Requirements
- 11.06 Non-Residential Planting Requirements
- 11.07 Parking Lot Landscaping
- 11.08 Buffer Yards
- 11.09 Screening Requirements
- 11.10 Outdoor Lighting

11.01 General Provisions

- A. Purpose. The purpose of this Section is to establish landscape requirements that will enhance the City's character and livability, improve water and air quality, mitigate the heat island effect, reduce the amount of stormwater conveyed to storm sewer systems, prevent erosion, expand and improve habitat for native plants and animals, and provide for transitions between zoning districts.
- B. Applicability. The requirements of this Section apply to the following:
 - 1. New developments that require site plan review, including conditional use permits, see Section 4.09 (Site Plan Review).
 - 2. Planned unit developments, see Section 5 (Planned Unit Developments).
 - 3. The construction, reduction, expansion, reconfiguration, or reconstruction of any existing parking lot of 10 spaces or more and/or that requires a permit, see Section 4.09 (Site Plan Review).
 - 4. Any change from one use to another that requires a conditional use permit.
 - 5. The removal of existing trees from any lot, per the requirements of Section 11.02 (Tree Preservation).
- C. Occupancy Certificate. The requirements of this Section must be met and landscape elements must be fully installed in good health and condition, as determined by the Building Commissioner, prior to the issuance of an occupancy certificate unless one or more of the conditional criteria below apply.
 - 1. Seasonal Conditions. If seasonal conditions preclude the completion of landscape installation, the applicant may be required to provide the City with a letter of credit, escrow, performance bond, or other surety, as approved by the Zoning Administrator, equal to 125 percent of the remaining costs of installation and material as estimated by a qualified landscape architect or similar professional, in order to receive an occupancy certificate.

2. Special Conditions. If the development has been approved through a formal City process (such as a conditional use permit, variance, etc.) time for compliance with this section is as outlined in the ordinance related to that approval, but may not exceed 24 months. A preliminary landscape plan must be submitted to the Zoning Administrator no later than three months from the ordinance approval.
 3. Permit Revocation. Failure to implement the approved landscape plan or maintain installed landscape elements is cause for revocation of the occupancy certificate and/or the application of fines and penalties. All landscape elements are subject to periodic inspection for compliance with the approved landscape plan.
- D. Landscape Plan. A landscape plan must be submitted to the City as part of any site improvement that meets the criteria of Section 11.01.B (Applicability) and be approved by the Zoning Administrator. The landscape plan will be evaluated and approved based on the standards included in this Section 11 (Landscape Standards).
1. Preparation of Landscape Plan. The landscape plan must be drawn to scale if the project meets the criteria of Section 11.01.B (Applicability). For planned unit developments and other cases at the discretion of the Zoning Administrator, the landscape plan must be prepared and stamped by a licensed landscape architect registered in the State of Illinois, or another qualified professional.
 2. Contents. The landscape plan must contain the following:
 - a. Location and dimensions of all existing and proposed structures (including property lines and zoning setback lines), parking spaces, landscape islands, buffer yards, streetlights, utilities, easements, and other site elements.
 - b. Location, quantity, size, spacing, and name, both botanical and common, of all existing plants, including trees and plants in the right-of-way. The landscape plan must indicate whether existing plants will be retained or removed, including information on how existing trees will be preserved and protected, see Section 11.02 (Tree Preservation).
 - c. Location, quantity, size, spacing, and name, both botanical and common, of all proposed plants including the type of tree stock.
 - d. Planting details and best management practices for all plantings, including type, depth, and quantity of soil.
 - e. Existing and proposed grading of the site indicating contours at one-foot intervals.
 - f. Elevations of all fences and retaining walls proposed for the site.
 - g. Construction information, including the location of temporary roads, access points for construction equipment, staging areas, material storage areas, and other related information.
 - h. To ensure ongoing compliance with this Section, a landscape plan must include an operations and maintenance plan that includes detailed information on operations and maintenance procedures, including the design specifications of any underground irrigation systems. The property owner is responsible for the maintenance of all elements of the landscape plan.
 3. Exemptions. At the discretion of the Zoning Administrator, the individual requirements of this Section 11.01.D (Landscape Plan) may be altered, reduced, or waived based on conditions specific to the subject property.

- E. Credit for Existing Vegetation. The Zoning Administrator may credit existing landscape elements toward the requirements of Section 11.04 (Street Trees), Section 11.07 (Parking Lot Landscaping), Section 11.08 (Buffer Yards), and/or Section 11.09 (Screening Requirements). The existing landscape elements must be acceptable species, adequately protected during the construction process, in good health, and must meet all applicable specifications of this Section.

11.02 Tree Preservation

- A. Applicability. Trees in the parkways and public rights-of-way are the property of the City of Waukegan. Residents may not prune or remove such trees.
 - 1. Tree Removal Permit. A permit authorizing tree removal must be obtained from the City Forester prior to the following activities:
 - a. Removal of any tree six inches or greater DBH (diameter at breast height).
 - b. Removal of any tree or vegetation from a conservation easement.
 - c. Removal of any tree from a tree preservation or no disturbance area.
 - d. Removal of any tree or vegetation on any property that is the subject of a development application prior to the final approval of the development application and issuance of a building permit.
 - e. Removal of any tree or shrub from any ravine or bluff, as defined by the Steep Slope Ordinance, see Ordinance 02-O-75 (Steep Slope), or its successor regulations.
 - f. Removal of any oak tree.
 - 2. Procedure. An application for a tree removal permit must include a tree preservation and removal plan that specifies the tree or vegetation to be removed and how surrounding trees and vegetation will be protected and preserved. The tree preservation and removal plan must be approved by the City Forester in writing prior to the issuance of the tree removal permit. Such approval is not required if tree removal is performed by City employees or contractors.
 - 3. Criteria for Removal of Mature Trees. Every reasonable effort must be made to incorporate existing trees into the landscape plan for a proposed development. The City Forester will determine that one or more of the following criteria apply prior to granting approval to remove a mature tree:
 - a. The tree is dead, dying, diseased, and/or a threat to public health or safety.
 - b. The tree interferes with the provision of public services or is a hazard to traffic.
 - c. The location of the tree prevents development or redevelopment that cannot be reasonably designed to protect the tree.
 - d. The tree is not on the [Morton Arboretum Northern Illinois Tree Species List](#) or is not recommended for the planting site in which it is located.

B. Replacement Standards. Mature trees to be removed as part of a new development pursuant to a tree removal permit must be replaced in accordance with the following standards. The City Forester may waive this requirement in whole or in part for trees with less than ten inches DBH.

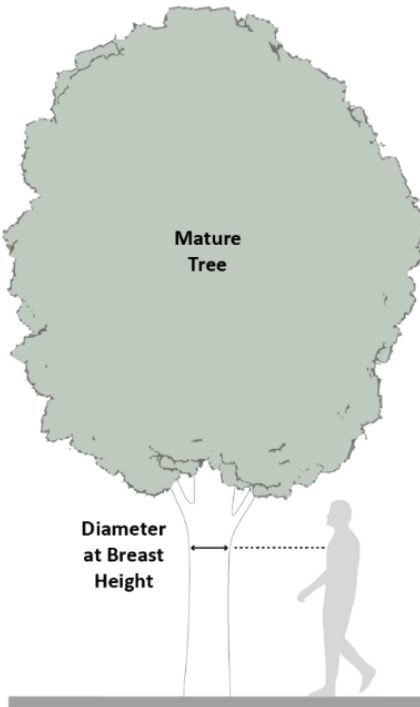
1. Location. Replacement trees must be planted on the same zoning lot where the removal occurred unless waived in whole or in part by the City Forester. If the replacement trees cannot be planted on the same zoning lot, then the Zoning Administrator and City Forester will determine a suitable location for the replacement trees or require a payment of a fee-in-lieu of the replacement trees.
2. Replacement Rate. The size of a mature tree is measured using its diameter at breast height, refer to Figure 11.02-1 Tree Measurement. Any tree to be removed must be replaced no later than six months after the date of approval, or the applicant will be required to pay into the City's General Fund, to be used for trees, in the amount equal to the full value of the tree to be removed.
 - a. Any tree designated for removal on an approved tree preservation and removal plan must be replaced by a sufficient number of new trees such that the aggregate caliper size of the replacement trees is greater than or equal to double the aggregate diameter at breast height of the tree being removed. For example, a tree with a diameter at breast height of 10 inches may be replaced by five 4-inch caliper trees or four 1.5-inch caliper trees and seven 2-inch caliper trees.
 - b. In the event that a tree designated for preservation is destroyed, damaged, or removed during the construction process, such tree must be replaced following the same 2:1 inch replacement rate or payment of a fee-in-lieu of replacement equal to the tree replacement value identified in Section 11.02.B.3 (Tree Valuation) will be required.
3. Tree Replacement Valuation. The replacement value of a tree is set forth in the Fee and Fine Schedule.

C. Tree Protection Fencing Requirements.

1. Location. Prior to the issuance of any grading, utility, building, or demolition permits, tree protection fencing must be erected on the site consistent with the location indicated on the approved site plan and generally at a point not to exceed 20 feet beyond the foundation walls of all buildings and five feet from the edge of hardscape surfaces.
2. Fences. Tree protection fencing may be comprised of wood, plastic, or chain link fencing. Based on the review of the site plan, a specific fence type may be required by the City Forester in locations where construction activity must occur proximate to trees or areas to be preserved. Fences must be installed in accordance with Section 9.03.C.16.c (Construction, Design, and Appearance), unless otherwise specified in this section. The fence must be four feet in height with steel supporting posts eight feet to ten feet on center. The posts must be driven into the ground to hold the fence in an upright position throughout construction on the site.

3. The fence must remain in place, in a full upright position, until all construction activity on the site is completed, the site is ready for the final landscape grading, and removal of the fence has been approved by the City Forester.

Figure 11.02-1 Tree Measurement



11.03 Design, Installation, and Maintenance

A. Design and Installation.

1. National Standards. All landscape elements must be installed in accordance with the practices and procedures established by the Illinois Landscape Contractors Association. Landscape elements must be healthy and hardy upon installation and must be planted with appropriate space and soils to ensure sustained growth.
2. Soil Requirements. A minimum soil depth of three feet and minimum planting bed width of six feet is required for all tree planting areas. Refer to Figure 11.03-1 Minimum Soil Depth and Figure 11.03-2 Minimum Planting Bed Width. In order to accommodate subsurface root expansion, a minimum volume of 1,000 cubic feet of structural soil is required per large shade tree or evergreen tree, and a minimum volume of 750 cubic feet of structural soil is required per medium shade tree. Whenever possible, tree plantings must be located to connect subsurface root spaces.

Figure 11.03-1 Minimum Soil Depth

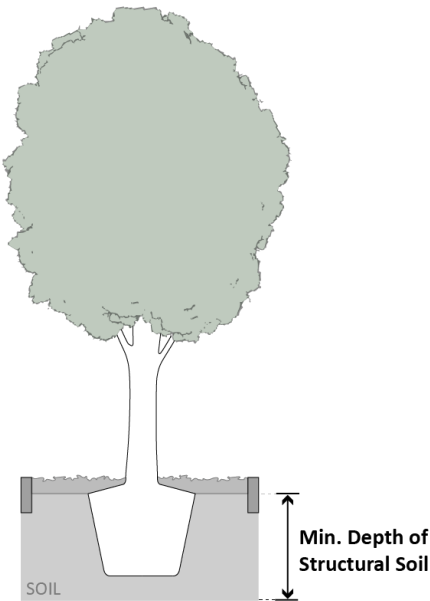
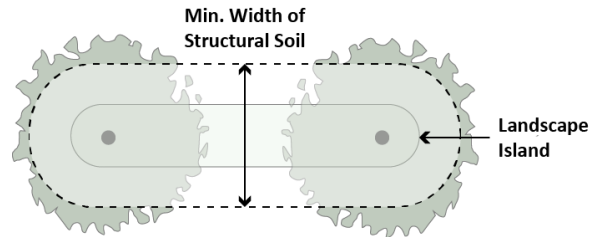


Figure 11.03-2 Minimum Planting Bed Width



3. Plant Size Requirements. Landscape elements must be installed in accordance with Table 11.03-1 Required Landscape Size at Installation, unless otherwise noted in this Ordinance or approved by written consent of the Director of Public Works.

Table 11.03-1 Required Landscape Size at Installation

Type	Minimum Size	Maximum Size
Shrubs	18 in height	36 in height
Ornamental Tree	1.5 in caliper	2.5 in caliper
Deciduous Shade Tree, Single Trunk	1.5 in caliper	2.5 in caliper
Deciduous Shade Tree, Multiple Trunks	6 ft height	10 ft height
Evergreen Tree	6 ft height	10 ft height

4. Tree Species Permitted and Species Diversity. Tree and plant species that are native or naturalized to northeastern Illinois, and drought- and salt-tolerant, are required. Diversity of tree genus and species is encouraged. Refer to the Morton Arboretum [Northern Illinois Tree Species List](#) for preferred species. For projects requiring a certified landscape plan prepared by a Landscape Architect, per Section 11.01.D (Landscape Plan), refer to Table 11.03-2 Species Diversity Requirements for specifications.

Table 11.03-2 Species Diversity Requirements for Certified Landscape Plans

Lot Size	Minimum Percent Drought- and Salt-Tolerant Species	Tree Species Diversity Requirement*	
Lot under 5 acres	50%	None	
Lot between 5 and 10 acres	60%	Species	20%
		Genus	40%
		Family	60%
Lot over 10 acres	75%	Species	5%
		Genus	10%
		Family	15%

*Note: Trees from the genus Quercus (oaks) are exempt from these restrictions.

5. Irrigation. Permanent irrigation systems are not required but may be installed as recommended by a landscape architect or the City Engineer. All irrigation systems that are installed must be designed to minimize the use of water and require certification that the system is water efficient (e.g. EPA WaterSense certified). Irrigation systems are not allowed in the right-of-way.
 6. Utility Easements. Landscape elements may be installed within utility easements, but shade trees may not be planted under overhead utilities. Existing shade trees located beneath overhead utilities may not be counted as existing vegetation in a Landscape Plan. If it is not practical to locate shade trees away from overhead utilities, the property owner will be responsible for maintaining the trees in such a manner that will not interfere with the overhead utilities and for replacing any trees that are damaged during utility repairs.
- B. Planting Location and Visibility. All landscape elements must be located in compliance with the visibility standards of Section 8.05.D (Visibility Obstruction) and Section 10.06.A.5 (Visibility). Where practical, deciduous trees, shrubs and vines must be planted along the south and west sides of buildings to provide shade during the summer. Where practical, evergreens and other plant materials must be concentrated on the north side of buildings in a manner that dissipates the effect of winter winds.
- C. Maintenance. All landscape elements must be installed and maintained in good condition at all times to ensure healthy vegetation and an orderly appearance. Non-emergency pruning of all tree species is permitted year-round except all species of elms and oaks which may not be pruned from April through October.
1. Maintenance Responsibility. Landscape elements, such as vegetation and trees, irrigation systems, fences, and walls, must be properly installed and maintained. The property owner is responsible for the maintenance, repair, and replacement of landscape elements on their property to keep them in good condition for the lifespan of the development and/or parking lot.
 2. Surety. A letter of credit, escrow, performance bond, or other surety, as approved by the Zoning Administrator may be required and be subject to periodic inspection, in an amount equal to 125 percent of the value to purchase, plant, and maintain landscaping. Such letters must remain in place for two years after installation to ensure proper maintenance in accordance with this Section, unless sooner released in part or in whole by the Zoning Administrator.

3. Care of Landscape Elements until Fully Established. All installed landscape elements must be watered, mulched, and replaced as needed until fully established.
4. Ongoing Maintenance. All landscape elements must be maintained in good condition in perpetuity and must have a healthy, neat, and orderly appearance. Any landscape element that is removed due to disease, damage, death, or any other reason must be replaced no later than 30 days after the beginning of the growing season, in accordance with the requirements of this Section and the approved landscape plan.

11.04 Street Trees

A. Applicability. Consistent and appropriately spaced street trees aid in beautifying and shading the City, supporting storm water management and clean air, and enhancing property values. The requirements of this Section apply to existing and proposed parkway areas adjacent to new developments that require approval of site plan review, see Section 4.09 (Site Plan Review) or planned unit developments, see Section 5 (Planned Unit Developments). Requirements for this Section may be waived by the Zoning Administrator when site specific conditions are identified that meet the general intent of this ordinance.

B. Street Tree Requirements.

1. Frequency. Where an unpaved parkway exists within the right-of-way, street trees must be installed by the applicant for the proposed development at a minimum rate of one large shade tree per 40 linear feet of street frontage. This requirement may be waived in part or in whole by the City Engineer if the parkway is deemed to be an unsuitable planting location due to planting space, visibility, presence of utilities, or other hazards that cannot be reasonably abated.
2. Spacing. Landscape elements must be installed in accordance with Table 11.03-1 Required Landscape Size at Installation, unless otherwise noted in this Ordinance. Street tree spacing must comply with the spacing requirements of Table 11.04-1 Street Tree Spacing. Trees must be selected for appropriate size at maturity for the subject parkway width, as determined by the City Forester. Trees must be spaced on center, or at a rate that matches the existing tree spacing pattern on adjacent parkways, whichever results in a greater density of tree plantings. Spacing may be adjusted to ensure adequate room for sidewalks, streetlights, signs, and utilities, with prior written approval by the City Engineer.

Table 11.04-1 Street Tree Spacing

Streetscape Element	Minimum Spacing Required
Sidewalk	4 ft
Curb	4 ft
Driveway	10 ft
Fire Hydrant	10 ft
Overhead Utility Pole	15 ft
Intersection	40 ft

3. **Tree Wells.** Tree wells must be utilized in locations where the sidewalk extends from the back of the curb to the lot line and there is no parkway present. Tree wells in sidewalks must provide a continuous trench with a depth of at least three feet to allow for better root growth and healthier trees. Location of tree wells must allow for the sidewalk to meet standards of the Americans with Disabilities Act. This requirement may be waived in part or in whole by the City Engineer if the parkway is deemed to be an unsuitable planting location due to planting space, visibility, presence of utilities, or other hazards that cannot be reasonably abated.
4. **Materials.** Tree wells materials must be approved by the Zoning Administrator and City Forester for compliance with design guidelines, and to promote tree health and the walkability of pedestrian areas.
5. **Jurisdictional Control.** If a County or State has jurisdiction over a public right-of-way which prevents the installation of the required number of street trees, then the trees must instead be planted within the front yard of the adjacent zoning lots within the proposed development. These street trees are required in addition to other applicable landscape requirements.

11.05 Residential Planting Requirements

- A. **Required Residential Trees.** All new residential developments must include canopy/shade trees according to the rates shown in Table 11.05-1 Required Trees (Residential). All required trees must comply with the requirements of Section 11.03 (Design, Installation, and Maintenance).

Table 11.05-1 Required Trees (Residential)

Housing Type	Trees Required
Single-, Two-, Three-, or Four- Unit Dwelling	2
Townhome or Multiple-Unit Dwelling	1 per 4 units

B. **Foundation Planting**

1. **Location.** Foundation planting must be installed for all multiple-unit dwellings in the L1, L2, L3, R3, R4, and R5 Districts where a setback is provided. Foundation planting must be installed along the front and corner side façades of all buildings, except entrances and other areas where it may be impractical (such as window wells and utility meters), as determined by the Zoning Administrator.
2. **Size.** Foundation planting must extend at least six feet from the edge of the building.
3. **Landscaping Materials.** A minimum of 80 percent of the foundation planting must consist of ornamental trees, native or ornamental grasses, shrubs, perennials, or other live groundcover. Front and corner side yards must be properly sodded or hydro-seeded prior to occupancy.

11.06 Non-Residential Planting Requirements

- A. Requirements. All new non-residential developments must have at least 50 percent of the open space landscaped including the requirements of this section and must have the remaining areas properly sodded or hydroseeded prior to occupancy. All required trees must comply with the requirements of Section 11.03 (Design, Installation, and Maintenance). All new non-residential developments must include canopy/shade trees according to the following rates:
 - 1. One tree must be planted for every 500 square feet of the area required to be landscaped.
 - 2. One shrub must be planted for every 50 square feet of the area required to be landscaped.
- B. Foundation Planting.
 - 1. Location. Foundation planting must be installed for non-residential development in the L1, L2, L3, B1, B2, B3 and R/LI Districts where a setback is provided. Foundation planting must be installed along the front and corner side façades of all buildings, except entrances and other areas where it may be impractical (such as window wells and utility meters), as determined by the Zoning Administrator.
 - 2. Size. Foundation planting must extend at least four feet from the edge of the building.
 - 3. Landscaping Materials. A minimum of 80 percent of the foundation planting must consist of ornamental trees, native or ornamental grasses, shrubs, perennials, or other live groundcover. Front and corner side yards must be properly sodded or hydro-seeded prior to occupancy.

11.07 Parking Lot Landscaping

- A. Parking Lot Perimeter Landscape. Refer to Figure 11.07-1 Location of Landscape Requirements and Figure 11.07-2 Parking Lot Perimeter Landscape.
 - 1. Location. Parking lot perimeter landscape requirements apply to lots in all zoning districts in which parking facilities are located adjacent to a lot line. Parking lot perimeter landscape must be located directly adjacent to the lot line.
 - 2. Minimum Parking Lot Perimeter Landscape. A parking lot perimeter landscape with a minimum depth of ten feet is required along the length of the parking lot that is adjacent to the lot line, excluding any driveways.
 - 3. Landscape Elements. The parking lot perimeter landscape must meet all of the standards of Section 11.03 (Design, Installation, and Maintenance) and include the following:
 - a. Parking lot perimeter landscaping must provide at least 50 percent coverage along the adjacent lot lines and may include berms, ornamental trees, evergreen trees, shrubs, hedges, groundcovers, and perennials in clusters of seven plantings at a minimum.

- b. One large shade tree per 30 linear feet of perimeter area, or one medium shade tree per 25 linear feet of perimeter area, or any combination thereof. Trees may be spaced evenly or grouped.
 - c. Any portion of the parking lot perimeter landscape not covered by hedges and trees must be planted with clump or no-mow grasses, other perennial groundcover, or mulch.
 - d. Landscape areas are encouraged to be inverted using bioswales to retain stormwater runoff.
4. Fence. Parking lot fencing may be installed to further screen the parking lot from view of the street and is subject to the following requirements. Fences must be installed in accordance with Section 9.03.C.14.c (Construction, Design, and Appearance), unless otherwise specified in this section. Permits are required for all fences within the City of Waukegan including replacement fences.
- a. The fence must be located a minimum of two feet from the back of the parking lot curb to allow for vehicle overhang. The required parking lot perimeter landscape must be located between the fence and sidewalk to provide visual interest from the street.
 - b. The fence must be a minimum height of three feet and maximum height of four feet, unless a taller fence is required elsewhere in this ordinance.
 - c. A paved opening with a minimum width of three feet must be provided at least every 50 feet to allow pedestrian access to the parking lot, except for screening fences required elsewhere in this ordinance.
 - d. Ornamental metal, masonry, and wood are permitted fence materials. Chain link fences are not permitted as ornamental or screening fences as required by this section.
 - e. Earthen berms may be required at the discretion of the City Engineer. All berms must be a minimum of three feet and planted with turf or other live groundcover.
 - f. Landscaping may not exceed the height of the fence, with the exception of trees required per the parking lot perimeter landscaping requirements in Section 11.07 (Parking Lot Landscaping).

