

**CITY OF WAUKEGAN**

**ORDINANCE NO. 21—O—05**

**AN ORDINANCE AMENDING THE CITY OF WAUKEGAN ZONING ORDINANCE  
TO PROVIDE FOR SENIOR-RESTRICTED RESIDENCES  
AS A CONDITIONAL USE IN THE B3 GENERAL COMMERCIAL DISTRICT**

**ADOPTED AND PASSED BY THE CITY COUNCIL  
OF THE CITY OF WAUKEGAN**

**ON THE 19<sup>th</sup>  
DAY OF JANUARY, 2021**

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Published in pamphlet form by authority of the City Council, of the City of Waukegan, Lake County, Illinois, on the 20<sup>th</sup> day of JANUARY, 2021.

  
CITY CLERK

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**WHEREAS**, the City of Waukegan has long had in full force and effect a Municipal Code that includes a Zoning Ordinance, codified as Appendix A to the City of Waukegan Code of Ordinances, which establishes and maintains regulations for the purpose of improving and protecting the public health, safety, comfort, convenience, and general welfare of the people, as well as the use of land within the community; and

**WHEREAS**, the City of Waukegan desires that its residents live in decent, safe, and sanitary housing; and

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing, pursuant to due published notice as required by law, on November 12, 2020 and discussed this draft ordinance, which would modify certain provisions of the Municipal Code; and

**WHEREAS**, the Planning and Zoning Commission recommended approval of the proposed draft ordinance on November 12, 2020.

**NOW THEREFORE, IN EXERCISE OF ITS HOME RULE POWERS, THE CITY COUNCIL OF THE CITY OF WAUKEGAN, LAKE COUNTY, ILLINOIS, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. *Definitions.***

- a. Article 13 of the City of Waukegan Zoning Ordinance is hereby supplemented with the following definition:

**SENIOR-RESTRICTED RESIDENCE.** Senior-Restricted Residences are properties containing single, complete dwelling units, with kitchen and bathroom facilities in each unit, within a multifamily structure that is:

**1. Age-restricted**

- i. Provided under any State or Federal program specifically designated, designed, and operated to assist elderly persons (as defined by such program); or
- ii. Intended for, and solely occupied by persons of age 62 years or older; or
- iii. Intended and operated for occupancy by persons of at least 55 years of age, where at least eighty percent (80%) of the occupied units are occupied by at least one person of age 55 or older, and where the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required hereunder; and where the housing facility and community complies with any and all rules issued by the US Department of Housing and Urban Development for verification of occupancy; and

2. 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; and
3. A Senior-Restricted Residence may provide communal eating, recreational, personal care, or other accessory uses for the exclusive use of the aforesaid occupants and their occasional guests; and
4. Any interpretations and implementation of this definition should be according to the provisions and regulations adopted to and by 42 USC 3607 for “housing for older persons”

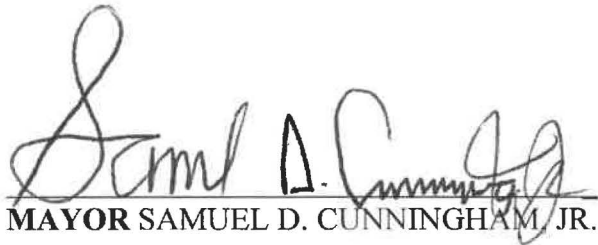
**SECTION 2.** *Amending Section 8.4-4, Conditional Uses in B3 General Commercial Districts.*

- a. Section 8.4-4 of the City of Waukegan Zoning Ordinance entitled “Conditional Uses” is hereby amended by supplementing the list with the following:  
XX. Senior-Restricted Residence. No dwelling within the Development shall be occupied until a Certificate of Occupancy has been issued by the Building Commissioner. No Certificate of Occupancy shall be issued for a Senior-Restricted Residence unless:
  1. The Development is in compliance with all life-safety and building codes.
  2. The Development is in compliance with all rental licensing and inspection regulations.
  3. The Building Commissioner may revoke a Certificate of Occupancy for a Senior-Restricted Residence if it fails to meet any City Codes or pay any City fees, after given notice of such failure in accordance with standard practice and procedure. A Certificate of Occupancy is not transferable to another developer or to another location.
  4. There can be no other establishments, other than accessory uses as permitted above, occupying the same zoning lot.

**SECTION 3:** All ordinances or parts of ordinances in conflict with the terms of this ordinance are, to the extent of such conflict, hereby repealed.

**SECTION 4:** This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

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**MAYOR SAMUEL D. CUNNINGHAM, JR.**

**ATTEST:**

  
**CITY CLERK JANET E. KILKELLY**

Presented and Read at a regular meeting of the Waukegan City Council on the 19<sup>th</sup> day of **JANUARY 2021.**

Passed and Approved at a regular meeting of the Waukegan City Council on 19<sup>th</sup> day of **JANUARY 2021.**

**ROLL CALL:** Ald Rivera, Ald Florian, Ald Taylor, Ald Bolton, Ald Seger, Ald Moisio, Ald Kirkwood, Ald Newsome, Ald Turner.

**AYES:** Ald Rivera, Ald Florian, Ald Taylor, Ald Bolton, Ald Seger, Ald Moisio, Ald Kirkwood, Ald Newsome, Ald Turner.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.