

Distribution  
Zoning Board of Appeals  
County Administrator  
Dept. of Planning, Building and  
Development (4)  
Division of Transportation  
Health Department  
Public Works Department

Agenda Item # 48

STATE OF ILLINOIS        )  
                                  )  
COUNTY OF LAKE        )        SS

COUNTY BOARD, LAKE COUNTY, ILLINOIS

June 8, 2004

MADAME CHAIR AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution directing the Lake County Zoning Board of Appeals to conduct a public hearing to consider certain proposed text amendments relating to the Conditional Use Permit (CUP) provisions of the Unified Development Ordinance (UDO), and requests its adoption.

Respectfully Submitted,

CHAIRMAN

*Judy Martini*        X    4/2

VICE CHAIRMAN

MEMBER

*Robert Favon*        Y

MEMBER

*Randy Whitman*        X

MEMBER

*Donna Hill*        X

MEMBER

MEMBER

## RESOLUTION

WHEREAS, the Lake County Board adopted the Unified Development Ordinance (UDO) on April 11, 2000; and

WHEREAS, the UDO regulations require a periodic review and revisions based on changing conditions; and

WHEREAS, the staff of the Department of Planning, Building and Development has identified the Illinois Supreme Court decision in Klaeren v. Village of Lisle case relating to Conditional Use Permit (CUP) as a changing condition requiring review and revisions to the CUP provisions of the UDO; and

WHEREAS, the Zucker Study, completed in 2003, identifies an opportunity to streamline the CUP process to save applicant's time and expense; and

WHEREAS, the Planning, Building and Zoning (PB&Z) Committee is of the opinion that the necessary steps should be taken to amend the CUP provisions of the UDO; and

WHEREAS, the state law requires a public hearing to amend the text of the UDO; and

NOW THEREFORE BE IT RESOLVED by the Lake County Board that the ZBA is hereby directed to conduct a public hearing to consider the proposed amendments identified in the attached Exhibit and such other amendments that are directly related thereto; and

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals is hereby directed to notify the Zoning Board of Appeals of this action and keep a record of this Resolution.

DATED at Waukegan, Illinois this 8<sup>th</sup> Day of June, 2004.

## **Exhibit: Conditional Use Permit-Related UDO Amendments**

### **Amend Article 2, Section 2.3/Zoning Board of Appeals as follows:**

The Zoning Board of Appeals acts in a quasi-judicial, decision-making capacity (appeals of administrative decisions and zoning variances, and delegated conditional use permits) and an advisory capacity (zoning amendments and non-delegated conditional use permits) under this Ordinance. The Zoning Board of Appeals shall have all of the powers and duties specifically assigned in this Ordinance, including the following general duties and responsibilities:

1. Establish rules of procedure, and such other rules as it deems necessary, not in conflict with Illinois law.
2. Compel the attendance of witnesses at hearings and administer oaths.
3. File minutes of its proceedings and any written recommendations from any County Department, Regional Planning Commission, State's Attorney, or other official bodies; show the vote of each member on every question or, if a member is absent or fails to vote, indicate such fact; and keep records of its examinations and other official actions.
4. File immediately in the office of the Zoning Board of Appeals all rules and regulations and amendments or repeals thereof, and every order, requirement, decision, or determination of the Zoning Board of Appeals. These shall become public records.
5. Hear and decide appeals from any decisions of the Planning, Building and Development Director or any other administrative official made in the performance of their duties under the provisions of this Ordinance.
6. Hear and decide all petitions for Major Zoning Variances, Delegated Conditional Use Permits and any Minor Zoning Variances referred to it by the Hearing Officer.
7. Hear all applications for Non-Delegated Conditional Use Permits, Ordinance Text Amendments and Zoning Map Amendments and make a report and recommendation to the County Board.

### **Amend Article 2, Section 2.8.1/Planning, Building and Development Director/Administration as follows:**

- K. Issue all Conditional Use Permits granted ~~by the County Board~~ under the provisions of Sec. 3.6, and make and maintain records thereof.

**Amend Article 3, Section 3.6/Conditional Use Permits as follows:**

**§§3.6.1/Classification of Conditional Use Permits**

**A. Delegated Conditional Use Permits**

Delegated Conditional Use Permits are those Conditional Use Permits for which the County Board has delegated final decision-making authority to the Zoning Board of Appeals, as provided in Sec. 6.2 and Sec. 6.5.4.

**B. Non-Delegated Conditional Use Permits**

Non-Delegated Conditional Use Permits are those Conditional Use Permits for which the County Board has retained the final decision-making authority, as provided in Sec. 6.2.

**§§3.6.13.6.2/ Application Filing**

Applications for Conditional Use Permits shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department.

**§§3.6.23.6.3/ Public Hearing Notice**

Neighbor, Newspaper and Posted notice of the Zoning Board of Appeals' public hearing shall be provided in accordance with the requirements of Sec. 3.1.7.

**§§3.6.33.6.4/ Staff Review and Recommendation**

Planning, Building and Development Department staff shall review each Conditional Use Permit application in light of the Approval Criteria of Sec. ~~3-6-83~~6.7 and provide a report to the Zoning Board of Appeals.