Figure 11.07-1 Location of Landscape Requirements

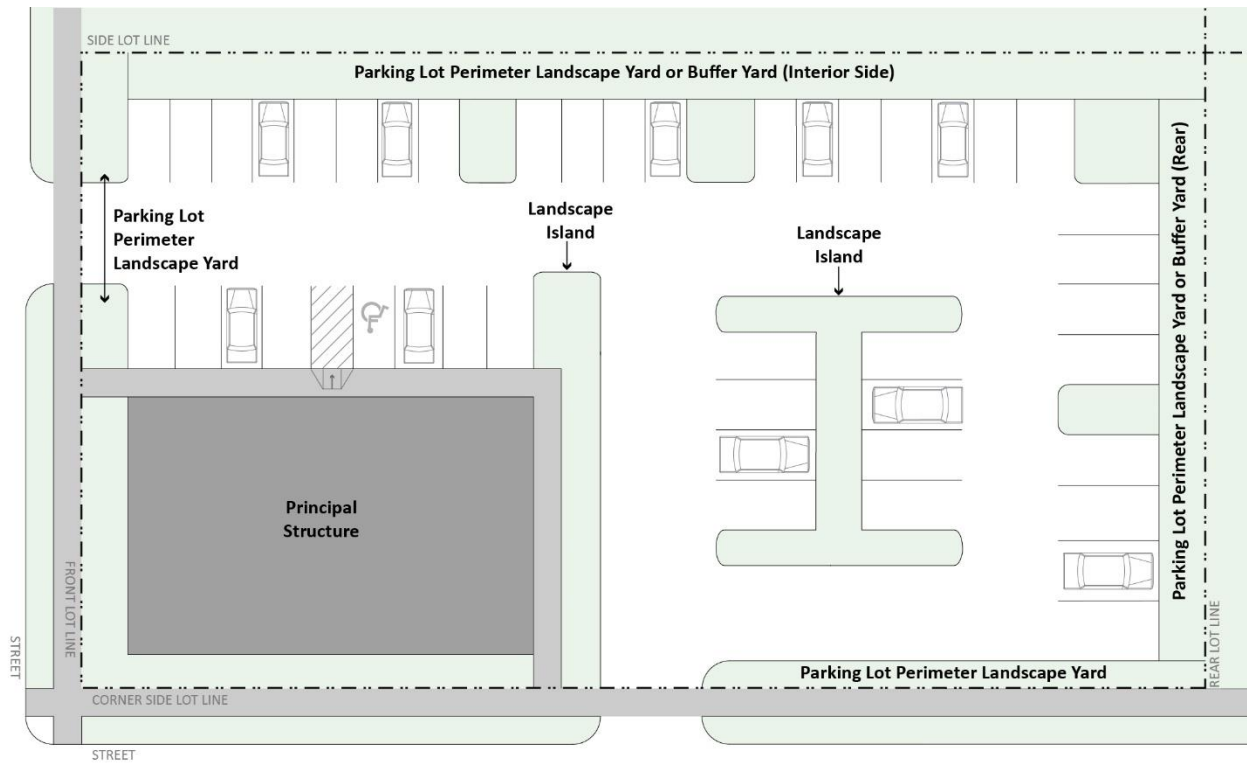
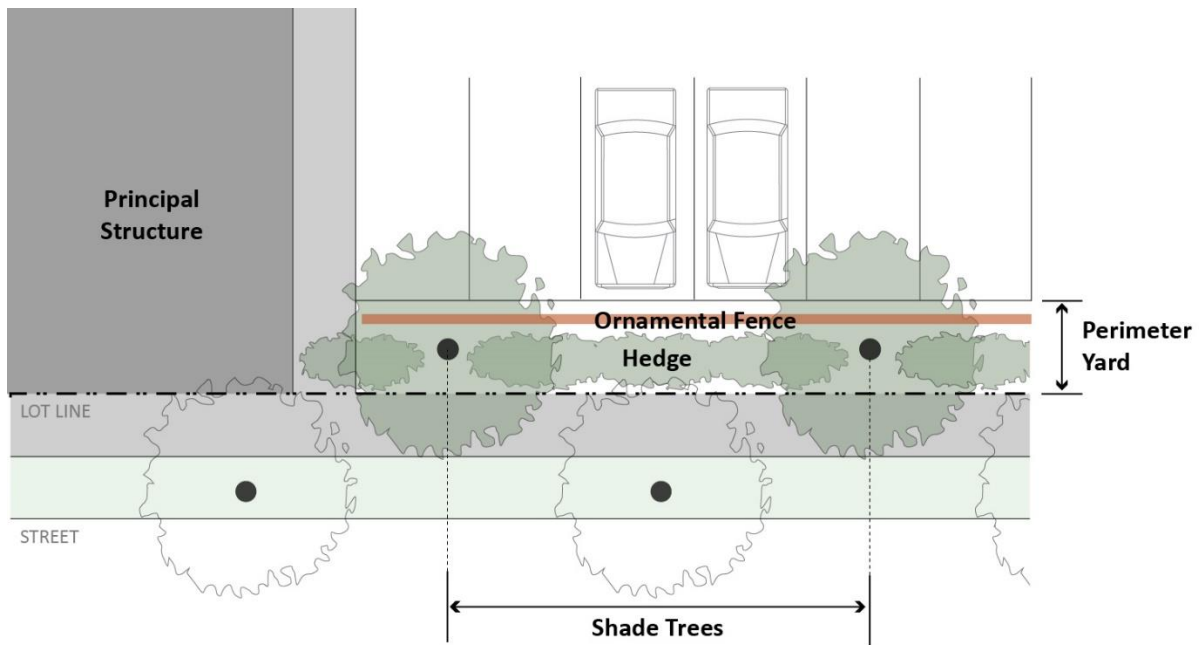


Figure 11.07-2 Parking Lot Perimeter Landscape



- B. Parking Lot Interior Landscape Islands. Refer to Figure 11.07-5 Parking Lot Interior Landscape Islands and Figure 11.07-2 Location of Landscape Requirements.
1. Small Parking Lot Landscaping. In parking lots with more than ten but fewer than 40 spaces, all rows of parking must be terminated by end landscape islands or landscape areas of at least 150 square feet. Parking lots with ten or fewer spaces are not required to install landscape islands.
 2. Medium Parking Lot Landscaping. In parking lots with 40 or more but fewer than 125 spaces, all rows of parking must be terminated by end landscape islands or landscape areas of at least 150 square feet. Additional landscape islands are required every ten spaces between end landscape islands or landscape areas. For a single parking row, the landscape island must have a minimum length equal to the length of the adjacent parking space and a minimum area of 150 square feet. When double rows of parking are provided, the required landscape islands must have a minimum length equal to the total length of the adjacent parking spaces and a minimum area of 300 square feet.
 3. Large Parking Lot Landscaping. In parking lots that accommodate 125 spaces or more, all rows of parking must be terminated by end landscape islands or landscape areas of at least 150 square feet. Additional landscape islands are required every 20 spaces between end landscape islands or landscape areas. For a single parking row, the landscape island must have a minimum length equal to the length of the adjacent parking space and a minimum area of 150 square feet. When double rows of parking are provided, the required landscape islands must have a minimum length equal to the total length of the adjacent parking spaces and a minimum area of 300 square feet. Alternating rows of double-row parking must provide a continuous landscaped median of at least five feet in width.
 4. Alternate Configuration. In conjunction with landscape plan approval, see Section 11.01.D (Landscape Plan), the applicant may make a request for a different configuration of landscape islands and medians to allow for more efficient site design or to permit larger landscape areas. Regardless, the overall area and number of plantings required for landscape islands and medians must be met. Such configurations may only be approved at the discretion of the Zoning Administrator and will be considered fully conforming with the requirements of this section.
 5. Trees. A minimum of one shade tree must be provided per landscape island. Landscape islands provided for double rows of parking may include a maximum of two shade trees. Landscaped medians must provide a minimum of one shade tree per 40 linear feet of median.
 6. Groundcover. A minimum of 80 percent of each landscape island and median must be planted with ornamental or native grasses, perennials, turf, or other live groundcover. Shrubs are not permitted in landscape islands.
 7. Curb Design. Landscape areas must be protected with concrete curbing and have a minimum height of six inches as measured from the parking lot surface. In parking lots where landscape areas are at or below grade, curbing may contain a sufficient number of inlets to properly manage drainage, unless it is determined by the City Engineer that inlets would result in greater runoff inflow than could be supported by the landscape island. Refer to Figure 11.07-3 Curb Inlet Design. Wheel stops and other alternate landscape protections may be approved by the Zoning Administrator to facilitate certain stormwater management facilities.

Figure 11.07-3 Curb Inlet Design

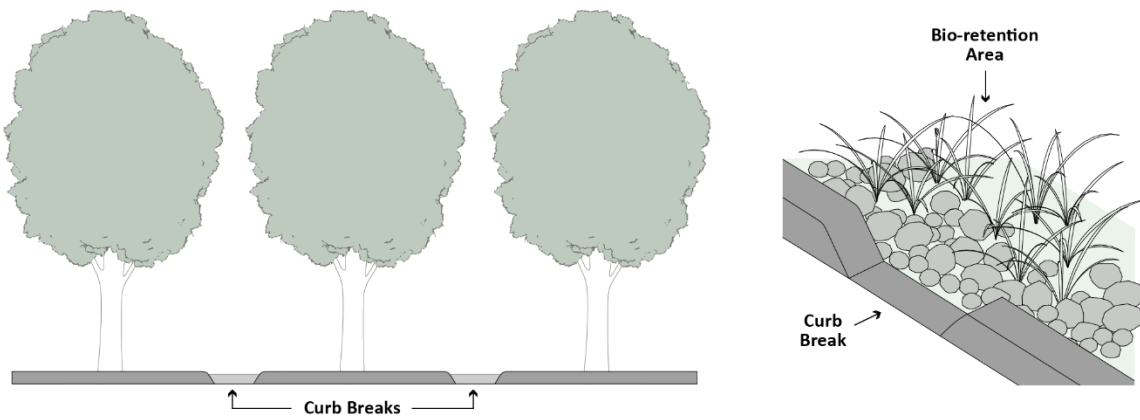
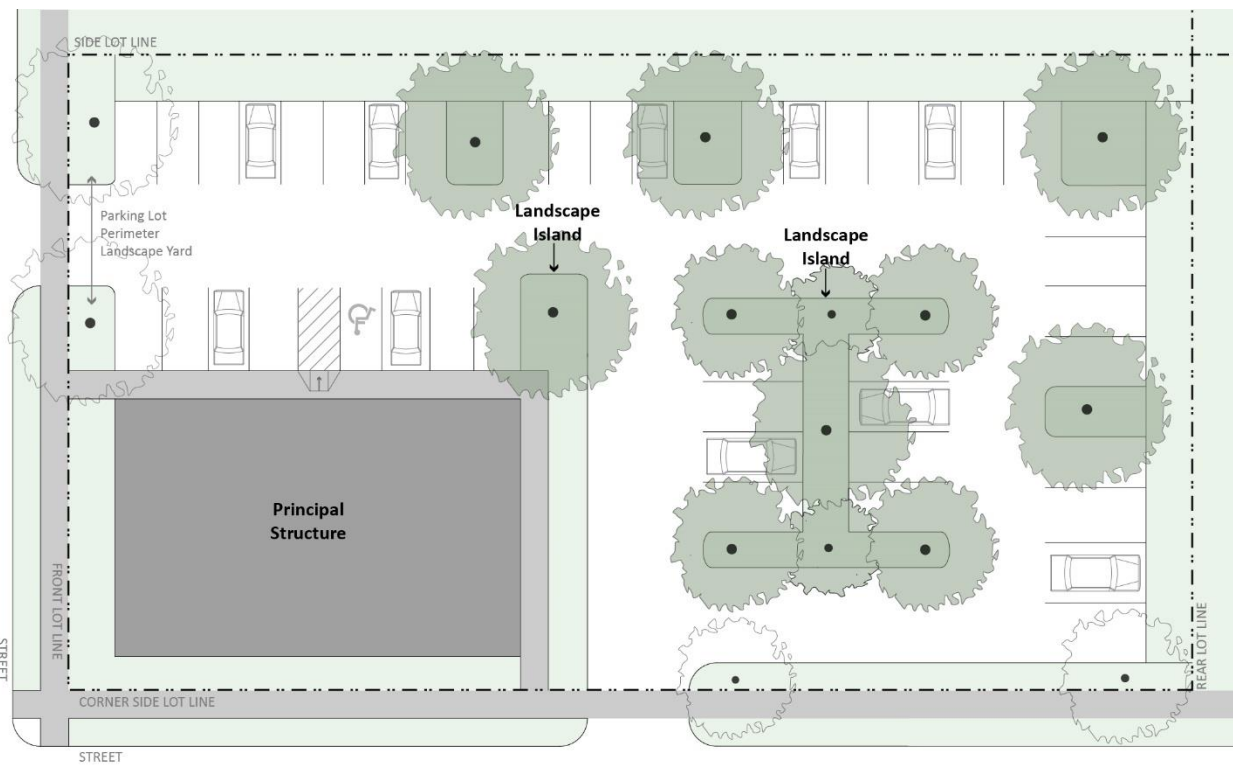


Figure 11.07-4 Parking Lot Interior Landscape Islands



- C. Runoff Infiltration. All required parking lot landscape areas must be designed to accept and facilitate stormwater runoff infiltration through curb design, adequate soil depth, appropriate plant selection, and site grading to convey stormwater. Landscaped areas are encouraged to include depressed planters with bioretention and infiltration areas to assist in water quality protection and facilitate groundwater recharge.

11.08 Buffer Yards

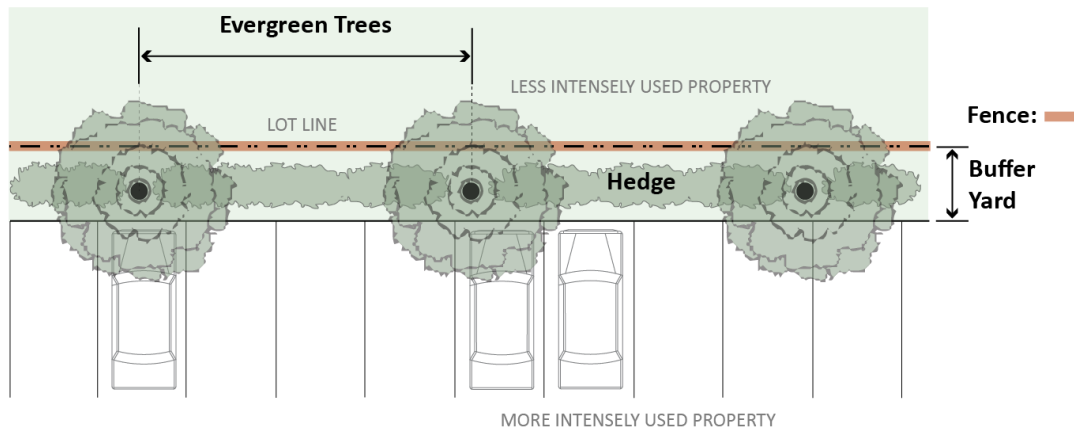
A. Applicability. Buffer yards are used to separate more intensive zoning districts and uses from less intensive zoning districts and uses. A buffer yard is required adjacent to lot lines where the proposed development meets one or more of the following criteria. For the purposes of this Section, lots are not considered directly adjacent to one another if an alley or other right-of-way separates the lots. Reconstruction of existing parking lots of fewer than ten parking spaces is exempt from buffer yard requirements. Refer to Figure 11.07-2 Location of Landscape Requirements and Figure 11.08-1 Buffer Yards.

1. Non-Residential District. A buffer yard is required if the lot is located in the B2, B3, E, H/C, R/LI, or I District and is directly adjacent to a lot located in the CR, R1, R2, R3, R4, or R5 District.
2. Non-Residential Use in Residential Districts. A buffer yard is required for lots located in the CR, R1, R2, R3, R4, or R5 District if the lot contains a non-residential use and is adjacent to a residential use. Parks are exempt from this requirement.

B. Buffer Yard Requirements.

1. Location. The buffer yard must be located directly adjacent to the interior side and/or rear lot line, along the entire length of the lot line where the zoning district transition occurs.
2. Minimum Buffer Yard Depth. A buffer yard must have a minimum depth of ten feet. Landscape areas that are provided as part of required parking lot perimeter landscape, see Section 11.07.A (Parking Lot Perimeter Landscape), may count toward the minimum buffer yard requirement.
3. Landscape Elements. The buffer yard must include the following:
 - a. A continuous hedge comprised of individual small shrubs with a minimum width of two feet, spaced three feet on center.
 - b. One evergreen tree for every 30 linear feet of buffer area. Trees may be spaced evenly or grouped.
 - c. Any portion of the buffer yard not covered by hedges and trees must be planted with turf, clump, or no-mow grasses, perennial groundcover, or mulch.
 - d. In residential and commercial zoning districts, a continuous hedge of individual shrubs may be allowed instead of providing evergreen trees within a buffer yard with prior written Zoning Administrator approval, provided that the hedge height at maturity is taller than 42 inches.
4. Fence. Fences in buffer yards are required when a lot located in the B3, R/LI, or I District is directly adjacent to a lot located in the CR, R1, R2, R3, R4, or R5 District and optional in all other buffer yards. Fences must be installed in accordance with Section 9.03.C.16.c (Construction, Design, and Appearance), unless otherwise specified in this Section. Permits are required for all fences within the City of Waukegan (replacements included). The requirements below only apply to fences in buffer yards adjacent to CR, R1, R2, R3, R4, or R5 Districts.
 - a. Location. The fence must be located along the entire length of the affected interior side or rear lot line.
 - b. Height. Buffer yard fences must be six feet in height.
 - c. Type. Solid fences are required for buffer yards.

Figure 11.08-1 Buffer Yards



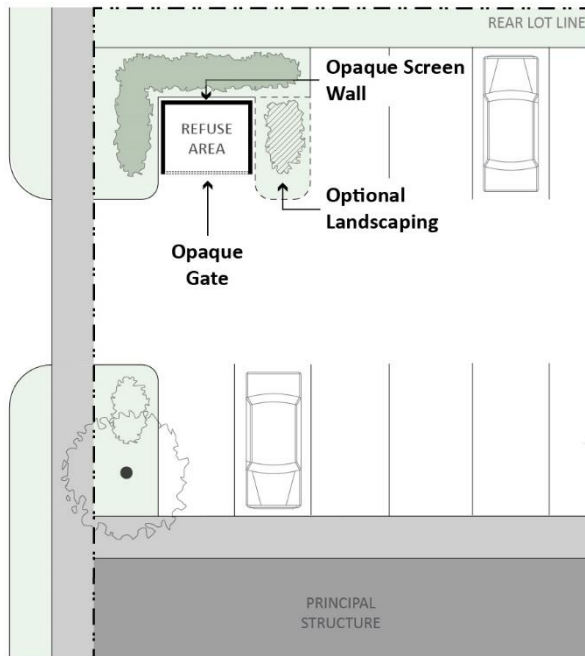
11.09 Screening Requirements

- A. Applicability. The requirements of this Section apply to refuse areas, ground-mounted mechanical equipment, ground-mounted utilities, outdoor storage areas, and off-street loading areas for the purpose of screening these uses and facilities from view of the street and adjacent lots. The requirements of this Section also apply for tree protection fencing after a permit is issued for grading, utility, and building or demolition.
- B. Refuse Area, Ground-Mounted Mechanical Equipment, Ground-Mounted Utility, and Outdoor Storage Area Screening Requirements. Refer to Figure 11.09-1 Refuse Area, Ground-Mounted Mechanical Equipment, Ground-Mounted Utility, and Outdoor Storage Area Screening.
 1. Location. Refuse areas must be located in the interior side yard or rear yard. An alternative location may be permitted with written approval by the Zoning Administrator. Refer to Section 9.02.B.24 (Outdoor Storage Area) and Section 9.03.C.22 (Mechanical Equipment) for location requirements for outdoor storage and ground-mounted mechanical equipment standards.
 2. Fences and Walls. The areas or facilities to be screened must be completely screened by either a wood fence or masonry wall on three sides, and an opaque gate on the fourth side. Fences and walls must be installed in accordance with Section 9.03.C.16.c (Construction, Design, and Appearance), unless otherwise specified in this section. The wall of a principal structure may serve as a screening wall.
 - a. Height. The fence or wall must be a minimum of six feet in height but may not exceed eight feet in height.
 - b. Complementary Design. Screening elements must complement the architectural style of the primary building on-site and use building materials similar to those used for the primary building.
 - c. Gate. The enclosure of the refuse area or outdoor storage area must be gated and remain closed except during times of refuse deposit or collection.
 3. Landscape Elements. For refuse areas that are visible from the public right of way, landscape shrubs or native grasses must be installed on a minimum of two sides of the area, with plantings

located between the fence or wall and back of curb and screening the full length of each side. Installed shrubs must form a continuous hedge comprised of individual small shrubs of an appropriate species that are adaptable to being grown as a hedge, with a minimum width of two feet, spaced three feet on center.

- C. Off-Street Loading Area Screening Requirements. The area adjacent to any off-street loading areas that are visible from the public right of way must include buffering and landscaping in accordance with Section 11.07.A (Parking Lot Perimeter Landscape).

Figure 11.09-1 Refuse Area, Ground-Mounted Mechanical Equipment, Ground-Mounted Utility, and Outdoor Storage Area Screening



11.10 Outdoor Lighting

- A. Applicability. Outdoor lighting standards prevent light trespass, promote energy efficiency, minimize light pollution, and enhance public safety. The requirements of this Section apply to all new or replacement outdoor lighting, with the exception of unshielded lighting for holiday decorations or permitted temporary uses as established in Section 9.04 (Temporary Uses and Structures). The Zoning Administrator may impose reasonable restrictions on the use of such lighting for temporary uses as necessary to protect the health, safety, and welfare of the public.

B. General Requirements.

1. **Prohibited Lighting.** Any outdoor lighting that may be confused with a traffic control device is prohibited except if it is authorized by federal, state, county, or local government. Flashing lights, strobe lights, and laser lights are prohibited.
2. **Design That Prevents Glare.** All lighting must be designed to prevent glare and interference with residential lots and motor vehicle, bicycle, and pedestrian traffic.
3. **Fixtures.** All new and replacement outdoor lighting must have full cut-off or fully shielded fixtures. For non-residential uses, fixtures located within 20 feet of a residential property line must be directed toward the interior of the property and fully shielded from view of the adjacent residential property. For outdoor recreational uses, fixtures must be aimed toward the interior of the property. Written documentation must be submitted in addition to the other requirements of this section that demonstrate that the location, type, and direction of all lighting fixtures will focus lights on the playing fields and minimize glare and visibility from adjoining properties.
4. **Automatic Lighting Controls.** Wall outdoor lighting on non-residential lots must be controlled by a photo sensor, occupancy sensor, or timer to automatically reduce outdoor lighting when sufficient daylight is available, and to automatically turn off lights by the earlier of midnight or one hour following the close of business. This excludes security lighting, and any lighting necessary to achieve minimum foot candle requirements as set by Table 11.10-01 Outdoor Illumination Requirements.
5. **Façade Illumination.** Building façade illumination must be limited to fully shielded fixtures directed towards the façade. All light from such fixtures must be concentrated on the exterior wall surface of the building being illuminated and be built with a dimmer switch and/or daylight shut-off sensor.
6. **Decorative Lighting:** Uplighting, accent, landscape, or other decorative lighting may be permitted upon approval of a site plan in accordance with Section 4.09 (Site Plan Review). Considerations will include overall brightness (lumens) and light trespass. Decorative lighting must be built with a dimmer switch and/or daylight shut-off sensor.
7. **Energy-Efficient Technology.** The use of Light Emitting Diodes (LED) or similar technology is encouraged.
8. **Photometric Plan.** A photometric plan prepared by a professional must be approved by the Zoning Administrator prior to installation of outdoor light fixtures for new developments of non-residential uses with large parking lots, as defined in Section 5 (Planned Unit Developments), and ground-up constructions of residential uses with more than four units. All other development activity must still comply with the general requirements listed above. A photometric plan must include the following:
 - a. All property lines, building locations, dimensions of paved areas, and location of all curbs relative to the proposed outdoor light and fixture.
 - b. Proposed outdoor light and fixture location.

- c. Details and height specifications of all proposed exterior lights and fixtures, including, as applicable, B.U.G. rating values.
- d. Photometric data at all property lines and within all parking lots at a maximum of ten feet of spacing of measured at the ground. When possible, photometric data must extend 15 feet beyond the property line.
- e. Photometric data must be generated by a recognized computer program and must include calculation of maximum foot-candles, minimum foot-candles, average foot-candles, and average to minimum uniformity ratio.
- f. Other information as required.

