

Case No. 3779  
Text Amendment

COUNTY BOARD, LAKE COUNTY, ILLINOIS  
October 13, 2009

MADAM CHAIRMAN 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 10, 17 and 24, 2009 relative to a Resolution adopted by the Lake County Board on August 11, 2009, 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 conclusion of the hearing of the Zoning Board of Appeals held on September 24, 2009 after a final review of all evidence and testimony presented on this matter, a motion was made by Member Koeppen and seconded by Member Raymond to recommend that the text amendments attached hereto as Exhibit A be adopted. Voting "Aye" on this motion were Members Koeppen, Raymond, Reindl, Stimpson, Westerman and Bell. Voting "Nay", none. The motion passed by a vote of 6-0.

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.

Lyndee Nash

CHAIRPERSON

Gregg Johnson

VICE-CHAIRMAN

Julianne Stinson

M. J. Raymond

Al West

John P. Reed

\_\_\_\_\_

Dated this 24<sup>th</sup> day of September 2009.

# **EXHIBIT A**

## **PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)**

### **Section 1: “Housekeeping” Amendments**

#### **Amendment #1**

**Amend Article 3, Section 3.12 to eliminate the entire section entitled “Vacations” ( as this section has been relocated to Article 10 in the 2008 text amendment process) and to renumber subsequent sections accordingly. (p. 3-20)**

#### **Amendment #2**

**Amend Article 3, Section 3.15.3/ Development Review Procedures/Appeals of Administrative Decisions/Application Filing to read as follows (p. 3-26):**

- 3.15.3. Applications for Appeals of Administrative Decisions shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department. Appeals of Administrative Decisions shall be filed within 35 calendar ~~30~~ days of the date of the decision being appealed.

#### **Amendment #3**

**Amend Article 6, Subsection 6.3.3.1/Use Regulations/Use Standards/Agriculture/Exempt Uses to modify the following commentary (p. 6-8):**

#### **COMMENTARY:**

Notwithstanding the setback requirements contained in Subsection 6.3.3.1.c, pastures enclosing an undivided area of at least 40,000 square feet may extend to the lot line. All other fenced enclosures must meet the setbacks provided in

this Subsection. On parcels eligible for the statutory agricultural exemption there shall be no limit under this Ordinance on the number of farm animals.

**Amend Article 6, Subsection 6.4.7.3.b/ Use Regulations/Accessory Uses/Private Stables/Setbacks to read as follows (p. 6-44):**

6.4.7.3.b. Stables on parcels of at least 200,000 square feet shall be regulated in accordance with Section 6.3.3.1. On parcels of 200,000 square feet or more, piles of feed or bedding shall be located at least 75 feet from any street or public right of way or lot line of an adjacent nonresidential use and at least 100 feet from any lot line of an adjacent residential or vacant parcel.

**Amendment #4**

**Amend Article 6, Section 6.3.22 Greenhouse/Nursery Center, Retail (Retail Sales-Oriented Use Category) to add the following Subsection 4, as follows (p. 6-16):**

6.3.22.4. All plants offered for sale shall have been grown on-site.

**Amend Article 14, Section 14.2/ Definitions/Terms Defined to read as follows (p. 14-30):**

14.2.186. Greenhouse and/or Nursery Center: The retail or wholesale sale of plants ~~primarily grown on the site~~, as well as accessory items directly related to the maintenance and care of plant life. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, hoes and shovels, etc. However, no power equipment, such as gas or electric lawnmowers and farm implements, may be sold wholesale or retail.

**Amendment #5**

**Amend Article 6, Subsection 6.4.2.5/ Use Regulations/Accessory Uses/General Standards to read as follows (p. 6-36):**

6.4.2.5 Accessory uses and structures must be subordinate to the principle use and structure on the subject lot in terms of area, extent and purpose. The total gross floor area of all accessory structures on a

lot shall not exceed 1.5 times the total gross floor area of the principal structure on the lot. The area-related provisions of this paragraph shall not apply to nonresidential and agricultural-exempt uses

**Amend Article 6, Subsection 6.4.2.7/ Use Regulations/Accessory Uses/General Standards to read as follows (p. 6-37):**

6.4.2.7 No more than 3 accessory buildings associated with a principle residential use shall be located on a single parcel in a residential district. There shall be no limit on the number of accessory buildings that may be located on a parcel in a nonresidential zoning district or on a parcel in a residential zoning district containing a principal nonresidential use, provided that they comply with all other general accessory use standards of this section (6.4.2). The provisions of this paragraph shall not apply to agricultural-exempt uses. Open gazebos, swimming pools, cabanas, and similar structures shall not be counted as buildings for purposes of this provision. (See Figure 6-1)

**Amendment #6**

**Amend Article 6, Subsection 6.4.2.8/ Use Regulations/Accessory Uses/General Standards to read as follows (p. 6-37):**

6.4.2.8 A basement shall not be permitted in any accessory structure; however, a crawlspace may be permitted. An attic shall be permitted in an accessory structure only if ~~less than 25% of the attic space has a ceiling or~~ the rafter or ceiling height is no greater than of 6' and the attic is used for storage purposes only.

**Amendment #7**

**Amend Article 6, Subsection 6.4.3.2a./ Use Regulations/Accessory Uses/Height and Setback Standards/Setbacks/Conventional Development to read as follows (p. 6-38):**

6.4.3.2.a. The setback standards provided in the following table shall apply to accessory garages and storage structures that contain no more than 576 square feet of gross floor area and to playground equipment customarily accessory to residential uses that does not

exceed 100 square feet in area. All other accessory uses and structures including recreational accessory uses such as swimming pools, volleyball courts, tennis courts and other similar recreational courts shall comply with the underlying zoning district setback standards that apply to principle structures.

### **Amendment #8**

**Amend Article 6, Subsection 6.4.7.3.d./ Use Regulations/Accessory Uses/Private Stables/Setbacks to read as follows and to add the following commentary (p. 6-44):**

- d. All stable buildings and corrals shall be set back from all lot lines and rights-of-way lines as follows:
  - ~~1. from all residential districts except E, RE, R-1 and AG = 100 feet~~
  - ~~2. from all other districts and rights-of way = 30 feet.~~
  - 1. from non-residential districts (including AG), RE, E, and R-1 – 30 feet.
  - 2. from R-2, R-3, R-4, R-5, R-6 and RR districts – 100 feet.

