



Conditional Use Permit (CUP) Information

(DELEGATED)

Zoning Board of Appeals

**Lake County
Planning, Building and Development Department**

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Website: <http://lakecountyil.gov/185/planning-building-development>

Introduction

The information contained in this document will help familiarize you with the requirements which must be met before your Conditional Use Permit (CUP) application can be accepted. This information will also prepare you to provide testimony and address any questions which might be raised at the public hearing.

Illinois Compiled Statutes, Chapter 55, Section 5/5-12001 et. seq. contains statutory provisions relating to zoning. Chapter 151 of the Lake County, Illinois Code of Ordinances (the Lake County Code) has been adopted pursuant to these provisions.

Final decision authority for the approval or denial of many conditional uses has been delegated to the Zoning Board of Appeals by the County Board. The information contained herein pertains to these delegated conditional uses. Refer to the "Use Table" Section 151.111 of the Lake County Code to identify these delegated CUP's.

If your application also requests a change of zoning, you should consult the "Rezoning Information" application packet for information pertaining to the standards and requirements for a map amendment.

Once your application is accepted, the entire CUP process generally takes approximately three months to complete. Careful and proper preparation of your application is essential to obtaining a CUP and, in the long run, you will save considerable time and expense for both yourself and the County.

If you have any questions, please feel free to call the Lake County Planning, Building and Development Department at (847) 377-2600. If you wish to visit the office to discuss your application, please call to schedule an appointment with a project manager.

Before Filing the Application

You are required to meet with the staff of the Planning, Building and Development Department for an Early Assistance (EA) Meeting before preparing your CUP application. EA meetings are an opportunity for you and any other concerned parties to meet with Lake County Staff to discuss details of your project, identify any potential issues or limitations, and assist you with understanding the Lake County Code requirements that will need to be met specific to the proposal. The meeting will be coordinated by a project manager who will ensure all applicable Lake County departments are present to evaluate your proposal, as it relates to county regulations.

Prior to scheduling the EA meeting, you will need to submit a written narrative outlining the details of your proposed use, a concept sketch or diagram that shows the layout of the site and operation, and an EA meeting fee which will be credited towards future permit application fees. Meeting notes will be provided to you. Request an EA Meeting by contacting a project manager at 847-377-2600.

Also, before filing your application, you should discuss the proposal with all adjacent property owners. The staff of the Planning, Building and Development Department will notify all these neighbors of the public hearing.

Filing the Application

The following documents, information, and the correct filing fee must be submitted in proper form before your application will be accepted for processing. Ten (10) copies of the complete application and supporting documents must be submitted.

- **The Application:** The application must be prepared in essentially the same format as the attached sample application. The application must address how the request for CUP meets the standards for CUP specified in the Lake County Code.
- **The Applicants:** All the fee owners of the subject property must be the applicants. If the property is subject to a contract for purchase, the contract purchaser must also join as an applicant. Likewise, if the property is owned or is to be purchased by a land trust, the trustee must be an applicant. See the "Ownership Disclosure" in Lake County Code Section 151.045 (B) for further information.
- **Disclosure Statement:** Whenever applicable, the following disclosures must be made:

When the applicant is a land trust or trustee of a land trust, the application shall identify each beneficiary of such land trust the application shall identify each beneficiary of such land trust by name and address and define each beneficiary's interest therein. All applications shall be verified by the applicant in his or her capacity as trustee.

When the applicant is a corporation, the applicant shall include the correct names and addresses of all officers and directors of the corporation and the correct names, addresses and percent interest of all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation. If the corporation has no shareholders, a statement to that effect shall be submitted.

When the applicant is a business entity doing business under an assumed name, the application shall include the names and addresses of all true and actual owners of such business or entity.

When the applicant is a partnership, joint venture, syndicate, or an unincorporated voluntary association, the application shall include the names and addresses of all partners, joint ventures, syndicate members, or members of the unincorporated voluntary association.

