

Exhibit A: Proposed Amendments to Chapter 151 of the Lake County, Illinois Code of Ordinances

Amend §151.045 GENERAL to read as follows:

The provisions of this § [151.045](#) apply to all development applications and procedures under this subchapter unless otherwise stated.

(A) *Authority to file applications.* Unless otherwise expressly stated, all applications under this subchapter shall be initiated by all the fee owners of the subject property. The fee owners may designate an authorized agent to represent them.

(B) *Ownership disclosure.* The ownership disclosure requirements of this subsection (B) shall apply to all applications for zoning map amendments, subdivisions, conditional use permits, zoning variances, vacations, and appeals of administrative decisions if the application pertains to specific real property.

(1) If the fee owner has entered into a contract for the sale of the subject property, the contract purchaser shall be a co-petitioner to the petition or application.

(2) If the subject property is governed by a land trust agreement, the trustee of the land trust shall be a petitioner or co-petitioner. When the petitioner or co-petitioner is a land trust or trustee of a land trust, the application shall identify each beneficiary of the land trust by name and address and define each beneficiary's interest therein. All applications shall be verified by the applicant, petitioner, or co-petitioner in his or her capacity as trustee.

(3) When the petitioner or co-petitioner is a corporation, the petition or application shall include the correct names and addresses of all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of the corporation.

(4) When the petitioner or co-petitioner is a business entity doing business under an assumed name, the petition or application shall include the names and addresses of all true and actual owners of the business or entity.

(5) When the petitioner or co-petitioner is a partnership, joint venture, syndicate, or an unincorporated voluntary association, the application shall include the names and addresses of all partners, joint venturers, syndicate members, or members of the unincorporated voluntary association.

(C) *Form of application.* Applications required under this subchapter shall be submitted in a format and in numbers as required by the official responsible for

accepting the application. Application submittal requirements and format information shall be available to the public in the Planning, Building and Development Department.

(D) *Filing fees.* Applications shall be accompanied by the fee amount that has been established by the County Board for the respective type of application. Fees shall not be required for applications initiated by the County Board.

(E) *Application completeness.* An application shall be considered complete if it is submitted in the required format, includes all mandatory information and is accompanied by the established fee. Any application that is determined to be incomplete shall, within three days of its submittal, be returned to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are corrected, the application may be resubmitted without the payment of additional fees.

(F) *Application check-in meetings.* When the procedures of this chapter expressly require that applications be submitted during a "check-in meeting", applicants shall be responsible for scheduling and attending the meetings. When check-in meetings are required, an application shall not be accepted until a check-in has been conducted and any errors or omissions noted at the check-in have been addressed by the applicant.

(G) *Notices.*

(1) *Content.* ~~All notices required under this chapter shall~~ Neighbor, written, and newspaper notices shall contain the following information:

- a. Indicate the date, time, and place of the public hearing or date of action that is the subject of notice;
- b. Describe the property involved in the application by street address and, if required, by the legal description or Property Index Number (PIN);
- c. Describe the nature, scope, and purpose of the application or proposal; and
- d. Indicate where additional information on the matter can be obtained.

(2) *Types.*

- a. *Neighbor notice.* When the provisions of this chapter require that neighbor notice be provided, the official responsible for accepting the application shall mail notice to all property owners of record who will be affected by the development or activity that is the subject of the application. At a minimum, notice shall be mailed to all record owners of property adjacent to the subject property, excluding rights-of-way. Ownership information shall be obtained from Lake County Map Services. Failure to provide neighbor notice shall not invalidate any action taken.
- b. *Written Notice* ~~to reviewing agencies and interested parties.~~