**§§3.6.43.6.5/Regional Planning Commission Review and Recommendation**

- A. Conditional Use Permit applications shall be forwarded to the Regional Planning Commission for their review and recommendation if any one of the following criteria are met:
1. the proposal is not consistent with the *Comprehensive Plan*;
  2. the proposed development includes 40 or more acres of land area;
  3. the proposed development has the potential to allow development of 100 or more dwelling units or 100,000 or more square feet of nonresidential floor area; or
  4. in the opinion of the Planning, Building and Development Director, the proposal has the potential to generate significant regional impacts.
- B. Recommendations of the Regional Planning Commission shall be forwarded to any review and decision-making bodies on the proposed Conditional Use Permit.

**§§3.6.6/ Review and Action**

**A. Delegated Conditional Use Permits**

- The Zoning Board of Appeals shall hold a public hearing on a Delegated Conditional Use Permit request and take final action on such request based on the Conditional Use Approval Criteria of Sec. 3.6.83.6.7.

**B. Non-Delegated Conditional Use Permits**

- §§3.6.5/ Zoning Board of Appeals' Review and Recommendation**

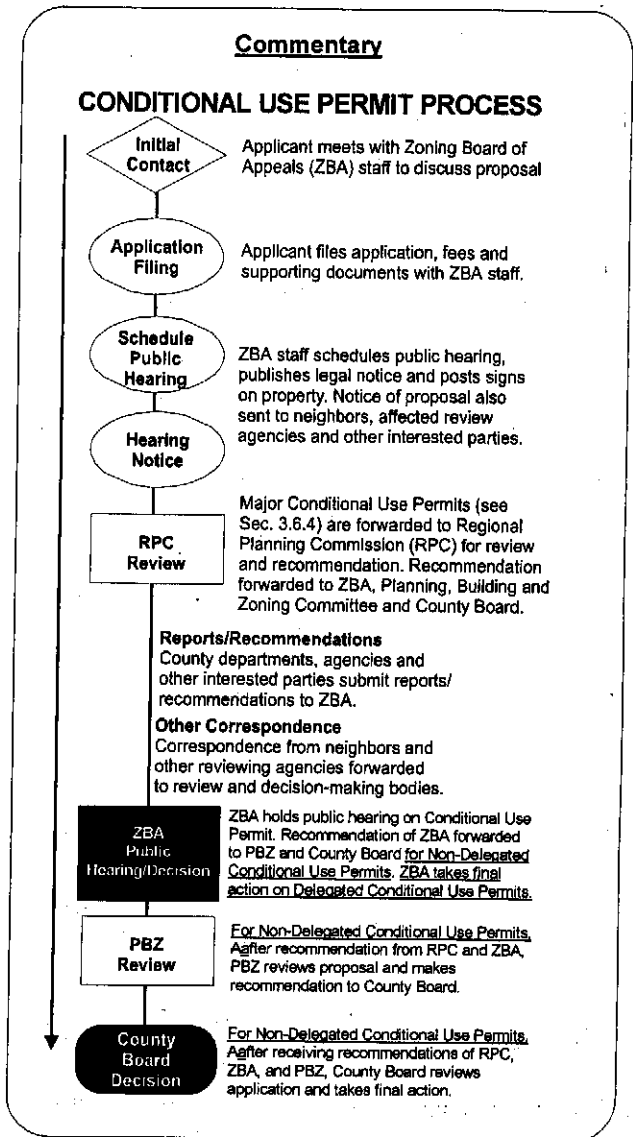
The Zoning Board of Appeals shall hold a public hearing on the Non-Delegated Conditional Use Permit request and recommend approval, approval with conditions or denial of the application based on the Conditional Use Approval Criteria of Sec. 3.6.83.6.7.

- §§3.6.6/ Planning, Building and Zoning Committee Review and Recommendation**

After receiving the recommendation of the Regional Planning Commission and the Zoning Board of Appeals, the Planning, Building and Zoning Committee shall review the application and make a recommendation to the County Board based on the Conditional Use Approval Criteria of Sec. 3.6.83.6.7.

- §§3.6.7/ County Board Review and Action**

After receiving the required recommendations, the County Board shall review the application and act to approve, approve with conditions or deny the application based on the Conditional Use Approval Criteria of Sec. 3.6.83.6.7.



**§§3.6.83.6.7/ Conditional Use Approval Criteria**

Conditional Use Permits may be approved only if the ~~County Board finds that all~~ of the following criteria are met:

- A. the use in its proposed location will be consistent with the stated purpose and intent of Sec. 1.5;
- B. the proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Sec. 6.3; and
- C. the proposed use in its proposed location will not have a substantial adverse impact on any of the following, either as they exist at the time of application or as they may be developed in the future due to implementation of the *Comprehensive Plan*:
  - 1. adjacent property,
  - 2. the character of the neighborhood,
  - 3. natural resources,
  - 4. infrastructure,
  - 5. public sites, or
  - 6. any other matters affecting the public health, safety, or general welfare.