- **Deed and Purchase Contract:** A copy of the deed to the subject property (available from the Lake County Recorder of Deeds) is required in all cases. If the property is subject to a purchase contract, a copy of the contract must also be submitted (however, the purchase price may be deleted).
- **Authorized Representative:** If the applicant(s) cannot attend the hearing, an authorized representative must be designated to act on behalf of the applicant(s).

- **Plans:** Certain information must be graphically shown on maps or plans which accompany the application. The following information should be shown on these maps:
 - The parcel for which a CUP is sought (a plat of survey is preferred if one is available).
 - The dimensions and acreage (or square footage) of the subject parcel.
 - The location of all improvements, if any, on the subject property and the distances from these improvements to all property lines.
 - All existing **uses** (e.g. “house”, “pastureland”, “gas station”, etc.; not to be confused with zoning districts) on all adjacent properties.
 - Note approximate locations of natural resources such as steep slopes, woodlands, floodplain, etc. (as defined by the Lake County Code) present on the property.
- **Court Reporter Agreement:** The services of a court reporter are required to transcribe the proceedings of the hearing. You will be responsible for all expenses of providing a court reporter, which includes providing a copy of the transcript to the ZBA.
- **Application Fee:** The application fee is to be paid at the time of filing the application. Checks must be payable to the “Treasurer of Lake County”. See the Zoning [Fee Schedule](#) for the proper amount. No portion of this fee may be refunded once a public meeting or hearing has been held. In addition to the application fee, you will be billed separately for the actual cost of publishing a legal notice of the hearing in a newspaper and the cost of a court reporter to transcribe the hearing.
- **McHenry-Lake County Soil and Water Conservation District Application:** Once the CUP application is accepted, State law requires that you also submit a Natural Resource Information Report application to the McHenry-Lake County Soil and Water Conservation District. The application form may be accessed at: <https://www.mchenryswcd.org/forms/NRI%20Application%20Fillable.pdf>

THE FOLLOWING DOCUMENTS MUST BE SUBMITTED WITH THE PETITION:

- ✓ COPY OF DEED
- ✓ COURT REPORTER AGREEMENT
- ✓ COPY OF PURCHASE CONTRACT (if applicable)
- ✓ DISCLOSURE STATEMENT (if applicable)
- ✓ PROPERTY SURVEY AND/OR SITE PLAN (if available)
- ✓ FILING FEE
 - ✓ Cost of publishing a legal notice will be paid by applicant in addition to fee.
 - ✓ The cost of a Court Reporter shall be paid by Applicant and one copy of transcript provided to the County ZBA
- ✓ NRI Application submitted to the MLSWCD

The Legal Notice

Notice of the hearing shall be published in a newspaper of general circulation in the township in which the subject property is located at least fifteen days prior to the date of the hearing. Per State statute and the Lake County Code requirements, the newspaper notice must contain, at a minimum, the following information:

- 1) The date, time, and place of the public hearing or date of action that is the subject of the notice;
- 2) A description of the property involved in the application by street address and, if required, by legal description or Property Index Number (PIN);
- 3) A description of the nature, scope, and purpose of the application; and
- 4) Contact information on where additional information on the matter can be obtained.

Additionally, Illinois state statute requires the following information also be included in the legal notice:

- 1) Whether or not the petitioner/applicant is acting for himself or in the capacity of agent, alter ego, or representative of a principal, and stating the name and address of the actual and true principal;
- 2) Whether the petitioner/applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation;
- 3) Whether the petitioner/applicant, or his principal if other than applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity; or
- 4) Whether the petitioner or applicant is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint ventures, syndicate members or members of the unincorporated voluntary association.

The Public Hearing

The public hearing is usually held approximately six weeks after the application is filed. The time and place of the hearing is scheduled by the ZBA. The public hearing is held in the township in which the subject property is located. The sheet titled "PROCEDURE OF PUBLIC HEARING" below outlines the process followed by the ZBA at the public hearing.