C. Illumination Standards.

1. Illumination. All outdoor lighting illumination levels must meet the requirements of Table 11.10-01 Outdoor Illumination Requirements.
2. Color Temperature.
 - a. Residential and Commercial Uses. The Correlated Color Temperature (CCT) must be within 2700-3000 Kelvin and have a minimum Color Rendering Index (CRI) of 70 percent.
 - b. Recreational Facilities and Industrial Uses. The Correlated Color Temperature (CCT) must be within 2700-4100 Kelvin and have a minimum Color Rendering Index (CRI) of 70 percent.
3. Sign Illumination. Sign illumination must conform to the provisions of Section 12 (Signs).
4. Height.
 - a. Non-Residential Uses. Light poles and building-mounted fixtures may not exceed 20 feet in height in business districts and 30 feet in manufacturing districts. Light poles for educational facilities or outdoor recreational facilities may not exceed 60 feet in height. Outdoor lighting for all outdoor recreation areas is subject to review of building permit and photometric plan.
 - b. Residential Uses. Light poles may not exceed 20 feet in height for residential uses. Building-mounted fixtures, including under-soffit lighting, may not exceed 5 feet in height.

Table 11.10-01 Outdoor Illumination Requirements

Land Use	Maximum Foot Candles (measured at the lot line)	Maximum Average Foot Candles	Minimum Foot Candles	Minimum Uniformity Ratio (Average to Minimum unless otherwise noted)	Light Source Shielding Requirement
R1, R2 Districts	0.5; 0.25 behind front yard setback; 3.0 for driveway serving as ingress and/or egress	N/A	N/A	N/A	Maximum 890 lumens per fixture fully shielded when viewed from property line
R3, R4, R5 Districts	0.5; 0.25 behind front yard setback; 3.0 for driveway serving as ingress and/or egress	N/A	0.6 for walkways only	4:1 for walkways only	Maximum 3,000 lumens per fixture fully shielded

Land Use	Maximum Foot Candles (measured at the lot line)	Maximum Average Foot Candles	Minimum Foot Candles	Minimum Uniformity Ratio (Average to Minimum unless otherwise noted)	Light Source Shielding Requirement
Non-Residential Districts	1.0; 0.5 if adjacent to residential; 3.0 for driveway serving as ingress and/or egress	N/A	0.6 for walkways only	4:1	Maximum B.U.G. rating of B2 U0 G2, Maximum 3,000 lumens per fixture fully shielded
Parking Lots: R3, R4, R5 Districts	0.5; 0.25 behind front yard setback	1.5	0.2	4:1	Maximum B.U.G. rating of B2 U0 G2
Parking Lots: Non-Residential Districts	0.5 if adjacent to residential; 1.0 all other times	1.5	0.2	4:1	Maximum B.U.G. rating of B3 U0 G3
Note: The following standards supersede those listed above for only the specific uses listed.					
Gas Station	2.0; 0.5 if adjacent to residential; 1.0 at 15 feet beyond the property line	15 for parking areas and approach, 30 for pump area	0.2	4:1 for parking areas and approach, 3:1 for pump area, 4:1 for walkways	Maximum B.U.G. rating of B2 U0 G2, Maximum 3,000 lumens per fixture fully shielded
Motor Vehicle Sales	2.0; 0.5 if adjacent to residential; 1.0 at 15 feet beyond the property line	50 front row feature stands, 30 for general sales area, 7.0 within 100 feet of adjacent residential	N/A	Maximum to Minimum Uniformity Ratio 5:1 front row feature stands, 10:1 general sales area, 12:1 within 100 feet of adjacent residential	Maximum B.U.G. rating of B3 U0 G3
Outdoor Recreational Facilities	1.0; 0.5 if adjacent to residential	50.0	0.2 for parking areas	4:1 for parking areas	Fixtures must be aimed toward the interior of the property.
Outdoor Recreational Facility: Sports	1.0; 0.5 if adjacent to residential	20.0	0.2 for parking areas	4:1 for parking areas	Fixtures must be aimed toward the interior of the property.
Institutional Uses in Residential Districts	1.0; 0.5 if adjacent to residential	1.5 for parking areas and approach	0.2 for parking areas	4:1 for parking areas	Maximum B.U.G. rating of B1 U0 G1

SECTION 12: SIGNS

- 12.01 Purpose
- 12.02 General Regulations
- 12.03 Sign Classification
- 12.04 Primary Signs
- 12.05 Signs in Residential Districts
- 12.06 Downtown and Lakefront District Signs
- 12.07 Entertainment District Signs
- 12.08 Accessory Signs
- 12.09 Temporary Signs
- 12.10 Uniform Sign Plans
- 12.11 Prohibited Signs

12.01 Purpose

The sign standards are enacted for the following purposes:

- A. To protect and enhance the character, property values, and stability of new and existing residential neighborhoods as well as commercial and industrial districts in the City.
- B. To establish a regulatory framework for the use of signs as an adjunct to economic and social activities of the residents, institutions, and businesses of the community.
- C. To reduce sign clutter and to eliminate the potential for the distraction of motorists and the degradation of the appearance of the community that results from an excessive number of signs.
- D. To protect aesthetic values and to establish and maintain standards of community appearance with respect to signs, canopies, and awnings.
- E. To provide standards and procedures for the removal, elimination, or relocation of signs that fail to conform to those standards as established herein.
- F. To establish an administrative framework for the enforcement of the standards and regulations established herein.

12.02 General Regulations

The standards, regulations, and procedures established by this Ordinance apply to all signs erected, displayed, or maintained in the City of Waukegan, including all exterior signs and all interior signs located in windows, doorways, or other building openings which are clearly visible from the building exterior, except for exempt signs as provided in Section 12.02.J (Exemptions).

- A. Permit Required. All signs, with the exception of exempt signs, require a permit.

B. Measurement

1. Lot Frontage. Calculation of allowed total sign area or of individual sign area for a zoning lot is based on the lineal feet of street frontage of the lot, or in the case of uses that occupy more than one lot, the combined street frontage of all lots occupied by the use.
2. Multiple Uses. Where a lot is occupied by more than one use and the uses occupy the same frontage, the primary signage permitted for each use is calculated based on the building frontage occupied by such uses.
3. Corner Lots. In the case of corner lots or lots having more than one street frontage, the regulations established below apply separately to each street frontage so that the total sign area, individual sign area, and setbacks will be applied independently for each street upon which the lot fronts.
4. Absent Frontage. In the case of a zoning lot or other business premises however defined which has no direct street frontage, the allowed total sign area for that business premises is based on the width of the zoning lot or premises occupied by the use measured along a line generally parallel to the closest public street to which the zoning lot or premises has access.

C. Sign Area

1. Applicability. Sign area for all signs, except those signs specifically limited in size by this Code, is set forth in Table 12.02-01 Sign Regulations by District.
2. Total Area. The total area of all primary signs permitted on a zoning lot may not exceed the number of square feet permitted for each lineal foot of frontage as set forth in Table 12.02-01 Sign Regulations by District multiplied by the actual street frontage of the lot.
3. Maximum sign area. The maximum permitted sign area in any district is 144 square feet, except as provided in Section 12.04 (Primary Signs).

D. Number of Signs

1. Residential Zoning Districts. See Section 12.05 (Signs in Residential Districts).
2. Non-Residential Zoning Districts.
 - a. The total number of primary signs of any type located on a zoning lot may not exceed the number shown in the 'total' column Table 12.02-01 Sign Regulations by District; and the total number of ground signs on a zoning lot may not exceed the number shown for that type in Table 12.02-01 Sign Regulations by District.
 - b. Notwithstanding the requirements shown in Table 12.02-01 Sign Regulations by District, multi-tenant non-residential buildings are restricted to one ground sign for every 500 feet or fractional part thereof of frontage and one wall sign per use for each street frontage.
 - c. Notwithstanding the requirements shown in Table 12.02-01 Sign Regulations by District, single uses occupying multiple contiguous zoning lots are limited to the total number of signs that would be allowed on a single zoning lot in that same zoning district.

E. Sign Location and Setbacks

1. Conservation, residential, and lakefront districts. All primary ground signs must be set back no less than five feet from the lot lines in districts where setbacks are required.
2. Civic, business, and industrial districts. All primary signs in civic, business, and industrial districts with required front yard setbacks and required yards adjoining streets must be set back no less than five feet from the lot line. In districts in which there is no required front yard setback or yard adjoining a street, primary ground signs may be located up to the lot line provided that no part of the sign obstructs the public right-of-way. In addition to these regulations, the requirements of Section 12.04 (Primary Signs) must also be met.
3. No sign may be placed on the public right-of-way without first entering into a license agreement with the public entity that has jurisdiction over the right-of-way.

F. Sign Height. Primary ground signs may not exceed the height limitations shown in Table 12.02-01 Sign Regulations by District for the zoning district in which the sign is located.

Table 12.02-01 Sign Regulations by District

District	Total Sign Area (sf/linear ft)	Total Number of Signs per Lot	Ground Signs	
			Number	Maximum Height (ft)
CR Conservation/Recreation	0.2	2	1	10
R1 Single-Unit Dwelling	0.2	2	1	10
R2 Single-Unit Dwelling	0.2	2	1	10
R3 General Residential	0.25	2	1	10
R4 General Residential	0.25	2	1	10
R5 Multiple-Unit Residential	0.25	2	1	10
B1 Neighborhood Convenience	1.0	4	1	15
B2 Community Shopping	1.5	4	1/250 ft	20
B3 General Commercial	2.0	4	1/250 ft	20
B4 Downtown	1.0	3	1	15
H/C Health/Civic	1.5	3	1	15
E Entertainment	1.5	4	1/250 ft	20
L1 South Lakefront	1.5	3	1	15
L2 Marina	1.5	3	1	15
L3 North Harbor	1.5	3	1	15
R/LI Research/Light Industrial	1.0	2	1	20
I Light Industrial	1.0	2	1	20

G. Sign Maintenance. All signs must be maintained in a safe, legible, and good condition.

1. Safety. All signs must be maintained to the same structural standards pursuant to which they were approved or, in the case of nonconforming signs, the standard by which they were originally approved. All metal parts which are subject to rust or corrosion must be painted at all

times. All anchors and other fastenings must be maintained in a secure and functioning condition capable of sustaining the loads for which they were designed. All sign faces must be smooth and free from protruding nails, tacks, wires, splinters, and other hazards.

2. Legibility. All signs must be maintained in a legible condition. Painted signs must be repainted at such times as the deterioration of the paint results in illegibility or disfiguration.
3. Condition. All glass panes or panes of other materials that comprise the sign face must be immediately replaced if broken. All electrical components, switches, lamps, relays, fuses, and similar devices must be maintained in good working order.

H. Nonconforming Signs. Refer to Section 6.06 (Nonconforming Site Elements).

I. Abandoned Signs

1. The following signs are deemed abandoned:
 - a. Any sign that is located on property that becomes vacant, has no occupying business, or is unoccupied, and that remains as such for a period of 30 days.
 - b. Any sign, wherever located, that refers to a business, property, location, or other activity that has ceased operations for a period of 30 days.
 - c. Any sign for which a permit or license fee is charged and where the owner of such sign fails to obtain such permit or license no later than 60 days after inspection and proper notification.
 - d. Any sign announcing an event or the date or dates of an event which has passed, with the exception of political campaign signs.
 - e. Any dilapidated, deteriorated, unreadable, illegible, structurally unsound, or unsafe sign.
2. Removal of Abandoned Signs. The owner of any property upon which an abandoned sign is located is responsible for removing such sign either immediately or within the time period otherwise established in this section or by the Building Commissioner. Removal of an abandoned sign must include the removal of the entire sign including the sign face, supporting structure and structural trim. Where the owner of the property on which an abandoned sign is located fails to remove such sign in a timely manner, the Building Commissioner may remove such sign. Any expense directly incurred in the removal of such sign will be charged to the owner of the property. Where the owner fails to pay such costs to the City within 30 days, the City may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

J. Exemptions. The provisions and regulations of this Ordinance do not apply to the following signs provided, however, that such signs are subject to the Waukegan Electrical Code, the regulations governing the removal of unsafe and unlawful signs, and the regulations herein.

1. Traffic control signs, warning signs and temporary construction and routing signs erected, maintained, or operated by a governmental agency or its contracted agent in conformance with the Manual for Uniform Traffic Control Devices.
2. Signs authorized and erected by the City of Waukegan, including public notices posted by public officials or employees in the performance of their duties.

3. Warning signs placed by utility companies or others in areas of danger that are accessible to the public.
 4. Identification tags, labels, plaques, and signs used by utility companies and other organizations to identify fixed operating equipment and for similar purposes.
 5. Cornerstones.
 6. Seasonal decorations, including items of a primarily decorative nature associated with national, local, or religious holidays. Such seasonal decorations visible from the public right-of-way must be removed no later than 30 days after the event.
 7. Signs on vehicles provided such signs are not relocatable signs as regulated by this Ordinance and provided further that such vehicles are fully operable and licensed by the State of Illinois and are being operated in normal and customary fashion. Such signs are limited by the provisions of 12.11 (Prohibited Signs).
 8. Flag displays.
 9. Non-Commercial Messaging Signs, subject to the following conditions:
 - a. Limited to the following dimensions:
 - i. A maximum surface area of six square feet per sign face; and
 - ii. A maximum height of four feet.
 - b. May not incorporate animated or automatically changing graphics.
 - c. May not be internally or externally illuminated.
 - d. Must be a removable sign that is not permanently affixed, applied, or painted on a wall or other surface or structure, or permanently secured into the ground with a concrete foundation on the premises; and
 - e. Must be maintained in a state of good repair.
 - f. Non-commercial message signs may not be located closer than six (6) feet to any lot line on any non-residentially zoned property.
- K. Sign Removal. Signs required to be removed by this Ordinance must be removed in accordance with the following regulations:
1. The owner of the property upon which a sign is located is responsible for removing such sign as required by this Ordinance, except that where a sign is a leased sign being maintained under the terms of a current lease, it is the joint responsibility of the owner of the zoning lot that the sign is on and lessor of the same sign to remove. In any case in which a sign has been removed by the City of Waukegan or by a private contractor at the direction of the City of Waukegan in accordance with the provisions of this Ordinance, any cost directly incurred in the removal of the sign will be charged to the owner of the property. If the owner fails to pay such costs to the City within 30 days, then the City may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.
 2. Abandoned signs must be removed in accordance with the provisions of Section 12.02.I (Abandoned Signs) and this Section.

3. Prohibited signs and other signs erected subsequent to the passage of this Ordinance and found to be in violation of this Ordinance must be removed by the owner of such sign no later than 30 days after receiving notice of such violations. If after 30 days such sign has not been removed, the City may remove it as provided in this section.
4. Any permitted or prohibited sign that becomes a danger to the public because of damage to or deterioration of the structure must be removed immediately. Where the owner cannot be immediately contacted, the City may order such sign removed as provided in this Section.

12.03 Sign Classification

Signs are classified in the following groups:

- A. **Primary Signs.** Primary signs include all permanent signs for which this Ordinance establishes restrictions upon the area of the sign or upon the total area of the signage to be displayed upon a lot. Primary signs include all business identification and on-premises advertising signs. Ground signs, wall signs, monument signs, and all those specifically listed in Section 12.05 (Primary Signs).
- B. **Accessory Signs.** All other permanent signs are considered accessory signs including on-site directional signs for vehicles and pedestrians, parking restrictions, warning, and similar signs. Any accessory sign that exceeds the size limitations established by this Ordinance for such signs or any accessory sign that bears a logotype, corporation symbol, or similar device in excess of the standards established for such names is considered a primary sign and part of the regulated area of the signage, as determined by the Zoning Administrator.
- C. **Temporary Signs.** A temporary sign is any sign irrespective of the type of sign or the materials used for its construction which is restricted by the terms of this Ordinance as to the length of time that it may be erected, maintained, used, or displayed. In addition, the term "temporary sign" includes any sign constructed of temporary, unsubstantial, or inherently fragile materials such as paper, cardboard, water soluble paints, and other such materials. Temporary signs in a window or attached to the façade may not exceed the size and coverage requirements Section 12.09 (Temporary Signs).

12.04 Primary Signs

The following regulations govern the size, location, design, and maintenance of primary signs. All Primary signs must be constructed out of sturdy materials intended for extended display. Non-permanent materials such as paper, poster board, or similar materials are not suitable for use as primary signs.

A. Awning Signs

1. **Projection.** Awnings may project a maximum of 36 inches from the façade. Projection depth must match the existing adjacent awnings provided they comply with the acceptable minimum projection. Awnings must be placed at a minimum height of eight feet above the sidewalk. If awnings are lit, it must be from an outside source. No backlit awnings are allowed.

2. Forms. Awning forms are to conform to the general shape of the opening. Arched openings are to receive half round domed awnings, whereas rectangular openings are to receive rectangular, gently sloping, planar forms with closed ends. Valances may be fixed or loose. Bubble awnings are prohibited. All awnings located on the same building must be the same form.
3. Mounting. Awnings may be fixed or retractable. Retractable awnings must be kept either in the fully projected position or the fully closed position. Fixed awnings must have concealed rigid metal frames. Retractable awnings must have a canopy cover and automatic retractable rollers mounted to the building. Under panels are discouraged. Frames must be painted to match or complement the color of the awning cover material or its underside.
4. Materials. Awning material must be taut, not relaxed. Awning materials may include matte finish painted army duck, vinyl-coated cotton, acrylic-coated polyester, and vinyl-coated polyester or cotton and solution-dyed acrylic. All awnings are restricted to cutout lettering, heat color-transfer, pressure sensitive vinyl films, or sewn appliqué signs on the apron only. All awnings located on the same building must be comprised of the same material and be adorned with the same lettering.
5. Colors. Awning and banner colors must take into account the color selection of the surrounding construction materials, buildings, signs, awning, of the retailer/user and district. All awnings located on the same building must be the same color. Colors must enhance and complement the building.
6. Compliance. All new or replacement awnings and banners must comply with the City's Code of Ordinances.

B. Blade or Projecting Signs

1. Size. The maximum area of a single blade sign is six square feet and may not exceed four inches in depth.
2. Location. The lowest point of a projecting sign that hangs over a sidewalk, plaza, or pedestrian walkway must be at least eight feet above the grade of the adjacent sidewalk or pedestrian walkway. Blade signs may not extend more than three feet from the façade. Blade signs may only be mounted above the ground floor windows near building entrances. No portion of a blade sign may extend above the roof line of the structure. Only one blade sign is allowed per leased tenant space. Blade signs may only be externally illuminated, if lit. Blade signs may not be illuminated by floodlights or spotlights.

C. Changeable Copy Signs

1. Location. Changeable copy signs are permitted as or as part of any permitted wall sign or ground sign subject to the regulations established for such signs.
2. Maintenance. In addition to the general requirements for sign maintenance, all changeable copy signs must bear a legible message, other suitable display, or be left blank. Electronic display screens must be left blank and unlighted when not in use. Any changeable copy sign including an

electronic display screen or interior lighting in which the electrical or lighting components are operating in an erratic, broken, or damaged fashion must be turned off or removed.

D. Directory Sign

1. Location

- a. In districts for which there is no required front yard, directories may be located at the property line. In all other areas, directory signs must be set back at least five feet from the property line.
- b. There may be no more than one directory sign for each street that the lot or building fronts upon, except that where a building adjoins one or more additional streets, one additional directory sign may be permitted for each such street face that contains a point of public access to the building.
- c. Additional directory signs may be erected when located within the building lines established for the lot upon which they are located, provided that such additional directory signs are counted as primary signs.

2. Other Requirements. All directory signs must meet the requirements for changeable signs in accordance with Section 12.04.C (Changeable Copy Signs).

E. Drive-Through Sign

1. Each drive through lane is allowed one menu display that is a maximum of 60 square feet in area and a maximum of eight feet in height from grade. Light from the menu board must be contained to the drive through lane only.
2. Each drive through lane may include one order preview display comprised of up to 2.5 square feet in addition to the menu display.
3. Uses that are not restaurants are allowed one drive through lane indicator sign display per lane. Each sign is comprised of up to three square feet in area depicting information regarding lane availability.

F. Electronic Message Centers

1. Minimum Lot Width and Area Requirements. Electronic message centers are permitted on zoning lots that have at least 250 feet of frontage and 2.5 acres of lot area. Electronic message centers are permitted in all lots in the E District.
2. Location. Only one electronic message center is permitted per zoning lot. No electronic message center may be located within 250 feet of any residential district and must be at least fifteen feet from the property line.
3. Size. The electronic message center in its entirety is limited to 50 percent of a sign's area, or 40 square feet, whichever is less.

4. Illumination. The message area of an electronic message center may be illuminated by white incandescent lamps, LEDs (light-emitting diodes) or magnetic discs. Whatever the light source, undue brightness is prohibited.
 - a. For the purpose of enforcing this provision, “undue brightness” will be construed to mean illumination of a white portion of the sign in excess of 0.3 foot candles above ambient light levels.
 - b. At least 30 minutes past sunset, and with the electronic display either turned off, showing all black copy, or blocked, a foot candle meter will be used to record the area ambient light level. An ambient reading will be taken with the meter aimed directly at the electronic display at a distance of 100 feet. To establish the illumination level, the electronic display will be turned on to show all white copy and a second reading taken. If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted. To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels (compared to daytime brightness levels). Further, prior to the issuance of a permit for an electronic message center, the applicant must provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end- user manipulation by password-protected software or other method as deemed appropriate by the Zoning Administrator.
 - c. At the request of the City, electronic message center users must reduce the level of brightness if determined by the City that the light levels are greater than the maximum permitted level as specified in this Section.
 - d. Flashing lights, scrolling lights, and rotating of lights around the sign so as to draw attention and cause distraction are prohibited. Each message displayed on an electric message center must be static or depicted for a minimum of five seconds.
 - e. Display of videos is prohibited.

G. Ground Signs

1. Design. The primary supporting structure (uprights) of a ground sign must be constructed from circular, square, or rectangular sections of wood, brick, metal, stone, or other material approved by the Building Commissioner. All secondary supporting members, braces, guys, structural iron, flanges, and electrical components must be concealed. All exposed structural materials or covering materials must have a permanent finish and must be maintained in a safe condition as provided in Section 12.02.G (Sign Maintenance).
2. Landscaping. The base of any vertical ground sign must be landscaped with a planting of low evergreen shrubs or other decorative screening for the foundation but not to exceed four feet in height. The landscaped area must be equal to two square feet for every square foot of sign face. Poles for ground signs are not counted towards required area.
3. Individual sign area. See Table 12.02-01 Sign Regulations by District. The maximum sign area is 144 square feet. For two-sided signs with identical sign faces, only one side of the sign counts towards the total area. For two-sided signs with different sign faces, both sides count towards total area. Poles for ground signs are not counted towards total area.
4. Height. The maximum height of a ground sign must conform to Table 12.02-01 Sign Regulations by District, and no part of the sign is allowed higher than that shown in above the normal

elevation of the edge of the pavement at a point immediately opposite the sign, whichever is higher. Any berm or other fill placed at the base of the sign is not considered normal elevation of the ground.

5. Location. Ground signs must be located within the property lines. No part of the sign is allowed to overhang the public right-of-way or any adjoining property. In all conservation and residential districts, ground signs must be set back five feet from the public right-of-way. A ground sign may not be located within 100 feet of any other ground sign on the same lot.
6. Visibility at Intersections.
 - a. Location. In any yard adjoining the intersection of street, alleys or driveways, a ground sign may only be designed, located, and oriented in a manner that does not obstruct the clear view of motorists and pedestrians approaching the intersection. Such ground sign may only be 30 inches in height or less or the ground sign must be set back from the intersection in a manner that does not obstruct the view of the intersection for both motorists and pedestrians. Refer to Section 10.06.A.5 (Visibility).
 - b. Exception. An exception may be permitted by the Zoning Administrator where they find that a ground sign supported by a structure having a width of eighteen inches, when measured at the widest point, or less and the lowest point of the sign at least ten feet above grade will not obscure vision at the intersection.

H. Marquee Signs

1. The roofs of marquees may be opaque, translucent, or transparent. The roof of a marquee may not display any sign or other advertising device.
2. Location. A marquee may be constructed over that portion of the public right-of-way that is a sidewalk. No marquee may extend beyond the curb line of the street. The bottom of a marquee must be no less than ten feet above the sidewalk. No marquee may extend above the sill line of windows on the second story of a building to which it is attached or above the cornice line of a one-story building.
3. Erection. A marquee must be supported entirely by the building to which it is attached and may not be attached to the ground by poles, beams, or other means of ground-mounted supports.
4. Signs on Marquees. Signs on marquees are measured signs and are subject to the regulations for sign area established in Table 12.02-01 Sign Regulations by District. No sign is allowed to be located on the roof of a marquee nor be suspended from a marquee so as to have a clearance of less than ten feet.

