

Agenda Item # 64

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

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

ZBA Case #3314 C

COUNTY BOARD, LAKE COUNTY, ILLINOIS

August 12, 2003

MS. CHAIRPERSON AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case #3314 C relating to a text amendment to the Lake County Unified Development Ordinance, maximum allowable impervious surface ratio for nonconforming residential properties.

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

Judy Marteni
CHAIRPERSON

James D. Neef
VICE CHAIRMAN

Donald H. Lee

Sharon M. ...

Gary ...

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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 Unified Development Ordinance concerning the maximum allowed impervious surface ratio; and

WHEREAS, your Department of Planning, Building and Development has reviewed the proposed amendment and recommends that the text of the Lake County Unified Development Ordinance be amended in accordance with either Exhibits 1 or 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 text of the Lake County Unified Development Ordinance not be amended in accordance with Exhibit 1 attached hereto; 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 2 attached hereto; and

WHEREAS, the Planning, Building and Zoning Committee is concerned about the potential impact of said amendments.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the amendments contained in Exhibit 2, 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 staff of the Department of Planning, Building and Development is directed to develop an annual monitoring program to determine the impacts of these amendments and report to the Planning, Building and Zoning Committee, 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 12th day of August, 2003.

Exhibit 2

Planning, Building and Zoning Committee Recommendation

Amend Article 7, Table 7.1-1 to add the following footnote to the column entitled Impervious Surface Ratio (ISR)

[2]ISR 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 12.4.3.A.5/Nonconforming Lots/Agricultural and Residential Zoning districts to read as follows:

5. Impervious Surface

Lots that are nonconforming due to insufficient area shall be allowed an impervious surface ratio (ISR) of 0.50, ~~up to a total of 3,500 square feet of impervious surface, or the area permitted by the district's ISR whichever is greater.~~ The Planning, Building and Development Director may allow an increase in ISR to a maximum of 0.60 provided an on-site inspection is conducted to determine that there shall be no adverse impact resulting from flooding or drainage on the neighboring properties due to increase in impervious surface. In the event of such an anticipated adverse impact, the Planning, Building and Development Director shall either deny the increase or shall approve the increase subject to additional engineering requirements and improvements that will mitigate the impact. All other nonconforming lots shall comply with the impervious surface requirements of the underlying zoning district. ISR shall be calculated by dividing the total area of all impervious surfaces on the site by the site's base site area.

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 demonstrate 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. (NOT RELATED TO CASE # 3314 C.)~~

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.

Gloria N. Helke

CHAIRPERSON

Les White

VICE-CHAIRMAN

James E. Dyer

D. W. ...

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Susan Zingale

Dated this 6TH 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) (§§7-8-8)			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.
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