



Rezoning Information

Zoning Board of Appeals

Lake County Planning, Building and Development Department

500 W. Winchester Ave. • Unit 101 • Libertyville, Illinois 60048-1331
Telephone (847) 377-2600 • E-mail: LCPermits@lakecountyil.gov • Fax (847) 984-5854

Website: <http://lakecountyil.gov/185/Planning-Building-Development>

Introduction

The information contained in this package is to help you become familiar with the various requirements that must be met before your rezoning application can be accepted. This information will also prepare you to provide testimony and address any questions that might be raised at the public hearing.

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

Once your application is accepted, the entire rezoning process generally takes about 3 to 5 months to complete. Careful and proper preparation of your application is essential to obtaining rezoning and, in the long run, you will save considerable time and expense for both yourself and the County.

If you should 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 ahead for an appointment.

Before Filing the Application

You are strongly urged to meet with the staff of the Planning, Building and Development Department before preparing any rezoning application. The Staff will advise you on the correct form to use, how to complete the application, explain the procedures involved and attempt to identify potential problems which might be encountered. You may wish to obtain a copy of the UDO, available from the Planning, Building and Development Department and become familiar with the standards and requirements applicable to the requested rezoning. The UDO and Zoning maps are also available on the internet at <http://lakecountyiil.gov/2051/Unified-Development-Ordinance>. If you have any questions concerning any standards or requirements of the UDO or require an interpretation of any provision, you may wish to consult with the staff of the Planning, Building and Development Department. It may also be advisable to consult with the staffs of various County Departments and agencies such as the Health Department, Division of Transportation and Public Works Department (where public sewer and/or water are involved) before filing your application. The staff of the Planning, Building and Development Department will notify these and other affected agencies to seek their comments prior to the Zoning Board of Appeals (ZBA) public hearing.

Before filing your application, you should also discuss the proposal with all adjacent property owners, as well as the elected officials of the nearest municipality within 1-1/2 miles of your property. In certain situations, both these parties have the right to file official protests which, if filed, require a 3/4 vote of the entire County Board to grant the request. Clearly, it is in your interest to consult with these parties prior to filing an application. The staff of the Planning, Building and Development Department will officially notify all of these parties 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.

- **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 rezoning meets the applicable standards contained in the UDO.
- **The Applicants:** All the fee owners of the subject property must be the applicants. If the property is subject to a contract to purchase, the contract purchaser shall also join as an applicant. Likewise, if the property is owned or to be purchased by a land trust, the trustee shall be an applicant. See UDO Section (151.045(B)) "Ownership Disclosure"
- **Disclosure:** 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 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, addresses and percent interest of all stockholders or shareholders owning any interest in excess of 20 percent 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 office of the Lake County Recorder of Deeds located on the second floor of the Lake County Administration Building) 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 the behalf of the applicant(s).

- **Maps:** Certain information must be graphically shown on maps which accompany your application. If any map to be submitted is in color or measures larger than 11” x 17”, fifteen copies of such map must be submitted. The following information should be shown on these maps:
 - ✓ The parcel to be rezoned (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 the natural resources such as steep slopes, woodlands, floodplain, etc. (as defined by the UDO) present on the property.
- **Application Fee:** The application fee is to be paid at the time of filing the application. <http://lakecountyiil.gov/DocumentCenter/Home/View/2693>. Checks must be payable to the “Treasurer of Lake County”. No portion of the fee is refundable once a public meeting or hearing has been held.
- **Soil and Water Conservation District Notice:** Once the application is accepted, State law requires that you send a copy of the application to the Lake County Soil and Water Conservation District. A copy of their application form is attached for your convenience.

The Public Hearing

The public hearing is generally held approximately five weeks after an application is filed. The time and place of the hearing is scheduled by the ZBA. The public hearing is usually held in the township in which the property is located. The attached procedure sheet outlines the procedure followed by the ZBA at the public hearing. In addition to the filing fee, you will be billed separately for the cost of publishing the legal notice of the hearing in the newspaper.

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

- ✓ 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.
- ✓ Copies of any and all covenants, deed restrictions, easements, etc. which in any

way affect the subject property.