I. Monument Sign

1. Base Height. The maximum height of the base of a monument sign is two feet above grade.
2. Total Height. The maximum height of a monument sign is five feet from grade.
3. Size. The maximum area of a monument sign, inclusive of the base, is 30 square feet.
4. Design. A monument sign must include a supporting base composed of brick, architecturally treated wood or other similar materials complimented by landscaping.
5. Landscaping. Monument signs must be installed and maintained with foundation landscaping comprised of low evergreen shrubs or other decorative screening equal to two square feet for every one square foot of sign face and not exceeding four feet in height.

J. Painted Signs

1. Size. Painted signs may not exceed 20 percent of the total façade onto which they are applied.
2. Design. Painted signs may not include any element that mimics or imitates an official traffic control device or marking or would be confused with the same. The use of neon colors or traffic yellow must be minimized.

K. Portable Signs

1. Size. Portable signs must be pedestrian-scale.
2. Design. Portable signs may not be permanently affixed or weighted to the ground and may not be able to be towed or hitched to vehicle. Portable signs may include a changeable element such as chalkboards or changeable copy signs in accordance with Section 12.05.C (Changeable Copy Signs).
3. Location. Portable signs placed on the pedestrian right-of-way must maintain four feet width on the pathway that is closest to the building and flat to meet Americans with Disabilities Act Accessibility guidelines.

L. Wall Signs

1. Size. The maximum size of a wall sign is 10 percent of the total façade on which the wall sign is to be placed or 144 square feet, whichever is less.
2. Location.
 - a. Individual components of a wall sign may not project more than one foot from the wall to which it is attached. Cabinet signs and box signs are prohibited.
 - b. A wall sign may not cover partially or wholly any wall opening.
 - c. A wall sign may not project beyond the ends of a wall to which it is attached or project above the lowest point of the eaves or the cornice line or cap of the wall to which it is attached.

- d. Wall signs may not be affixed to secondary elevations without a defined sign band and only if the sign is facing a designated public right-of-way.
3. Any wall sign that projects into or overhangs the public right-of-way or other public property by a distance of one foot or less must be located so that the lowest point of the sign or its supporting members are no less than ten feet above the sidewalk or above grade at the point where the sign is located; provided, however, that name plates, addresses, architectural signs and accessory signs projecting one inch or less may be located a lesser height.
4. Wall signs may not in any way obstruct fire access from any door, window, or fire escape.

M. Window Signs

1. Size. The maximum total measured window sign area is 20 percent of the window in which the sign is displayed, including accessory window signs, if any.
2. Location. Window signs may not obscure entry areas or prevent the general public or public safety personnel from viewing interior or exterior activity of the premises.
3. Design. Any neon borders of a wall sign must be protected by a clear plexiglass cover that will prevent contact with the neon tube and/or the splices made to the neon tube. The plexiglass shield must be placed away from the neon tube and/or splices to provide for ventilation and to prevent the buildup of heat. All neon transformers and wiring must be adequately supported and installed in a good and workmanlike manner and be secure from the public.

N. Yard Signs

1. Size. The maximum total measured sign area is eight square feet in the CR, R1, R2, R3, R4, R5, L1, L2, and L3 districts and 32 square feet in all other districts.
2. Design. A yard sign may consist of a sign face of wood, metal, or other material. The surrounding trim and supporting uprights and braces of the yard sign must be securely anchored in the ground. The top of the supporting uprights of the yard sign may be no more than six feet off the ground.
3. Location. For unimproved commercial property, a yard sign may only be located in the buildable area of the lot. For all other non-commercial property, a yard sign may be located in the same manner as any other permitted wall sign or ground sign, provided it is set back at least four feet from the right-of-way in any required yard and is displayed only from the time of offering until one week after closing or the execution of a lease.

12.05 Signs in Residential Districts

Signs that are allowed in residential zoning districts must conform to the requirements for measured signs. Primary signs are prohibited in residential districts except for the following:

- A. Legal nonconforming signs to the extent of the legal nonconformity.
- B. On-premises identification signs for educational institutions, parks and playgrounds, and religious institutions.
- C. Development signs and multi-unit dwelling on-premises identification signs.

12.06 Downtown and Lakefront District Signs

- A. **Applicability.** In addition to regulations for primary, accessory, and temporary signs located elsewhere, signs erected in the downtown and lakefront districts are subject to additional regulations. Primary signs may not be erected or maintained on any lot in excess of the limitations established in this section regarding size, type, location, number, and total area of signs for a lot's respective zoning district without obtaining a variance from the Planning and Zoning Commission in the manner set forth in Section 4.04 (Variances). Accessory signs are permitted in addition to the limitations placed on measured signs in accordance with the provisions of 12.08 (Accessory Signs). Temporary signs are permitted in addition to the limitations placed on primary signs and for a specific period of time in accordance with the provision of Section 12.09 (Temporary Signs).
- B. **Sign Design.** Signs in the downtown and lakefront districts must reflect the character of the building style. There are several prominent sign styles that are appropriate: surface-mounted, pin-mounted signs, interior, and decal signs.
 - 1. **General sign standards.** Sign materials are limited to painted wood, stained brick, architectural glass, and metal.
 - 2. Sign color is to be selected to harmonize with the building upon which it is mounted and the immediately adjacent structures. Lettering color can be unique to the trade dress of the business or operator being promoted.
 - 3. Natural metal sign and plaque material such as brushed bronze, antique bronze, aluminum, stainless steel, and painted cast iron or similarly appearing materials are preferred. Highly reflective metallic signs are not allowed.
 - 4. Signs may be backlit or lit by marquee or spot lighting. Internally lit cabinet and box signs (with a lettered glass panel) as well as neon lighting are strictly prohibited.
 - 5. Spot lighting must be minimal and unobtrusive and may not be visible from any street, sidewalk, or dwelling.

6. The majority of the signs will be mounted within the building's sign band, defined as the horizontal wall area immediately over the storefront and below the second-floor line.
- C. Sign Area and Height Restrictions. The measured sign area of any individual wall sign located in the downtown and lakefront districts may not exceed the requirements set forth below for each type of sign.
1. Surface-Mounted Commercial Signs. These signs are either fabricated from painted wood or cast metal plaques and are to be mounted within the sign band or within the storefront transom. The height of the sign is restricted to 80 percent of the area of the sign band or 18 inches, whichever is less. The length of the lettering must be contained within 80 percent of the length of the sign band. Surface-mounted signs are not permitted on secondary elevations without a defined sign band and only if the sign is facing a designated public right-of-way.
 2. Pin-Mounted Commercial Signs. These signs consist of channel, reverse channel, cast metal and flat cut metal letters mounted above the storefront in the masonry sign band or suspended in front of the storefront at the transom or recessed entry. The size of the lettering is restricted so that the height of the letters does not exceed 80 percent of the height of the sign band or 18 inches, whichever is less. The length of the lettering is to be contained within 80 percent of the length of the sign band. Pin-mounted signs are not permitted on secondary elevations without a defined sign band and only if it is facing a designated public right-of-way.
 3. Interior Signs. Interior signs, floating independently, are set one foot or less behind the glass either at the transom or at the sill of the storefront and are lit from a separate source. This sign must comply with the size limitations of decal signs as referenced below.
 4. Window Signs. signs. Window signs can be mounted within the transom as the main storefront window area so as not to interfere with interior or exterior activity at the location. The window sign area at the lower section of the window can occupy up to 20 percent of the glass area of a single pane. Text is measured as the whole area from the top of the letters to the bottom of the letters for the whole width of each text line. Signs mounted at the transom are restricted to 50 percent of the area of the transom.

12.07 Entertainment District Signs

- A. Applicability. Signs erected on lots in the Entertainment District are granted the following exceptions from this Ordinance.
- B. Permitted Sign Types. Signs other than those listed elsewhere in this Ordinance that are artistic, architectural, or unique in nature may be allowed through site plan review. Entertainment District signs may not cast bright light upon any parcel located in a residential district or cast a strobe effect or any other high intensity light, which is emitted on a periodic or intermittent basis. Brightness of illuminated signs must be adjusted at the request of the City of Waukegan.

12.08 Accessory Signs

- A. General Regulations. Accessory signs as defined in Section 12.03 (Sign Classification) may only be erected and maintained only in conformance with the following regulations:
1. Permits and Fees. Permits are required and fees are charged for the erection and maintenance of accessory signs. Any electrical accessory signs are subject to the Waukegan Electrical Code.
 2. Size of Accessory Signs. Any accessory sign may not exceed four square feet of measured sign area.
 3. Height. Accessory signs may not exceed a height of four feet.
 4. Accessory signs must conform to the requirements established for a clear view of intersections as provided in Section 8.05.D (Obstruction of Visibility Prohibited).
- B. Regulations for Particular Accessory Signs
1. Name Plates. Signs displaying the name of the occupant, the business or profession, and the street name and number may be displayed near the entrance to the building, provided such sign does not exceed a measured area of two square feet.
 2. Warning Signs. Warning signs may not exceed two square feet of measured sign area, unless otherwise required by local, state, or federal law.

12.09 Temporary Signs

- A. General Regulations
1. Permits and Fees. Permits are required and fees are charged for the erection and maintenance of a temporary sign. Any electrical temporary signs are subject to the Waukegan Electrical Code.
 2. Size of Signs. The measured sign area of temporary signs, the number of such signs, or the aggregate area of such signs may not exceed the area or size limitation in Section 12.09.C (Regulations for Particular Temporary Signs).
 3. Location of Signs. Unless otherwise specified in in this section, no temporary sign is allowed in the public right-of-way, unless the owner has entered into a license agreement with the public entity that has jurisdiction over the right-of-way, or in any required yard within one foot of the public right-of-way per foot of sign height, but no less than three feet from the right-of-way.
 4. Time of Display. The erection and maintenance of all temporary signs is limited to the time period specified in this section, or to the time period specified in the permit, whichever is less.
 5. Identification required. The name and address of the owner or person displaying any temporary sign must appear on either the face or back of the sign except for temporary identification signs

in which the name of the owner is part of the message. All temporary signs for which a specific date for their erection and removal has been established by permit, or otherwise, must display those dates on the sign.

B. Removal of Temporary Signs. All temporary signs must be removed by the owner as follows:

1. Upon the expiration of the permit.
2. Upon the expiration of the time period established in this section.
3. When any such sign becomes damaged, deteriorated, or illegible.
4. Any temporary sign that does not contain the identification required above, is displayed before or after the time period established by permit, or otherwise does not display the time period as provided above may be immediately removed by the Building Commissioner.

C. Regulations for Particular Temporary Signs

1. Construction Signs. One sign identifying a construction project, the owner, architect, general contractor, sub-contractors, financiers, and other information relating to a construction project may be erected on one or more lots where construction activity is currently being conducted and building permits have been issued in accordance with the following:
 - a. Size. Not to exceed 64 square feet.
 - b. Locations. Within the property lines subject to the requirements for safety and clear view of intersections.
 - c. Height. Not to exceed 14 feet.
 - d. Display Period. From two weeks before groundbreaking until issuance of the occupancy certificate for the building or structure being constructed.
 - e. Permit Exemption. Temporary construction signs are not required to obtain a permit or pay a permit fee.
2. Point-of-Sale Signs. The use of temporary, intermittent, freestanding signs to advertise products or sale items, prices or for similar purposes must only be used in accordance with the following:
 - a. Size. The maximum size of an individual sign is four square feet.
 - b. Number of signs. The maximum number of a point-of-sale sign is one sign per frontage.
 - c. Location. No point-of-sale sign are not allowed on the public right-of-way.
 - d. Height. The maximum height of a point-of-sale sign is five feet.
 - e. Display Period. A point-of-sale sign must not be erected more often than three times in any calendar year and the length of each such display must not exceed 30 days.
 - f. Permit Exemption. Temporary point-of-sale signs are not required to obtain a permit or pay a permit fee.
3. Temporary sign face. Sign faces which identify a location during the interim period while the permanent sign face is being manufactured, and which are typically made of plastic or canvas materials may be allowed for a period of 30 days or until the permanent sign face is ready, whichever is less.

4. Snipe signs and Temporary signs advertising an event not exceeding two square feet in area advertising an event may be displayed during the time of the event. Such signs may not be attached to any utility poles, light standard, tree, or placed in any right-of-way.
5. Banners. Banners may be location, event, holiday, or sponsor specific and are temporary signs as defined by this ordinance. Banners are to be secured to building walls or mounted on existing poles by fixed brackets and hardware.
6. Temporary window signs of non-permanent materials such as paper, poster board or similar materials may be displayed in any window provided such signs do not occupy more than 20 percent of the area of the window. Temporary window signs may not obscure entry areas or prevent the general public or public safety personnel from viewing interior or exterior activity.

12.10 Uniform Sign Plans

- A. Required. A uniform sign plan is required for all residential subdivisions, multi-unit dwellings and townhouse developments, planned unit developments, and all multi-building or multi-occupant commercial developments before any signs for such development may be erected on the subject property. All owners, tenants, subtenants, and purchasers of individual units within the development must comply with the uniform sign plan.
- B. Elements. The uniform sign plan must consist of five elements that govern all signs within the development: location, materials, size, color, and illumination. The uniform sign plan must include details, specifications, dimensions, and plans showing the proposed locations of signs and how such locations conform to this ordinance. It must also show the computations of the maximum total sign area permitted for the site as well as any special computations regarding additional ground signs.
- C. Time for Review. The uniform sign plan is subject to approval by the Zoning Administrator or City Council. For residential subdivisions, the uniform sign plan must be submitted, reviewed, and approved by City Council prior to approval of the final subdivision plat. For multi-unit dwellings and townhouse developments, the uniform sign plan must be submitted, reviewed, and approved by the Zoning Administrator prior to the issuance of any building permit for the development. For planned unit developments, the uniform sign plan must be submitted, reviewed, and approved by City Council with the approval of the first site plan or final subdivision plat for the development.
- D. Review Criteria. A uniform sign plan for a residential subdivision, planned unit development, or multi-unit dwellings or townhouse development may not be approved until and unless the Zoning Administrator finds that:
 1. The plan provides that signs of a similar type and function within the development will have a consistent size, lettering style, color scheme, and material construction; and
 2. The plan provides for signs that meet the size limitations, location requirements, and other applicable requirements of this ordinance.

- E. Amendment Procedures. A uniform sign plan previously approved by the Zoning Administrator may be amended by filing a new master plan with the Zoning Administrator, with the following provisions. A uniform sign plan previously approved by City Council may be amended by applying for a new master plan with the City Council, with the following provisions. An amended uniform sign plan must be subject to approval as below.
1. The application may be filed only by the owner of the land affected by the proposed change, or an agent, lessee, or contract purchaser specifically authorized by the owner to file such application. Before filing the application, all landowners affected by the proposed change must give written authorization, which such authorization must be included in the filing.
 2. Any new or amended uniform sign plan must include a schedule for bringing all signs not conforming to the proposed plan into conformance within six months. This applies to all properties governed by said plan.
- F. Effect. After approval of a uniform sign plan, or an amended uniform sign plan, all signs must be erected, placed, painted, or maintained in accordance with the uniform sign plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of a conflict between a provision of a uniform sign plan and one or more provisions of this ordinance, this ordinance controls.

12.11 Prohibited Signs

The following signs, parts of signs, characteristics of signs, and sign-like objects are prohibited and may not be erected, maintained, continued, or used in the City.

- A. Any sign or similar object, color, light, shape, or combination thereof which resembles an official traffic control device or sign or is a representation of such a traffic control device or sign not installed by a government entity or its contracted agent.
- B. Any obscene language or graphic material or other representation of an obscenity or obscene act.
- C. Any sign that emits music, speech, simulated speech, or any other sound on a regular or intermittent basis.
- D. Any sign affixed to a tree not installed by a government entity or its contracted agent.
- E. Any sign affixed to a utility pole, public light or streetlight, traffic control device or similar standard used for lighting, such as parking lot lights not installed by a government entity or its contracted agent.
- F. Any sign or similar device that contains a strobe light or any other high intensity light that is emitted on a periodic or intermittent basis or any such light used as an eye catcher.
- G. Any sign attached or painted onto an inoperable or unlicensed motor vehicle, or any sign attached to a licensed vehicle located within 50 feet of the public right-of-way or on the property to which the sign thereon refers.

- H. Any outdoor advertising sign that is not a permitted sign (including legal nonconforming outdoor advertising signs, or any outdoor advertising sign which is not an exempt sign as provided in Section 12.02.J (Exemptions)).
- I. Bench signs.
- J. Cabinet signs, when mounted directly to building.
- K. Cross-Street Banners. Banners strung across the public right-of-way are prohibited.
- L. Eye catchers.
- M. Off-premises signs.
- N. Roof signs.
- O. Larger than life size inflatable and/or plastic figures.
- P. Any otherwise exempt sign that exceeds the regulations or restrictions for size, location or time of display, placed on such exempt signs by Section 12.02.J (Exemptions).

SECTION 13: DEFINITIONS

13.01 Purpose

13.02 Definition of Terms

13.01 Purpose

The purpose of this Section is to define the terms used throughout this Ordinance.

13.02 Definition of Terms

Abandoned Sign: A sign advertising a business, institution, lessor, owner, product, or activity that is no longer current, operating, available, or located on the premises where the sign is displayed.

Accessibility Ramp: An inclined structure that allows increased access to a building or structure.

Accessory Building or Use: A building or use, which is 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. An accessory building or use is clearly incidental to, subordinate in purpose to, and serves the principal use. An accessory building or use must be either in the same ownership as the principal use or 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.

Accessory Dwelling Unit (Detached): A small, self-contained residential dwelling unit that is detached from and secondary to a larger residential dwelling unit located on the same lot.

Accessory Sign: Permanent signs, that are not classified as primary, exempt, or prohibited signs, including on-site directional signs for vehicles and pedestrians, parking restrictions, warnings, and other similar signs.

Adjacent: Means contiguous to or abutting.

Adult Entertainment Establishment: A building or use that matches any commercial establishment definition as defined by Section 14-301 of the City's Code of Ordinances.

Agricultural Use: The use of land for farming, including, but not limited to animal husbandry, dairying, pasturage, horticulture, floriculture, viticulture, apiculture, aquaculture, hydroponics, tree farms, and sod farms, where these uses are the principal use of the land. Agricultural Use does not include "Garden Center" or "Resource Extraction."

Airport: An 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: A 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.

Ambient Sound: The all-encompassing sound at a given location, usually a composite of sounds from many sources regardless of their spatial origin.

Anemometer Tower: 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.

Animal Boarding, Hospital, or Shelter: An establishment where pet animals are temporarily boarded, treated for illness or injury, and/or temporarily cared for while permanent homes are found for them.

Apartment Hotel: A hotel in which permanent guests occupy at least 90 percent of the hotel accommodations.

Applicant: An owner, occupant, or a representative of an owner or occupant of a lot, parcel, or tract of land for which an application has been filed for an annexation, subdivision, permit, variance, appeal, amendment, conditional use permit, planned unit development, site plan review or any other form of relief outlined in this Ordinance.

Arbor: A freestanding structure that serves to support climbing plants, often used to define an access point to a garden.

Architectural Materials: The building materials used in or customarily used in the construction of the exterior of a building, or the particular materials used in the construction of the exterior of any building which displays a cornerstone.

Areas Of Significant Impact or Critical Concern: The areas of environmental sensitivity and sites which because of their location possess potential for access and mobility issues, over-crowding, and adverse environmental and/or safety effects.

Arterial Road: A major, high-capacity public right-of-way with the highest degree of traffic continuity and serving as a major trafficway for high volumes of traffic around or through the City.

Assisted Living Facility: A residential facility that provides daily assistance and long-term residence for three or more disabled and/or elderly individuals but does not provide regular in-patient medical or nursing care. Such facilities provide a combination of housing, supportive services, personalized assistance, and health care designed to respond to the individuals who need help with common daily activities, such as dressing, grooming, and bathing. Assisted Living Facility does not include "Community Residence."

Awning: A structure, usually made of canvas or other durable and flexible material, extended before a window, door, etc. as a protection from sun or rain.

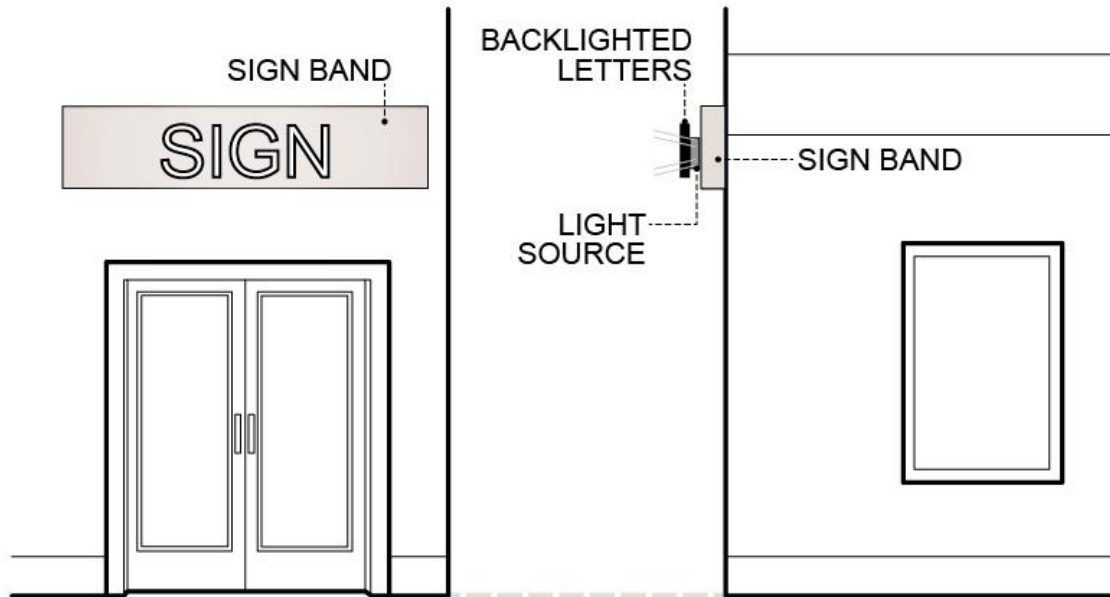
Awning Sign: A sign that is displayed on an awning. See Figure 13.02-1 Awning Sign.

Figure 13.02-1 Awning Sign



Backlighted Letter: An illuminated reverse channel letter (open or translucent back) configured so light from the letter is directed against the surface behind the letter producing a halo lighting effect around the letter. See Figure 13.02-2 Backlighted Letter.

Figure 13.02-2 Backlighted Letter



Balcony: A platform that projects from the exterior wall of a building, which is exposed to the open air, has direct access to the interior of a building, and is not supported by columns extending to the ground.

Ball Court: A paved area used to play sports and/or games.

Banner: A sign made of fabric or any non-rigid material with no enclosing framework. See Figure 13.02-3 Banner.

Figure 13.02-3 Banner



Banquet Hall: An establishment used regularly for serving food and/or 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, bar, or nightclub.

Bar/Tavern: An establishment licensed by the City for the purpose of selling alcohol for consumption on the premises where sold, 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.

Basement: A portion of a building below the first or ground floor level with less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

Bay Window: A window built to project outward from an exterior wall, often with a flat front and angled sides.

Bed and Breakfast: A home-based business in an owner-occupied single-unit residential building that provides temporary accommodation rented to a person or persons on a daily or weekly basis for a period of time.

Blade Sign: A double-faced sign that projects perpendicular to the building façade and is suspended by or attached to a single decorative (non-industrial) bracket. Blade signs are primarily oriented towards pedestrians.

Block: 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.

Blue Roof: A roof that is designed to store and discharge rainfall.

Bluff: All property on the lake side of the table land beginning at a point where the slope of the land first exceeds ten percent and continuing to the toe of the slope.

Body Art Establishment: An establishment that provides physical body adornment, alteration or modification that may include, but is not limited to, tattooing, piercing, branding, braiding, implantation, or scarification.