**§§3.6.93.6.8/ Findings of Fact; Written Transcripts**

*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. [Revised 06.10.03]*

**§§3.6.103.6.9/ Lapse of Approval**

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. [Revised 06.10.03]* The time-frames of this subsection may be extended for up to 1 year by the *Planning, Building and Zoning Committee [Revised 06.10.03]* if an extension request is filed with the Planning, Building and Development Director prior to expiration of the Conditional Use Permit.

**§§3.6.113.6.10/ Amendments to Approved Conditional Use Permits**

The Planning, Building and Zoning Committee shall be authorized to allow establishment of accessory uses and structures. Any other proposed change, amendment, variation, or alteration may be approved only pursuant to the standards and procedures established by this section for the Permit's original approval. The Planning, Building and Development Director shall record and maintain a record of all authorized changes in approved Conditional Use Permits.

**Amend Article 4, Section 4.2.2.C/Natural Resource Protection Standards/Regulatory Floodplains/Protected Areas as follows:**

**C. Protected Areas**

Only ~~T~~top-dressing and shallow-filling uses and other uses that are expressly permitted by Sec. 8.4 shall be permitted within Regulatory Floodplains, and only when they comply with all applicable floodplain development performance standards of Sec. 8.6. Deep-filling and other uses allowed by the underlying zoning district shall be allowed in Regulatory Floodplains only if reviewed and approved in accordance with ~~the Conditional Use Permit procedures of Sec. 3.6~~ and the Regulatory Floodplain Development standards of Sec. 8.4.2.

**Amend Article 4, Section 4.2.3.C/Natural Resource Protection Standards/Wetlands/Protected Areas as follows:**

**C. Protected Areas**

Mitigation shall be allowed in accordance with the Army Corps of Engineers requirements, provided there is no net loss of protected wetlands and the mitigation occurs in Lake County. Existing isolated protected wetlands on or adjacent to a development site shall not be excavated, unless the activity is part of a United States Army Corps of Engineers approved permit. Development or disturbance of a cumulative total of more than 1 acre of Wetlands shall be allowed only if reviewed and approved in accordance with ~~the Conditional Use Permit procedures of Sec. 3.6~~ and the Wetland Development standards of Sec. 8.2.13. ~~The Planning, Building and Development Director shall be authorized to approve wetland restoration, maintenance and enhancement (including excavation) without requiring a Conditional Use Permit.~~

**Amend Article 6, Section 6.2/Use Table to add a new subsection 6.2.3 and renumber subsequent subsections as follows:**

**§§6.2.3/Accessory Uses**

An "A" indicates that a use is allowed by-right in the respective zoning district only as an accessory use to a permitted principal use. Permitted accessory uses are subject to all other applicable regulations of this Ordinance.

**§§6.2.46-2.3/Uses Not Allowed**

A blank cell (one without a "P", "A", or "C") indicates that a use type is not allowed in the respective zoning district.

**Amend Article 6, Section 6.2/Use Table as follows:**

Use Category	Description	Residential										Commercial										Use Size	Zoning District			
		R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	C1	C2	C3	C4	C5	C6	C7	C8	C9	C10					
Household Living (See §§ 14.1.3A)	Attached Dwelling (accessory use to attached nonresidential use)													P	P	P	P							6.2.9		
	Atrium House					G	G	P	P	P																
	Cabin or Cottage												P			P									6.2.10	
	Caretaker's Dwelling Unit (Accessory Use)	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P					6.3.4	
	Duplex					G	G	P	P	P																
	House, Detached	P	P	P	P	P	P	P	P	P	P															
	Lot Line House				G	P	P	P	P	P																
	Mobile Home Park											C	C	C											6.2.30	Co Bd
	Multi-Dwelling Structure											P	P													
	Multiplex										P	P	P													
	Patio House					G	G	P	P	P																
	Townhouse					C	C	P	P	P																
	Twinhouse					G	G	P	P	P																
	Village House				G	P	P	P	P	P																
Accessory Dwelling Unit (Accessory Use)	P	P	P	P																					6.3.4	
Assisted Living (See §§ 14.1.4A)		C	C	C	C	C	C	C	P	P	P														6.2.7	ZBA
College (See §§ 14.1.4B)		C	C	C	C	C	C	C	C	C	C		P	P	P	P	P									Co Bd
Community Service (See §§ 14.1.4C)	Government Use	P	P	P	P	P	P	P	P	P			P	P	P	P	P									
	Community Service Not Otherwise Classified			C	C	C	C	C	C	C	C		C	C	P	P	P	P	C							
Day Care (See §§ 14.1.4D)		P		C	C	C	C	C	C	C	C		P	P	P	P	P								6.2.16	ZBA
Group Living (See §§ 14.1.4E)		G	G	G	G	G	G	G	P	P	P														6.2.23	
Hospital (See §§ 14.1.4F)										G	G	G	P	G	P	P	P									
Parks and Open Space (See §§ 14.1.4G)	Noncommercial Park, Public Open Land, Community Park or Nature Preserve	P	P	P	P	P	P	P	P	P			P	P	P	P	P									
	Golf Course	P	P	P	P	P	P	P	P	P			P	P				P							6.2.20	
	Boat Launching Ramp													P				P								
	Cemetery, Mausoleum	C	C	C	C	C	C	C	C	C	C								C						6.2.12	ZBA
	Parks and Open Space Not Otherwise Classified	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P								
Religious Institutions (See §§ 14.1.4H)	Religious Institutions (Less than 100,000 sq. ft. fl. area)	P	C	C	C	C	C	C	C	C			C	P	P	P	P									ZBA



