

Agenda Item # 60

Distribution
Dept. of Plan., Bldg. & Dev. (4)

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

ZBA Case #3314A

SS

COUNTY BOARD, LAKE COUNTY, ILLINOIS

JUNE 10, 2003

MS. CHAIRPERSON AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case #3314A relating to general text amendments to the Lake County Unified Development Ordinance.

Your Department of Planning, Building and Development has recommended that Attached Exhibits 1 and 2 be adopted; Your Zoning Board of Appeals recommends by a vote of 5-0 that Exhibit 1 not be adopted and by a vote of 6 to 0 that Exhibit 2 be adopted; your Planning, Building and Zoning Committee recommends by a vote of 6 to 0 that Exhibit 3 be adopted.

- An "Aye" vote on the motion shall operate in favor of the text change.
- A "Nay" vote on the motion shall operate against the text change.
- A 3/4 (18) affirmative vote is required to approve the change if there is a legal objection on file.

Respectfully submitted,

Ludy Martore
CHAIRPERSON

Camela O. Weston
VICE-CHAIRMAN

Stacy M. ...

Randy ...

Robert ...

Planning, Building and Development Committee

RESOULTION

WHEREAS, on December 17, 2002, this County Board adopted a Resolution directing the Zoning Board of Appeals to conduct a public hearing to consider certain text amendments to the Lake County Unified Development Ordinance; and

WHEREAS, your Department of Planning, Building and Development has reviewed the proposed amendments and recommends that the text of the Lake County Unified Development Ordinance be amended in accordance with Exhibits 1 and 2 attached hereto; and

WHEREAS, after reviewing the recommendations presented at said hearing, the Lake County Zoning Board of Appeals has submitted its Report thereon to the County Board and its report attached hereto recommends by a vote of 5-0 that the amendments attached hereto as Exhibit 1 not be adopted and by a vote of 6-0 that the amendments attached hereto as Exhibit 2 be adopted, and

WHEREAS, your Planning, Building and Zoning Committee has duly considered the aforementioned recommendations and recommends that the text of the Lake County Unified Development Ordinance be amended in accordance with Exhibit 3 attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the amendments contained in Exhibit 3, attached hereto and hereby made a part of this Resolution be, and are hereby adopted and made a part of the Lake County Unified Development Ordinance; and

BE IT FURTHER RESOLVED that the Clerk of the County Board shall keep a record of this action.

DATED AT WAUKEGAN, LAKE COUNTY, ILLINOIS, this 10th day of June, 2003.

**Exhibit 1
Staff Recommendation**

**Proposed UDO Amendments Relating to Impervious
Surface Ratio and Building Coverage Requirements**

Amend Article 14, Section 14.2/Definitions as follows, renumbering accordingly:

Building Coverage

The total ground area or footprint occupied by any principal building together with all accessory buildings, not including any floor space in an accessory building or principal building designed to meet the minimum parking requirements of Article 9 of this Ordinance.

Building Coverage Ratio

A measure of the intensity of land use which is determined by dividing the total ground area or footprint occupied by any principal building together with all accessory buildings (not including any floor space in an accessory building or principal building designed to meet the minimum parking requirements of Article 9 of this Ordinance) on a site by the base site area.

Amend Article 7 to add new Section 7.8.5 as follows; Renumber subsequent sections:

Building coverage consists of the total footprint or ground area occupied by any principal building together with all accessory buildings but shall not include any floor space in an accessory building or principal building which is designed to meet the minimum parking requirements of Article 9 of this Ordinance. The building coverage ratio is calculated by dividing the total ground area of these structures on the site divided by the site's base site area.

Amend Article 7, Table 7.1-1 as follows:

Zoning District	Maximum Density (units per acre) (§§7-8-6)	Min. Lot Size		Minimum Setbacks (feet) (§§7-8-9)			Max. ISR (§§7-8-4)	Max. Building Coverage Ratio (§§7-8-5)	Max. Height (feet) (§§7-8-5)
		Area (sq. ft.) (§§7-8-1)	Width (ft.) (§§7-8-2)	Street	Side (min/total)	Rear			
AG	0.20	200,000	300	30	30/60	50	0.10	0.10	35[1]
RE	0.20	200,000	300	30	30/60	50	0.10	0.10	35[1]
E	0.45	80,000	190	30	19/48	30	0.15	0.15	35[1]
R1	0.80	40,000	130	30	13/33	30	0.20	0.20	35
R2	1.33	20,000	90	30	9/23	15	0.30	0.30	35
R3	2.00	12,000	60	30	7/17	15	0.30	0.30	35
R4	2.50	8,500	60	30	6/15	15	0.40 [2]	0.30	35
R5	8.00	See Table 7.1-1(A)				15	0.50 [2]	0.30	40
R6	12.00	See Table 7.1-1(A)				15	0.50 [2]	0.30	40
RR	12.00	8,500	50	30	6/15	15	0.50 [2]	0.30	35

Notes: Setbacks from alleys shall be the same as otherwise applicable side or rear setbacks.