1. When neighbor notice is required, the Planning, Building and Development Director shall also provide written notice to the following reviewing agencies and individuals, as deemed appropriate by the Planning, Building and Development Director in light of the subject matter:
 - a. Cable television company;
 - b. County Board district member;
 - c. Electric company;
 - d. Fire Department/protection district;
 - e. Gas company;
 - f. Illinois Department of Natural Resources;
 - g. Illinois Department of Transportation;
 - h. J.U.L.I.E.;
 - i. Lake County Forest Preserve District;
 - j. Lake County Map Services;
 - k. Local postmaster;
 - l. Mayor/President of all municipalities within a one and one-half-mile radius of the subject property;
 - m. METRA and PACE;
 - n. ~~Planning, Building and Zoning~~ Planning, Building, Zoning and Environment Committee members;
 - o. Regional Superintendent of Schools;
 - p. Soil and Water Conservation District;
 - q. Sanitary District;
 - r. Lake County Stormwater Management Commission;
 - s. Superintendent, grade school district;
 - t. Superintendent, high school district;
 - u. Telephone company;

- v. Township Assessor;
- w. Township Highway Commissioner;
- x. Township Supervisor; and
- y. Water District.

2. Failure to provide notice to reviewing agencies or interested parties shall not invalidate any action taken.

- c. *Newspaper notice.* When the provisions of this chapter require that notice be published in the newspaper, the official responsible for accepting the application shall ensure that notice is published in a newspaper of general circulation in the ~~township in which the subject property is located. In the case of ordinance text amendments or when there is no newspaper of general circulation in the township, the notice shall be published in a newspaper of general circulation in the~~ county.
- d. *Posted notice.* When the provisions of this chapter require that notice be posted, the official responsible for accepting the application shall post ~~the notice~~ a sign on the subject property in a manner ~~that makes the notice~~ clearly visible to neighboring residents and passers-by from each adjacent street. Failure to correctly post notice shall not invalidate any action taken.
 - 1. *Content.* Each sign must be a minimum of 24 inches by 24 inches in size and must contain the following information:
 - a. An announcement that a public hearing is to be held regarding the subject property with instructions for interested members of the public to call the Lake County Planning, Building, and Development Department for further information regarding time, date, location, and the subject of the public hearing; and
 - b. The telephone number of the Lake County Planning, Building, and Development Department.

(3) *Timing.* Unless otherwise specifically provided in state statutes or this chapter, neighbor, newspaper, and posted notice of public hearings shall be mailed, published, or placed at least ~~ten~~ fifteen days before the public hearing, meeting, or date of action that is the subject of the notice.

(4) *Constructive notice.* Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure of a party to receive notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the date, time, and place of a hearing and the location of

the subject property shall be strictly construed. If questions arise regarding the adequacy of notice, the body conducting the hearing or meeting shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this chapter.

(H) *Action by decision-making bodies.* Unless otherwise expressly stated, decision-making bodies shall be authorized to approve, approve with conditions, or deny applications and permit requests based on compliance with the applicable review and approval criteria. Decision-making bodies shall also be authorized to refer an application back to the review body or to defer action while additional information is being obtained.

(I) *Conditions of approval.* In approving development applications, decision-making bodies shall be authorized to impose conditions upon the premises benefitted by the approval as allowed by law and as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of this chapter, so long as the condition relates to a situation created or aggravated by the proposed use and is roughly proportional to its impact.

(J) *Inaction by review and decision-making bodies.* When a review or decision-making body fails to take action on an application within the time required, the inaction shall be interpreted as a recommendation of denial or denial of the application, respectively, unless the applicant agrees to an extension of the timeframe, prior to the deadline for action.

(K) *Approval criteria; burden of persuasion.* In all cases, the applicant shall have the burden of establishing that an application complies with applicable approval criteria.

(L) *Public hearings.*

(1) *Location.* Unless otherwise specifically required, public hearings required in this subchapter shall be held in the township in which the subject property is located or in the Lake County Court House or other county building. If the owner of the subject property so requests, the hearing shall be held in the township in which the subject property is located. In considering amendments to the text of this chapter, the hearing shall be held in the Lake County Court House or other suitable county building.

(2) *Continuation.* A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this chapter, provided that the continuance is set for a date and time certain and the date and time is announced at the public hearing.

(Ord., § 3.1, passed 10-13-2009; Ord. passed 8-14-2012)