Bond: Any form of security, including a cash deposit, surety or performance bond, collateral, property or instrument of credit in an amount and form satisfactory to the City Council whenever a bond is required by this Ordinance.

Buffer: 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: An area of the lot remaining after the minimum open space and/or yard requirements of this Ordinance have been complied with.

Building Commissioner: An officer and assistants designated by the City Council as the office responsible for the issuance of building permits, sign permits, plan review, and construction inspections for residential, commercial, and industrial properties within the City.

Building Height: The vertical distance from grade to the highest point of the roof. The following projections are not included when determining building height: chimneys, towers, spires, parapet walls, staircase enclosures, elevator enclosures, tanks, cooling towers, green roofs, blue roofs, mechanical equipment, and similar projections.

Building Mounted Solar Energy System: A solar energy system that is attached to a building on a parcel as the principal method of structural support.

Building-Mounted Small Wind Energy System: A relatively small wind generating facility, mounted on a building, which generates power for on-site use.

Building Permit: An official permit issued by the Building Commissioner to allow for construction, erection, demolition, or alteration of a building or other land modification activity.

Building Setback Line: A line within a lot or other parcel of land, between which said line and the adjacent boundary of the lot line or street upon which the lot is adjacent to, the erection of a principal building or structure is prohibited.

Building: A 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 is considered a separate building.

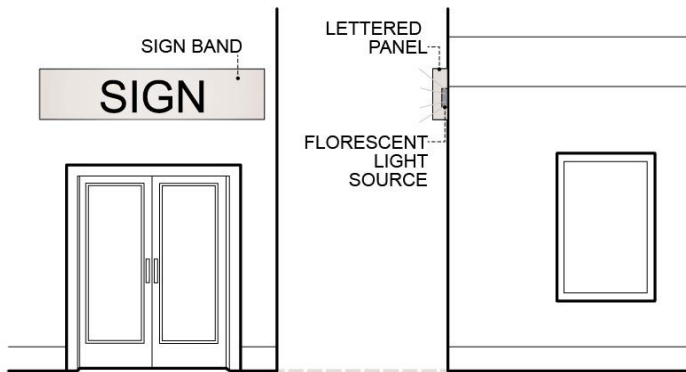
Bulk: The size and setbacks of buildings or structures and the location of same with respect to one another. Bulk includes height and area of buildings; location of exterior walls in relation to lot lines, streets or other buildings; gross floor area of buildings in relation to lot area (floor area ratio); all open spaces allocated to buildings; and amount of lot area required for each dwelling unit.

Business: An occupation, employment, or enterprise that occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

Cabana: A portable or semi-permanent structure often used as a changing room for a swimming pool or other recreational use.

Cabinet or Box Sign: A lettered panel lit by florescent lighting behind. See Figure 13.02-4 Cabinet or Box Sign.

Figure 13.02-4 Cabinet or Box Sign



Cannabis Business: Cannabis Business includes “Cannabis Craft Grower,” “Cannabis Cultivation Center,” “Cannabis Dispensary,” “Cannabis Infuser,” “Cannabis Processor,” or “Cannabis Transporter.”

Cannabis Craft Grower: An establishment licensed, certified, or accredited by the appropriate local and state agencies that cultivates, dries, cures, packages, and/or performs activities to produce cannabis products to provide to “Cannabis Dispensaries” or “Cannabis Processors.”

Cannabis Cultivation Center: An establishment licensed, certified, or accredited by the appropriate local and state agencies that cultivates, processes, transports, and/or performs activities to produce cannabis products to provide to other “Cannabis Businesses.”

Cannabis Dispensary: A retail establishment licensed, certified, or accredited by the appropriate local and state agencies that provides cannabis products, paraphernalia, and/or related supplies directly to the consumer for purchase and removal from the premises by the purchaser.

Cannabis Infuser: An establishment licensed, certified, or accredited by the appropriate local and state agencies that incorporates cannabis into products to provide to other “Cannabis Businesses.”

Cannabis Processor: An establishment licensed, certified, or accredited by the appropriate local and state agencies that produces cannabis concentrate or incorporates cannabis into products to provide to other “Cannabis Businesses.”

Cannabis Transporter: An establishment licensed, certified, or accredited by the appropriate local and state agencies that transports cannabis to provide to other “Cannabis Businesses” or licensed “College or University” under the Cannabis Vocational Training Program.

Canopy: A roof-like structure projecting from a wall which may be supported in whole or in part by vertical supports from the ground and erected primarily to provide shelter from the weather.

Car Corral: 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.

Car Wash: An establishment 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.

Carport: 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.

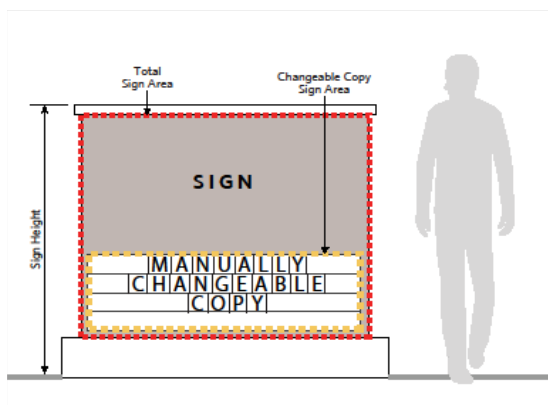
Casino: A facility at which lawful gambling is authorized pursuant to a permit or license issued by the Illinois Gaming Board, which may include a gaming floor, sports betting areas, bars, lounge areas, theaters, and parking lots and structures.

Cellar: A portion of a building having more than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

Cemetery: Land used for the burial of the deceased, which may include offices, structures for performing religious ceremonies related to the entombment of the deceased, and related accessory structures for the storage of maintenance equipment.

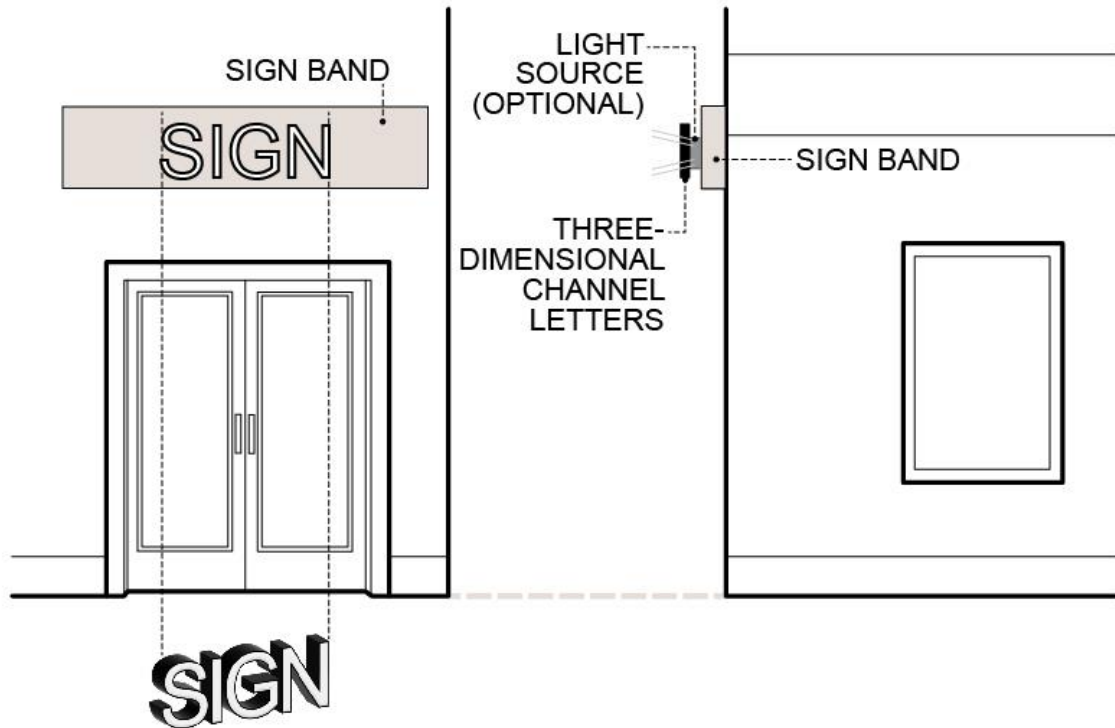
Changeable Copy Sign: A sign on which the message, letters, characters, illustrations, or other symbols can be changed, replaced, or rearranged on the surface of the sign. See Figure 13.02-5 Changeable Copy Sign.

Figure 13.02-5 Changeable Copy Sign



Channel Letter Sign: A fabricated or formed three-dimensional letter that may accommodate a light source. See Figure 13.02-6 Channel Letter Sign.

Figure 13.02-6 Channel Letter Sign



Chimney: A vertical structure used to remove smoke and combustion gases from a building that is often of masonry construction.

City: The City of Waukegan, Illinois.

City's Code of Ordinances: The Code of Ordinances, City of Waukegan, Illinois.

Clinic, Medical or Dental: An organization of specializing physicians or dentists or both, who have their offices in a common building. A clinic does not include inpatient care. Clinics are classified as Professional Offices.

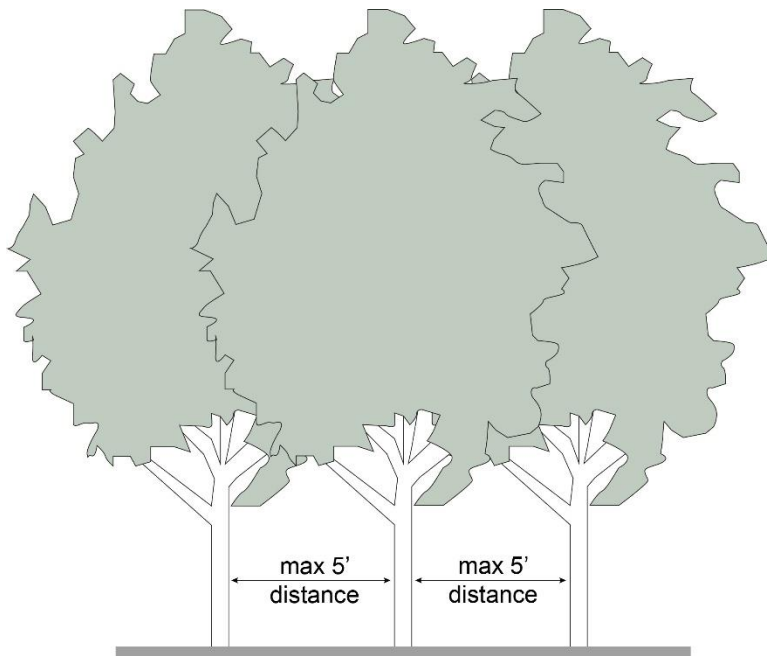
Club, Lodge, or Hall: A meeting, recreational, or social facility established for the use of the members and guests of a non-profit or private organization.

Cluster Development: A residential development approved only as a planned unit development in which the established district yards and frontage requirements are waived in order to permit the varied design of 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.

Cluster of Trees: A minimum of three trees which stand together within five feet of each other. Cluster of trees do not refer to the vertical branches which break from the trunk of the tree at ground level. See Figure 13.02-7 Cluster of Trees.

Figure 13.02-7 Cluster of Trees



Collector Street: A street of limited continuity which carries traffic from local streets to the system of arterial roads and highways, including the principal entrance streets of a residential development and the principal circulating streets within such a development.

College or University: A facility for post-secondary higher learning that grants associate's or bachelor's degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. College or University includes ancillary non-residential uses such as cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses.

Common Open Space: A portion of a development, including subdivisions and planned unit developments, set aside in perpetuity as open space for use and enjoyment by owners or occupants of the development. Common Open Spaces 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 Library Kiosk: A small, freestanding structure used for exchanging books and reference materials within a community.

Community Residence: A group residence consisting of a group home or specialized residential care home serving people with disabilities, as defined in the Fair Housing Act, 42 USC 3602, that is licensed, certified, or accredited by the appropriate state or federal agencies. Such residence serves as a single housekeeping unit for the housing of unrelated people with functional disabilities who share responsibilities, meals, social activities, and other aspects of residential living. A Community Residence (Large) provides living accommodations for nine or more residents while a Community Residence (Small) provides living accommodations for eight or fewer residents. Paid professional support staff provided by a sponsoring agency do not count against the eight-person threshold and must be either living with the residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling. Community Residence does not include “Assisted Living Facility,” “Independent Living Facility,” “Nursing Home,” or “Residential Care Facility” and does not include transitional treatment facility, or a residence that serves as an alternative to incarceration for a criminal offense.

Compendium of Specifications for Development: The City of Waukegan Engineering Department’s Compendium of Specifications for Development.

Compost Bin: A container used to store and break down organic matter to produce material that facilitates fertilizing and conditioning soil.

Comprehensive Plan: The City of Waukegan, Illinois Comprehensive Plan adopted March 16, 2020, and amended on March 6, 2023. The Comprehensive Plan is intended to guide the City’s long-range planning efforts. It is the City’s official guide to land use and development, which details the vision and policy agenda for critical issues, including land use, redevelopment, housing, economic development, transportation, infrastructure, parks and recreation, and natural resources.

Conditional Use Permit: A form of zoning relief that allows owners to establish a conditional use within the particular zoning district.

Conditional Use: 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, with or without imposed conditions, subject to the terms of this Ordinance.

Conservation Area: An area within which all existing vegetation is preserved for the purpose of retaining the natural character of the area and providing screening from adjacent uses or a public or private street.

Conservation Easement: A legally binding agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect the value of its natural, geological, botanical, or environmental condition.

Construction Trailer: A movable or portable unit to be towed on its own chassis and which is used on construction sites or for institutional uses and is not designed for permanent or residential use.

Contractor Yard: A yard and/or building used by a general contractor (engaged in any building trade or craft), landscaping contractor, or building contractor where vehicles, equipment and materials are stored. A contractor may perform maintenance, shop, or assembly work in a contractor yard. The

contractor yard must also contain the operational offices of the business and may not be used primarily as storage for businesses with operations located elsewhere.

Convention and Exhibition Halls: A facility designed to hold conventions and exhibitions, where individuals and groups gather to promote and share common interests.

Corner Lot: A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees. See Figure 13.02-16 Lot Diagram.

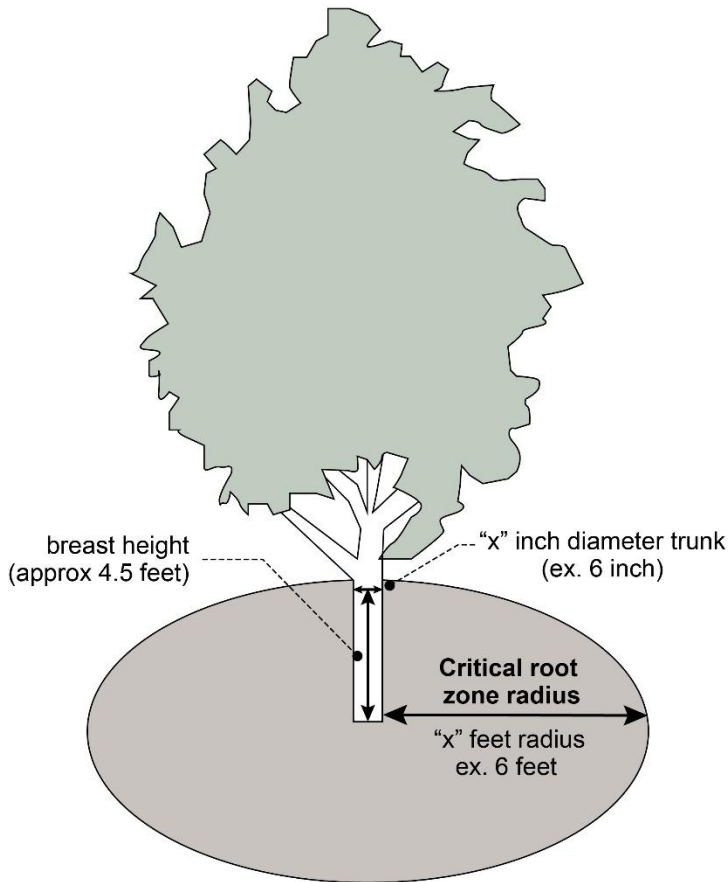
Corner Side Yard: A side yard which adjoins a public street. See Figure 13.02-31 Yard Diagram.

Cornerstone: A permanent sign showing the name of the building, address, date of construction, name of the architect, and/or name of the owner.

Cornice: A projecting horizontal architectural feature, often located on the wall of a building or structure below the roofline.

Critical Root Zone: An area on the ground extending out from the trunk of a tree in all directions with a distance of one foot for every one inch of tree diameter at breast height. See Figure 13.02-8 Critical Root Zone.

Figure 13.02-8 Critical Root Zone



Cubic Feet: The amount of material in excavation and/or fill measured by the method of “average and areas.”

Cul-De-Sac: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Cultural Facility: A use that provides cultural services including, but not limited to, museums, cultural centers, historical societies, and libraries.

Cutting: The felling or removal of a tree, or any procedure that results in the death or substantial destruction of a tree. Cutting does not include normal pruning or trimming of trees consistent with this Ordinance.

Day Care Center: A facility licensed by the State of Illinois that provides day care for more than eight children or any number of adults.

Day Care Home: A dwelling unit licensed by the State of Illinois in which day care is provided for a maximum of eight children, excluding all natural, adopted and foster children of the residents of the dwelling unit.

Deck: A roofless outdoor platform often constructed of wood or composite wood that is elevated from the ground and connects to the exterior wall of a building.

Detached: A condition of being surrounded by open space on the same lot. Detached applies to buildings and structures that are located on but not connected to other buildings or structures on the same zoning lot.

Deteriorated: When applied to a sign, sign face, or outdoor advertising sign, deteriorated means a change in the condition of the sign such that structural members are weakened; fastenings are weakened or loosened; anchors are weakened or loosened; components of the sign such as letters, glass tubing, trim, access plane or other parts have become weakened, loosened, displaced or damaged; paint or other protective covering is worn away, flaked, peeling or loosened in whole or in part; and/or the sign face is flaked, peeling, worn away or damaged. A deteriorated sign or sign component need not be an unsafe sign or component and need not pose an immediate safety hazard.

Developer: The owner of land proposed to be subdivided or redeveloped or a representative of the owner with consent from the legal owner of the premises.

Development Activity: Any work to newly construct or substantially improve buildings, structures, or site elements that requires the issuance of a building permit. Routine repair and maintenance are not included in development activity.

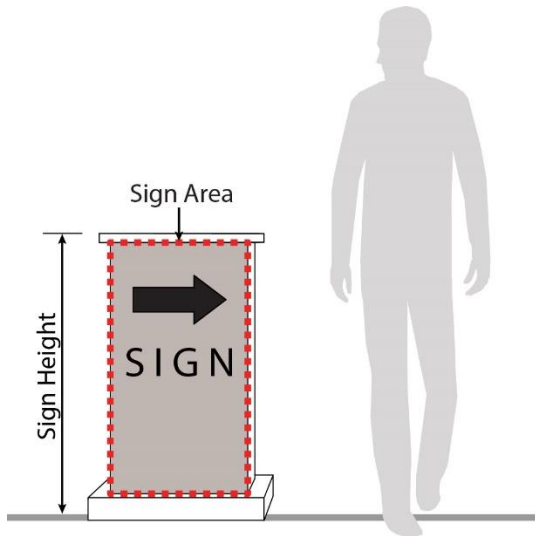
Development Sign: A monument sign placed at the entrance to a residential, commercial, or industrial subdivision, displaying the name of the subdivision.

Development: Any human-made change to improved or unimproved real estate, including, but not limited to construction of, or substantial improvements to, buildings or other structures, paving, excavating, changing existing grade, or storage of materials.

Diameter at Breast Height (DBH): The diameter of a tree measured at 54 inches above the ground.

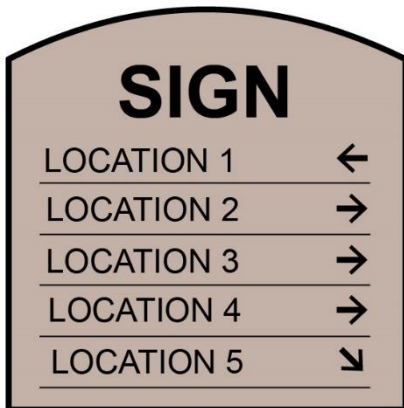
Directional Sign: A sign designating the location or direction of any place or area. See Figure 13.02-9 Directional Sign.

Figure 13.02-9 Directional Sign



Directory Sign: Any permanent, enclosed changeable copy sign used to identify the occupants of a building or group of buildings and their location within the same. See Figure 13.02-10 Directory Sign.

Figure 13.02-10 Directory Sign



Disability: Having a physical or mental impairment which substantially limits one or more of a person's major life activities, or having a record of having such an impairment, or being regarded as having such an impairment.

Discontinued: The condition of having become vacant and remaining unoccupied. A building, structure or portion thereof, is considered discontinued if 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. A discontinued building may not be occupied or used except by a use which conforms to the use regulations of the district in which it is located. The discontinuance of the active and continuous operation of a nonconforming use, or part thereof, for such period of six 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.

Dog Run: An enclosed area located within a yard that provides space for a dog to exercise.

Dormitory: 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.

Drive-Through Facility: A facility used to provide products or services through a window, attendant, or automated machine to customers, clients, and visitors in motor vehicles. Drive-Through Facility may be established in combination with other uses, such as a "Financial Institution" or "Restaurant." Drive-Through Facility is not considered to be established in combination with a "Car Wash," "Gas Station," or "Motor Vehicle Repair and/or Service."

Dwelling: A building or portion thereof designed or used exclusively for residential occupancy, including single-unit dwellings, two-unit dwellings, three-unit, four-unit, townhouse, multi-unit dwellings, unit above the ground floor, live/work, and community residences for persons with disabilities, but not including hotels or motels.

Easement: The grant of a legal right by a property owner to another person to use any designated part of the owner's property, for a specified purpose.

Eave: The projecting lower edge of a roof that overhangs the wall of a building.

Efficiency Unit: 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.

Electric Vehicle Charging Station: A location used to supply energy to electric vehicles.

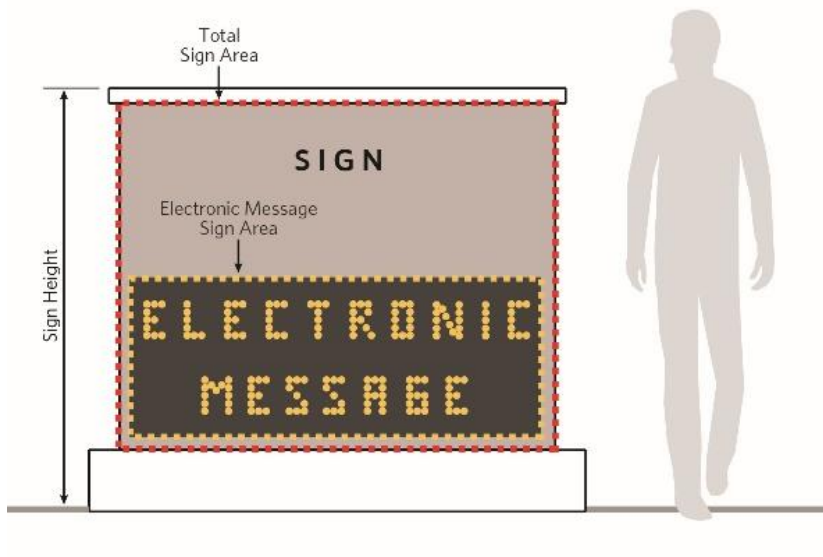
Electrical Generator: A device that generates electrical power, which may use natural gas.

Electrical Sign: Any sign containing electrical wiring or any sign which is attached to or intended to be attached to an electrical power source including batteries or solar cells or any sign which is lighted by an electrical light source attached to the sign for purpose of providing light upon the sign surface.

Electronic Display Screen: A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video board, and other similar displays.

Electronic Message Center: A sign, or portion of a sign, that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Electronic message centers do not include signs that are animated, or that can display videos. See Figure 13.02-11 Electronic Message Center.

Figure 13.02-11 Electronic Message Center



Elementary, Middle, or High School: A public or private educational facility offering instruction to preschool, elementary school, middle school, junior high school, and/or high school students with a full range of curricular programs.