																		6.2.40	6.2.18	6.2.40		
	Religious Institutions (100,000 sq.ft. fl. area or more)	P	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P			Co Bd		
School (Non-Public) (See §§ 14.1.4I)		C	C	C	C	C	C	C	C	C	C	P	P	P	P	P				ZBA		
Utility, Major (See §§ 14.1.4J)	Electrical Generation Plants (all, public or private)														C	C		6.2.40	6.2.18	Co Bd		
	Major Utilities Not Otherwise Classified	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	6.2.40		Co Bd		
Entertainment Event, Major (See §§ 14.1.5A)	Sports Arena													P	G	P		G	6.2.17			
	Amphitheater	G									G			G	G			G	6.2.17			
	Major Entertainment Event Not Otherwise Classified													C	G	G	G	G	6.3.17		Co Bd	
Office (See §§ 14.1.5B.1)	Offices for Non-Retail Nurseries	C	C	C								P	P	P	P	P	P	C	6.2.31		ZBA	
	Offices Not Otherwise Classified											P	P	P	P	P	P					
Parking, Commercial (See §§ 14.1.5C)														P	P	P	P		6.2.14			
Recreation and Entertainment, Outdoor (See §§ 14.1.5D)	Amusement Park										G			C	C				6.2.5		Co Bd	
	Camps	C									G	G		P				P	6.2.11		ZBA	
	Golf Driving Range	G												P	P	P	P		6.2.21			
	Marina													P								
	Model Airplane Club	C												C							ZBA	
	Racetrack, Animal													C					6.2.33		Co Bd	
	Racetrack, Motor Vehicle													C					6.2.34		Co Bd	
	Shooting Range (Outdoor)	G												C				C	6.2.38		Co Bd	
	Outdoor Recreation and Entertainment Not Otherwise Classified	C									G			P	G	P	P	P	C			Co Bd
																P	P	P		6.2.1		
Retail Sales and Service (See §§ 14.1.5E)	Adult Entertainment Establishment														P	P	P		6.2.1			
Retail Sales and Service, Entertainment Oriented (See §§ 14.1.5E)	Casino/Commercial Watercraft												C					C	6.2.13		Co Bd	
	Drive-in Theater	G											C	G					6.2.17		Co Bd	
	Restaurant or Coffee Shop (With Drive-Through)										P	C	P	P	P	P					ZBA	
Retail Sales and Service, Personal Service-Oriented (See §§ 14.1.5E)	Restaurant or Coffee Shop (No Drive-Thru)										P	P	P	P	P	P						
	Recreational Vehicle Park									G			C					G	6.2.35		Co Bd	
	Entertainment Oriented Retail Sales and Service Not Otherwise Classified											G	P	P	P	P						
	Crematorium													P	P	P			6.2.15			
	Dry Cleaning Pick-Up Station										G	R	P	P	P	P						
	Kennels, Animal Shelter/Obedience School (without outdoor runs)	P												P	P	P			6.2.26			

Use Type	Use Type	Classification											Code			Zoning	Process						
		1	2	3	4	5	6	7	8	9	10	11	12	13	14			15	16				
Retail Sales and Service, Repair-Oriented (See §§ 14.1.5E)	Kennels, Animal Shelter/Obedience School (with outdoor runs)	C													C	C	C	6.2.26	ZBA				
	Veterinary Clinic	P													G	P	P	P					
Retail Sales and Service, Sales-Oriented (See §§ 14.1.5E)	Personal Service-Oriented Retail Sales and Service Not Otherwise Classified														P	P	P	P					
	Furniture Repair, Cleaning or Refinishing																P	P					
	Repair-Oriented Retail Sales and Service Not Otherwise Classified														G	P	P	P					
	Boat Sales/Rental/Storage/Service															P	C	P	P		ZBA		
	Consumer Vehicle Sales/Rental (e.g., cars, pick-up trucks, SUVs, motorcycles) (Outdoor)																C	P	P	6.2.14	ZBA		
	Consumer Vehicle Sales/Rental (e.g., cars, pick-up trucks, SUVs, motorcycles) (Indoor)																P	P	P				
	Garden Center																P	P	P				
	Greenhouse/Nursery, Retail	C															P	P	P	6.2.22	ZBA		
	Hotels and Motels															P	C	P	P	P		ZBA	
	Lumber and Building Material Sales																G	P	P				
	Recreational Vehicle Sales																P	C	P	P	6.2.14	ZBA	
	Sales-Oriented Retail Sales and Service Not Otherwise Classified															G	G	G	P	P	P		
	Neighborhood-Oriented Retail Sales and Service Not Otherwise Classified															A	P	A	P	P	P		ZBA
	General Retail Sales and Service Not Otherwise Classified															C	C	P	P	P	P		ZBA
Recreational-Oriented Retail Sales and Service Not Otherwise Classified															C	C	P	P	P	P		ZBA	
Self-Service Storage (See §§ 14.1.5F)																	C	P	P		ZBA		
Vehicle Repair (See §§ 14.1.5G)																	C	P	P	6.2.41	ZBA		
Vehicle Service, Limited (See §§ 14.1.5H)																P	C	P	P	6.2.37	ZBA		
Industrial Sales and Service (See §§ 14.1.6A)	Petroleum or Chemical Refining/Production																C	C		6.2.32 6.2.24	Co Bd		
	Junk Yard																	G	P		6.2.25 6.2.24		
	Landscape Contractor's Storage Yard	C															C	P	P	6.2.27 6.2.24	ZBA		