### **Amendment #9**

**Amend Article 6, Section 6.4.9/ Use Regulations/Accessory Uses/Fences, Walls and Hedges to read as follows (p. 6-45):**

#### 6.4.9.1 Fences, and Walls and Hedges

Fences, and walls and hedges shall be permitted in any required setback (except within required visibility triangles, (see Sec. 9.8). The finished/ornamental side of the fence shall face outward ~~Retaining walls shall be setback a minimum of 4 feet from all property lines.~~ The maximum height of walls and fences shall be 6 feet, provided that . In instances when greater height is deemed necessary to provide adequate visual screening, buffering and security, the Planning, Building and Development Director shall be authorized to allow a maximum fence or wall height of 8 feet when such height is deemed necessary to provide adequate visual screening, buffering and security. If natural conditions warrant additional erosion control measures, the Planning, Building and Development Director may allow the height of a retaining wall to be

~~greater than 8 feet. However, an 8 foot high fence or a wall may be allowed separating residential and nonresidential uses. The finished/ornamental side of the fence shall face outward.~~ Fences at a maximum of 10% opacity for tennis courts, volleyball courts or similar recreational purposes located at or beyond all required setback lines shall not exceed the maximum height provided in 6.4.3.1.

#### 6.4.9.2 Retaining Walls

Retaining walls ( i.e. walls that support fill) shall be set back a minimum of 4 feet from all property lines unless site conditions warrant a lesser set back in which case, the Planning, Building and Development Director shall be authorized to allow a reduced set back. Retaining walls shall not be permitted within required visibility triangles (see Sec. 9.8). The maximum height of retaining walls shall be 6 feet. If site conditions warrant, the Planning, Building and Development Director may allow the height of a retaining wall to be greater than 6 feet.

### **Amendment #10**

**Amend Article 6, Subsection 6.5.12.1a./ Use Regulations/Temporary Uses/Temporary Sales/Farm Produce Sales to read as follows (p. 6-51):**

- 6.5.12.1.a Seasonal sales of farm produce may be allowed by Temporary Use Permit in all zoning districts for a period not to exceed 6 months per calendar year. In residential zoning districts, seasonal sale of farm produce shall only be allowed on parcels having a minimum area of 80,000 square feet and a minimum road frontage of 190 feet and further provided that the majority of such produce is grown on-site.

### **Amendment #11**

**Amend Article 6, Subsection 6.5.12.2/ Use Regulations/Temporary Uses/Temporary Sales/Christmas Tree Sales to read as follows (p. 6-51):**

- 6.5.12.2. Christmas tree sales may be allowed by Temporary Use Permit in all zoning districts for a period not to exceed 45 days per calendar year. Christmas tree sales shall be allowed in residential zoning districts only when located on the site of a permitted nonresidential use. If the principal use of the property is a Christmas tree farm on

a property containing a minimum of 200,000 square feet or is a retail greenhouse/nursery or garden center, no temporary use permit shall be required.

## **Amendment #12**

**Amend Article 6, Section 6.5.16/ Use Regulations/Temporary Uses/Temporary Structures During Construction as follows (p. 6-53):**

6.5.16        Upon application ~~After issuance~~ of a building permit for a nonresidential principal structure, the Planning, Building and Development Director shall be authorized to issue a Temporary Use Permit for temporary structures to be used on-site during the period of construction. Such temporary structures shall be used only in furtherance of the purpose for which the principal structure is being constructed and may remain on the site only for the life of the building permit or a maximum of 2 years whichever is less. ~~Before issuance of the Temporary Use Permit, the applicant shall post a cash bond or letter of credit in an amount equal to 10 percent of the estimated construction cost of the principal structures. The applicant shall be considered in default on the bond if temporary structures are not removed within 14 days of life of the building permit or the 2-year period, whichever applies.~~

## **Amendment #13**

**Amend Table 7.1-1/ Residential District Density and Dimensional Standards, Conventional Residential Development as follows (p. 7-1):**

Table 7.1-1: Agricultural and Residential District Density and Dimensional Standards, Conventional Residential Development

**Amend Table 7.1-2/ Residential District Density and Dimensional Standards (Conservation Residential Development) as follows (p. 7-2):**

Table 7.1-2: Agricultural and Residential District Density and Dimensional Standards (Conservation Residential Development)



**Amend Table 7.1-3/Residential District Density and Dimensional Standards, Nonresidential Development Allowed in Residential Districts as follows (p. 7-3):**

Table 7.1-3: Residential District Density and Dimensional Standards, Nonresidential Development Allowed in Agricultural and Residential Districts

**Amendment #14**

**Amend Article 7, Section 7.3/ Density and Dimensional Standards/ Conservation Residential Development Subsection as follows (p. 7-5):**

...

- e. When abutting a conventional development, a perimeter buffer of at least 30 feet in width ~~depth~~ shall be provided.
- f. All landscaping shall meet the landscaping standards of Article 10, Section 10.15.3.1.f.

**Amendment #15**

**Amend Article 7, Subsection 7.7.3.3q/Density and Dimensional Standards/Measurements and Exceptions/Features Allowed Within Setbacks to read as follows (p. 7-15):**

- q. Wheel chair ramps or wheel chair platforms not to exceed 4 3 feet in width of clearance (non-enclosed with no walls or screens, with or without roof) to a dwelling may encroach into all required setbacks, provided they are located at least 4 feet from side and rear lot lines.

**Amendment #16**

**Amend Article 9, Section 9.3.6.2/ General Development Standards/Landscaping/Landscape Standards for Transition Areas/ Transition Landscape Standards to read as follows (p. 9-12):**

9.3.6.2 Notes:

Nonresidential uses allowed in the Agricultural and residential districts shall be subject to the transition landscape requirements of the LC zoning district.

### **Amendment #17**

**Amend Article 12, Subsection 12.4.4.2a.1/ Nonconformities/Nonconforming Lots/Consolidation of Parcels to read as follows (p. 12-10):**

1. For construction of a new principal residential or nonresidential structure that does not meet the setback from the common parcel line unless the structure straddles the common parcel line.

### **Amendment #18**

**Amend Article 14, Subsection 14.1.4.9.a./ Use Categories/ Schools/ Characteristics to read as follows (p. 14-7):**

- a. This category includes schools at the primary, elementary, middle, junior high, or high school level that ~~provide state mandated basic education~~ are recognized by the State Board of Education.

**Amend Article 14, Subsection 14.1.4.10.a./ Use Categories/Schools, Private/Characteristics to read as follows (p. 14-7):**

- a. This category includes schools that ~~do not provide state mandated basic education~~ are not recognized by the State Board of Education.

