

Agenda Item # 57

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

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

ZBA #3499

COUNTY BOARD, LAKE COUNTY, ILLINOIS

December 13, 2005

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case #3499 relating to text amendments to the Lake County Unified Development Ordinance.

Your Department of Planning, Building and Development has recommended that these amendments be adopted; on the motion to adopt the proposed text changes attached as Exhibit 2, your Zoning Board of Appeals vote is 7 "Ayes" and 0 "Nays"; the Planning, Building and Zoning Committee recommends by a vote of 6-1 the amendments attached as Exhibit 1 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,

Aye Nay

<u>Ludie Martini</u> CHAIRPERSON	✓	_____
<u>Samuel D. Nelson</u> VICE-CHAIRMAN	✓	_____
<u>Samuel Martini</u>	✓	_____
<u>Randy Williams</u>	✓	_____
<u>[Signature]</u>	✓	_____
<u>Robert Sabongian</u>	_____	✓
<u>Susan Greenblatt</u>	✓	_____

RESOLUTION

WHEREAS, on June 14, 2005, this County Board adopted a Resolution 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; 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 Exhibit 1 and 3 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 7 - 0 that the text of the Lake County Unified Development Ordinance be amended in accordance with Exhibit 2 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 1 attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the amendments contained in Exhibit 1, 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 13th day of December, 2005.

EXHIBIT 1:
Planning, Building and Zoning Committee Recommendations
December 5, 2005

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

§§3.6.9/ 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 or if the use that is the subject of the Conditional Use Permit is abandoned ~~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 24 years 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.

Amend Article 4, Section 4.2.1.B/Site Capacity, Site Plan Review and Natural Resource Protection/ Natural Resource Protection Standards/General/Open space as follows:

B. Open Space

The natural resource protection areas requiring protection in accordance with subsections 4.2.2 through 4.2.9 shall be designated "Open Space for Natural Resource Protection" and shall be permanently maintained as open space. ~~Those areas lying within existing nonlinear water bodies and those wetlands that are determined by the Army Corps of Engineers or the Lake County Planning, Building and Development Director [Revised 09.10.02] to be non-mitigatable shall not be counted toward meeting minimum open space requirements.~~

Amend Article 6, Section 6.3.3/Use Regulations/Use Standards/Agriculture to add the following commentary:

[No Change]

Amend Article 6, Section 6.4.2/Accessory Uses/General Standards to add the following subsection I:

I. Uses Prohibited as Residential Accessory Uses

- 3. Temporary Hoop- or other Frame-Designed Structures not meeting applicable building codes.**

Amend Article 6, Section 6.4.5.H/Accessory Uses/Customary Home Occupations/Signs to read as follows:

H. Signs

[No Change]

Amend Article 6, Section 6.4.6/Accessory Uses/Bed and Breakfast as follows:

D. Signs

[No Change]

COUNTY BOARD, LAKE COUNTY, ILLINOIS

NOVEMBER 8, 2005


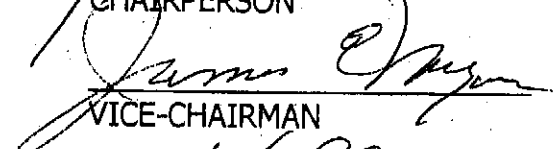
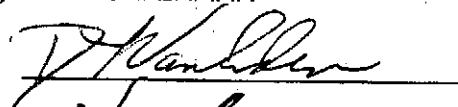
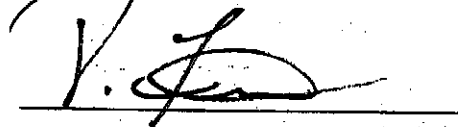
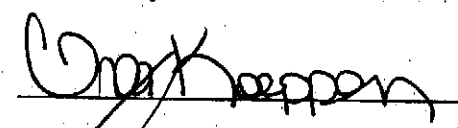
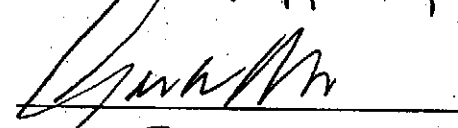
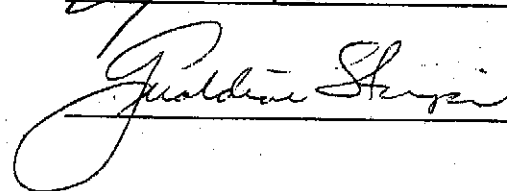
MS. CHAIRPERSON AND MEMBERS OF THE COUNTY BOARD:

