

Conditional Use Permit (CUP) Information

(NON-DELEGATED)

Zoning Board of Appeals

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

500 W. Winchester Rd. • Unit 101 • Libertyville, Illinois 60048-1331
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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 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. contain 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.

The County Board has final decision authority for the approval or denial of non-delegated Conditional Use Permits. Refer to the "Use Table" section of the UDO (151.111) of the UDO to identify these non-delegated CUP's.

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

Once your application is accepted, the entire CUP process generally takes about 3 to 5 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 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 a CUP 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 CUP. The Lake County UDO and zoning maps are also available on the internet at <http://lakecountyil.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 of the UDO, you should consult the staff of the Planning, Building and Development Department.

Before filing your application, you might wish to discuss the proposal with adjacent property owners as well as the elected officials of the nearest municipalities within 1½ miles of the subject property. The staff will notify 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 any application will be accepted for processing. Unless otherwise noted, two original copies of all documents are required.

- **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 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 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” section of the UDO (151.045(B)) for further information.

- **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 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 behalf of the applicant(s).
- **Maps:** Certain information must be graphically shown on maps which accompany the application. If any map or other document to be submitted is in color or measures larger than 11” x 17”, fifteen (15) copies of such map must be submitted. 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 UDO) 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 the expense of providing a transcript to the ZBA.
- **Application Fee:** The application fee must 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 any public meeting or hearing has been held. You will also be separately billed for the actual cost of publishing a legal notice of the hearing in the newspaper.

- **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 usually held approximately five 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 attached procedure sheet outlines the procedure 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 certain 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.
- ✓ 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 a topographic map for the subject property. If one is 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.
- ✓ 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 and in the case of County roads, the County Division of Transportation should be contacted.
- ✓ If the local school districts will be affected, the district superintendents should be contacted.

CUP APPROVAL CRITERIA

Section 151.150(F) of the UDO lists Conditional Use Approval Criteria which must be met for obtaining a CUP. Review these criteria and address them in your application. Also be prepared to address them in providing 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 (section 151.005)
- B. the proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of 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.

Also, UDO Subchapter: Use Regulations (151.110 et seq.) contains specific use standards which must be met to obtain a CUP for the exact use sought. Address the standards in your application as well, and be prepared to address them at the public hearing.

After The Public Hearing

Once the public hearing is concluded the ZBA may make its decision or recommendation on the day of hearing after the closing of the testimony 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. Failure by the applicant to produce this information, or any request by the applicant which results in a further continuance shall be assessed a fee. Any continuation which requires re-notification to the public will be assessed a fee plus the publication cost of the legal notice.

An affirmative vote of four (4) members of the ZBA is required in order to approve or recommend approval of a request for a CUP. The ZBA may also establish conditions above and beyond the standards contained in the UDO. 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.

The PB&Z Committee meets on Monday mornings and these meetings are open to the public. This Committee also prepares a recommendation which, along with the recommendation of the ZBA, is presented to full County Board at its 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, approve it subject to conditions, or deny the Conditional Use Permit request.

Again, the entire process generally takes from three (3) to five (5) months to complete from the date the application is filed.

CONDITIONAL USE PERMIT APPLICATION

Applicant(s):
(please print)

Owner(s)
[Redacted]

Phone: [Redacted]

[Redacted]
[Redacted]
[Redacted]
Address

Fax: [Redacted]

Email: [Redacted]
[Redacted]

[Redacted]
Contract purchaser(s) if any

Phone: [Redacted]

[Redacted]
[Redacted]
[Redacted]
Address

Fax: [Redacted]

Email: [Redacted]
[Redacted]

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

[Redacted]
Name

Phone: [Redacted]
Cell: [Redacted]

[Redacted]
[Redacted]
[Redacted]
Address

Fax: [Redacted]
Email: [Redacted]

Subject
Property:

Present Zoning: [Redacted]
Present Use: [Redacted]
Proposed Use: [Redacted]
PIN(s): [Redacted]
Address: [Redacted]
[Redacted]

Legal description:
(see deed)

Request:

I/we request a conditional use permit be approved to allow:

Explain why this conditional use permit is justified:

Approval
Criteria:

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

- A. the use in its proposed location will be consistent with the stated purpose and intent of the Zoning Ordinance ("Purpose and Intent", section 151.005)

- B. the proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of 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 site, or

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

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 PETITION (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)
- ✓ COURT REPORTER ACKNOWLEDGEMENT
- ✓ FILING FEE <http://lakecountyil.gov/DocumentCenter/Home/View/2693>

Costs of publishing a legal notice and the services of a court reporter will be billed separately and are in addition to the filing fee.

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

THIS SIGNED AGREEMENT MUST ACCOMPANY YOUR APPLICATION

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.
 - 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' DECISION**
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_____