**Amend Article 14, Section 14.2/ Definitions/Terms Defined to read as follows (14-38):**

- 14.2.332. School: A place or institution that is recognized by the State Board of Education and provides state mandated basic education at the primary, elementary, middle, junior high, or high-school level.

**Amend Article 14, Section 14.2/ Definitions/Terms Defined to read as follows (p. 14-38):**

- 14.2.333. School, Private: Any school that ~~does not provide state-mandated basic education at the primary, elementary, middle, junior high, or high-school level~~ is not recognized by the State Board of Education. Private Schools may include but shall not be limited to business schools, trade schools, art schools, dance schools, or schools in other similar fields.

## Section 2: Substantive Amendments

### Amendment #1

Amend Article 5, Section 5.1.1.1/Zoning Districts/Establishment of Zoning Districts/Base Zoning Districts to read as follows and re-letter subsequent subsections accordingly (p. 5-1):

#### 5.1.1.1. Base Zoning Districts

The following base zoning districts are hereby established:

...

#### h. R-4A, Residential

...

Amend Article 5, Section 5.6/Zoning Districts/R-5 and R-6 Residential Districts to read as follows (pp. 5-5 to 5-6):

#### Sec. 5.6 R-4A, R-5 and R-6 Residential Districts

##### 5.6.1/ Description

The R-4A, R-5 and R-6 zoning districts are also intended to accommodate a substantial portion of Lake County's residential growth over the 20-year planning horizon covered by the Regional Framework Plan. Because of the densities allowed and the need for infrastructure and convenient access to shopping, employment and other uses. In all cases, development in the R-4A, R-5 and R-6 districts shall be adequately served by infrastructure. By allowing many residential development options (from detached houses on medium-size lots to moderate density, multi-story apartments), the R-4A, R-5 and R-6 districts provide the widest range of housing choices for Lake County residents. Although the R-4A, R-5 and R-6 districts allow moderate to high residential densities they are not generally appropriate for application in areas that are most appropriately suited to intensive nonresidential development. The R-4A, R-5 and R-6 districts are intended to implement the Regional Framework Plan's "Residential – Small Lot" and "Residential - Multi-Family" future land use designations.

### 5.6.2/Uses

Uses are allowed in the R-4A, R-5 and R-6 districts in accordance with the Use Table of Sec. 6.2.

### 5.6.3/Dimensional Standards

All development in the R-4A, R-5 and R-6 districts is subject to the density and dimensional standards of Article 7.

**Amend Article 6, Section 6.2/Use Regulations/Use Table as follows (only modified provisions included) (pp. 6-2 to 6-6):**

Use Category (See for Description)	Use Types	Residential											Nonresidential						Use Stand.	CUP Decision [Revised 11.09.04]					
		A G	R E	E	R 1	R 2	R 3	R 4	R 4a	R 5	R 6	R R	G O	L C	R C	G C	L I	I I			O S				
Household Living [Revised 11.09.04]	Attached Dwelling (attached to nonresidential use)														P	P	P	P					§§ 6.3.9		
	Atrium House <sup>1</sup>								P	P	P	P													
	Cabin or Cottage																P						§§ 6.3.10		
	Caretaker's Dwelling Unit (Accessory Use)	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P			§§ 6.4.4		
	Duplex <sup>2</sup>								P	P	P	P													
	House, Detached	P	P	P	P	P	P	P	P	P	P	P													
	Lot Line House <sup>1</sup>					P	P	P	P	P	P														
	Mobile Home Park																							§§ 6.3.30	Co Bd
	Multi-Dwelling Structure																								
	Multiplex <sup>2</sup>									P	P	P	P												
	Patio House <sup>1</sup>									P	P	P	P												
	Townhouse <sup>2</sup>									P	P	P	P												
	Twinhouse <sup>2</sup>									P	P	P	P												
	Village House <sup>1</sup>					P	P	P	P	P	P														
Accessory Dwelling Unit (Accessory Use)	P	P	P	P																			§§ 6.4.4		
Assisted Living		C	C	C	C	C	C	C	P	P	P	P											§§ 6.3.7	ZBA	
College		C	C	C	C	C	C	C	C	C	C			P	P	P	P	P						Co Bd	
Community Service [Revised 11.09.04]	Government Use (10,000 sq. ft. or less of assembly space)	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P							

<sup>1</sup> Such dwelling types shall be permitted only within conservation residential development.

<sup>2</sup> Such dwelling types shall be permitted only within conservation residential development in the R-4 Zoning District; and within conservation and conventional residential development in the R-4A, R-5 and R-6 Zoning Districts.

Use Category (See for Description)	Use Types	Residential											Nonresidential						Use Stand.	CUP Decision [Revised 11.09.04]
		A G	R E	E 1	R 2	R 3	R 4	R 4a	R 5	R 6	R R	G O	L C	R C	G C	L I	I I	O S		
	Government Use (more than 10,000 sq. ft. of assembly space)	P	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P		Co Bd
	Community Service Not Otherwise Classified			C	C	C	C	C	C	C	C	C	C	C	C	C				ZBA
Day Care		P		C	C	C	C	C	C	C	C	C	P	P	P	P		§§ 6.3.16	ZBA	
Group Living [Revised 11.09.04]									C	P	P	P						§§ 6.3.23	ZBA	
Parks and Open Space [Revised 11.09.04]	Noncommercial Park, Public Open Land, Community Park or Nature Preserve	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
	Golf Course	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		§§ 6.3.20		
	Cemetery, Mausoleum	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		§§ 6.3.12	ZBA	
	Parks and Open Space Not Otherwise Classified	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Religious Institutions [Revised 11.09.04]	Religious Institutions (10,000 sq. ft. or less of assembly space)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Religious Institutions [Revised 11.09.04]	Religious Institutions (more than 10,000 sq. ft. of assembly space)	P	C	C	C	C	C	C	C	C	C	C	C	C	C					Co Bd
School [Revised 11.09.04]		P	P	P	P	P	P	P	P	P	P	P	P	P	P					
School, Private [Revised 11.09.04]		C	C	C	C	C	C	C	C	C	C	C	C	C	C					ZBA
Utility, Major	Electrical Generation Plants (all, public or private)														C	C		§§ 6.3.41 §§ 6.3.18	Co Bd	
	Major Utilities Not Otherwise Classified	C	C	C	C	C	C	C	C	C	C	C	C	C	C			§§ 6.3.41	Co Bd	
Agriculture Revised 07.08.03]	Agricultural Supplier's Storage and Service Center	C													C	P	P		§§ 6.3.2	Co Bd
	Crop Raising (sites of less than 200,000 sq. ft.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
	Apiary	P																§§ 6.3.6		
	Forestry	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		§§ 6.3.19	Co Bd	
	Stable, Private (accessory use)	P	P	P	P													§§ 6.4.7		
	Stable (sites of 200,000 sq. ft. or more)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
	Agricultural Education (accessory use to a principal agricultural use on sites of 200,000 sq. ft.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
	Agriculture Uses Not Otherwise Classified (on sites of 200,000 sq. ft. or more)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Telecommunication Facilities		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		§§ 6.3.40		
Floodplain/Wetland Development/Fill [Revised 11.09.04]		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		§§ 8.2.13 §§ 8.4.2		