Erect: As applied to signs and as used in this Ordinance, erect means the act of construction, placing, displaying, erecting, relocating or painting in place a sign, and does not include the printing fabrication or painting of signs in a sign shop or in a location other than where the sign is to be displayed or any permitted aspect of sign maintenance when applied to an existing sign. Repainting an existing sign constitutes a new sign which requires a permit.

EV-Capable Parking Spaces: Parking spaces with electric vehicle charging infrastructure that has the electric panel capacity, space, and the conduit to accommodate future wiring and installation of a Level 2 EV charger (40 Amp, 208 / 240V dedicated branch circuit or greater service).

EV-Installed Parking Spaces: Parking spaces with electric vehicle charging infrastructure that has the electric panel capacity, conduit, necessary wiring for Level 2 charging (40 Amp, 208 / 240V dedicated branch circuit or greater service), and a Level 2 or greater EV charger (the connecting and protective equipment to safely supply electricity to the vehicle).

EV-Ready Parking Spaces: Parking spaces with electric vehicle charging infrastructure that has the electric panel capacity, conduit, and necessary wiring for Level 2 charging (40 Amp, 208 / 240V dedicated branch circuit or greater service) that is connected to a junction box or other receptacle.

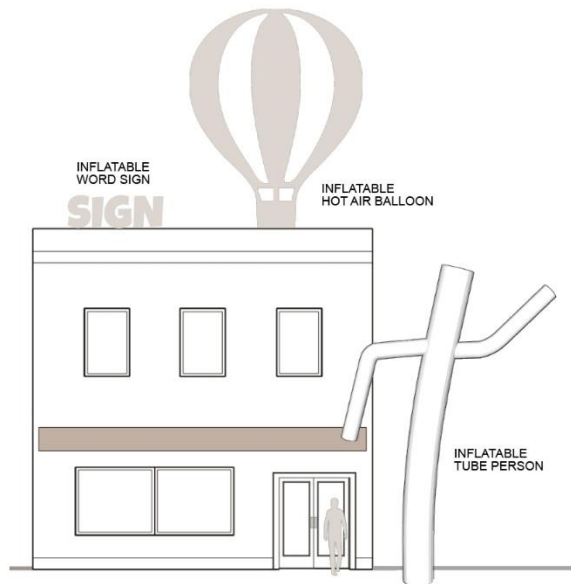
Excavation: Any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and includes the conditions resulting therefrom.

Existing Grade: The vertical location of existing ground surface prior to excavation or filling.

Extended Stay Hotel: 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 fifteen percent of the individual rooms.

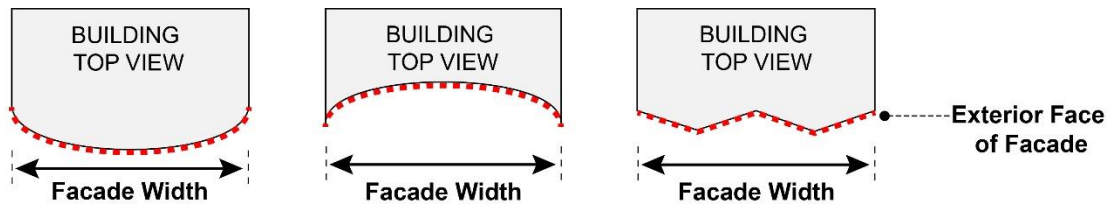
Eye Catcher: A temporary sign or device which flutters or moves in the wind, which revolves, moves or changes shape, or which reflects light in a startling or unusual way, or which emits light, changes color, or turns on and off in such a way as to attract or capture the attention of a passerby. See Figure 13.02-12 Eye Catcher.

Figure 13.02-12 Eye Catcher



Façade: The exterior face of a building, including, but not limited to, the walls, windows, windowsills, doorways, and design elements. In the case of a two-story building, only the first level is used in calculating the façade area. For purposes of calculating wall signage, if the façade is not a straight line, the façade is the lineal distance measured from corner to corner at grade level. See Figure 13.02-13 Façade Measurement.

Figure 13.02-13 Façade Measurement



Farmers Market: An outdoor market located in a designated area for the sale of agricultural products, such as fruits, vegetables, juices, flowers, plants, herbs, spices, dairy goods, and meats, by the vendors who typically produce such items. Farmers Market typically offer for sale items such as baked goods, arts and crafts, and other value-added goods.

Fence: 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.

Fill: Any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location, and includes the conditions resulting therefrom.

Final Grade: The vertical location of the ground or pavement surface after the grading is completed in accordance with the site development plan.

Final Plat: The map or plan of record of a subdivision, and any accompanying material.

Financial Institution: A bank, credit union, or savings and loan office. Financial Institution does not include "Currency Exchange" or "Title or payday Loan Establishment."

Firm: Any partnership, corporation, group or association whether constituted on a for-profit or not-for-profit basis.

Flag: A lightweight fabric, or other material with patterns and colors, which is meant to move in the wind.

Flag Lot: A lot where the vast majority of the lot can only be accessed from the right-of-way by means of a narrow strip of land between adjacent lots. See Figure 13.02-2 Lot Types.

Flagpole: A ground-mounted or building-mounted structure used to display a flag.

Foundation Plantings: Any combination of ornamental trees, evergreens, shrubs, ground cover and flowers which are provided along the base of the front façade and corner side yard façade of the residence except where sidewalks, driveways or other hardscape that is adjacent to the residence. Foundation plantings may be used to complement the residence’s appearance, blending it into the surroundings; not to camouflage the residence.

Freestanding Tower-Mounted Wind Energy System: A wind energy generating facility that is free standing and the principal use of the structure.

Frequency: The number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

Front Lot Line: The boundary of a lot which is along an existing or dedicated public street, or, where no public street exists, is along a public right-of-way. In the case of land-locked or partially land-locked land, the front lot line is the lot line that faces the access to the lot. In the case of a corner lot, the narrower of the two frontages is considered the front lot line.

Front Yard: A yard extending along the full length of the front lot line between the side lot lines with a depth extending to the front edge of the principal structure. See Figure 13.02-31 Yard Diagram.

Frontage: The portion of a lot line adjacent to any street right-of-way other than an alley measured between two points, such as side lot lines for single zoning lot, or between intersecting street and another intersecting street for multiple zoning lots. Boundaries may also include dead-end streets, ravines or bluffs, or a municipal boundary. The street right of way may be a limited access or controlled access roadway but may not be a utility right-of-way, drainage way, park, railroad, or alley.

Funeral Home/Crematory: An establishment where services are conducted for the deceased, including facilities to prepare the deceased for display, burial, and/or cremation.

Garage: A building, either attached or detached, which is used or designed for the parking and storage of motor vehicles, and the storage of various equipment.

Garage or Yard Sale: The sale of a variety of used household items, which is typically held in the garage, driveway, and/or front yard of a residential dwelling unit.

Garden Center: An establishment that sells plants and trees grown or stored on site and products associated with the cultivation and care of plants and trees.

Gas Station: An establishment where motor vehicle fuel, including electric charging and non-petroleum fuel, is stored and dispensed from fixed equipment into motor vehicles. Gas Station may also include accessory activities such as restaurants, car washes, and convenience retail stores. Gas Station does not include “Motor Vehicle Repair and/or Service.”

Gazebo: A freestanding open-sided structure, often hexagonal or octagonal in shape, that provides shade and shelter in outdoor areas.

Golf Course: A tract of land designed with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, driving range, restrooms, and related accessory structures for the storage of maintenance equipment.

Government Facility: A building or structure owned, operated, and/or occupied by a governmental agency to provide services to the public. Government Facility includes public safety facilities, public works facilities, post offices, and administrative offices, but does not include "Park," "Elementary, Middle, or High School."

Grade: The average level of the finished surface of the ground adjacent to the exterior wall of a building or structure.

Grading Plan: A topographic drawing establishing the proposed land elevation versus existing topography necessary for the achievement of the subdivision.

Grading: Altering the shape of the ground surface to a predetermined condition, which may include stripping, cutting, filling, stockpiling, and shaping or any combination of these practices.

Green Roof: A roof that is partially or completely covered with vegetation, a growing medium, and a waterproof membrane, that absorbs rainwater and reduces the heat absorbed by a building or structure.

Greenhouse: A building for the cultivation and protection of plants, which is typically constructed of transparent glass, metal, and/or plastic.

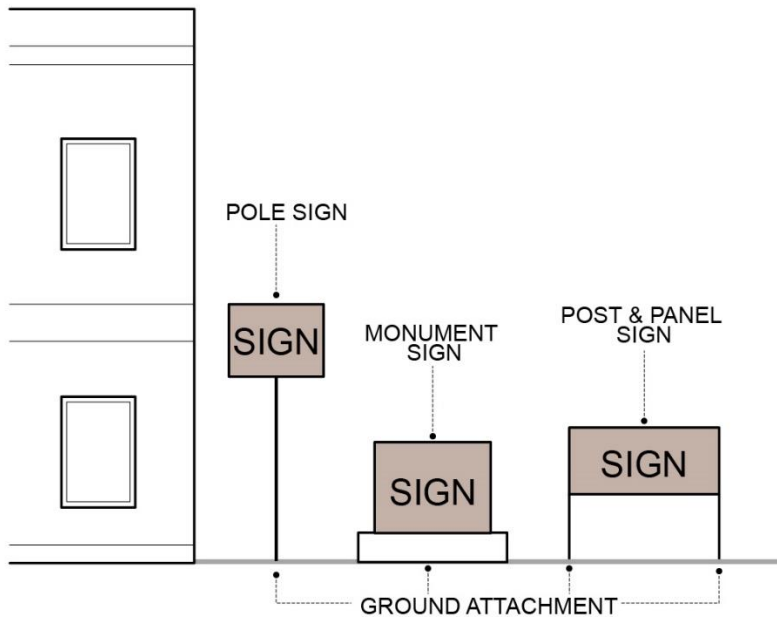
Gross Floor Area: The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any floor area devoted to retailing activities, to 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 does 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.

Gross Lot Area: 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.

Ground Floor: The level of a building which has its floor no more than three feet above grade.

Ground Sign: A sign permanently attached to or supported by the ground or a foundation in the ground or other paved or improved surface located at grade. Types of ground signs include, but are not limited to, pole signs and monument signs. See Figure 13.02-14 Ground Sign.

Figure 13.02-14 Ground Sign



Ground-Mounted Solar Energy System: 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.

Gutter: A structure used to convey stormwater that is located at the eave of a roof.

Guyed Tower: A tower that is primarily supported and/or secured by rope, cord or cable.

Habitable Room: 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.

Half Street: A street bordering one or more property lines of a tract of land wherein the subdivider has allocated by part of the ultimate right-of-way width.

Heavy Manufacturing: A use engaged in manufacturing, assembly, fabrication, packaging, storage, handling, or other industrial processing of products from unprocessed or raw materials, which may include the use of highly flammable material, or toxic material. Heavy Manufacturing uses may be engaged in processes that are likely to have a substantial impact on the environment or on adjacent properties. Typical Heavy Manufacturing uses include, but are not limited to, chemical processing, grain milling, metal casting, metal smelting, motor vehicle assembly, motor vehicle wrecking, petroleum refining, rendering, tire assembly, and asphalt, brick, concrete, or tile manufacturing. Heavy Manufacturing does not include Cannabis Cultivation Center or Cannabis Processor.

Helipad: A designated area or structure used for the pickup or discharge of passengers and cargo that is conveyed to or from the designated area or structure by a helicopter.

Heritage Tree: Any tree having an 18 inch or larger diameter at breast height (DBH).

Hoophouse: A structure used to extend the growing season of agricultural crops that is generally made of plastic and semicircular in shape.

Home-Based Business: An occupation carried on in a dwelling unit by a resident, which is accessory to the residential use of the dwelling unit.

Homeless Shelter: A facility that provides temporary overnight shelter for unhoused populations. Homeless shelters do not include transitional housing.

Hospital: An institution that provides healthcare and medical services for the sick and injured, which may include, but are not limited to, in-patient facilities, out-patient facilities, training facilities, offices, and laboratories.

Hot Tub: An in-ground or aboveground basin of water that includes an air-injection system and/or water heating system that is intended for soaking.

Hotel/Motel: An establishment that provides sleeping accommodations and lodging services on a short-term basis for a fee and amenities which may include, but are not limited to, restaurants, meeting rooms, health clubs, and swimming pools.

Incompatible Use: A use or service, which is unsuitable for direct association with certain other uses because it is contradictory, incongruous, or discordant.

Indoor Entertainment: An enclosed building where spectator uses are conducted by a private entity that typically charges patrons a fee to enter. Indoor Entertainment (Large) accommodates a capacity of 250 or more people while indoor entertainment (small) accommodates a capacity of less than 250 people. Typical Indoor Entertainment uses include, but are not limited to, indoor theaters, indoor music venues, and indoor sports arenas. Indoor Entertainment uses may include refreshment stands that provide products for consumption on the premises. Indoor Entertainment does not include Adult Entertainment Establishment or Indoor Recreation.

Indoor Recreation: An enclosed building where recreational activities are conducted by a private entity that typically charges patrons a fee to enter. Typical "Indoor Recreation" uses may include, but are not limited to, health clubs, bowling alleys, pool halls, children's play facilities, sporting or training facilities, arcades, indoor miniature golf courses, indoor swimming pools, indoor tennis courts, and indoor skating facilities. Indoor Recreation uses may include refreshment stands that provide products for consumption on the premises. Indoor Recreation does not include Indoor Entertainment, Park, or Elementary, Middle, or High School. There is no capacity designation for Indoor Recreation.

Industrial District: An area in which enterprises and activities which involve the manufacturing, processing or fabrication of any commodity are located.

Interior Lot: A lot other than a corner, or reversed lot. See Figure 13.02-16 Lot Diagram.

Interior Side Yard: A side yard which is located immediately adjacent to another zoning lot or to an alley or path separating such side yard from another zoning lot. See Figure 13.02-31 Yard Diagram.

Kennel: 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: A place devoted to experimental study such as testing and analyzing that does not include the manufacturing of products.

Landscape Yard: 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.

Lattice Work Tower: 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.

Laundromat: An establishment that provides washing, drying, and/or ironing machines for use by customers on the premises.

Legal Nonconforming: Any existing lot, building, or use that does not conform to all standards of this Ordinance or its subsequent amendments but was legally established or constructed prior to the effective date of this Ordinance.

Light Manufacturing: A use engaged in manufacturing, assembly, fabrication, packaging, storage, handling, or other industrial processing of products primarily from prepared materials or finished products, which does not include the use of highly flammable material, or toxic material. Light Manufacturing uses may be engaged in processes that have a minimal impact on the environment and adjacent properties. Typical Light Manufacturing uses include, but are not limited to contractors, equipment suppliers, commercial kitchens (such as caterers and delivery-only kitchens) and commercial printing. Light Manufacturing does not include Cannabis Cultivation or Processing Center.

Limited Access Expressway, Freeway or Highway: A trafficway for through-traffic, in respect to which owners or occupants of adjacent property or lands, and other persons, have no legal rights of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

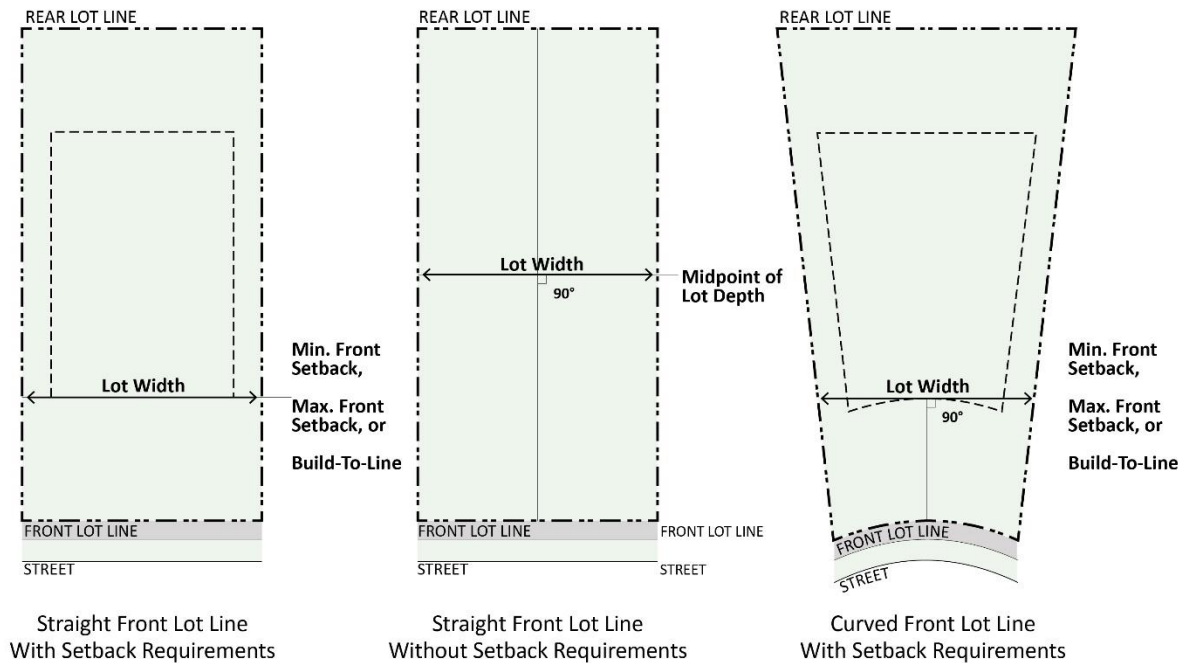
Linear Feet: The measurement of distance per foot in a straight line.

Local Street: A street of limited continuity used primarily for access to adjacent properties and local needs of a neighborhood or development.

Local-Estate Street: A local street whose primary purpose is to conduct traffic to and from dwelling units and to other streets within the hierarchy of roadway. It is associated with large-lot or low- density zoning and low traffic volumes. It is a two-lane, two-way roadway with shoulders and ditch drainage.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries. See Figure 13.02-15 Lot Width and Depth Calculation.

Figure 13.02-15 Lot Width and Depth Calculation

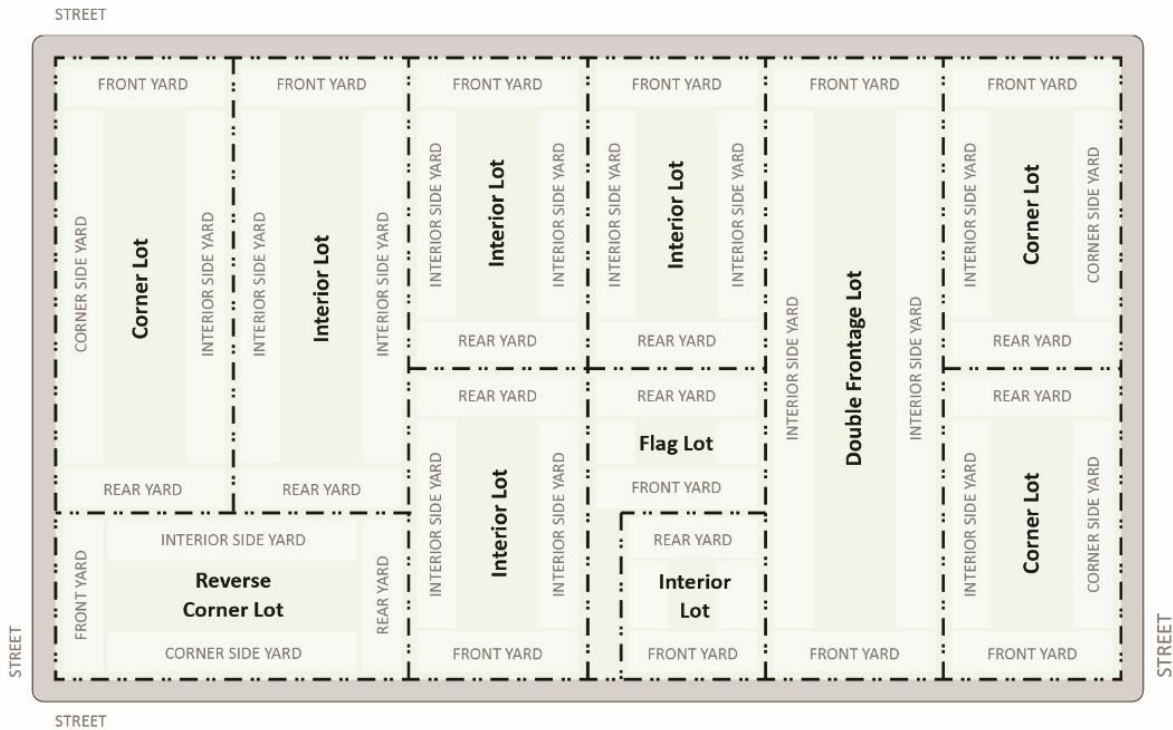


Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the Recording Division of the Lake County Clerk’s Office, or a parcel of land, the deed to which was recorded in the Recording Division of the Lake County Clerk’s Office prior to the adoption of this Ordinance.

Lot Width: 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. See Figure 13.02.19.

Lot: A parcel or tract of land intended to be separately owned, developed, or otherwise used. See Figure 13.02-16 Lot Diagram.

Figure 13.02-16 Lot Diagram



Machinery and Equipment Sales and Rental: Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, and similar industrial equipment. Machinery and Equipment Sales and Rental includes the incidental storage, maintenance, and servicing of such equipment.

Maintain: The act of restoring, preserving, refurbishing, cleaning, renewing, painting, repainting, or keeping the sign, billboard, or outdoor advertising sign within the public view.

Major Subdivision: A major subdivision involves any of the following (i) the division of a single lot into four or more lots; (ii) any division or consolidation that involves the construction of new rights-of-way, access to a state or county highway, the extension of utilities, the dedication of land for public rights-of-way, parks, or other public purposes, requires any other improvements, or requires exceptions or variances from this Ordinance; (iii) the consolidation of, or change in the boundary between, four or more adjoining lots; or (iv) any division or consolidation that involves conservation and cluster development.

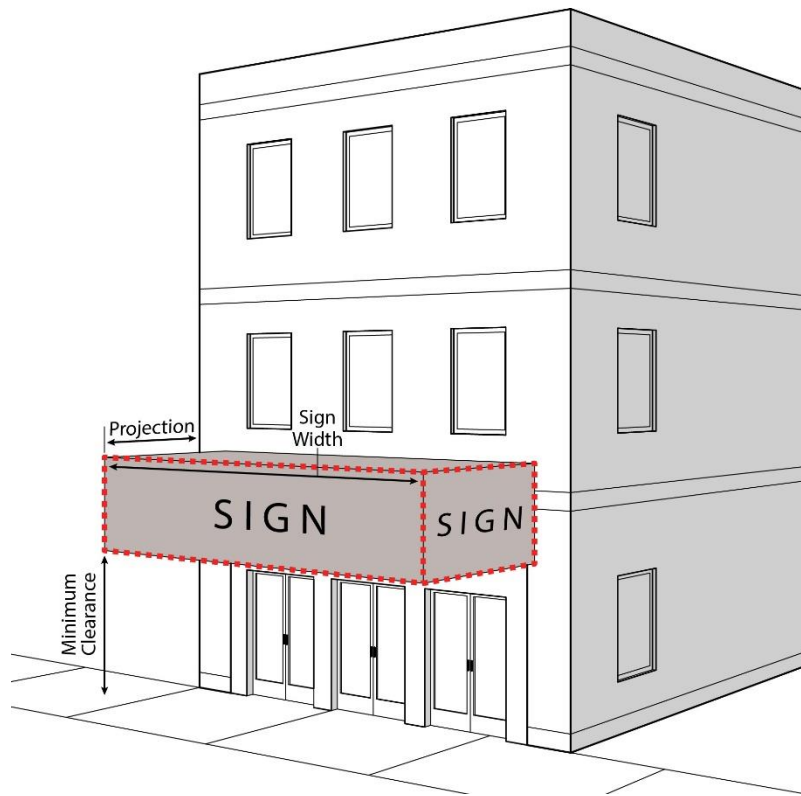
Marginal Access Street: A local street which parallels and is adjacent to, an arterial road or highway, and which provides access to adjacent properties and protection from through traffic.