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 September 19, 20, and 28, 2005 at 9:00 a.m., in the Lake County Administration Building, Waukegan, Illinois, relative to a Resolution adopted by the Lake County Board on June 14, 2005, 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 Review Meeting of the Zoning Board of Appeals held on October 6, 2005 after a final review of all evidence and testimony presented on this matter, a motion was made by Member Van Erden, and seconded by Member Stimpson, to recommend that the amendments attached hereto as Exhibit 2 be adopted. Voting "Aye" on this motion were Members Bell, Freese, Koeppen, Morgan, Stimpson, Van Erden and Wilson. Voting "Nay", none. The motion to recommend the attached amendments be adopted was passed by a vote of 7 to 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.


CHAIRPERSON

VICE-CHAIRMAN






Dated this 6th day of October 2005.

EXHIBIT 2:
Zoning Board of Appeals Recommendations
October 6, 2005

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

§§3.6.9/ 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 or if the use that is the subject of the Conditional Use Permit is abandoned ~~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 24 years 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.

Amend Article 4, Section 4.2.1.B/Site Capacity, Site Plan Review and Natural Resource Protection/ Natural Resource Protection Standards/General/Open space as follows:

[No Change]

Amend Article 6, Section 6.3.3/Use Regulations/Use Standards/Agriculture to add the following commentary:

Commentary: Statutory building code exemptions for agricultural uses are contained in 55 ILCS 5/5-1063 and 55 ILCS 5/5-1064. Consistent with these statutory exemptions, buildings or structures located on property in all unincorporated zoning districts containing at least 5 acres and used exclusively for agricultural purposes in conjunction with an existing principal agricultural use on the same property are considered exempt from all building code requirements and fee-bearing building permits, as reflected in a proposed amendment to the Lake County building codes. In such instances, fee-exempt building permits would be required solely to ensure compliance with required setbacks.

Amend Article 6, Section 6.4.2/Accessory Uses/General Standards to add the following subsection I:

I. Uses Prohibited as Residential Accessory Uses

- 3. Temporary Hoop- or other Frame-Designed Structures not meeting applicable building codes.**

Amend Article 6, Section 6.4.5.H/Accessory Uses/Customary Home Occupations/Signs to read as follows:

H. Signs

A maximum of 1 sign with a maximum area of 1.5 square foot per side shall be allowed. No signs shall be allowed.

Amend Article 6, Section 6.4.6/Accessory Uses/Bed and Breakfast as follows:

~~D. Signs~~

~~A maximum of 1 sign with a maximum area of 1 square foot shall be allowed.~~

EXHIBIT 3:
Staff Recommendation
December 5, 2005

Amend Article 4, Section 4.2.1.B/Site Capacity, Site Plan Review and Natural Resource Protection/ Natural Resource Protection Standards/General/Open space as follows:

B. Open Space

The natural resource protection areas requiring protection in accordance with subsections 4.2.2 through 4.2.9 shall be designated "Open Space for Natural Resource Protection" and shall be permanently maintained as open space. ~~Those areas lying within existing nonlinear water bodies and those wetlands that are determined by the Army Corps of Engineers or the Lake County Planning, Building and Development Director [Revised 09.10.02] to be non-mitigatable shall not be counted toward meeting minimum open space requirements.~~