[1] Structures in the AG, RE, E zoning districts may exceed the 35-foot building height limit by providing additional setbacks, as follows: for each 1 foot of additional height above 35 feet, structures shall be set back from all front, side and rear property lines by 2 feet more than the otherwise required minimum setback. Structures in the AG, RE, or E districts shall not exceed 45 feet in height.

[2] Applicable only to multiplex and multi-dwelling developments.

Amend Article 12, Section 12.4.3.A.5/Nonconforming Lots/Agricultural and Residential Zoning Districts to read as follows:

5. Building Coverage Impervious Surface

Lots that are nonconforming due to insufficient area shall be allowed a building coverage ratio of 0.30 an impervious surface ratio (I.S.R.) of 0.50 up to a total of 3,500 square feet of building coverage impervious surface, or the area permitted by the district's building coverage ratio I.S.R., whichever is greater. All other nonconforming lots shall comply with the building coverage impervious surface requirements of the underlying zoning district. I.S.R. shall be calculated by dividing the total area of all impervious surfaces on the site by the site's base site area.

Amend Article 12, Section 12.4.4.B. 1. a. to replace the term "impervious surface" with "building coverage".

Amend Article 6, Section 6.4.2 /General Standards item B to read as follows:

- B. Unless otherwise expressly stated, accessory structures and uses shall comply with all applicable regulations of this Ordinance, including the floor area ratio, impervious surface ratio, building coverage ratio, height and setback regulations (See also §§6.4.3). No accessory use or structure shall cause any of these standards to be exceeded for the underlying zoning district.

Proposed UDO Amendments Relating to Landscaping and Railroad right-of-way Requirements

Amend Article 9, Section 9.3.1.A.2/Applicability to read as follows:

2. All nonresidential development adding at least 500 ~~4,000~~ square feet of floor area or 1,000 ~~2,000~~ square feet of impervious surface (on any size parcel) when adjacent to a residential use or zoning district.

Amend Article 7, Tables 7.1-1, 7.1-1(A), 7.1-4 to include the following note:

Note: Any setback from a railroad right-of-way need not exceed 5 feet. A transition yard shall not be required in this instance.



STORMWATER MANAGEMENT COMMISSION

MEMORANDUM

TO: Planning, Building and Zoning Committee

FROM: Michael Warner, Chief Engineer

DATE: May 14, 2003

SUBJECT: Single Family Home - Impervious Surface Ratio (ISR)

SMC was contacted concerning the replacement of the regulation for the calculation of single-family home ISR's with a building coverage calculation. SMC has no objection to this modification. It does not appear that the change will impact or conflict with any WDO requirements. The proposed change is essentially a zoning issue as opposed to site stormwater performance standards modification.

Unfortunately, both Ward and myself are out of town and hope this memo serves your needs with regard to the input requested from the SMC. If you have questions on this information before the meeting please call me at 918-5267.

C Bob Mosteller

Exhibit 2

ZBA Recommendation

Amend Article 1, Section 1.11.3/Conditional Uses to read as follows:

- A. Any use that was legally established before April 11, 2000 without a Conditional Use Permit and which after April 11, 2000 is located within a zoning district that requires a Conditional Use Permit for the subject use, shall be issued a Conditional Use Permit without following the procedures of Sec. 3.6. Any use that was legally established prior to the Conditional Use Permit requirement of this Ordinance for the subject use in the zoning district in question, shall similarly be issued a Conditional Use Permit without following the procedures of Sec. 3.6. Expansions and modifications of such uses shall be subject to Sec. 3.6. Even if a Conditional Use Permit is issued pursuant to this section, those uses or structures that do not comply with applicable standards of this Ordinance, including the use standards of Sec. 6.2, shall be deemed nonconforming and be subject to the regulations of Article 12. ~~Expansions and modifications of such uses shall be subject to Sec. 3.6.~~

Amend Article 1, Section 1.11 to add the following subsection as follows:

§§1.11.4/Temporary Administrative Deferrals

Upon the County Board's adoption of a resolution directing the Zoning Board of Appeals to conduct hearings relating to any amendments to the text or maps of this Ordinance, the Planning, Building and Development Director, upon the consent of the Planning, Building and Zoning Committee, shall be empowered to place a temporary administrative deferral on applications that are materially affected by the proposed amendments, if adopted. Such temporary administrative deferral shall be in place for a reasonable period of time not to exceed a maximum of 120 days. A temporary administrative deferral shall automatically cease upon the expiration of 120 days or upon final action by the County Board relating to the proposed amendment, whichever occurs first. Upon receipt of such an application, the Planning, Building and Development Director shall inform the applicant in writing of the temporary administrative deferral and shall inform the applicant that the application shall be processed in accordance with the outcome of the proposed amendment.