The monthly hearing calendar is finalized not later than the 25th of each month. Applications received after this date cannot be heard the following month.

The following information is commonly presented by the applicants at a public hearing. This list is advisory only and certain items may not be applicable in every given case. However, if the ZBA feels that additional information is essential, it may require that such information be submitted prior to arriving at a decision on the case. These recommended items are:

- A site plan of the proposed development.
- Copies of any and all contracts, leases, deeds, trust agreements, title reports, etc., which in any way affect the ownership or use of the subject property.

- A plat of survey of the subject property, if available.
- A copy of a topographic map for the subject property, if available.
- A map of the parcel showing the location of all significant mature vegetation, drainage patterns, floodplain boundaries, wetlands, and other significant natural features.
- Photos or architectural drawings of a typical or a proposed building to be constructed on the parcel.
- Any market reports, studies, or other evidence or testimony to substantiate a public need for the proposal.
- A statement from the local fire protection district relative to the availability or potential problems with furnishing adequate fire protection.
- If your proposed use requires access to a state road, please contact the Illinois Department of Transportation regarding the eligibility and requirements for receiving an access permit and for information regarding traffic impacts and adequacy of roadway design. If a County or Township road is involved, contact the County Division of Transportation or the appropriate Township Highway Commissioner.
- Contact the district superintendents if local school districts will be affected.
- If the desired use for the subject parcel is not clearly and specifically listed in the Use Table of the Lake County Code (Section 151.110 et seq.), the petitioner should contact the staff of the Planning, Building and Development Department for a written opinion identifying the zoning districts in which the proposed use is permitted.

CUP Approval Criteria

Lake County Code Section 151.050 (F) lists the Conditional Use Approval Criteria which must be met to obtain a CUP. Review these criteria and address them in your application. Also be prepared to address them during your testimony at the public hearing. These criteria are:

- A. The use in its proposed location will be consistent with the stated purpose and intent of the Zoning Ordinance found in the "Purpose and Intent" section of the Lake County Code (151.005); and
- B. The proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards (Section 151.111); 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.

Lake County Code Section 151.110 et seq. also contains specific use standards which must be met to obtain a CUP for the exact use sought. These specific standards must also be addressed in your application and you should be prepared to address them at the public hearing.

After the Public Hearing

After the public hearing is concluded and after the closing of the testimony, the ZBA may make its decision or recommendation on the day of hearing or it may take the application under advisement and make a decision or recommendation at its monthly review meeting, which is held on the first Thursday of each month. The review meetings are open to the public; however, no additional evidence or testimony is accepted unless specifically requested at the public hearing. A fee shall be assessed for any unnecessary continuation (beyond the first Review Meeting) requested by the applicant or caused by the applicant's failure to produce information previously requested by the Board. Any continuation that requires re-notification of the public will require additional fees.

An affirmative vote of four (4) members of the ZBA is required in order to approve a CUP. The ZBA may also establish conditions above and beyond the standards contained in the UDO. The decision of the ZBA on delegated CUPs is final.

