



## RESOLUTION

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 6 - 0 that the amendments attached hereto as Exhibit 1 be adopted and by a vote of 5 - 0 that the amendments attached hereto as Exhibit 2 not 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 8th day of July, 2003.

## Exhibit 3

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

- 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 ~~1,000~~ 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/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 7, Tables 7.1-1 through 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.

**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]
RE	0.20	200,000	300	30	30/60	50	0.10	35[1]
E	0.45	80,000	190	30	19/48	30	0.15	35[1]
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 40 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 40 feet above the mean elevation at finished grade along the front of the structure.

**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.

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.

## Exhibit 2

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

2. All nonresidential development adding at least ~~500~~ 1,000 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.

## Exhibit 1

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Gloria N. Welke  
CHAIRPERSON

[Signature]  
VICE-CHAIRMAN

[Signature]

[Signature]

[Signature]

[Signature]

Susan Zingale

Dated this 6<sup>TH</sup> day of June 2003.