Amend Article 3, Section 3.6 to add a new subsection 3.6.9/Findings of Fact; Written Transcripts, as follows; renumbering subsequent subsections accordingly:

All decisions on Conditional Use Permits shall be supported by findings of fact specifying the reasons for the decision. A written transcript of the hearing shall be prepared for all Conditional Use Permits.

Amend Article 3, Section 3.6.9/Lapse of Approval to read as follows:

Unless otherwise expressly stated in the Conditional Use Permit, if an approved Conditional Use has not been established within 2 years of the date of approval by the County Board or if the use that is the subject of the Conditional Use Permit ceases to operate for a period of more than 1 year, the Conditional Use Permit shall lapse and be of no further effect. For purposes of this section, the term "established" shall mean the issuance of a permit or permits for the principal use that is the subject of the Conditional Use Permit. For phased development, the term "established" shall mean the issuance of a permit or permits for the first phase of development. The time-frames of this subsection may be extended for up to 1 year by the Planning, Building and Zoning Committee ~~County Board~~ if an extension request is filed with the Planning, Building and Development Director prior to expiration of the Conditional Use Permit.

Amend Article 4, Section 4.1.1/Applicability to read as follows:

- A. All of the following shall be subject to the Site Capacity Calculation and Site Plan Review procedures of this section unless otherwise expressly exempted:
1. any Conservation Development;
 2. any Mobile Home Park; and any Recreational Vehicle Park
 3. any conventional residential development consisting of 3 or more dwelling units or lots;
 4. any nonresidential development on any parcel that is 40,000 square feet in area or larger; and
 5. any site development activity on any parcel with an area of 200,000 square feet or more, except when such parcel is being developed with no more than 2 single family dwellings.
- B. All of the following shall be subject to the Site Plan Review procedures of this section regardless of the size of the subject parcel, unless otherwise expressly exempted:

1. service stations;
2. fast feed restaurants with drive-through service and/or outdoor seating and carry outs;
3. drive-through banks;
4. convenience stores;
5. car washes;
6. motor vehicle display, sales, rental or service; and
7. shopping centers;
8. taverns; and
9. marinas.

Amend Article 4, Section 4.1.2/Exemptions to read as follows:

- Full for discussion later*
- E. Site Capacity Calculations and Site Plan Review shall not be required for nonresidential accessory uses or structures or for additions to principal nonresidential uses provided that: (1) the accessory use/structure or addition to the principal use does not exceed ~~500~~ 1,000 square feet of floor area or ~~4,000~~ 2,000 square feet of impervious surface area; and or (2) the Planning, Building and Development Director determines that no Protected natural resource protection areas will be adversely affected. Site Capacity Calculations and Site Plan Review shall not be required, regardless of size, for gazebos and screened or open porches.

Amend Article 6, Section 6.4.2/General Standards item C. to read as follows:

- C. No accessory structure may be located within 4 feet of any property line. No accessory structure may be located within 4 feet of any or other structure except fences, any at-grade improvements, or any other structures that do not unreasonably impede access for emergency and/or maintenance purposes or otherwise create a fire or safety hazard.

Amend Article 6, Section 6.4/Accessory Uses to add a new subsection 11 as follows:

§§6.4.11/Commercial Vehicle Parking
One commercial vehicle, with dimensions not to exceed 20 feet in length, 8 feet in width and 7 feet in height, shall be allowed as an accessory use to an existing residential use. In no case shall semi-trailer cabs, tow

trucks, dump trucks, aerial ladders, bucket trucks or any other special purpose vehicle be permitted.

Amend Article 6, Section 6.4.4.A.1/Accessory Dwellings and Caretaker's Residences to read as follows:

1. Accessory Dwelling Units
Accessory dwelling units (attached or detached from the principal structure) shall be an allowed accessory use to any allowed detached house use on lots in the AG, RE, E, or R-1 districts with a minimum area of 80,000 square feet or more. An attached accessory dwelling unit may be located within any level of the house to which it is attached, but shall not internally exceed 1 story.

Amend Article 6, Section 6.5.3/Temporary Uses/Applications to read as follows.

§§6.5.3/Applications

Applications for Temporary Use Permits shall be submitted to the Planning, Building and Development Department on forms available in the Planning, Building and Development Department. Applications shall be submitted at least 30 days before the date of the event or start of the temporary use, unless this time frame is reduced by the Planning, Building and Development Director.

