

CITY OF WAUKEGAN

ORDINANCE NO 08-O-05

**Set forth
The Title of The
Ordinance is**


AMENDING ORDINANCE 05-O-113 THE WAUKEGAN LAKEFRONT/DOWNTOWN
OVERLAY ORDINANCE

ADOPTED AND PASSED BY THE CITY COUNCIL

OF THE CITY OF WAUKEGAN

ON THE 7th DAY OF JANUARY 2008

**Published in pamphlet form by authority of the City Council, of the City of Waukegan, Lake
County, Illinois, on the 11th day of February 2008.**


CITY CLERK

**ORDINANCE AMENDING ORDINANCE 05-O-113 THE WAUKEGAN
LAKEFRONT/DOWNTOWN OVERLAY ORDINANCE**

WHEREAS, on August 1, 2005 the City Council of the City of Waukegan adopted ordinance 05-O-113 which created the "Waukegan Lakefront/Downtown Overlay District" to complement and supersede the provisions of several City ordinances regulating the development of real property in the City's Downtown and Lakefront neighborhoods and incorporate the Design Guidelines that set out specific detailed requirements for development in the Lakefront/Downtown redevelopment area.

WHEREAS, over the past two years as initial development proposals have been presented and reviewed it has been determined by the City's Zoning and Planning staff and other departments that it will be to the benefit of the City in considering, evaluating and passing upon development proposals to provide for greater flexibility in the percentage of variation that may be allowed from certain quantitative requirements of the Master Plan and Design Guidelines.

WHEREAS, the City of Waukegan Planning and Zoning Department has filed an application with the City to amend the text of the Waukegan Lakefront/Downtown Overlay District Ordinance to allow for variations of up to 25% from certain quantitative requirements of the Master Plan and Design Guidelines and said application was provided a public hearing before the Waukegan Development Commission on November 13, 2007.

WHEREAS, the Waukegan Development Commission has filed its report following said hearing and therein makes the following findings of fact:

1. The proposed amendment of the Overlay District Ordinance will allow variations from the quantitative requirements of the Master Plan and Design Guidelines that pertain to: (1) floor area ratio requirements; (2) allowable developed square footage and (3) the permitted number of residential units.
2. Allowable variations for all other requirements under the Guidelines shall remain at 10%.
3. Applicants for any variation shall be required to demonstrate that the proposed development, with any requested variations, maintains the spirit and intent of the Guidelines.
4. The size of the District will allow for numerous and varied development projects. Allowing greater flexibility in the extent of certain allowable variations will provide the City with a greater selection of innovative development design proposals.
5. The relevant factors of Section 3.10-6 of the Waukegan Zoning Ordinance have been satisfied

WHEREAS, the Waukegan Development Commission recommends that the requested text amendment be granted by the City Council of the City of Waukegan.

WHEREAS, the City Council of Waukegan has accepted the findings of facts of the Waukegan Development Commission and has determined that it is in the public interest and will tend to promote the public health, safety, morals, comfort, convenience and general welfare of the citizens of Waukegan, Illinois, to enact the proposed text amendment to the Lakefront/Downtown Overlay District Ordinance and the Waukegan Zoning Ordinance.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Waukegan, Illinois, as follows:

SECTION 1: That the above recitals are incorporated herein.

SECTION 2: That Ordinance 05-O-113 is amended by deleting all of existing Section 3. D. and in its place the following language is hereby adopted as Section 3. D. of the Waukegan Lakefront/Downtown Overlay District Ordinance:

“D. Requests for Variations. 1.) Variations of up to 25% from the quantitative requirements of the Master Plan and Design Guidelines pertaining to (a) floor area ratio requirements; (b) allowable developed square footage; and (c) the permitted number of residential units and 2.) Variations of up to 10% of all other quantitative requirements of the Master Plan and Design Guidelines may be included in the Permit application, and will be considered by the WDC or Administrative Review Team, as appropriate. Such variations shall be considered in terms of other consideration given by the applicant in its permit application, including credits, set-asides, or other public benefit as appropriate in accordance with the Master Plan and Design Guidelines. Applicants who request variations shall demonstrate in their permit application that the proposed development with the requested variation maintains the spirit and intent of the Lakefront/Downtown Master Plan and Design Guidelines.”

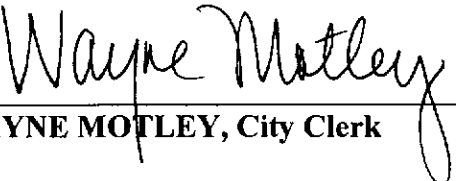
SECTION 3: That the City Clerk and Zoning Administrator are hereby directed to have the records of the City of Waukegan clearly marked to indicate the aforesaid change.

SECTION 4: All ordinances or parts of ordinances in conflict with terms of this ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.


MAYOR RICHARD H. HYDE

ATTEST:


WAYNE MOTLEY, City Clerk

Presented and Read at a regular meeting of the Waukegan City Council on the 7th day of January, 2008.

Passed and Approved at a regular meeting of the Waukegan, City Council on the 7th day of January, 2008.

ROLL CALL: Aldermen Rivera, Cunningham, Balen, Moisiso, Figueroa, Newsome, TenPas, Needham and Larsen

AYES: Aldermen Rivera, Cunningham, Balen, Moisiso, Figueroa, Newsome, TenPas, Needham and Larsen

NAYS: None

ABSENT: None

ABSTAIN: None

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