Use Category (See § 14.1.6A)	Use Description	Zoning Districts										Use Standards										Zoning Process		
		C	E	F	G	H	I	J	K	L	M	1	2	3	4	5	6	7	8	9	10			
	Contractor's Equipment Sales or Storage (Indoor and Outdoor)																	C	P	P		6.2.24	ZBA	
	Feed and Grain Sales	P																P	P	P		6.2.24		
	Bus Parking																	C	P	P		6.2.24	ZBA	
	Truck/Trailer Parking																	C	P	P		6.2.24	ZBA	
	Industrial Sales and Service Not Otherwise Classified																		C	P	P		6.2.24	
	Commercial Service – Oriented Industrial Sales and Service Not Otherwise Classified																		C	P	P		6.2.24	Co Bd
	General Industrial Sales and Service Not Otherwise Classified																			P	P		6.2.24	
Manufacturing and Production (See §§ 14.1.6B)	Asphalt, Concrete or Red-Mix Plant																		C	C		6.2.8 6.2.24	Co Bd	
	Catering Service																		P	P	P		6.2.24	
	Custom Boatworks																	C	C	P	P		6.2.24	
	Manufacturing and Production Not Otherwise Classified																			P	P		6.2.24	
Warehousing and Freight Movement (See §§ 14.1.6C)																			P	P		6.2.24		
Waste-Related Use (See §§ 14.1.6D)	Landscape Waste Composting Facilities	C																	C	C	C	6.2.28 6.2.24	Co Bd	
	Recycling Center																		C	C	P		6.2.36 6.2.24	Co Bd
	Waste-Related Use Not Otherwise Classified																			C			6.2.24	Co Bd
Wholesale Sales (See §§ 14.1.6E)																			C	P	P		6.2.24	Co Bd
Agriculture (See §§ 14.1.7A)	Agricultural Supplier's Storage and Service Center	C																	C	P	P		6.2.2	Co Bd
	Crop Raising (sites of less than 200,000 square feet)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
	Apiary	P																					6.2.6	
	Forestry	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		6.2.19	Co Bd
	Stable, Private (accessory use)	P	P	P	P																		6.3.7	
	Stable (sites of 200,000 square feet or more)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
	Agriculture Uses Not Otherwise Classified (on sites of 200,000 sq. ft. or more)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Airport, Heliport	C																		C	C	C	6.2.4	Co Bd	

Use Category (See Sec. 14.1 for description)	Use Type	Residential										Non-Residential						Use Stand.	CUP Process							
		G	R	R	R	R	R	R	R	R	R	G	C	C	C	C	C									
Transportation Facility (See §§ 14.1.7B)	Bus Terminal														C	P	P							Co Bd		
Mining (See §§ 14.1.7C.1)	Mining and Resource Extraction	C														C	C							6.2.29	Co Bd	
Telecommunications Facilities (See §§ 14.1.7D, p. 16)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		6.2.39	

**Amend Article 6, Section 6.3.21/Golf Driving Range (Recreation and Entertainment, Outdoor Use Category) as follows:**

- A. The use may be subject to the Site Capacity Calculation/Site Plan Review procedures of Sec. 4.1. ~~Site Capacity/Site Plan Review shall be conducted concurrently with any required Conditional Use Permit review.~~ In addition to information otherwise required, the site plan shall show the layout of the property with all tee boxes, putting greens, sand traps, lights, structures, parking areas, fencing, and plant materials.
- B. The site shall be configured to permit a minimum driving distance of 300 yards from each proposed tee, exclusive of the required landscape area.
- C. No tee shall be located closer than 50 feet from any adjoining property.
- D. The site shall comply with the landscaping standards of Sec. 9.3, ~~unless a greater standard is imposed at the time of approval of a Conditional Use Permit.~~
- E. Lighting shall comply with Sec. 9.4 in order to minimize glare and reflection onto neighboring properties and public streets.
- F. The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

**Amend Article 6, Section 6.3.23/Group Living (Group Living Use Category) as follows:**

- A. The use shall be subject to the Site Capacity Calculation/Site Plan Review procedures of Sec. 4.1. ~~Site Capacity/Site Plan Review shall be conducted concurrently with any required Conditional Use Permit review.~~

**Amend Article 6, Section 6.3.25/Junk Yards (Industrial Use Category) as follows:**

- A. The use shall be subject to the Site Capacity Calculation/Site Plan Review procedures of Sec. 4.1. ~~Site Capacity/Site Plan Review shall be conducted concurrently with any required Conditional Use Permit review.~~

**Amend Article 6, Section 6.3/Use Standards to add a new subsection as follows:**

- I. Requests for modifications or waivers from any of the time limits of this section shall require review and approval in accordance with the Delegated Conditional Use Permit procedures of Sec. 3.6.