Marina, Commercial/Recreational: means a facility for the docking of watercraft that is made available for use to non-owners of the lot for remuneration including, but not limited to rental fees and user fees, and which may provide accessory services including boat service, repair, storage, and sales.

Marina, Motor Vehicle Dealership: An establishment 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 manufacturing.

Marquee Sign: A sign with two or three sign faces that is mounted to a marquee. See Figure 13.02-17 Marquee Sign.

Figure 13.02-17 Marquee Sign



Marquee: Any fixed hood or canopy, constructed of metal or other incombustible material and extending over the public right-of-way and providing a roof over the entrance of a theater, hotel, motel, restaurant, auditorium, or similar use.

Measured Sign: All permanent signs for which this Ordinance establishes restrictions upon the area of the sign or upon the total area of the signage to be displayed upon a lot. Measured signs include all signs used to advertise a business or product where the sign is located away from the premises on which the business is conducted or the product sold (off-premises sign), all business identification and on-premises advertising signs.

Mechanical Equipment: Ground-mounted and roof-mounted equipment such as heating, ventilating, and air-conditioning (HVAC) units.

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

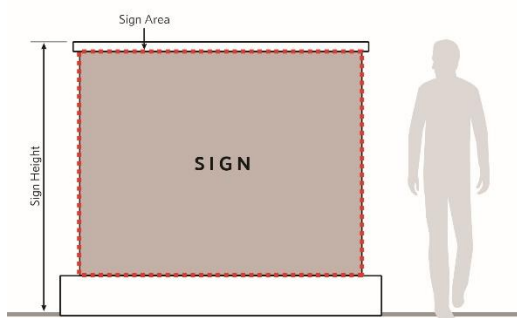
Microbrewery or Distillery: A facility for the production and packaging of malt beverages of alcoholic content with a capacity of less than 30,000 barrels per year, or a facility for the production and packaging of spirits and liquors with a capacity of less than 50,000 gallons per year. Microbreweries or Microdistilleries may include a tasting room, which allows customers to consume products manufactured on site, as well as a retail space for purchase of products manufactured on site and related items. Breweries that exceed a capacity of 30,000 barrels per year, distilleries that exceed a capacity of 50,000 gallons a year, or facilities that only manufacture for distribution are considered either Light Manufacturing or Heavy Manufacturing depending on capacity.

Minor Subdivision: A minor subdivision involves (i) the division of a single lot into three or fewer lots which front on an existing right-of-way that is not a state or county highway, (ii) is served by existing utilities, (iii) does not require the dedication of land for public rights-of-way, parks, or other public purposes, (iv) does not require any other public improvements, and (v) does not require any exceptions or variances from this Ordinance. Minor subdivision also includes the consolidation of, or change in the boundary between, three or fewer adjoining lots.

Monopole Tower: A self-supporting pipe structure made of a continuous taper. Step-taper monopoles are prohibited.

Monument Sign: A sign that is permanently attached to or supported by the ground and where the base of said sign is no higher than two feet above grade. Characteristics of the monument sign are a supporting base composed of brick, architecturally treated wood or other similar materials complimented by landscaping. See Figure 13.02-18 Monument Sign.

Figure 13.02-18 Monument Sign



Motor Freight Terminal: A building or area in which freight shipped by motor truck or railroad is received, assembled, sorted, and/or rerouted for local, intra-state, or interstate shipment by motor truck.

Motor Vehicle: A passenger vehicle, truck, truck-trailer, trailer, or semi-truck trailer propelled or drawn by mechanical power.

Motor Vehicle Rental: An establishment that rents motor vehicles, including moving trucks, and includes incidental facilities for parking and servicing such vehicles.

Motor Vehicle Repair and/or Service: An establishment that provides services to adjust, align, repair, repaint, and/or replace motor vehicle parts and systems, including body work. "Motor Vehicle Repair and/or Service" includes facilities that sell motor vehicle parts and supplies in an incidental manner to the establishment's repair facilities. "Motor Vehicle Repair and/or Service" does not include "Gas Station," "Motor Vehicle Rental," or "Motor Vehicle Sales."

Motor Vehicle Sales: An establishment that sells or leases new or used motor vehicles, including incidental facilities for parking and servicing such vehicles.

Multi-Modal Facility: A single facility that combines multiple modes of public transportation including bus, rail, bicycles, rental cars, taxis, and other transportation services.

Multi-Purpose Entertainment Establishment: An establishment that operates as a multi-purpose facility which may include (a) broadcast and multi-media uses as well as (b) periodic events, which events (i) may be private or open to the general public; (ii) may be free or ticketed, (iii) may include live or recorded entertainment; (iv) may include the provision of food for on-site consumption; and (v) may or may not include the service of alcoholic beverages pursuant to a properly issued local liquor license.

Name Plate: A sign containing the name, street address, and/or occupation or profession of the occupant of a building.

Natural Drainage: The path by which water traverses a piece of property in its natural state, agricultural state or, if modified previously by man, that is now present on the site.

New Development: Any development of a previously unimproved or undeveloped real estate, including but not limited to a subdivision, conditional use permit, planned unit development, as well as the demolition and reconstruction of buildings and structures, and new construction of buildings, parking lots, and structures.

No Disturbance Area: An area, identified on a plat of subdivision or approved development plan around one or more trees within which all construction, grading, installation of utilities and all other land-altering activity is prohibited.

Non-Boarding: A term used in this Ordinance to indicate that no habitable rooms are permitted in the building.

Non-Commercial Messaging Sign: A non-commercial sign placed on a privately-owned zoning lot by the owner or occupant of the zoning lot. Non-commercial message signs do not include advertising signs, business signs, construction signs, identification signs for home occupations, real estate signs, or any other sign promoting a business, commodity, transaction, service, or entertainment.

Nonconforming Building or Structure: Any building or structure that was legally constructed prior to the effective date of this Ordinance, which does not comply with all of the regulations of this Ordinance or of any amendment hereto (i) governing bulk for the zoning district in which such building or structure is

located; or (ii) 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 Lot: Any lot or parcel that was legally platted or established prior to the effective date of this Ordinance that does not comply with the lot area or width requirements of this ordinance.

Nonconforming Use: Any use of land, buildings, or structures, that was legally established prior to the effective date of this Ordinance, which does not comply with all of the regulations of this Ordinance or its subsequent amendments governing use of the zoning district in which such use is located.

Non-Residential Subdivision: Any subdivision whose intended use is other than residential such as business, commercial or industrial.

Noxious Matter: Any 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.

Occupancy Certificate: A certificate issued by the Building Commissioner which permits the use of a building in accordance with the approved plans and specifications, and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit.

Octave Band: A means of dividing the range of sound frequencies into octaves to classify sound according to pitch.

Odorous Matter: Any matter or material that yields an odor which is offensive in any way.

Off-Premises Sign: means a sign or sign structure other than a billboard intended to advertise a business, good or goods, or service not located, sold, or offered on the property on which the sign is located.

On-Premises Identification Sign: A sign which directs attention solely to the primary use on the premises upon which the sign is located.

Opaque Fence: An opaque fence or planting screen for the purposes of this Ordinance is any solid fence or wall or any fence or wall with voids constituting less than 20 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.

Open Space: Any pervious surface area on a lot that is not within the buildable area or parking area and may not be improved with buildings or structures.

Operator: The person who is legally responsible for the operation of a use on a premises, whether or not that person owns the premises.

Ornamental Fence: Any fence designed to complement the principal or accessory structure or to enhance the character of the site, including, without limitation, wrought iron, picket, and split rail

fences. An ornamental fence must have voids constituting 50 percent or more of the surface area of the fence. An ornamental fence does not include stockade, chain link, or similar fences.

Outdoor Dining: An open-air or partially enclosed seating area that is typically connected to an indoor seating area for a “Restaurant” or “Bar/Tavern”.

Outdoor Entertainment: An open air or partially enclosed structure in which spectator uses are conducted by a private entity that typically charges patrons a fee to enter. Typical “Outdoor Entertainment” uses include, but are not limited to, outdoor theaters, outdoor music venues, outdoor sports arenas, and amusement parks. “Outdoor Entertainment” uses may include refreshment stands that provide products for consumption on the premises. “Outdoor Entertainment” does not include “Outdoor Recreation.”

Outdoor Fireplace or Fire Pit: An outdoor area to burn materials that is equipped with a hearth and chimney, or that is open in design, and is generally constructed of steel, concrete, brick, or other noncombustible material.

Outdoor Recreation: An open air or partially enclosed structure in which recreational activities are conducted by a private entity that typically charges patrons a fee to enter. Typical “Outdoor Recreation” uses may include, but are not limited to, outdoor miniature golf courses, outdoor swimming pools, outdoor tennis courts, and outdoor skating facilities. “Outdoor Recreation” uses may include refreshment stands that provide products for consumption on the premises. “Outdoor Recreation” does not include “Outdoor Entertainment,” “Park,” “Elementary, Middle, or High School.”

Outdoor Sales and Display Area: An area for the sales and display of products and services outside of a building or structure that is accessory to a principal use.

Outdoor Storage Area: An area for the storage of materials, equipment, machinery, or recreational vehicles used in the conduct of a business.

Outlot: A parcel of land within a subdivision and which has been included on a preliminary or final plat but not designated as a buildable lot due to insufficient size, insufficient frontage, peculiar siting, or topographical problems. Outlots may be used for other purposes such as storm detention or common open space.

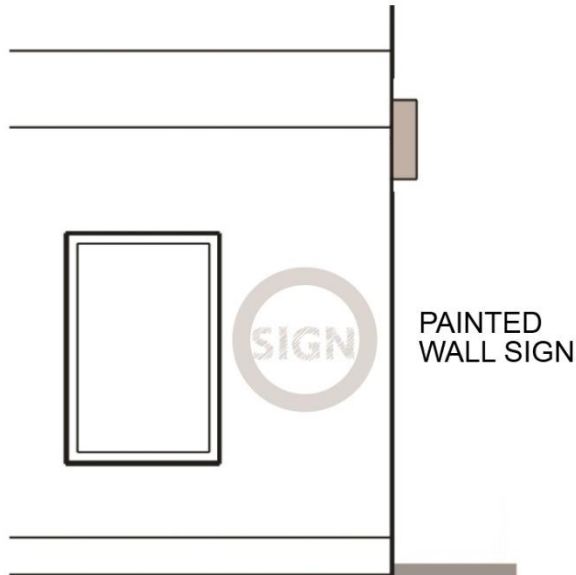
Owner of Sign: The person who owns or is otherwise responsible for the erection, maintenance, and operation of the sign and not the owner of the property upon which the sign is located unless the owner of the sign and the property are the same person.

Owner: Any person having legal title to, or sufficient interest in, the land sought to be subdivided or developed under this Ordinance.

Owning Land or Having an Enforceable Real Estate Interest in the Land: 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.

Painted Wall Sign: Any wall sign that is applied directly to the wall or other surface of any existing building or other structure without any support or surface preparation other than paint, primer, or similar products or materials. See Figure 13.02-19 Painted Wall Sign.

Figure 13.02-19 Painted Wall Sign



Park: A non-commercial, not-for-profit facility designed to serve the recreation needs of the residents of the community. Parks include, but are not limited to, publicly accessible ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, playgrounds, beaches, and park district field houses, which may have indoor recreation facilities.

Parking Facility: A parking lot or parking garage providing off-street parking of motor vehicles.

Parking Garage: A structure with two or more levels that is used to park motor vehicles.

Parking Lot: Any lot (other than accessory) open to the sky which is used to park motor vehicles.

Parking Space: An enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one motor vehicle and appropriately connected with a street or alley by a surfaced driveway affording adequate ingress and egress.

Particulate Matter: Any dust, smoke, or any other form of airborne pollution in the form of minute separate particles.

Patio and Open Terrace: A roofless hard surfaced area typically constructed of masonry, brick, or concrete that is attached to the ground adjacent to the wall of a building.

Pawn Shop: An establishment licensed, certified, or accredited by the appropriate local and state agencies that lends money in exchange for personal property that is used as collateral. "Pawn Shops" may purchase personal property outright or on the condition of selling it back to a customer with

interest. "Pawn Shops" may include cash for gold establishments, which have the primary business of purchasing precious metals, jewelry, watches, and other similar items. "Pawn Shop" does not include "Retail Goods Establishments" such as antique stores and consignment stores.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. This is considered an eye-catcher and hence is prohibited.

Pergola: A freestanding structure with columns or posts topped with beams and open rafters, which may or may not be connected to the wall of a building.

Permanent Guest: A person who occupies or has the right to occupy a hotel or motel or apartment hotel accommodation as their domicile and place of permanent residence.

Permitted Use: 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.

Person: A person, partnership, corporation, limited liability company, firm, association, or other body or individual.

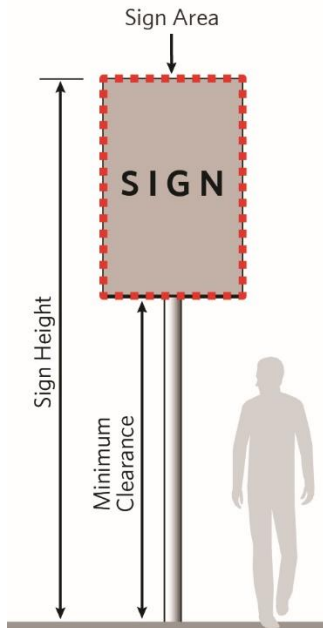
Personal Services Establishment: An establishment primarily engaged in the provision of services of a personal nature. "Personal Service Establishment" includes facilities that sell products and goods in an incidental manner to the establishment's provision of services. "Personal Service Establishment" uses may include, but are not limited to, dry cleaners, barbershops, beauty salons, animal day care establishments, animal grooming establishments, express shipping services (e.g. UPS, FedEx, DHL), electronics repair, shoe repair shops, and tailor shops. "Personal Service Establishment" also includes commercial educational facilities, such as driving schools, dance schools, and tutoring facilities. "Personal Services Establishment" may include "Corner Store." "Personal Services Establishment" does not include "Adult Entertainment Establishment," "Animal Boarding, Hospital, or Shelter" or "Tattoo Parlor."

Place of Worship: An institution maintained by a religious body where people assemble for religious purposes, ceremonies, and other similar events. A "Place of Worship (Large)" accommodates a capacity of 250 or more people while a "Place of Worship (Small)" accommodates a capacity of less than 250 people. "Place of Worship" may include housing for members of religious orders, "Day Care Centers," "Preschools," or "Elementary, Middle, or High Schools."

Planned Unit Development: A distinct category of development intended to allow flexibility in the application of the standards of this Ordinance. "Planned Unit Developments" are intended for significant development proposals that provide amenities to the community which are not required from conventional development applications.

Pole Sign: A sign that is mounted on a freestanding pole. See Figure 13.02-20 Pole Sign.

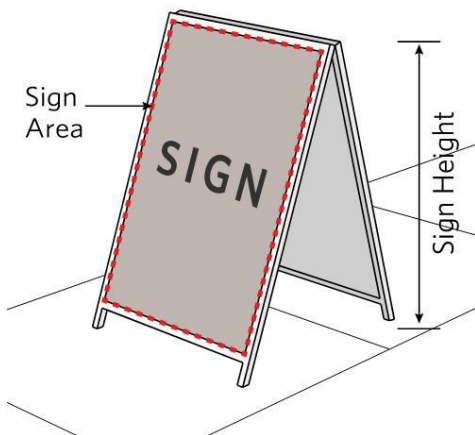
Figure 13.02-20 Pole Sign



Porch: An unenclosed roofed platform projecting from the exterior wall of a building.

Portable Sign: A permanent, pedestrian-scale sign which is designed to be moved from one location to another for the purpose of advertising events or locations including signs that have either a fixed message or changeable copy message board. See Figure 13.02-21 Portable Sign.

Figure 13.02-21 Portable Sign



Primary Arterial Road: An arterial road intended to move through-traffic to and from major attractors or generators and/or as a route for traffic between communities.

Principal Use: The primary use of a lot or building as distinguished from an accessory use. Principal uses may be designated as a permitted use or a conditional use.

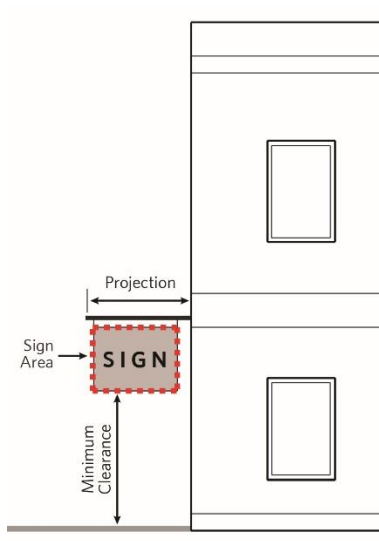
Private Garage: A detached accessory building or portion of a main building housing the automobiles of the occupants or guests of the premises.

Private Street: Streets that are built and maintained by persons other than the City of Waukegan which may or may not restrict access to public traffic.

Professional Office: An establishment that engages in the application, processing, or manipulation of business information or professional expertise, or that offer health-related outpatient treatment by licensed health professionals. A “Professional Office” may not manufacture, assemble, warehouse, or repair goods and products for the retail or wholesale market, or engage in the repair of products or the provision of retail services. “Professional Office” may include, but is not limited to, medical offices, dental offices, law firms, insurance agencies, accounting firms, real estate agencies, investment firms, and non-profit organizations. “Professional Office” does not include “Government Facility.”

Projecting Sign: Any sign which is attached to a building or other structure and projects into or overhangs the public right-of-way or other public land except that a wall sign, the face of which is parallel to the wall upon which it is located, and which projects not more than one foot into the public right-of-way or other public land, is not considered a projecting sign for the purposes of this Ordinance. See Figure 13.02-22 Projecting Sign.

Figure 13.02-22 Projecting Sign



Property Lines: The lines bounding a zoning lot, as defined herein.

Protected Area: Any area in which tree protection measures are required pursuant to this Ordinance, including without limitation any bluff, conservation area, ravine, heritage tree, No Disturbance Area, Streetscape Preservation Area, or Tree Preservation Area.

Public Garage: A building or portion thereof, other than a private garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor vehicles. The term repairing does not include an automotive body repair shop or the rebuilding, dismantling, or storage of wrecked or junked vehicles, unless expressly authorized.

Public Right-of-Way: Any sidewalk, crosswalk, street, alley, highway, or other public thoroughfare.

Rain Barrel: A container for storing rainwater installed above-grade that generally has a capacity of less than 500 gallons.

Rainwater Cistern: A container for storing rainwater that may be installed either above or below grade.

Ravine: All property beginning at a point where the slope of the land first exceeds ten percent and continuing to the toe of slope.

Real Estate Sign: A temporary sign adhering to content-neutral standards that indicates that the premises upon which it is located is available for sale or lease. A real estate sign may be either a ground sign or a wall sign.

Rear Lot Line: The boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line. See Figure 13.02-16 Lot Diagram.

Rear Yard: A yard extending along the full length of the rear lot line between the side lot lines with a depth extending to the rear edge of the principal structure. See Figure 13.02-31 Yard Diagram.

Recreation Equipment: Structures typically used for children's active recreation, which may include, but not be limited to swing sets, jungle gyms, and children's playhouses.

Recreational Cannabis: Cannabis that is grown and sold recreationally to adults over the age of 21, pursuant to applicable State specific laws and regulations.

Refuse, Recycling, or Grease Container: A receptacle for the disposal of litter, recyclables, or grease.

Removal: The removal of earth, trees, vegetation, or other physical aspect of a site.

Research/Development Facility: A facility in which ideas and technologies are investigated, tested, and refined in industries that may include, but is not limited to, electronics, computer hardware and software, communications, information technology, biotechnology, pharmaceuticals, and green technology. "Research/Development Facility" may include the incidental manufacture and/or sale of products developed at the facility.

Residential District: Zoning districts depicted on the Zoning Map in which residential uses are the predominate land use.

Residential Care Facility: A group care facility licensed for 24-hour medical or non-medical care of people in need of supervision or assistance essential for daily living, or for the protection of the individual. A "Residential Care Facility" includes "Assisted Living Facility," "Independent Living Facility,"

“Nursing Home,” hospice, and continuum of care facilities. A “Residential Care Facility” does not include “Community Residence,” “Transitional Housing,” “Homeless Shelter,” or “Senior-Restricted Residence.”

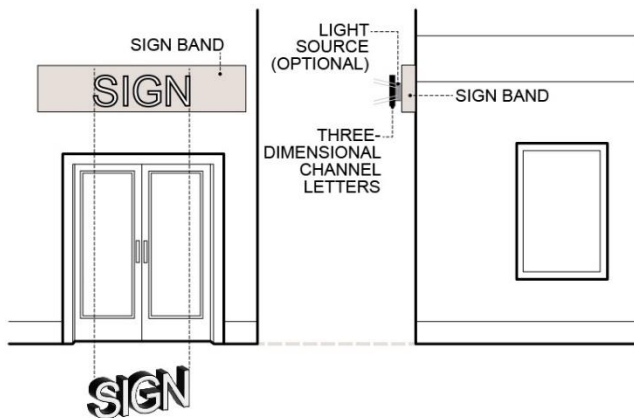
Residential Model Unit: A building or structure displayed as an example of the dwelling units available for sale or for rent in a residential development. A Residential Model Unit may include sales or rental offices but may not be used as a habitable dwelling unit until all sales and marketing efforts in the residential development have been completed.

Restaurant: An establishment that prepares and sells food and beverages for consumption on the premises and/or for carry-out. “Restaurant” does not include refreshment stands incidental to “Indoor Entertainment,” “Indoor Recreation,” “Outdoor Entertainment,” or “Outdoor Recreation” uses.

Retail Goods Establishment: An establishment that provides physical goods, products, or merchandise directly to the consumer for purchase and removal from the premises by the purchaser. “Retail Goods Establishment” may include, but is not limited to, grocery stores, clothing stores, jewelry stores, appliance stores, electronics stores, furniture stores, office supply stores, bookstores, and sporting goods stores. “Retail Goods Establishment” may include “Corner Store” or “Retail Goods Establishment.” “Retail Goods Establishment” does not include “Adult Entertainment Establishment,” “Cannabis Dispensary” or “Pawn Shop.”

Reverse Channel Letter: A fabricated dimensional letter with opaque face and side walls. See Figure 13.02-23 Reverse Channel Letter.

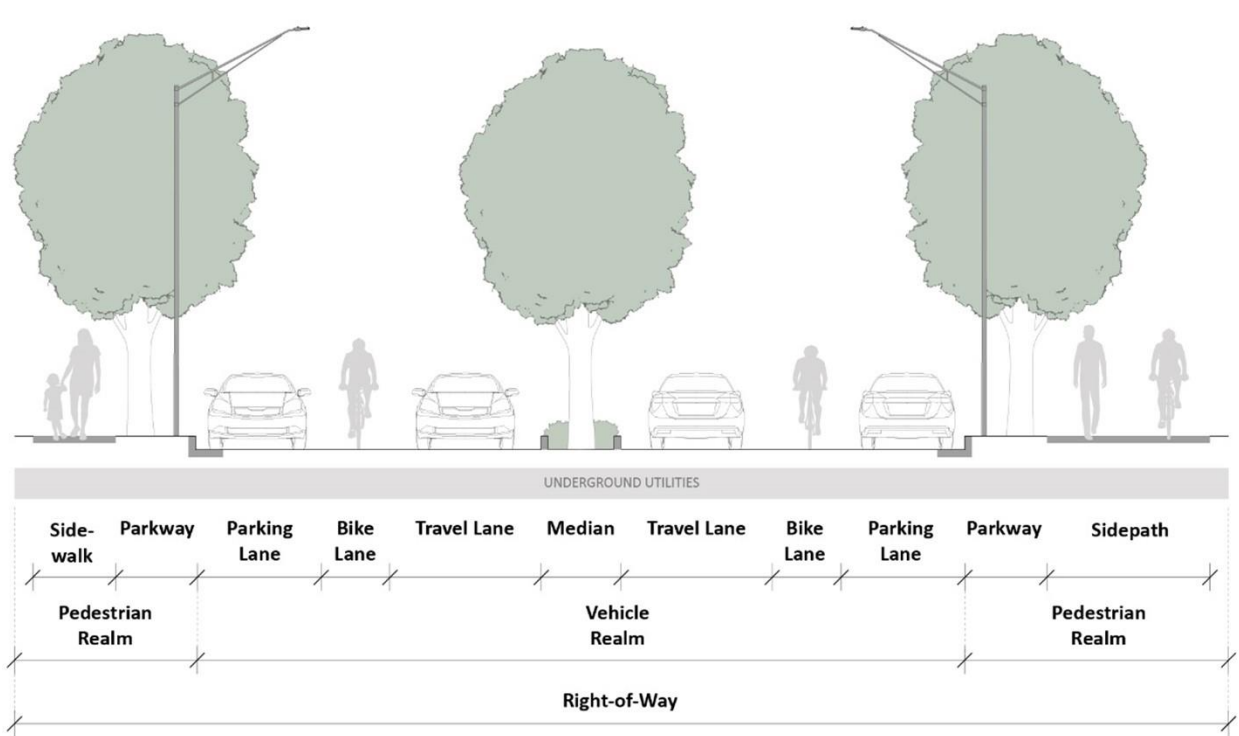
Figure 13.02-23 Reverse Channel Letter



Reversed Corner Lot: A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear. See Figure 13.02-16 Lot Diagram.