Amend Article 7, Tables 7.1-1, 7.1-1(A), 7.1-4 to include the following notes:

Note: A transition yard may also be required, which may increase the minimum setback shown in this table. See Section 9.3.6.

Amend Article 7, Table 7.1-1 as follows:

Zoning District	Maximum Density (units per acre) (§§7-8-6)	Min. Lot Size		Minimum Setbacks (feet) (§§7-8-3)			Max. ISR (§§7-8-4)	Max. Height (feet) (§§7-8-5)
		Area (sq. ft.) (§§7-8-1)	Width (ft.) (§§7-8-2)	Street	Side (min./total)	Rear		
AG	0.20	200,000	300	30	30/60	50	0.10	35 [1] [2]
RE	0.20	200,000	300	30	30/60	50	0.10	35 [1] [2]
E	0.45	80,000	190	30	19/48	30	0.15	35 [1] [2]
R1	0.80	40,000	130	30	13/33	30	0.20	35 [2]
R2	1.33	20,000	90	30	9/23	15	0.30	35 [2]
R3	2.00	12,000	60	30	7/17	15	0.30	35 [2]
R4	2.50	8,500	60	30	6/15	15	0.40	35 [2]
R5	8.00	See Table 7.1-1(A)				15	0.50	40 [2]
R6	12.00	See Table 7.1-1(A)				15	0.50	40 [2]
RR	12.00	8,500	50	30	6/15	15	0.50	35 [2]

Notes: Setbacks from alleys shall be the same as otherwise applicable side or rear setbacks.

[1] Structures in the AG, RE, E zoning districts may exceed the 35-foot building height limit by providing additional setbacks, as follows: for each 1 foot of additional height above 35 feet, structures shall be set back from all front, side and rear property lines by 2 feet more than the otherwise required minimum setback. Structures in the AG, RE, or E districts shall not exceed 45 feet in height.

[2] Notwithstanding the method prescribed by this Ordinance for calculating building height, in no case shall the roof peak of any single family dwelling exceed 50 feet above the mean elevation at finished grade along the front of the structure.

Amend Article 7, Section 7.7.1/Conservation Residential Structure Types/Detaches House as follows:

Detached House Conservation Residential Development Standards	
Minimum Lot Size per Dwelling Unit	
Area (Sq. Ft.)	6,500 square feet
Width (Ft.)	50 feet
Minimum Setbacks (feet.)	
Street	25
Interior Side	8
Rear	25
Maximum Height	35 feet*

* Structures in the AG, RE and E zoning districts may exceed the 35-foot building height limit by providing additional setbacks, as follows: for each 1 foot of additional height above 35 feet, structures shall be set back from all property lines by 2 feet more than otherwise required minimum setback. Structures in the AG, RE or E districts shall not exceed 45 feet in height.

Notwithstanding the method prescribed by this Ordinance for calculating building height, in no case shall the roof peak of any single family dwelling exceed 50 feet above the mean elevation at finished grade along the front of the structure.

Amend Article 12, Section 12.4.4.B/Plat of Consolidation to provide for an alternate method of consolidating nonconforming recorded lots.

Amend Article 12, Section 12.4.4.b as follows:

B. Plats of Consolidation of Parcels

1. A Plat of Consolidation of parcels shall be required in the following instances when it is necessary to use any contiguous nonconforming recorded ~~lot(s)~~ parcel(s) held in common ownership:
 - a. For construction of a new principal structure, for construction of an addition to an existing structure, or for construction of an accessory structure on the same lot parcel on which the principal structure exists that will not meet the setback requirement from the common lot parcel line or will not comply with the impervious surface ratio requirement if the ISR was calculated only on one lot parcel.
 - b. For construction of more than 1 accessory residential building or for construction of an accessory residential building larger than 576 square feet in size on a separate lot contiguous to a lot on which the principal residential building is present, or the placement of a new septic system or an addition to an existing septic system.
 - c. For construction of any new nonresidential accessory building on a separate lot contiguous to a lot on which the principal nonresidential use is present.
 - d. ~~The improvements such as reroofing, residing, electrical upgrades, interior alterations, installation of exterior air conditioning/heating units, seawalls, retaining walls and driveways shall be exempt from the Plat of Consolidation requirement. Construction of accessory structures such as fences, decks, porches, gazebos, sheds and pools shall be exempt from the Plat of Consolidation requirement. They must meet all other applicable zoning requirements.~~
2. Construction of accessory structures such as fences, decks, porches, gazebos, sheds and pools shall be exempt from the Consolidation requirement. They must meet all other applicable zoning requirements.