**Amend Article 6, Section 6.4.3.A & B/Use Regulations/Accessory Uses/Height and Setback Standards as follows (pp. 6-38 to 6-39):**

**A. Height**

...

Zoning District	Maximum Height (Sec 7.7.5)
...	...
<b>R-4A</b>	<b>20 feet/1 story</b>
...	...

**B. Setbacks**

...

Zoning District	Minimum Setbacks (Feet) (7.7.3)		
	Street	Side	Rear
...	...	...	...
<b>R-4A</b>	<b>30</b>	<b>6</b>	<b>6</b>
...	...	...	...

**Amend Article 7, Section 7.1-1/Density and Dimensional Standards/Density and Dimensional Standards Tables/Residential District Density and Dimensional Standards, Conventional Residential Development as follows (p. 7-1):**

**Residential District Density and Dimensional Standards, Conventional Residential Development**

Zoning District	Maximum Density (units per acre) (§§ 7.7.6)	Min. Lot Size		Minimum Setbacks <sup>[4][5]</sup> (feet) (§§ 7.7.2B.6)			Max. ISR (§§ 7.7.4)	Max. Height (feet) (§§ 7.7.5)
		Area (sq. ft.) (§§ 7.7.1)	Width (ft.) (§§ 7.7.2)	Street	Side (min/total)	Rear		
AG	0.20	200,000	300	30	30/60	50	0.10[3]	35[1]
RE	0.20	200,000	300	30	30/60	50	0.10[3]	35[1]
E	0.45	80,000	190	30	19/48	30	0.15[3]	35[1]
R1	0.80	40,000	130	30	13/33	30	0.20[3]	35[2]
R2	1.33	20,000	90	30	9/23	15	0.30[3]	35[2]
R3	2.00	12,000	60	30	7/17	15	0.30[3]	35[2]
R4	2.50	8,500	60	30	6/15	15	0.40[3]	35[2]
<b>R-4A</b>	<b>5.00</b>	<b>See Table 7.1-1(A)</b>				<b>15</b>	<b>0.50[3]</b>	<b>35 [2]</b>
R5	8.00	See Table 7.1-1(A)				15	0.50[3]	40[2]
R6	12.00	See Table 7.1-1(A)				15	0.50[3]	40[2]
RR	12.00	8,500	50	30	6/15	15	0.50[3]	35[2]

**Amend Article 7, Section 7.1-1(A)/Density and Dimensional Standards/Density and Dimensional Standards Tables/R5 and R6 District Lot Size and Setback Standards (Conventional Residential Development) as follows (p. 7-2):**

**R-4A, R-5 and R-6 District Lot Size and Setback Standards (Conventional Residential Development)**

Structure Type		Min. Lot Size		Minimum Setbacks[1][2] (feet) (§§ 7.7.2.B.6)		
		Area (sq. ft.) (§§ 7.7.1)	Width (ft.) (§§ 7.7.2)	Street	Side (min/total)	Rear
Detached House		8,500	60	30	6/15	15
Duplex		12,500	85	30	10/23	15
Lot Line		8,500	60	30	0/15	15
Multi-Dwelling [3], Multiplex, Townhouse	1 <sup>st</sup> dwelling unit	8,500	60	30	6/15	15
	2 <sup>nd</sup> dwelling unit each add'l unit	+5,000 +3,000	+25 +5	00 00	+4/08 +2/01	0 0
Twinhouse		6,250	42.5	30	0/12	15

Note: Setbacks from alleys shall be the same as otherwise applicable side or rear setbacks

[1] A transition yard may also be required, which may increase the minimum setback shown in this table. See Section 9.3.6.

[2] Any setback from a railroad right-of-way need not exceed 5 feet. A transition yard shall not be required in this instance.

[3] Not Applicable in the R-4A District.

**Amend Article 7, Section 7.1-2/Density and Dimensional Standards/Density and Dimensional Standards Tables/Residential District Density and Dimensional Standards (Conservation Residential Development) as follows (p. 7-2):**

**Residential District Density and Dimensional Standards (Conservation Residential Development)**

Zoning District	Maximum Density (units per acre) (§§ 7.7.6)	Minimum Open Space Ratio (§§ 7.7.7)	Cluster Bonus [1] (% over max. density)		
			Min. Open Space		
			50%	60%	70%
AG	0.20	0.40	5	10	15
RE	NA	N/A	NA	NA	NA
E	0.45	0.40	5	10	15
R1	0.80	0.30	5	10	15
R2	1.33	0.30	5	10	15
R3	2.00	0.30	5	10	15
R4	2.50	0.30	NA	NA	NA
<b>R-4A</b>	<b>5.00</b>	<b>0.30</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
R5	8.00	0.30	NA	NA	NA
R6	12.00	0.30	NA	NA	NA
RR	12.00	0.30	NA	NA	NA



**Amend Article 7, Section 7.1-3/Density and Dimensional Standards/Density and Dimensional Standards Tables/Nonresidential Development Allowed in Residential Districts as follows (p. 7-3):**