Right-of-Way: A strip of land occupied, designed to be occupied, or designated to be occupied, by a street, highway, alley, sidewalk, crosswalk, thoroughfare, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term “right-of-way” for land platting purposes in the City of Waukegan means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, alleys, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency, must be dedicated to public use by the maker of the plat on which such right-of-way is established. See Figure 13.02-24 Right of Way Cross-Section.

Figure 13.02-24 Right of Way Cross-Section



Ringelmann Chart: That which 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.

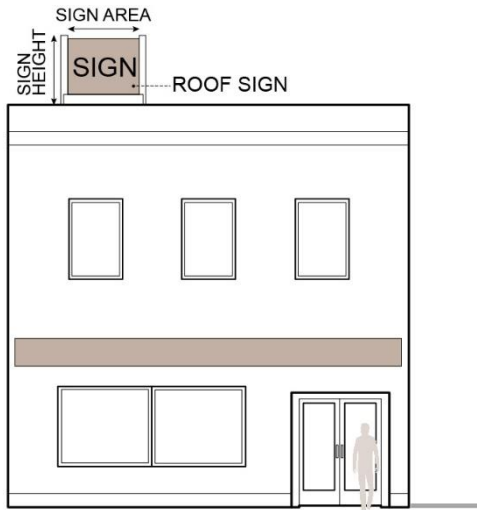
Ringelmann Number: The number of the area on the Ringelmann Chart that coincides most nearly matches the visual density of emission of the light-obscuring capacity of the smoke.

Roadside Stand: A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

Roadway: A portion of a road or street which is improved, designed, or ordinarily intended for vehicular use. Divided roads and roads with frontage or service roads have more than one roadway.

Roof Sign: Any sign erected or constructed on or over the roof of any building or other structure or which extends above the cornice line of the building upon which it is located and supported in whole or in part by such building or structure. Roof signs are prohibited in the City of Waukegan. See Figure 13.02-25 Roof Sign.

Figure 13.02-25 Roof Sign



Rotor Diameter: 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.

Rotor: The rotating part of a wind turbine, including the blades and blade assembly or the rotating portion of the generator.

Secondary Arterial Road: An arterial road designed to service moderate traffic attractors or generators and to carry traffic from collector streets to primary arterial roads.

Security Fence: A security fence means any fence or wall, open or opaque, to a height of at least five feet or as otherwise required by this Ordinance, which is constructed with voids or spaces no wider than four inches and furnished with secure gates.

Self-Storage (Indoor): A facility used for the storage of personal property where individuals rent storage spaces of various sizes that are accessed from interior hallways of the building on an individual basis.

Senior-Restricted Residence: A property containing single, complete dwelling units, with kitchen and bathroom facilities in each unit, within a multi-unit dwelling. A Senior Restricted Residence is intended for, and solely occupied by persons of age 62 years or older; or intended and operated for occupancy by persons of at least 55 years of age, where at least 80 percent of the occupied units are occupied by at least one person of age 55 or older. A Senior-Restricted Residence must prohibit residents younger than 21 years of age, and visits by minors under age 21 for more than 30 days in any 120-day period. A

Senior-Restricted Residence may provide communal eating, recreational, personal care, or other uses for residents and guests.

Service Road: A public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.

Setback: The minimum distance maintained between a lot line and the nearest supporting member of any structure on the lot.

Shadow Flicker: The moving shadow cast on the ground and stationary objects, created by the sun shining through the moving blades of a wind energy system.

Shared Use Path: A multi-use path designed primarily for use by bicyclists and pedestrians, including pedestrians with disabilities, for transportation and recreation purposes. Shared use paths are physically separated from motor vehicle traffic by an open space or barrier and are either within the highway right-of-way or within an independent right-of-way.

Side Lot Line: Any boundary of a lot which is not a front lot line or a rear lot line. See Figure 13.02-16 Lot Diagram.

Side Yard: A yard extending along a side lot line from the front yard to the rear yard with a depth extending to the side edge of the principal structure. See Figure 13.02-31 Yard Diagram.

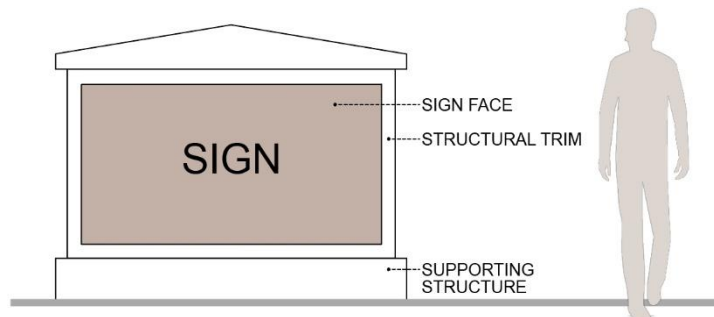
Sidewalk: A portion of a street or crosswalk way paved, or otherwise surfaced, intended for pedestrian use only.

Sight Triangle Area: A triangular area, described by the edge of pavement lines of two intersecting streets and a line connecting said edge of pavement lines, in which the height of structures and landscaping regulation is limited to a maximum of 2.5 feet above grade in order to promote visibility at street intersections. Any leg of such triangle must be a minimum of 30 feet in length.

Sign Band: The horizontal wall area that is located above the ground floor storefront opening and below the second-floor line and is located a minimum of eight feet and a maximum of 15 feet above grade.

Sign Components: The sign face, the supporting structure, and the structural trim of a sign. See Figure 13.02-26 Sign Components.

Figure 13.02-26 Sign Components



Sign Face: The surface of the sign upon which the message, logotype, symbol, or other device is located including surrounding moldings, trim, decorative trim, or any portion of the sign which is painted with a distinctive color scheme or in colors which contrast in hue or value with the painted or natural colors of the supporting structure or structural trim, if any. Two-sided signs where each side is identical have one sign face. Two-sided signs where the sides are not identical have two sign faces.

Sign: A message, image, display, or object used to advertise, direct attention to, or promote the interests of a person, business, organization, location, product, service, or activity. "Signs" do not include works of art.

Signage: The collection, aggregation or sum total of signs located on a lot, pertaining to a particular use or class of uses, subject to a particular regulation or standard, or however else aggregated.

Sill: A projecting horizontal architectural feature, often located below a window or door.

Single-Room Occupancy Unit: 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.

Site Development: The altering terrain and/or vegetation and constructing improvements.

Site: A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

Snipe Sign: A sign affixed, hung, placed, applied, or posted to any tree, utility pole, hydrant, bench, fence, stake, trash receptacle, sidewalk, curb, parkway, street, median, or similar location, located on either public or private property, without the consent of the property owner.

Solar Collector Surface: 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 System: 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. 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.

Solar Energy: The radiant energy received from the sun, which can be collected in the form of heat or light by a Solar Energy System.

Solid Waste: Any garbage, refuse, sludge, and any other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, institutional, mining, and agricultural operations, and from community activities.

Sound Level: 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.

Stable: The land and structures where horses are bred, raised, boarded, or kept for hire or sale, including training, riding lessons, and for therapy.

Stairs: A structure made up of a series of steps used to move from one level of a building or structure to another.

Stealth Design: A technique that reduces the visual impact of a structure by enclosing, camouflaging, screening, or obscuring the structure in relation to the architectural features of a larger building or structure.

Stoop: A structure made up of stairs and a landing used to access a building or structure.

Story: That part of a building between any floor and the floor next above, and if there is no floor above, then the ceiling above.

Street Block: 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.

Street Tree: A tree located in the public right-of-way and maintained by the City of Waukegan or its contracted designee.

Street: Any road (other than a private road), highway, parkway, avenue, alley, or other way intended for public use which connects a way to another such way or to a building or structure. A street refers to the entire public right-of-way (including public sidewalks).

Streetscape Preservation Area: The portion of a property located in the front and corner side yards, as those defined by the Ordinance.

Stripping: Any activity which removes the vegetative surface cover including tree removal, clearing and storage or removal of topsoil.

Structural Alteration: 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.

Structural Trim: Any battens, capping, nailing strips, latticing, platforms, railings, and light fixtures attached to or used in conjunction with a sign.

Structure: Anything, which is constructed or erected which requires permanent location on the ground or attachment to something having permanent location on the ground.

Subdivider: Any person, corporation, or duly authorized agent who undertakes the subdivision of land as defined herein.

Subdivision Design Standards: The basic land-planning standards established as guides for the preparation of preliminary and final plats as set forth in Section 7 (Subdivision Development Standards).

Subdivision: A described tract of land, which is to be, or has been, divided into two or more lots or parcels of any size. The term "subdivision" includes re-subdivision, planned unit development, cluster development, or other similar unified development and, where it is appropriate to the context, relates to the process of subdividing or to the land subdivided. For the purpose of this Ordinance, however, the division of land into parcels or tracts no smaller than five acres in area and not involving any new streets or easements of access does not constitute a "subdivision" if no new streets are created. This Ordinance applies to all subdivisions, including those subdivisions accepted prior to the adoption of this Ordinance.

Substantial Conformance: The proposed project is consistent and in conformance with a previously approved permit or application.

Supporting Structure: The load bearing members including uprights, cross bars, diagonal braces, guys, light fixture supports and similar components. The exposed back of any sign face is considered part of the structure.

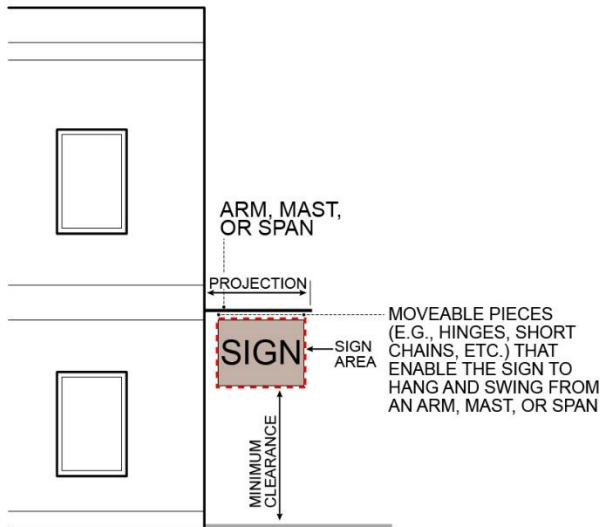
Subject Property: One or more parcels of real property for which an application for relief under this Ordinance is submitted to the City.

Surveyor: A licensed professional responsible for the division of land into legally recordable divisions.

Swimming Pool: An in-ground or above-ground basin of water constructed for swimming or wading.

Swinging Sign: A sign that is attached to an installed arm, mast, or span that is able to swing or hang. See Figure 13.02-27 Swinging Sign.

Figure 13.02-27 Swinging Sign



System Height: 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.

Temporary Sign: Any sign irrespective of the type of sign or the materials used for its construction which is restricted by the terms of this Ordinance as to the length of time that it may be erected, maintained, used, or displayed by permit.

Temporary Outdoor Entertainment: A live event that is intended to be in place for a limited period of time within an outdoor space. "Temporary Outdoor Entertainment" may include, but is not limited to, animal shows, carnivals, circuses, fireworks shows, live music, outdoor theater, and worship services.

Temporary Outdoor Sale: The temporary outdoor sale and display of merchandise for temporary uses, such as antiques markets, art fairs, craft fairs, holiday sales, pumpkin sales lots, or Christmas tree lots.

Temporary Storage Container: A temporary, moveable structure that may be used for the storage of possessions or products before being transported to a storage facility, or for collecting waste and other material associated with the construction and renovation of a structure. "Temporary Storage Container" may include steel shipping containers commonly used for intermodal shipping.

Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.

Tent: A temporary structure or enclosure constructed of pliable material and supported by one or more poles.

Thoroughfare: A street with a high degree of continuity, including collector streets, arterial roads, and limited-access highways.

Three-Component Measuring System: A complement of instruments or seismograph, which can record, simultaneously, vibration vectors in three mutually perpendicular directions.

Threshold Limit Value (TLV): 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.

Through Lot: A lot which has a pair of opposite street lines along two substantially parallel streets, and which is not a corner lot. On a through frontage lot, both street lines are considered front lot lines. Through Lots are commonly referred to as Double-Frontage Lots See Figure 13.02-16 Lot Diagram.

Title or Payday Loan Establishment: An establishment that provides loans to individuals in exchange for personal checks or titles to motor vehicles. Title or Payday Loan Establishments 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. "Title or Payday Loan Establishment" does not include "Currency Exchange" or "Financial Institution."

Toe of Slope: The point in the ravine or bluff where the slope is less than 22 degrees or where the slope reverses directions. On compound slopes where there may be more than one possible toe location, the controlling point is whichever toe location provides the greater area for a ravine or bluff.

Topping: The indiscriminate cutting of tree branches to stubs or lateral branches that are not large enough to assume the terminal role. The act of topping is prohibited due to its effects on trees, which eventually lead to the decay and death of the tree.

Tower: A 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 is 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: 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: A substance (liquid, solid, gas) which by reason of inherent deleterious property when emitted in any amount, is injurious to plants, animals, or human beings.

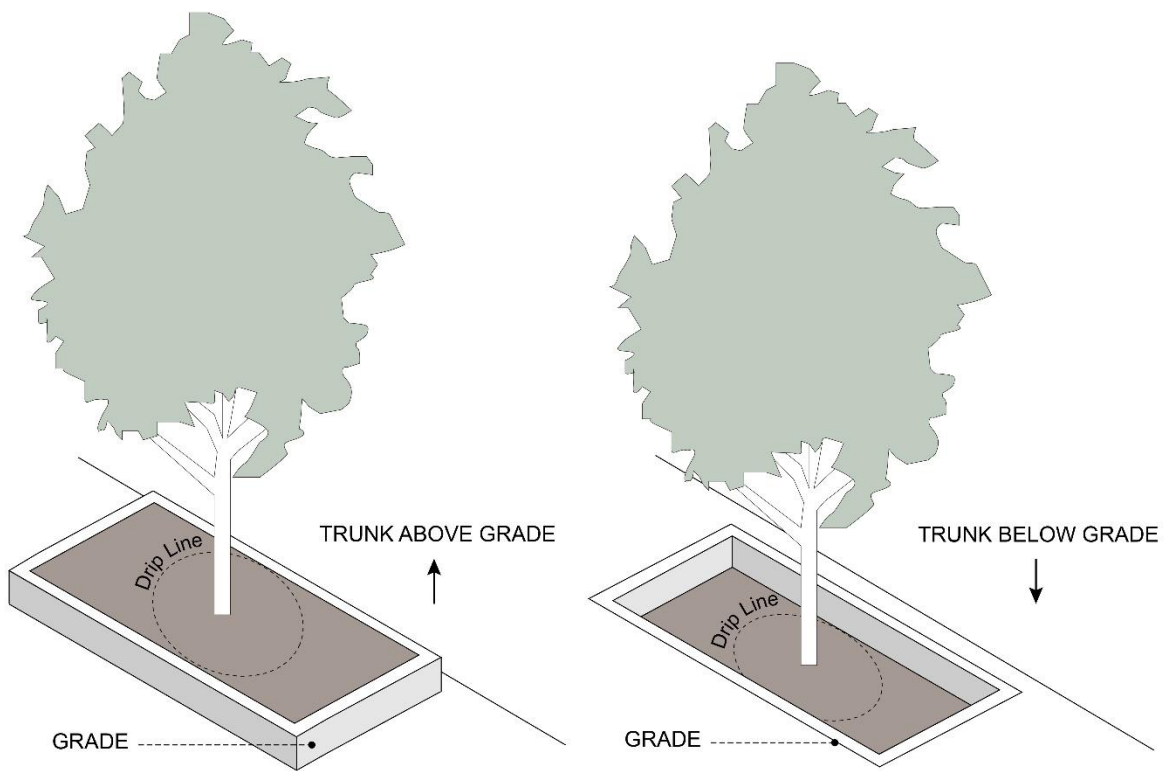
Transfer: The sale of residential property that is sold on contract or through a recorded title transfer.

Transitional Yard: A 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.

Tree Preservation Areas: An area identified on a plat of subdivision, or on a site plan attached to the ordinance granting a conditional use permit, within which trees are to be preserved. This differs from a Conservation Easement in that removal of undergrowth is permitted.

Tree Well: An area that surrounds the tree at the drip line, where the trunk of the tree is either above or below the average grade outside the drip line. See Figure 13.02-28 Tree Well.

Figure 13.02-28 Tree Well



Unified Development Ordinance (UDO): The City of Waukegan Unified Development Ordinance, this Ordinance.

Use: The purpose for which land or premises, or building or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, or leased.

Utility: The use of land for infrastructure facilities including transmission and services for gas, electricity, water treatment and storage, sewage treatment and storage, telephone, cable television, data, cellular, and fiber-optic cable. Utility does not include facilities that produce, generate, or store energy.

Utility-Scale Solar Energy System: An energy collection system that converts sunlight into electricity for off-site use by utility customers. “Utility-Scale Solar Energy Systems” consist of photovoltaic panels, mounting devices, and associated control electronics to provide electricity to the power grid.

Utility-Scale Wind Energy System: An energy collection system that converts wind energy into electricity for off-site use by utility customers. “Utility-Scale Wind Energy Systems” consist of a turbine, a monopole tower, and associated control electronics to provide electricity to the power grid.

Vacant: The land on which there are no structures or only structures of the land itself.

Variance: A relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where a liberal enforcement of this Ordinance would result in unnecessary and undue hardship, subject to the standards of this Ordinance.

Vertical-Axis Wind Turbine: A wind turbine in which the rotor is mounted vertically.

Vibration Frequency: The number of oscillations per second of a vibration.

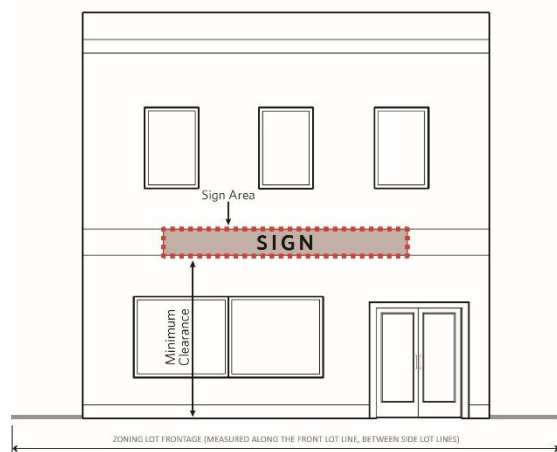
Vibration: The periodic displacement, measured in inches, of earth.

Vocational School: A facility that offers instruction in industrial, clerical, commercial, managerial, building trades, or automotive skills. “Vocational School” does not include “Elementary, Middle, or High School” or “College or University.”

Wall: A vertical structure, typically constructed of concrete, stone, brick, masonry, or other similar material, that creates a physical barrier for light and air.

Wall Sign: Any sign which is attached to and supported by the wall of a building or other structure provided the sign face is parallel to the wall to which the sign is attached. See Figure 13.02-29 Wall Sign.

Figure 13.02-29 Wall Sign

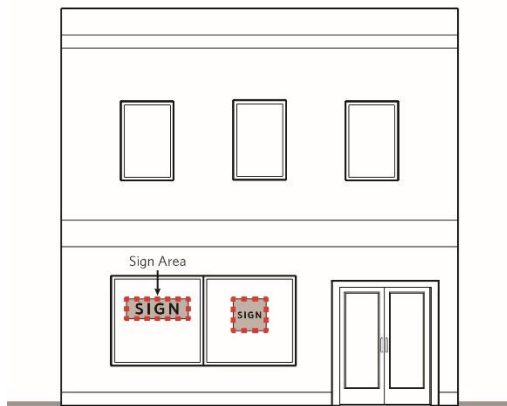


Warehousing and Distribution Facility: An establishment that stores and transports products or equipment, including, but not limited to warehouses and fulfillment centers. Warehousing and Distribution Facility does not include motor vehicle storage, RV storage, boat storage, or commercial vehicle storage.

Wind Energy System: 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.

Window Sign: Any permanent sign or similar device displayed inside the window or a doorway of a building or upon the interior wall of a building opposite a window in such a way as to be clearly visible from the outside. See Figure 13.02-30 Window Sign.

Figure 13.02-30 Window Sign



Wireless Telecommunication Antenna: A structure that is six cubic feet in volume or larger that is used to transmit and/or receive communication, data, or other similar signals in order to facilitate the use of wireless devices. “Wireless Telecommunications Antenna” does not include “Satellite Dish” or “Wireless Telecommunication Small Cell.”

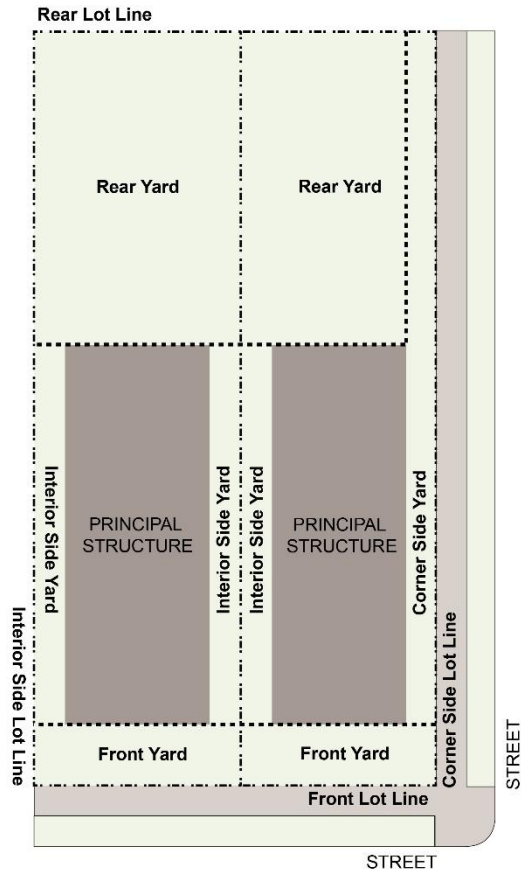
Wireless Telecommunication Facility: A structure used to protect the equipment that processes communication, data, or other similar signals to facilitate the use of wireless devices.

Wireless Telecommunication Small Cell: A structure that is smaller than six cubic feet in volume that is used to transmit and/or receive communication, data, or other similar signals in order to facilitate the use of wireless devices. “Wireless Telecommunications Small Cell” does not include “Antenna,” “Satellite Dish,” or “Wireless Telecommunication Antenna.”

Wireless Telecommunication Tower: A structure designed and constructed to support one or more “Wireless Telecommunications Antennas” and all devices attached to it. “Wireless Telecommunication Towers” are typically freestanding and may be of either lattice or monopole construction.

Yard: An open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky. 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. See Figure 13.02-31 Yard Diagram.

Figure 13.02-31 Yard Diagram



Zoning Administrator: The officer of the City and their designees who are responsible for enforcing and administering all components of this Ordinance.

Zoning Permit: 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 permit” 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.

Zoning Lot: 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. A "zoning lot or lots" may or may not coincide with a lot of record.

Zoning Map: The City of Waukegan Zoning Map established pursuant to Section 8.04 (Zoning Map) and adopted by **Ordinance No. 24-O-_____** which depicts the various zoning districts of the City and their boundaries.