Commentary:

A Plat of Consolidation will not be required in a situation where an addition is proposed to an existing house which occupies that straddles the common parcel line(s) of two or more lots parcels, or in a situation where the proposed addition straddles the common parcel line(s), regardless of the location of the existing house. All other zoning requirements such as setbacks, impervious surface ratio, etc. must be met counting both lots parcels as gross site area. The improvements such as reroofing, residing, electrical upgrades, interior alterations, installation of exterior air conditioning/heating units, seawalls, retaining walls, the repair of failing septic systems and driveways shall be exempt from the Consolidation requirement.

3. Required Method of Consolidation

a. Partial Plat Vacation

A To apply for a Plat of Consolidation the applicant shall be required to submit a final plat and final engineering plans if applicable, which shall be processed in accordance with the procedures of Article 10. of parcels through partial plat vacation refers to any required consolidation within the boundaries of a platted subdivision. A consolidation of parcels through

partial plat vacation shall require the recordation of a written vacation instrument consistent with Sections 6 and 7 of the Illinois Plat Act, 765 ILCS 205/6 and 765 ILCS 205/7. Forms for this instrument are available from the Planning, Building and Development Department. Through such recorded vacation instrument, the parcels shall be combined. The Planning, Building and Development Director shall have the authority to approve a Plat of consolidation of parcels through partial plat vacation as contemplated in this Section and to execute the written vacation instrument on behalf of the County in accordance with the procedures of Article 10.

b. Covenant

A consolidation of parcels through covenant refers to any required consolidation of metes and bounds parcels, not within the boundaries of a platted subdivision, or the consolidation of one or more metes and bounds parcels with a parcel, located within the boundaries of a platted subdivision, that has been vacated through a written vacation instrument in accordance with Subsection (a), above. A consolidation by covenant shall be executed through a signed, notarized and recorded covenant on forms available from the Planning, Building and Development Department. Through such covenant, the applicant shall agree that all parcels comprising the consolidation of parcels shall remain in common ownership in perpetuity, and shall henceforth be considered one zoning lot for development purposes. Such covenant would be binding on the applicant's successors and assigns. The Planning, Building and Development Director shall have the authority to approve a consolidation through covenant as contemplated in this subsection and to execute the written covenant instrument on behalf of the County.

Commentary:

The Lake County Health Department approval is required for individual sewage disposal systems and individual wells if public sewer and water are not present. In accordance with Article 9, Section 9.5, each lot is required to have direct access to an improved, approved street. Compliance with the requirements of the Site Development standards of Article 8 is required.

- ~~e. The minimum requirements of the Lake County Health Department for individual sewage disposal systems and individual wells shall be met if sewer is not present.~~
- ~~d. Each lot shall have direct access to an improved, approved street. If the lot fronts on an unimproved street and if the platted subdivision contains more than 3 lots, then the street shall be required to be constructed as a publicly dedicated road for access from an existing improved dedicated road to the platted lot or lots that are to be built upon and across the entire frontage of that lot or lots to be incorporated into the Township Highway system. The right-of-way width and the design of the proposed improvement shall comply with all applicable standards of this Ordinance. If the platted lot right-of-way width is less than that required by this Ordinance or cannot be dedicated to comply with this Ordinance, then the developer shall be required to comply with the requirements of ILCS 5/6-325 and all referenced sections of state statutes. An extension of a private road that will serve more than 3 lots shall not be permitted.~~
- ~~e. Drainage improvements consistent with the Site Development standards of Article 8 shall be required.~~

- ~~f. If a series of legal nonconforming lots are combined into more than 1 lot, the school contribution requirements of Article 11 shall be met. If such lots are combined into a single lot, school contribution requirements shall not apply.~~

Amend Article 14, Section 14.2/Definitions as follows, renumbering accordingly:

Commercial Vehicle

A vehicle that is used or intended to be used primarily for commercial purposes.

Exhibit 3

Planning, Building and Zoning committee Recommendation

Amend Article 1, Section 1.11.3/Conditional Uses to read as follows:

- A. Any use that was legally established before April 11, 2000 without a Conditional Use Permit and which after April 11, 2000 is located within a zoning district that requires a Conditional Use Permit for the subject use, shall be issued a Conditional Use Permit without following the procedures of Sec. 3.6. Any use that was legally established prior to the Conditional Use Permit requirement of this Ordinance for the subject use in the zoning district in question, shall similarly be issued a Conditional Use Permit without following the procedures of Sec. 3.6. Expansions and modifications of such uses shall be subject to Sec. 3.6. Even if a Conditional Use Permit is issued pursuant to this section, those uses or structures that do not comply with applicable standards of this Ordinance, including the use standards of Sec. 6.2, shall be deemed nonconforming and be subject to the regulations of Article 12. ~~Expansions and modifications of such uses shall be subject to Sec. 3.6.~~