**Nonresidential Development Allowed in Residential Districts**

Zoning District	Floor Area Factor	Minimum Size		Setbacks <sup>[2][3]</sup> (feet) (§§ 7.7.2.B.6)			ISR (each lot) (§§ 7.7.4)	Height (§§ 7.7.5)
		Area (sq. ft.) (§§ 7.7.1)	Width (ft.) (§§ 7.7.2)	Street	Side (min/total)	Rear		
AG	0.10	200,000	300	30	30/60	50	0.20	35[1]
RE	0.10	200,000	300	30	30/60	50	0.20	35[1]
E	0.15	80,000	190	30	19/48	19	0.30	35[1]
R1	0.20	80,000	190	30	19/48	19	0.35	35
R2	0.30	80,000	190	30	19/48	19	0.45	35
R3	0.30	80,000	190	30	19/48	19	0.50	35
R4	0.30	80,000	190	30	19/48	19	0.50	35
<b>R-4A</b>	<b>0.30</b>	<b>80,000</b>	<b>190</b>	<b>30</b>	<b>19/48</b>	<b>19</b>	<b>0.50</b>	<b>35</b>
R5	0.30	80,000	190	30	19/48	19	0.50	40
R6	0.30	80,000	190	30	19/48	19	0.50	40
RR	0.30	80,000	190	30	19/48	19	0.50	35

**Amend the Unified Development Ordinance to include all incidental references to the R-4A Zoning District**

**Amendment #2**

**Amend Article 6, to add a new section and to renumber the uses following Subsection 6.5.12.2/ Use Regulations/Temporary Uses/Temporary Sales/Retail Nursery Sales Associated with a Wholesale Nursery to read as follows (p. 6-51):**

Retail Nursery Stock Sales Associated with Wholesale Nurseries

- c. Retail nursery stock sales events associated with Wholesale Nurseries may be allowed by Temporary Use Permits and shall be limited to 14 days per calendar year.
- b. Retail nursery stock sales shall be allowed only during daylight hours, with specific hours of operation specified in the Temporary Use Permit.
- c. All sales shall be conducted at least 30 feet from all streets and public rights-of-way.

- d. A minimum of 30 foot setback shall be maintained from property used or zoned for residential purposes.
- e. The property shall be of sufficient size to provide adequate off-street parking in addition to required parking for any existing use on the property.
- f. All sales on the property shall be limited to stock grown on-site.
- g. The retail nursery stock sales associated with wholesale nurseries shall comply with 6.3.22.3.

### **AMENDMENT #3**

**Amend Article 6, Sec 6.2/ Use Table/ to allow Indoor Contractor's Equipment Sales and Storage "by right" in the GC zone. (p. 6-5)**

### **AMENDMENT #4**

**Amend Article 9, to add a new subsection entitled "Intent" and to renumber subsequent subsections accordingly. (p. 9-9)**

#### **9.3.1**      **Intent**

This landscape section is intended to accomplish the following:

- a. Preserve or enhance the appearance and character of the property and its surroundings.
- b. Reduce noise and air pollution, light glare, soil erosion, and solar heating of the environment.
- c. Provide buffering between land uses and zoning districts of differing intensity.
- d. Promote the preservation of existing significant vegetation.
- e. Improve the appearance of parking areas and property abutting

public rights-of-way.

- f. Promote the implementation of Best Management Practices, Low Impact Development features and Sustainable design elements. (See Appendix A)

**Amend Article 9, Section 9.3.3.2/ Landscape Standards for Parking Lots/  
Planting Standards as follows (p. 9-10):**

**9.3.3.2 Area and Planting Standards**

- a. Parking lots that are greater than 4,000 square feet shall contain landscaped areas to break up the expanse of pavement. The landscaped areas shall be located entirely within the lot in either internal or corner islands and conform to the following area ratios;

Parking Lot Area	Required Landscape Area
4,000 sf. to 20,000 sf.	5% of paved surface
Greater than 20,000 sf.	10% of paved surface

- b. Each 325 square feet of required landscape area shall contain the following plant material;

2 Canopy Trees	3 inch caliper
5 Shrubs (Low growing, not to exceed 3 ft. ht.)	2 ft. ht.

- c. Existing vegetation located within the interior or the corner portions of the parking lot may be counted towards required landscape plantings upon approval by the Planning, Building and Development Director.
- d. The minimum width of all parking lot landscaped areas shall be 10 feet and shall be protected by raised curbs with a minimum height of 4 inches with the exception of Low Impact Development features (see Appendix A) as appropriate.
- e. The minimum area for a corner island shall be 225 square feet.
- f. The finished grade (crown) of interior planting areas shall not be less than 3 inches above curb or pavement with the exception of Low Impact Development features as appropriate.

- g. The parking lot perimeter shall be landscaped with a minimum of 1 plant unit per 100 lineal feet (not to include ingress/egress dimensions).
- h. Prior to planting, all interior areas shall be excavated to a depth of 3 feet and amended with a soil mixture consisting of 1 part screened topsoil, 1 part existing topsoil and 2 parts of organic compost, or an approved equivalent, with the exception of other soil mixtures as necessary to accommodate Low Impact Development features. This requirement may be waived upon confirmation by the Planning, Building and Development Director that the pre-existing soil is suitable for planting and drainage, and that no amendments are necessary.
- i. All landscaped areas that are not planted in grass shall be mulched with a 3 inch layer of shredded hardwood bark mulch or stone.
- j. A maintenance schedule shall be provided for review prior to approval of the landscape plan.

**9.3.3.2/~~Planting Standards~~**

~~Parking Lot Landscaping shall be dispersed throughout off-street parking areas in internal islands, in terminal medians and along the perimeter. Landscaping within the interior of off-street parking areas shall be improved with two canopy trees or two understory trees and a minimum of 360 square feet of landscape area for every 24 parking spaces. Off-street parking areas requiring between 6 and 23 parking spaces shall be improved with one canopy tree or one understory tree and 150 square feet of landscape area.~~

**9.3.3.3/~~Landscape Area Standards~~**

~~The interior dimensions of any planting area used to satisfy Parking Lot Landscaping standards shall be sufficient to protect plant materials and to ensure proper growth. Landscape areas shall be a minimum of 8 feet in width and shall be protected by raised curbs or wheel stops with a minimum height of 4 inches to prevent damage by vehicles and vehicle overhang.~~

**Amend Article 9, Section 9.3.7/ Landscaping/ Exceptions to add the following (p. 9-14):**

...

**9.3.7.5** With the incorporation of Best Management Practices (BMPs), Low Impact Development practices (LIDs), or other Sustainable practices into the project, the Planning, Building and Development Director may allow the required landscaping to be reduced or arranged in a manner that will enhance the design concept. Refer to Appendix A for examples of BMP, LID and Sustainability features. Considerations shall include the following:

- a. To qualify for consideration, sustainability features such as swales or bio-filters shall be placed in islands or at the perimeter of the parking areas and shall be designed to improve the filtration and quality of stormwater runoff.
- b. Proposals to modify the type or quantity of landscape material may be allowed in exchange for the installation of plant species such as native trees, shrubs, grass or perennials that will enhance the filtering capacity of the site and promote the use of diverse native species.
- c. Proposed swales or filters using a structural pervious surface may be used for parking or drive aisles provided such features are designed to withstand vehicular loads.
- d. At the discretion of the Planning, Building and Development Director, an increase in the on-site impervious surface ratio of up to 10% may be allowed on the site in exchange for the addition of BMP or LID features, provided that the total impervious surface ratio shall not exceed 80%.