**LAKE COUNTY ZONING BOARD OF APPEALS
PROCEDURE OF PUBLIC HEARING**

- 1. CALL MEETING TO ORDER.**
- 2. ROLL CALL AND DETERMINATION OF QUORUM.**
- 3. PLEDGE OF ALLEGIANCE** (if flag is present).
- 4. PRELIMINARIES BY CHAIRMAN:** State purpose of hearing, acknowledge publication and posting of the property, oath to those who are to testify; explain procedure to be followed for the remainder of the hearing.
- 5. COMMENTS RECEIVED FROM THE COUNTY DEPARTMENTS ARE ACKNOWLEDGED.**
- 6. PRESENTATION OF EVIDENCE BY THE PETITIONER OR DESIGNATED REPRESENTATIVES.**
 - Opening statement.
 - Testimony by the petitioner's witnesses.
 - Questioning of each witness by the Members of the Zoning Board of Appeals.
 - Questioning of each witness by any person attending this hearing.
(NOTE: This is an opportunity only to question the witnesses, not to make statements or offer personal testimony)
 - Close of petitioner's evidence.
- 7. PRESENTATION OF EVIDENCE BY THE OBJECTORS OR THEIR REPRESENTATIVES.**
 - Opening statement.
 - Testimony by the objector's witnesses.
 - Questioning of each witness by the Members of the Zoning Board.
 - Questioning of each witness by any person attending this hearing.
(NOTE: This is an opportunity only to question the witnesses, not to make statements or offer personal testimony)
 - Close of objector's evidence.
- 8. PRESENTATION OF STATEMENTS BY ANY PERSON ATTENDING THE HEARING.**
- 9. CLOSING STATEMENT BY THE PETITIONER OR DESIGNATED REPRESENTATIVE, IF DESIRED.**
- 10. CLOSING OF TESTIMONY.**
- 11. STATEMENT BY THE CHAIRMAN AS TO THE RIGHTS OF OBJECTORS AND INSTRUCTIONS FOR FILING OBJECTIONS** (if applicable).
- 12. ZONING BOARD OF APPEALS RECOMMENDATION.**
- 13. ADJOURNMENT.**

3. natural resources,

4. infrastructure,

5. public site, or

6. any other matters affecting the public health, safety, or general welfare.

APPLICANT INFORMATION

<p><u>Owner (include all fee owners listed on deed):</u></p> <p>Name: _____</p> <p>Address: _____</p> <p>State/Zip: _____</p> <p>Daytime Phone: _____</p> <p>Email: _____</p>	<p><u>Authorized Agent:</u> I/we hereby authorize this person to represent me/us in all matters related to this application:</p> <p>Name: _____</p> <p>Address: _____</p> <p>State/Zip: _____</p> <p>Daytime Phone: _____</p> <p>Email: _____</p>
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<p><u>Applicant (if other than owner):</u></p> <p>Name: _____</p> <p>Address: _____</p> <p>State/Zip: _____</p> <p>Daytime Phone: _____</p> <p>Email: _____</p>	<p><u>Contract Purchaser (if any):</u></p> <p>Name: _____</p> <p>Address: _____</p> <p>State/Zip: _____</p> <p>Daytime Phone: _____</p> <p>Email: _____</p>
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I/We hereby attest that all information given above is true and complete to the best of my/our knowledge.

Owner's Signature

Owner's Signature

Signature(s) of contract purchasers (If applicable)

I, _____ a Notary Public aforesaid, do hereby certify that _____ personally known to me is (are) the person(s) who executed the foregoing instrument bearing the date of _____ and appeared before me this day in person and acknowledged that he/she/they signed, sealed and delivered the same instrument for the uses and purposes therein set forth.
Given under my hand and Notarial Seal this _____ day of _____, 20__.

(Seal)

My Commission expires _____

COURT REPORTER AGREEMENT

CHECK ONE OF THE FOLLOWING:

I authorize the County to act on my behalf to retain a Certified Shorthand Reporter to transcribe the public hearing and provide a transcript to the Zoning Board of Appeals. I further agree to pay the Reporter reasonable fees for his/her services. If I do not pay the Reporter and the County is invoiced and pays the Reporter, I agree to reimburse the County. If the County sues to obtain reimbursement, I agree to pay the County its reasonable attorney's fees in bringing suit and obtaining a judgment.

I will furnish a Certified Shorthand Reporter to transcribe the public hearing and provide a transcript to the Zoning Board of Appeals. I realize that the failure to do so may result in the continuation of the public hearing in which case I agree to reimburse the County for all additional expenses caused by such continuation.

Signature

Billing Contact Information:

Print Name

Email

Phone Number

THIS SIGNED AGREEMENT MUST ACCOMPANY YOUR APPLICATION