Amend Article 1, Section 1.11 to add the following subsection as follows:

§§1.11.4/Temporary Administrative Deferrals

Upon the County Board's adoption of a resolution directing the Zoning Board of Appeals to conduct hearings relating to any amendments to the text or maps of this Ordinance, the Planning, Building and Development Director, upon the consent of the Planning, Building and Zoning Committee, shall be empowered to place a temporary administrative deferral on applications that are materially affected by the proposed amendments, if adopted. Such temporary administrative deferral shall be in place for a reasonable period of time not to exceed a maximum of 120 days. A temporary administrative deferral shall automatically cease upon the expiration of 120 days or upon final action by the County Board relating to the proposed amendment, whichever occurs first. Upon receipt of such an application, the Planning, Building and Development Director shall inform the applicant in writing of the temporary administrative deferral and shall inform the applicant that the application shall be processed in accordance with the outcome of the proposed amendment.

Amend Article 3, Section 3.6 to add a new subsection 3.6.9/Findings of Fact; Written Transcripts, as follows; renumbering subsequent subsections accordingly:

All decisions on Conditional Use Permits shall be supported by findings of fact specifying the reasons for the decision. A written transcript of the hearing shall be prepared for all Conditional Use Permits.

Amend Article 3, Section 3.6.9/Lapse of Approval to read as follows:

Unless otherwise expressly stated in the Conditional Use Permit, if an approved Conditional Use has not been established within 2 years of the date of approval by the County Board or if the use that is the subject of the Conditional Use Permit ceases to operate for a period of more than 1 year, the Conditional Use Permit shall lapse and be of no further effect. For purposes of this section, the term "established" shall mean the issuance of a permit or permits for the principal use that is the subject of the Conditional Use Permit. For phased development, the term "established" shall mean the issuance of a permit or permits for the first phase of development. The time-frames of this subsection may be extended for up to 1 year by the Planning, Building and Zoning Committee ~~County Board~~ if an extension request is filed with the Planning, Building and Development Director prior to expiration of the Conditional Use Permit.

Amend Article 4, Section 4.1.1/Applicability to read as follows:

- A. All of the following shall be subject to the Site Capacity Calculation and Site Plan Review procedures of this section unless otherwise expressly exempted:
 1. any Conservation Development;
 2. any Mobile Home Park; and any Recreational Vehicle Park
 3. any conventional residential development consisting of 3 or more dwelling units or lots;
 4. any nonresidential development on any parcel that is 40,000 square feet in area or larger; and
 5. any site development activity on any parcel with an area of 200,000 square feet or more, except when such parcel is being developed with no more than 2 single family dwellings.
- B. All of the following shall be subject to the Site Plan Review procedures of this section regardless of the size of the subject parcel, unless otherwise expressly exempted:

1. service stations;
2. ~~fast food~~ restaurants with drive-through service and/or outdoor seating and carry outs;
3. drive-through banks;
4. convenience stores;
5. car washes;
6. motor vehicle display, sales, rental or service; ~~and~~
7. shopping centers;
8. taverns; and
9. marinas.

Amend Article 6, Section 6.4.2/General Standards item C. to read as follows:

- C. No accessory structure may be located within 4 feet of any property line. No accessory structure may be located within 4 feet of any ~~or~~ other structure except fences, any at-grade improvements, or any other structures that do not unreasonably impede access for emergency and/or maintenance purposes or otherwise create a fire or safety hazard.

Amend Article 6, Section 6.4.4.A.1/Accessory Dwellings and Caretaker's Residences to read as follows:

1. Accessory Dwelling Units
Accessory dwelling units (attached or detached from the principal structure) shall be an allowed accessory use to any allowed detached house use on lots in the AG, RE, E, or R-1 districts with a minimum area of 80,000 square feet or more. An attached accessory dwelling unit may be located within any level of the house to which it is attached, but shall not internally exceed 1 story.

Amend Article 6, Section 6.5.3/Temporary Uses/Applications to read as follows.

§§6.5.3/Applications

Applications for Temporary Use Permits shall be submitted to the Planning, Building and Development Department on forms available in the Planning, Building and Development Department. Applications shall be submitted at least 30 days before the date of the event or start of the temporary use, unless this time frame is reduced by the Planning, Building and Development Director.

Amend Article 7, Tables 7.1-1, 7.1-1(A), 7.1-4 to include the following notes:

Note: A transition yard may also be required, which may increase the minimum setback shown in this table. See Section 9.3.6.

Amend Article 12, Section 12.4.4.B/Plat of Consolidation to provide for an alternate method of consolidating nonconforming recorded lots.