The following BMP/LID incentives are available subject to the above considerations:

<b><u>Best Management Practice</u></b>	<b><u>Incentives</u></b>
<u>Vegetated Swale or Buffer</u> <u>Bio-retention Cell/Rain Garden</u>	<u>Additional Impervious Surface</u> <u>Reduced Curb &amp; Gutter</u> <u>Wheel stops in lieu of Curb &amp; Gutter</u> <u>Alteration of plant species/quantity</u>
<u>Permeable Pavement</u>	<u>Additional Impervious Surface</u> <u>Can be used for parking/Drive Aisle</u> <u>Reduced Curb &amp; Gutter</u> <u>Wheel stops in lieu of Curb &amp; Gutter</u> <u>Alteration of plant species/quantity</u>

Structural Soil

Additional Impervious Surface  
Alteration of plant species/quantity

**Amend Article 9, Section 9.3.10.6/ Landscaping/ Plant Material Standards/ Berms Not Required in Perimeter Landscape Transition Areas to read as follows (p. 9-16):**

**9.3.10.6 Berms Not Required in Perimeter Landscape Transition Areas**

Any berm at least 5 feet in height whose toe is within 25 feet of any property line shall be improved with a minimum of 1 plant unit for every 5 feet of height up to a maximum height of 20 feet. The Planning, Building and Development Director may modify the planting requirements for berms proposed in locations that will be buffered by existing natural features or are proposed in locations that will not impact drainage patterns or neighboring land owners.

**Amend Article 9, Section 9.3.11.1/ Landscaping/ Installation, Maintenance and Replacement/ Installation to read as follows (p. 9-16):**

**9.3.11.1 Installation**

All landscaping shall be installed according to sound nursery practices in a manor designed to encourage vigorous growth. ~~Sites for plant material shall be prepared or improved in accordance with American Association of Nurseryman standards for soil preparation and drainage.~~ Properly amended Friable soil shall be provided in all planting areas, and subsurface drainage shall be provided where berms, elevated areas or other suitable means for providing proper drainage do not exist. The following specifications shall be incorporated into all landscape plans prior to approval;

- a. All lawn and planting areas shall be cultivated to a minimum depth of 6 inches and amended with a mixture consisting of 1 part existing topsoil and 2 parts organic compost, or an approved equivalent.

- b. When not specifically waived pursuant to Section 9.3.3.2.h, above, planting islands shall be excavated of compacted soil to a depth of 3 feet and be backfilled with a soil mix consisting of 1 part screened topsoil, 1 part existing topsoil and 2 parts of organic compost or, an approved equivalent with the exception of other soil mixtures as necessary to accommodate Low Impact Development features.
- c. Individual planting pits shall be no less than 3 times as wide as the root ball of the plants. The sides may be at an angle that provides a pit floor 2 times the width of the root ball.

Installation inspections shall be conducted at the time the planting areas area prepared so that verification of planting pit size and soil amendments can be completed. The office of the Planning, Building and Development Director should be contacted to arrange for inspections and associated inspection fees.

**Amend Article 9, Subsection 9.3.11.2.e/General Development Standards/Landscaping/Installation, Maintenance and Replacement/Maintenance and Replacement as follows (p. 9-16):**

- e. The Planning, Building and Development Director shall be authorized to require documented assurance of continued landscape performance and/or maintenance in the form of a condition, covenant, contract, development agreement or performance and maintenance assurance to assure installation and the continued maintenance of landscape improvements associated with a development. The amount of the performance assurance shall be at least 130 percent of the estimated cost of the required landscape improvements. The maintenance assurance shall be equal to at least 10 percent of the performance assurance. Notwithstanding the above, the Planning, Building and Development Director shall be authorized to reduce or waive the maintenance assurance provided the landscape features incorporate Best Management Practices and/or Low Impact Development Features contained in Appendix A.

Amend Appendix, entitled "Plant Material List" as follows (p. A-1 et seq.):

**PLANT MATERIAL LIST, BEST MANAGEMENT PRACTICES AND LANDSCAPE FEATURES IN LOW IMPACT DEVELOPMENT**

Botanical Name	Common Name	Woodland Replacement	Street Tree	Parking Lot	Transition Area
<b>Canopy Trees</b>					
<i>Acer nigrum</i>	Black Maple	Y	N	<u>Y</u>	Y
<i>Acer pseudoplatanus</i>	Sycamore Maple	Y	N	<u>N</u>	Y
<i>Acer miyabei</i>	Miyabe Maple	Y	Y	<u>N</u>	Y
<i>Acer rubrum</i>	Red Maple Varieties	Y	Y	<u>Y</u>	Y
<i>Acer saccharum</i>	Sugar Maple	Y	N	<u>N</u>	Y
<i>Aesculus glabra</i>	Ohio Buckeye	Y	N	<u>N</u>	Y
<i>Aesculus hippocastanum</i>	Horsechestnut	Y	N	<u>N</u>	Y
<i>Carya species</i>	Hickory	Y	N	<u>N</u>	Y
<i>Celtis occidentalis</i>	Hackberry	Y	Y	<u>Y</u>	Y
<i>Cladrastis lutea</i>	Yellowwood	Y	N	<u>N</u>	Y
<i>Fagus grandifolia</i>	American Beech	Y	N	<u>N</u>	Y
<i>Fagus sylvatica</i>	European Beech	Y	N	<u>N</u>	Y
<i>Fraxinus americana</i>	White Ash	∅	∅		∅
<i>Fraxinus pennsylvanica</i>	Green Ash	∅	∅		∅
<i>Ginkgo biloba</i> (male)	Ginkgo	N	Y	<u>N</u>	Y
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree	Y	N	<u>N</u>	Y
<i>Juglans cinerea</i>	Butternut	Y	N	<u>N</u>	Y
<i>Liquidambar styraciflua</i>	Sweetgum	Y	N	<u>N</u>	Y