- ✓ A plat of survey of the subject property, if one is available.
- ✓ A copy of any proposed plat of subdivision and/or topographic maps which have been prepared for the subject property.
- ✓ The results of on-site soil borings conducted on the subject property. In those cases in which private well and septic systems will be utilized, the results of these borings should be confirmed by the Lake County Health Department.
- ✓ A map of the parcel showing the location of all significant mature vegetation, drainage patterns, floodplain boundaries and other significant natural features.
- ✓ Photos or an architectural drawing of a typical or a proposed building(s) to be constructed on the parcel.
- ✓ Any market reports, studies, or other evidence or testimony to substantiate that there exists a public need for the proposal.
- ✓ If private wells are to be utilized, any testimony or evidence in regard to the quality and quantity of available groundwater.
- ✓ If public water and/or sewers are to be utilized, documentation should be submitted to substantiate the availability of this service.
- ✓ Comments from the local fire protection district relative to the availability or potential problems of furnishing adequate fire protection.
- ✓ If a State road is involved, the Illinois Department of Transportation should be contacted relative to the availability of access permits, traffic impact and adequacy of roadway design. Likewise, if a Township road is involved, the Township Highway Commissioner should be contacted and in the case of County roads, the County Division of Transportation should be contacted for comments.
- ✓ If the local school districts will be affected, the district superintendent should be contacted for comments.
- ✓ If the desired use for the subject parcel is not clearly and specifically listed in the Use Table of UDO Subchapter: Use Regulations (151.110 et seq.), the petitioner should contact the staff of the Planning, Building and Development Department for clarification and/or a written opinion regarding the Zoning District(s) in which the proposed use is permitted.

Map Amendment Approval Criteria

UDO Subchapter: Development Review Procedures (section 151.047(I) contains map amendment (rezoning) approval criteria. Review these criteria and address each of them in your application. Also, be prepared to address these criteria in providing testimony at the public hearing. These are:

- A. the proposed rezoning is consistent with the stated purpose and intent of the zoning regulations (UDO Section 151.005);
- B. the proposed rezoning corrects an error or inconsistency or meets the challenge of some changing condition in the area;
- C. the proposed rezoning will allow development that is compatible with existing uses and zoning of nearby property;
- D. the County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development;
- E. the proposed rezoning will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources; and
- F. the subject property is suitable for the proposed zoning classification.

In addition to the criteria contained in the UDO, the Illinois courts have established additional factors that should be given consideration in all rezoning cases. These factors are:

- The existing uses and zoning of nearby property.
- The extent to which property's value is diminished by the present zoning restrictions.
- The extent to which the destruction of property values of applicant by the existing zoning promotes the health, safety, morals or general welfare of the public.
- The relative gain to the public as compared to the hardship imposed upon the individual property owner.
- The suitability of the subject property for the (presently) zoned purposes.
- The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.
- The care with which the County has undertaken to plan its land use development.
- The community need for the use proposed.

In providing testimony at the public hearing, you and/or your witnesses should be prepared to address the above factors.

After the Public Hearing

Once the public hearing is concluded, the ZBA may make its recommendation on the day of the hearing after the closing of the testimony or the ZBA may take your application under advisement and then make a recommendation at its monthly review meeting that 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 such was specifically requested at the public hearing and is filed with the ZBA before the review meeting. Failure of the applicant to produce such information which causes a further continuance shall be assessed a fee of \$150. Any continuation that requires re-notification of the public will be assessed \$300.

A concurring vote of four of the seven members of the ZBA is required in order to recommend approval of a request for rezoning. The ZBA's recommendation will then be formalized, signed and transmitted to the Planning, Building, and Zoning (PB&Z) Committee of the County Board for review.

This PB&Z Committee meets on Tuesday mornings at the County Administration Building in Waukegan and these meetings are open to the public. This Committee also prepares a recommendation that, along with the recommendation of the ZBA, is presented to the full County Board at its next monthly meeting, held on the second Tuesday of each month. It is at this time that the County Board will usually take final action and either approve or deny the rezoning request.

Again, the entire process generally takes from three to five months to complete from the date the application is filed.

LAKE COUNTY ZONING BOARD OF APPEALS

REZONING APPLICATION

Applicant(s):
(please print)

Owner(s)

Phone:

Address

Fax:

Contract purchaser(s) if any

Phone:

Address

Fax:

I/we hereby authorize the following person to represent me/us in all matters related to this application:

Name

Phone:
Cell:

Address

Fax:
Email:

Subject
Property:

Present Zoning:
Present Use:
Proposed Use:
PIN(s):
Address:

Legal description:
(see deed)

Request: I/we request the property be rezoned to the [redacted] zoning district.