Amend Article 12, Section 12.4.4.b as follows:

B. Plats of Consolidation of Parcels

1. A ~~Plat of Consolidation of parcels~~ shall be required in the following instances when it is necessary to use any contiguous nonconforming recorded ~~lot(s) parcel(s)~~ held in common ownership:

- a. For construction of a new principal structure, for construction of an addition to an existing structure, or for construction of an accessory structure on the same ~~lot parcel~~ on which the principal structure exists that will not meet the setback requirement from the common ~~lot parcel~~ line or will not comply with the impervious surface ratio requirement if the ISR was calculated only on one ~~lot parcel~~.

- b. For construction of more than 1 accessory residential building or for construction of an accessory residential building larger than 576 square feet in size ~~on a separate lot contiguous to a lot on which the principal residential building is present, or the placement of a new septic system or an addition to an existing septic system.~~

- c. For construction of any new nonresidential accessory building ~~on a separate lot contiguous to a lot on which the principal nonresidential use is present.~~

- d. ~~The improvements such as reroofing, residing, electrical upgrades, interior alterations, installation of exterior air conditioning/heating units, seawalls, retaining walls and driveways shall be exempt from the Plat of Consolidation requirement. Construction of accessory structures such as fences, decks, porches, gazebos, sheds and pools shall be exempt from the Plat of Consolidation requirement. They must meet all other applicable zoning requirements.~~

Commentary:

A Plat of Consolidation will not be required in a situation where an addition is proposed to an existing house which occupies that straddles the common parcel line(s) of two or more lots parcels, or in a situation where the proposed addition straddles the common parcel line(s), regardless of the location of the existing house. All other zoning requirements such as setbacks, impervious surface ratio, etc. must be met counting both lots parcels as gross site area. The improvements such as reroofing, residing, electrical upgrades, interior alterations, installation of exterior air conditioning/heating units, seawalls, retaining walls, the repair of failing septic systems and driveways shall be exempt from the Consolidation requirement.

2. Construction of accessory structures such as fences, decks, porches, gazebos, sheds and pools shall be exempt from the Consolidation requirement. They must meet all other applicable zoning requirements.

3. **Required Method of Consolidation**

a. **Partial Plat Vacation**

A To apply for a Plat of Cconsolidation the applicant shall be required to submit a final plat and final engineering plans if applicable, which shall be processed in accordance with the procedures of Article 10, of parcels through partial plat vacation refers to any required consolidation within the boundaries of a platted subdivision. A consolidation of parcels through partial plat vacation shall require the recordation of a written vacation instrument consistent with Sections 6 and 7 of the Illinois Plat Act, 765 ILCS 205/6 and 765 ILCS 205/7. Forms for this instrument are available from the Planning, Building and Development Department. Through such recorded vacation instrument, the parcels shall be combined. The Planning, Building and Development Director shall have the authority to approve a Plat of cConsolidation of parcels through partial plat vacation as contemplated in this Section and to execute the written vacation instrument on behalf of the County in accordance with the procedures of Article 10.

b. **Covenant**

A consolidation of parcels through covenant refers to any required consolidation of metes and bounds parcels, not within the boundaries of a platted subdivision, or the consolidation of one or more metes and bounds parcels with a parcel, located within the boundaries of a platted subdivision, that has been vacated through a written vacation instrument in accordance with Subsection (a), above. A consolidation by covenant shall be executed through a signed, notarized and recorded covenant on forms available from the Planning, Building and Development Department. Through such covenant, the applicant shall agree that all parcels comprising the consolidation of parcels shall remain in common ownership in perpetuity, and shall henceforth be considered one zoning lot for development purposes. Such covenant would be binding on the applicant's successors and assigns. The Planning, Building and Development Director shall have the authority to approve a consolidation through covenant as contemplated in this subsection and to execute the written covenant instrument on behalf of the County.

Commentary:

The Lake County Health Department approval is required for individual sewage disposal systems and individual wells if public sewer and water are not present. In accordance with Article 9, Section 9.5, each lot is required to have direct access to an improved, approved street. Compliance with the requirements of the Site Development standards of Article 8 is required.