**Delete Article 7, Section 7.5/Multiple Uses on Nonresidential Sites**

**Amend Article 7, Section 7.8.5/Height/General Exceptions to Height Limits as follows:**

6. Flagpoles, radio/television antennae and towers, not to exceed 15 feet above the maximum height allowed in the underlying zoning district without approval of a ~~Conditional Use Permit~~ Variation (See Sec. ~~3.63.13~~);
7. Steeples, not to exceed 25 feet above the maximum height allowed in the underlying zoning district without approval of a ~~Conditional Use Permit~~ Variation (See Sec. ~~3.63.13~~);
8. Towers, fire, mechanical and smokestacks, not to exceed 16 feet above the maximum height allowed in the underlying zoning district without approval of a ~~Conditional Use Permit~~ Variation (See Sec. ~~3.63.13~~);

**Amend Article 8, Section 8.2.6/ Performance Standards for All Development/Existing Stormwater Basins as follows:**

- B. Wetlands may be utilized to provide for the stormwater detention required by this section provided that the existing depressional storage volume of the wetland is maintained and that the volume of detention storage provided to meet the requirements of this section is in addition to the existing storage volume. The use of wetlands for stormwater detention purposes is subject to the following standards.

1. If the wetland will be excavated or if the proposed outlet structure elevation is set above the existing normal water elevation of the wetland, the proposed basin shall comply with all of the design and engineering standards for new stormwater basins established in Sec. 8.2.5 (except when the Planning, Building and Development Director finds that the modification of the wetland to comply with the standards of this section would not be practical nor desirable and provided that such deviation from the standards of this section will not serve to compromise the overall intent of this section). The use of wetlands for stormwater detention purposes may require U.S. Army Corps of Engineers approval and shall require a Conditional Use Permit if 1 acre or more is excavated within a 1 acre or larger wetland (See Sec. 8.2.13A).
2. If the wetland will not be excavated and if the proposed outlet structure elevation is set at the existing normal water elevation of the wetland, the proposed basin shall not be required to comply with the design and engineering standards for new stormwater basins, as established in Sec. 8.2.5. The use of wetlands in this manner may require U.S. Army Corps of Engineers approval.
3. A management plan for maintaining the existing storage volume shall be prepared.

**Amend Article 8, Section 8.2.13.I/ Performance Standards for All Development/Conditional Use Permits as follows:**

**I. Wetland Development or Disturbance Conditional Use Permits**

Development or disturbance of a cumulative total of more than 1 acre of Wetlands shall be allowed only if reviewed and approved in accordance with the Conditional Use Permit procedures of Sec. 3.6 and the Wetland Development standards of this subsection (Sec. 8.2.13A) and ~~The Planning, Building and Development Director shall be authorized to approve wetland restoration, maintenance and enhancement (including excavation) without requiring a Conditional Use Permit. All applications for a Conditional Use Permit for wetland development shall comply with the following standards:~~

1. A permit approving the proposed wetland development shall be received from the U.S. Army Corps of Engineers ~~before the public hearing on the Conditional Use Permit.~~
2. The establishment of any permitted use, construction of any permitted structure, excavation or filling of any wetland may be permitted only if ~~the decision-making body determines that:~~

- a. The parcel, use and/or structure would conform to all other standards of this Ordinance if the wetland were not present, and
  - b. The location, amount or configuration of a site's buildable area precludes the construction of any permitted structure or establishment of any reasonable permitted use of land.
3. In addition to the above standards, all applications for a ~~Conditional Use Permit~~ for the development of exceptional functional value wetlands shall demonstrate that the proposed use is so location-dependent that it cannot practically be established outside of the wetland.

**Amend Article 8, Section 8.4.2/ Uses and Development in the Regulatory Floodplain/Development as follows:**

Any structure or use, including the placement of "deep fill" permitted by the underlying district may be established in a regulatory floodplain pursuant to ~~the issuance of a Conditional Use Permit. Any such use, structure or filling shall comply with all of the following standards:~~

- A. The application for a ~~Conditional Use Permit~~ shall be accompanied with all reports, plans and calculations necessary to demonstrate compliance with all of the application, performance standard, and other regulations of this Article 8.
- B. The establishment of any permitted use, construction of any permitted structure or filling of any parcel shall be permitted only if the applicant demonstrates that:
  1. The parcel, use or structure would conform to all other standards of this Ordinance if the floodplain were not present.
  2. The location, amount or configuration of a site's buildable area precludes the construction of any permitted principal structure or establishment of any reasonable permitted use of the land.