Liriodendron tulipifera	Tuliptree	Y	N	<u>Y</u>	Y
Metasequoia glyptostroboides	Dawn Redwood	Y	N	<u>N</u>	Y
Nyssa sylvatica	Tupelo	Y	N	<u>N</u>	Y
Platanus acerifolia	Planetree	Y	Y	<u>Y</u>	Y
<b>Botanical Name</b>	<b>Common Name</b>	<b>Woodland Replacement</b>	<b>Street Tree</b>	<b><u>Parking Lot</u></b>	<b>Transition Area</b>
Platanus occidentalis	American Sycamore	Y	Y	<u>Y</u>	Y
Pyrus calleryana	Flowering Pear	N	Y	<u>N</u>	Y
Quercus alba	White Oak	Y	Y	<u>Y</u>	Y
Quercus bicolor	Swamp White Oak	Y	Y	<u>Y</u>	Y
Quercus coccinea	Scarlet Oak	Y	N	<u>N</u>	Y
Quercus ellipsoidalis	Hill's Oak	Y	N	<u>N</u>	Y
Quercus imbricaria	Shingle Oak	Y	N	<u>Y</u>	Y
Quercus macrocarpa	Bur Oak	Y	Y	<u>Y</u>	Y
Quercus muehlenbergii	Chinkapin Oak	Y	Y	<u>Y</u>	Y
Quercus prinus	Chestnut Oak	Y	Y	<u>Y</u>	Y
Quercus robur	English Oak	Y	Y	<u>Y</u>	Y
Quercus rubra	Red Oak	Y	Y	<u>Y</u>	Y
Quercus velutina	Black Oak	Y	Y	<u>Y</u>	Y
Taxodium distichum	Bald Cypress	Y	N	<u>N</u>	Y
Tilia americana	American Basswood	Y	Y	<u>Y</u>	Y
Tilia cordata	Little Leaf Linden	Y	Y	<u>Y</u>	Y
Tilia tomentosa	Silver Linden	Y	Y	<u>Y</u>	Y
<b>Shrubs</b>					
Aronia species	Chokecherry	Y		<u>Y</u>	Y
Betula pumila	Dwarf Birch	Y		<u>N</u>	Y
Cephalanthus occidentalis	Buttonbush	Y		<u>Y</u>	Y
Chaenomeles speciosa	Flowering Quince	N		<u>N</u>	Y
Clethra alnifolia	Summersweet	Y		<u>Y</u>	Y
Cornus species	Dogwood	Y		<u>N</u>	Y

Corylus americana	American Filbert	Y		<u>Y</u>	Y
Corylus cornuta	Beaked Hazelnut	Y		<u>Y</u>	Y
Cotoneaster species	Cotoneaster	Y		<u>Y</u>	Y
<b>Botanical Name</b>	<b>Common Name</b>	<b>Woodland Replacement</b>	<b>Street Tree</b>	<b><u>Parking Lot</u></b>	<b>Transition Area</b>
Deutzia species	Deutzia	N		<u>Y</u>	Y
Forsythia species	Forsythia	N		<u>Y</u>	Y
Euonymus species	Euonymous	Y		<u>Y</u>	Y
Hamamelis vernalis	Vernal Witchhazel	Y		<u>Y</u>	Y
Hydrangea quercifolia	Oakleaf Hydrangea	Y		<u>Y</u>	Y
Ilex opaca	American Holly	Y		<u>Y</u>	Y
Ilex verticillata	Winterberry	Y		<u>Y</u>	Y
Itea virginica	Virginia Willow	Y		<u>Y</u>	Y
Juniperus species	Juniper	Y		<u>Y</u>	Y
Lindera benzoin	Spicebush	Y		<u>Y</u>	Y
Myrica pennsylvanica	Northern Bay Berry	N		<u>N</u>	Y
Physocarpus opulifolius	Common Ninebark	Y		<u>Y</u>	Y
Potentilla fruticosa	Bush Cinquefoil	Y		<u>Y</u>	Y
Rhus species	Sumac	Y		<u>Y</u>	Y
Ribes species	Current	Y		<u>Y</u>	Y
Rosa species	Rose varieties	Y		<u>Y</u>	Y
Salix discolor	Pussy Willow	Y		<u>N</u>	Y
Sambucus canadensis	Elderberry	Y		<u>N</u>	Y
Spirea sp.	Spirea	N		<u>N</u>	Y
Symphoricarpos albus	Snowberry	Y		<u>Y</u>	Y
Syringa species	Lilac	N		<u>N</u>	Y
Taxus species	Yew	N		<u>N</u>	Y
Thuja species	Arborvitae	N		<u>N</u>	Y
Viburnum species	Viburnam	Y		<u>Y</u>	Y

## Landscape Design & Construction Using Best Management Practices

Goal: To build or improve landscaped environments that provide aesthetic and functional properties and optimal growing conditions while conserving water and protecting water quality.

### **A. Planning Guidelines:**

In the planning stages of a project is when the designer is most able to apply Best Management Practices (BMP). These are factors that will either contribute to or prevent the successful outcome of reaching the goals of BMP. Consider the following as elements that will affect the success of the strategy:

1. Consider existing and proposed grades to provide optimal drainage and infiltration opportunities.
2. Exposure to wind and sun can affect water needs, plant health and conservation.
3. Roads and parking areas can be utilized to provide moderate levels of infiltration.
4. Salt, chemical spray and snow storage in certain locations will affect plant health, soils, water quality and runoff.
5. Soils should be understood to be used affectively in water conservation, erosion potential, and plant health.
6. Precipitation amounts and intensity at different sites and regions will affect design choices and maintenance guidelines.
7. Maintenance schedules should be well defined and followed throughout the year.

Incorporating elements of 'Xeriscape' will aid in the conservation and protection of water resources, these include:

1. Use the planning stage to combine design with resource management.
2. Amend poor soils for improved erosion control and growing conditions.
3. Choose plants that require minimal water and hardy growing conditions
4. Minimize turf areas to decrease mowing and fertilizing/herbicide

- requirements.
5. Apply efficient irrigation practices and monitor during the growing season.
  6. Apply and maintain proper mulch.
  7. Use porous paving materials for walkways, roads, and parking areas.
  8. Follow a site specific maintenance plan.

**B. Installation:**

The following principles are suggested to improve the sustainability of plants in the landscape through design, construction and into the maintenance cycle:

**Test soils** prior to planting to identify appropriate amendments needed to improve the soil. Soil tests determine costs associated with amendments and determine Ph, phosphorus and nitrogen level.