I/we believe this rezoning is justified because:

Approval The Lake County Zoning Board of Appeals is required to make findings of Criteria: fact on your request. You should "make your case" by explaining specifically how your proposed request relates to each of the following criteria:

1. The proposed rezoning is consistent with the stated purpose and intent of the zoning regulations (UDO Section 151.005);
2. The proposed rezoning corrects an error or inconsistency or meets the challenge of some changing condition in the area;
3. The proposed rezoning will allow development that is compatible with existing uses and zoning of nearby property;

4. The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development;

5. The proposed rezoning will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources; and

6. The subject property is suitable for the proposed zoning classification.

I/we hereby attest that all information given above is true and complete to the best of my/our knowledge.

Signature of owner(s)

Signature(s) of contract purchasers

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 _____.

**THE FOLLOWING DOCUMENTS MUST BE SUBMITTED WITH THE APPLICATION
(See p.2)**

- ✓ COPY OF DEED
- ✓ COPY OF PURCHASE CONTRACT (if applicable)
- ✓ MAP OF SURROUNDING LAND USES
- ✓ DISCLOSURE STATEMENT (if applicable)
- ✓ PROPERTY SURVEY and / or SITE PLAN (if applicable)
- ✓ FILING FEE: <http://lakecountyiil.gov/DocumentCenter/Home/View/2693>

**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.**
12. **ZONING BOARD OF APPEALS RECOMMENDATION.**
13. **ADJOURNMENT.**

Natural Resource Information Report Application

McHenry-Lake County Soil and Water Conservation District

1648 S. Eastwood Dr., Woodstock, IL 60098

Voice: (815) 338-0099

Fax: (815) 338-7731

For office use only

File Number: _____ - _____ - _____ Date Received: _____ 20_____
Fee: _____ (Please make check payable to McHenry-Lake County SWCD.)

The McHenry-Lake County SWCD has thirty (30) days to complete this report after receipt of ALL the following items and after presentation to SWCD Board of Directors at their regularly scheduled meeting: Board meetings are scheduled for the first Tuesday of each month at the SWCD office.

Application Check List

Plat of Survey: _____ Petition: _____ Fee: _____
Tentative plat: _____ Intensive Soil Survey: _____ Tile Investigation: _____
Certified Wetland and Determination/Delineation: _____

Processing of the NRI report will not begin until all of the required items have been received by the M LCSWCD (office unless otherwise indicated by SWCD Staff)

Fee: Full report: \$400.00 for 1-3 acres and \$25.00 for each additional acre or part thereof.
Letter: \$100.00 SWCD will determine when letter or full report format will be necessary

Petitioner's Name: _____ Phone: (____) _____ - _____

Address: _____

Contact Person: _____ Phone: (____) _____ - _____

Address: _____

Parcel Index Number(s): (1) _____ - _____ - _____ (2) _____ - _____ - _____
(3) _____ - _____ - _____
Aggregate parcel size _____ (acres)

Current Zoning: _____ Requested Zoning _____

Description of Zoning _____ Request: _____

Proposed Improvements:
_____ Dwellings on Slabs _____ Common Open Space _____ Drainage Ditches/Swales
_____ Dwellings with Basements _____ Sewers _____ Wet Retention Basin
_____ Commercial Buildings _____ Individual Wells _____ Storm Sewers
_____ Park/Playground Areas _____ Community Water _____ Dry Detention Basin
_____ Conservation Easements _____ Septic Systems _____ Other _____

Unit of Government Responsible: _____ County of McHenry _____ County of Lake

_____ City/Town of _____

Is the parcel within 1 mile of a Village or City Boundary? Yes _____ / No (circle one)

If yes, which (City/Town/Village)? _____

It is understood that filing this application allows a district representative the right to conduct an onsite investigation of the parcel(s) described above. Furthermore, this report becomes subject to the Freedom of Information Act after presentation to the District Board of directors at their regularly scheduled meeting.

Contact person or Petitioner's signature: _____ Date: _____ / _____ /20_____