**Amend Article 8, Section 8.5.7.A/ Performance Standards for Regulatory Floodplain Development/Filling as follows:**

2. Deep filling is filling which raises the land surface elevation above that of the Base Flood Elevation. The placement of fill material within any

regulatory floodplain so as to constitute deep filling shall be permitted only pursuant to Sec. 8.4.2. ~~Conditional use permits shall not be required for~~ For the following deep filling activities, provided that all other standards of Sec. 8.5 shall apply:

- a. Deep filling required for the construction of a stormwater basin ~~shall not require a Conditional Use Permit, but is~~ subject to the standards contained Sec. 8.2.5.
- b. Driveway construction to allow access to an attached or detached garage. Maximum allowable area to be deep-filled shall not exceed 1,000 square feet.
- c. An addition not greater than 50 percent of the footprint of the existing structure. Compensatory storage shall be provided on-site.
- d. *Fill placed in the floodplain to elevate existing floodtable land where a new structure is being built. Compensatory storage shall be provided. Such fill shall not be placed more than ten (10) feet from the foundation of the building. [Revised 06.12.01]*

**Amend Article 8, Section 8.5.8/ Performance Standards for Regulatory Floodplain Development/Building Protection Requirements as follows:**

No principal or accessory structure shall be located in the regulatory floodplain, below the Base Flood Elevation, with the exception of a road, detached garage, storage shed, swimming pool, boathouse, pump station, lift station, boat launching ramps, boat docks, piers, bridge and bridge approaches, picnic shelters having no permanent walls, and stormwater detention basins. All buildings and structures established in the regulatory floodplain, ~~whether permitted by right or pursuant to the issuance of a Conditional Use Permit,~~ shall conform to the following standards.

**Amend Article 14, Section 14.1.5.E/Retail Sales and Service as follows:**

**1. Characteristics**

Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.



## **2. Accessory Uses**

Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale and parking.

## **3. Examples**

Examples of the retail sales and service uses "Not Otherwise Classified" include uses from the four three following groups:

### **1. Sales-Oriented:**

~~Art Supply Stores, Auto Sales, Bicycle Shops, Boat Sales, Book Stores, Electronic Equipment Stores, Fabric Stores, Furniture Stores, Garden Supply Stores, Hardware Stores, Home Improvement Stores, Household Product Stores, Jewelry Stores, Motorcycle Sales, Pet Food Stores, Pharmacies, Plant Sales (Retail), Plumbing Supplies and Fixture Sales/Service, Retail, Stationary and Video Stores, Truck (Light and Medium) Sales, Antique Sales, Appliance Sales, Art Gallery, Commercial, Bait Shop, Business Machine Sales, Service, Camera Shop, Cigar, Cigarette, Tobacco Store, Clothing Store, Consumer Vehicle Sales, Supplies and Service, Dairy Products Sales, Department Store, Drug Store, Dry Goods Store, Retail, Electronics/Computer Sales, Service, Fish Market, Floor Covering Sales, Florist Sales, Fruit and Vegetable Market, Retail, Garden Center, Gift Shop, Greenhouse/Nursery, Retail, Grocery Store or Supermarket, Hardware Store, Retail, Health Food Store, Hearing Aid Sales, Hobby Shop, Leather Goods Sales, Liquor Store, Lumber and Building Material Sales, Magazine and News Stand, Meat Market, Music, Musical Instrument, and Records, Sales and Service, Office Equipment and Supplies, Retail Sales and Service, Paint and Wallpaper Sales, Pawn Shop, Pet Shop, Picture Frame Sales and Service, Recreational Vehicle Sales, Rental of Equipment and Supplies, Shopping Centers, Sporting Goods Sales, Toy Store, Watch, Clock, Sales and Repair Shop, and Water Softening Equipment Sales/Service~~

### **2. Personal Service-Oriented:**

~~Animal Grooming, Branch Bank, Drive-In Bank, Barber Shop, Beauty Shop, Business School, Martial Arts School, Trade School, Dance or Music Classes, Dry Cleaning Drop Off/Pick-Up, Emergency Medical Care, Funeral Home, Mortuary, Hair Salon, Tanning Salon Personal Care Services, Laundry drop-off, Laundromats, Mortuaries, Photocopy and Blueprint Services, Photography Studios, Tailors and Clothing Repair, Taxidermists, Veterinary Clinic, Crematorium, Currency Exchange, Kennels, Animal Boarding, Obedience School and Union Hall.~~

### **3. Entertainment-Oriented:**

~~Amusement Arcades, Archery Ranges (Indoor), Bars, Billiard Parlors, Bowling Alleys, Casino/Commercial Watercraft, Dance Halls, Health Clubs, Hotels and Motels, Ice Cream Shops, Lodges, Nightclubs, Pool Halls, Recreational Vehicle Parks, Resorts,~~

~~Restaurants, Shooting (Firing) Ranges, Skating Rinks (Indoor), Taverns, Adult Entertainment Establishments, Private Clubs, Coin-Operated Arcade, Drive-in Theaters, Recreational Uses (Indoor), Shooting Ranges (Indoor), and Indoor Theaters.~~

**4. Repair-Oriented:**

~~Appliance Repair; Bicycle Repair; Locksmith; Shoe Repair; Television Repair; Upholsterer; Furniture Repair; Furniture Refinishing.~~