**Improve Soil And Drainage.** Due to heavy equipment the soil compaction frequently reaches 80% to 90%. Break compaction by tilling the soil or replace it around plants. When the soil has been prepared for planting it is important to keep construction equipment off of the prepared surface. Plants can often adapt to dry conditions but plantings on poorly drained sites will be difficult to maintain and have a shortened life span.

Typical to Lake County, heavy clay soils have poor aeration that, with compaction, limits root growth. Typical soil preparation consists of introducing 3 to 5 cubic yards of organic matter into the soil to a depth of 4 to 6 inches for every 1,000 square feet of area to be seeded, sodded, or planted. If native plants are used, then soil amendment may not be necessary, provided that native topsoil has been retained at the site and minimal compaction has occurred.

**Increase Planting Space.** To improve the health of plants, increase areas of open soil. This will reduce extreme moisture conditions that stress plants under stress and reduce their life span.

**Properly Size Pits and Provide Optimal Plant Depth.** Proper planting with the root collar at least 2 inches above grade helps with establishment and long-term health. Additionally, planting pits should be at a minimum 2 times the width of the root ball.

**Select the Proper Plants.** Plants are selected for a function or to visually enhance a site. Local climate, maintenance, availability, soil properties,

available water, all should be considered in plant selection in addition to the plant characteristics.

**Inspect the Installation.** Many contractor mistakes can be covered with soil and mulch hiding drainage systems, soil amendments, soil compaction, size of planting pit, and root balls. These all should be inspected while they are exposed.

**Follow Maintenance Plan.** All landscapes are dependant on a certain amount of maintenance. Following a maintenance plan over both the short and long-term is crucial for plant health. Planting notes and details must be reviewed and placed on the landscape plan.

### **C. Maintenance:**

#### **Tree and Plant Care**

1. New plantings typically require additional watering for one to two growing seasons to become established.
2. Winter watering is necessary for newly planted trees, particularly evergreens during periods when snow or rainfall has not occurred over an extended period of time.
3. Many plant root systems, trunks or branches, and drought-stressed plants are harmed by heavy application of lawn-based herbicides.
4. Shrubs and trees should be evaluated yearly and fertilized to promote healthy roots, branching and leaf growth.

#### **Perennial Care**

The following procedures should be observed in order to provide optimal sustainable growing conditions for perennial planting areas:

1. Prepare soil before planting by loosening it to 12 inches. If a heavy clay or sandy soil is present, add 2 to 3 inches of compost on the soil surface and then till in to a 12-inch depth.
2. Apply 1 to 2 inches of organic mulch between plants to reduce evaporation and control weeds and soil temperature.
3. Fertilizing perennials is generally not needed if proper soil preparation is done prior to planting. Fertilizer increases growth

- requiring additional water.
4. Choose plants to match the site conditions and consider plants with lower water needs.
  5. Irrigation practices affect root depth. By watering less frequently and more thoroughly, deeper roots are produced, decreasing irrigation requirements.

### **Turf Management**

Properly maintained turf while visually appealing can also reduce stormwater runoff rates, sediment and pollutant loads, and reduce heat island effects. The following BMP's can be used for areas that require turfgrass:

1. Avoid placing turf in long narrow areas, steep slopes, or in islands due to maintenance and irrigation challenges. Consider turf alternatives in these areas such as native or low-water-use plantings.
2. Low grow or no mow turf should be considered where feasible to reduce the maintenance needs during the growing season.
3. Mulch-mowing helps turfgrass develop deeper root systems. Mulched grass clippings can return 30 percent of the needed nitrogen that turf requires to be healthy.
4. If thatch is present at a depth greater than ½ inch, aerate the lawn with a core-aerator to allow water infiltration.
5. Turf grown on properly prepared soil requires only half of the recommended rate for irrigation.
6. Keep leaves, grass clippings and other turf wastes cleared from sidewalks and streets to avoid washing into storm drains, streams and lakes.
7. Maintain a buffer zone along waterways where chemicals are not applied to minimize infiltration of pesticides, herbicides and fertilizers into water bodies.
8. Follow a maintenance schedule to prevent stress, disease and turf injury.

### **Mulching**

Mulch trees, shrubs and planting beds with partially composted organic material in a layer of 3 to 4 inches depth in order to:

1. reduce water loss through evaporation
2. reduce soil erosion and sediment transport
3. suppress weeds
4. provide uniform soil temperature

In areas prone to significant runoff, inorganic mulch such as stone should be considered.

## **AMENDMENT #5**

**Amend Article 6, Sec 6.5.1/ Authorization/ to allow Rodeos “by right” in the AG, RE, E, GO, LC, RC, GC, LI, II and OS zones. (p. 6-46)**

**Amend Article 6, to add a new section and to renumber the uses following Subsection 6.5.6/ Use Regulations/Temporary Uses/Rodeos to read as follows (p. 6-48):**

### **6.5.6 Rodeo**

1. Rodeos shall be limited to specified hours and a maximum of 7 days per calendar year per zoning lot.
2. Rodeos shall be limited to the dates and hours of operation specified in the permit.
3. The minimum setbacks for the Agricultural (AG) Zoning District shall apply for any structure or activity associated with the rodeo.
4. Rodeos shall be permitted only on parcels greater than 10 acres in size. A parcel containing a rodeo shall be located at least 500 feet away from any property zoned and used for residential purposes.
5. Noise levels associated with rodeos shall not exceed 70 dB(A) (SLOW meter response) at the property line of any property zoned and used for residential purposes.
6. If liquor will be sold on the property, a liquor permit shall be obtained from the Chairman of the Lake County Liquor Commission, as required by the Liquor Control Ordinance.

7. The Planning, Building and Development Director shall be authorized to require proof of insurance to ensure public safety and protection.
8. It shall be the responsibility of the applicant to see that the area used for the event is maintained in a condition that provides for the public health, safety and welfare for event attendees and neighbors alike. In the event that authorized personnel from the Lake County Sheriff's Office determine that the activity is a threat to the public health, safety or general welfare, the Sheriff's Office shall have the right to close the event to ensure the health, safety or general welfare of attendees or neighbors.

**Amend Article 14, Section 14.2 to add the following definition entitled "Rodeo" (p. 14-38) and renumber subsequent definitions accordingly:**

14.2.332. Rodeo: A public exhibition of cowboy skills such as, but not limited to, bronc- and bull-riding, steer-wrestling, calf-roping and barrel racing.