- c. The minimum requirements of the Lake County Health Department for individual sewage disposal systems and individual wells shall be met if sewer is not present.
- d. Each lot shall have direct access to an improved, approved street. If the lot fronts on an unimproved street and if the platted subdivision contains more than 3 lots, then the street shall be required to be constructed as a publicly

~~dedicated road for access from an existing improved dedicated road to the platted lot or lots that are to be built upon and across the entire frontage of that lot or lots to be incorporated into the Township Highway system. The right-of-way width and the design of the proposed improvement shall comply with all applicable standards of this Ordinance. If the platted lot right-of-way width is less than that required by this Ordinance or cannot be dedicated to comply with this Ordinance, then the developer shall be required to comply with the requirements of ILCS 5/6-325 and all referenced sections of state statutes. An extension of a private road that will serve more than 3 lots shall not be permitted.~~

- ~~e. Drainage improvements consistent with the Site Development standards of Article 8 shall be required.~~
- ~~f. If a series of legal nonconforming lots are combined into more than 1 lot, the school contribution requirements of Article 11 shall be met. If such lots are combined into a single lot, school contribution requirements shall not apply.~~

COUNTY BOARD, LAKE COUNTY, ILLINOIS

JUNE 10, 2003

MS. CHAIRPERSON AND MEMBERS OF THE COUNTY BOARD:

Pursuant to State Statutes and following proper publication of public notice, a public hearing has been held by the Lake County Zoning Board of Appeals on January 29, February 18 and March 26, 2003 in the County Administration Building, Waukegan, Illinois, relative to a Resolution adopted by the Lake County Board on December, 17, 2002, directing the Zoning Board of Appeals to conduct a public hearing to consider certain amendments to the text of the Lake County Unified Development Ordinance.

The proceedings of this public hearing were electronically recorded and are available for public review at the office of the Lake County Zoning Board of Appeals.

At the hearing held on January 29 a motion was made by Member Zingle and seconded by Member Wilson to recommend that the amendments attached hereto as Exhibit 1 not be adopted. Voting "Aye" on this motion were Members Zingle, Bell, Wilson, Van Erden and Helke. Voting "Nay", none. The motion passed by a vote of 5-0.

The findings of the Board relating to Exhibit 1 are as follows:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;

ISR standards have been in the county's zoning ordinance in some form since 1982, and in essentially this form since 1988. No error or inconsistency in the Ordinance was shown to exist by the County, nor is there a challenge of a changing condition. If anything, the increased flooding the county has experienced would lead to stricter regulations, not lifting them.

- B. The proposed amendment is consistent with the purpose and intent of this Ordinance (Sec.1.5).

Sec. 1.5 E specifically obliges us to protect landowners from any adverse impacts associated with development. Elimination of ISR would conceivably permit significant amounts of paving on individual residential lots, creating the potential for stormwater runoff to damage neighboring properties (most of these small individual lots are covered by neither the stormwater management regulations, nor the regulations in Article 8). Further, there are esthetic impacts of large amounts of pavement that are perhaps harder to quantify, but nonetheless significant, if left unchecked.

Sec. 1.5 H requires us to protect the integrity of watersheds. In written testimony ("The Importance of Imperviousness") provided by Openlands, it is demonstrated that as little 10% imperviousness in a watershed can lead to changes in biodiversity, degradation of water quality, increased streambank erosion, and other negative effects.

Sec. 1.5 I requires promoting sustainable development. As mentioned below, anticipated drinking water shortages do not promote sustainable development.

C. The proposed amendment will not adversely affect the health, safety, morals and general welfare of the public.

We heard testimony from Mr. Rick Cobb of the Groundwater section of the Illinois Environment Protection Agency that our deep aquifer is already being "mined"; extractions are occurring at about the same rate as recharge. Increasing amounts of impervious surface prevent water from percolating through the soil to reach the aquifer. It is documented that Northeast Illinois, if present trends continue, will experience water shortage within the next 20 years.

The shallow aquifer(s), where most individual wells draw, will be similarly impacted. Water withdrawals affect areas as much as 10 miles away.

Mr. Dennis Dreher of the Northeast Illinois Planning Commission testified that even with good stormwater management practices, the rate of runoff can be controlled, but the volume of runoff is greatly increased, eventually leading to flooding, change in the biodiversity of streams, and increased water quality problems.

Unincorporated Lake County still accounts for 35-40% of the total land in Lake County. Very little of that land is zoned multifamily or nonresidential (where the ISR as proposed would still apply). The potential impact of this change is enormous.

Under Article 12, the allowance for "up to a total of 3500 square feet" on nonconforming lots plus the allowance for a parking structure within the building will allow 3900 sq. ft. to be constructed on 6500 sq. ft. lots. To this, add the driveway, etc. and the house size and the I.S. R. is inconsistent with the other property around the subject property.

At the close of the hearing held on March 26, 2003, after a final review of all evidence and testimony presented on this matter, a motion was made by Member Wilson, with a second by Member Van Erden, to recommend that the text amendments attached hereto as Exhibit 2 be adopted. Voting "Aye" on this motion were Members Freese, Zingle, Bell, Wilson, Van Erden and Helke. Voting "Nay", none. The motion passed by a vote of 6 - 0.

At the direction of the Chairman of the Lake County Zoning Board of Appeals, this report is herewith forwarded to your Honorable Body with the recommendation it be adopted.