**1. Neighborhood-Oriented:**

Animal Grooming, Antique Sales, Art Galleries (Commercial), Art Supply Stores, Barber Shops, Beauty Shops, Bicycle Shops, Book Stores, Banks, Camera Shops, Cigar/Cigarette/Tobacco Stores, Clothing Stores, Currency Exchanges, Dairy Products Sales, Dance or Music Schools, Drug Stores, Dry Cleaning Drop-Off/Pick-Up with Onsite Services, Electronic Equipment Stores, Electronics/Computer Sales and Service, Fabric Stores, Florist Sales, Fruit and Vegetable Markets (Retail), Gift Shops, Grocery Stores, Hair Salons, Hardware Stores, Health Clubs, Health Food Stores, Hearing Aid Sales, Hobby Shops, Ice Cream Shops, Jewelry Stores, Laundry drop-off, Laundromats, Leather Goods Sales, Liquor Stores, Locksmiths, Magazine and News Stands, Martial Arts Schools, Music, Musical Instrument, and Records Sales and Service, Office Equipment and Supplies, Paint and Wallpaper Sales, Personal Care Services, Pet Food Stores, Pet Shops, Pharmacies, Photocopy and Blueprint Services, Photography Studios, Picture Frame Sales and Service, Shoe Repair, Sporting Goods Sales, Stationary Stores, Tailors and Clothing Repair, Tanning Salons, Toy Stores, Video Stores, Watch and Clock Sales and Repair.

**2. General (shall include all Neighborhood-Oriented uses and the following):**

Appliance Sales and Repair, Business Machine Sales and Service, Business Schools, Catering Services, Department Stores, Exterminators, Farriers, Firewood Sales, Fish Markets, Floor Covering Sales, Funeral Homes, Furnace/Water Heater Sales, Furniture Stores, Furniture Repair, Home Improvement Stores, Household Product Stores, Meat Markets, Mortuaries, Pawn Shops, Plumbing Supplies and Fixture Sales/Service (Retail), Rental of Equipment and Supplies, Shopping Centers, Taxidermists, Trade Schools, Union Halls, Upholsterers, and Water Softening Equipment Sales/Service.

**3. Recreational-Oriented:**

Amusement Arcades, Archery Ranges (Indoor), Bait Shop, Bars, Billiard Parlors, Bowling Alleys, Dance Halls, Drive-in Theaters, Lodges, Nightclubs, Pool Halls, Private Clubs, Recreational Uses

(Indoor), Resorts, Shooting Ranges (Indoor), Skating Rinks (Indoor), Taverns, Theaters (Indoor).

**Amend Article 14, Section 14.1.6.A/Industrial Sales and Service as follows:**

**1. Characteristics**

Industrial Sales and Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

**2. Accessory Uses**

Accessory activities may include offices, parking and storage.

**3. Examples**

~~Examples include Agricultural Implement Sales/Service; Auto and Truck Salvage/Wrecking; Building Contractors; Heating Contractors; Plumbing Contractors; Electrical Contractors; Carpet/Rug Cleaning Plant; Contractor's Equipment Sales; Dry Cleaning/Dyeing Plant; Electric Motor Repair; Exterminators; Farriers; Feed and Grain Sales; Fuel Oil Distributors; Fuel Oil Sales; Firewood Sales; Furnace/Water Heater Sales; Gas/Butane and Propane Sales; Heavy Machinery Sales; Metal and Building Materials Sales; Salvage or Wrecking Yards; Janitorial and Building Maintenance Services; Junk Yard; Landscape Contractor's Storage Yard; Laundry, Dry cleaning and Carpet Cleaning Plants; Machine Shops; Mobile Home Sales; Petroleum or Chemical Refining/Production; Rendering or Tanning Plants; Repair of Scientific or Professional Instruments; Sewage Disposal (Individual) Systems Sales/Service; Solid Fuel Yards; Tire Retreading or Recapping; Tool Repair; Towing Service and Vehicle Storage; Truck (Heavy) Servicing and Repair; Truck Stops; Truck/Trailer Sales, Parking, Repair, or Rental; Welding Shops, and Well Drilling Services.~~

**3. Examples**

Examples of the industrial sales and service uses "Not Otherwise Classified" include uses from the two following groups:

**1. Commercial Service-Oriented:**

Agricultural Implement Sales/Service, Auto and Truck Salvaging and Wrecking, Carpet/Rug Cleaning Plants, Dry Cleaning/Dyeing Plants (Wholesale), Fuel Oil Distributors, Fuel Sales (Wholesale), Gas/Butane and Propane Sales, Furniture Refinishing, Janitorial and Building Maintenance Services, Metal and Building Material Sales, Mobile Home Sales, Repair of Scientific or Professional

Instruments, Tool Repair, Towing Service and Vehicle Storage, Truck (Heavy) Servicing and Repair, Truck Stops, Truck/Trailer Sales, Repair or Rental, Well Drilling Services.

2. **General (shall include all Commercial Service-Oriented uses and the following):**

Heavy Machinery Sales, Machine Shops, Rendering or Tanning Plants, Sewage Disposal (Individual) Systems Sales/Service, and Tire Re-treading or Recapping, Welding Shops.