

# VILLAGE OF LAKEWOOD

## PLANNING AND ZONING COMMITTEE PUBLIC HEARING AGENDA

Tuesday, April 25, 2017

6:45 p.m.

RedTail Golf Club

7900 RedTail Drive

Village of Lakewood, IL

1. Roll Call - Establish Quorum
2. Confirmation of Publication of Public Notice
3. Public Hearing: To Consider an Amendment to Section 7.4 of Section 7, Accessory Buildings, Structures and Uses, of the Lakewood Zoning Ordinance
4. Public Comments
5. Trustee Comments
6. Approval of Findings of Fact
7. Adjournment

Certificate of the Publisher

Northwest Herald

Description: VILLAGE OF LAKEWOOD  
1394900

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CRYSTAL LAKE IL 60014

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A notice, a true copy of which is attached, was published 1 time(s) in the Northwest Herald, namely one time per week for one successive week(s). Publication of the notice was made in the newspaper, dated and published on 04/01/2017

This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

In witness, Shaw Media has signed this certificate by John Rung, its publisher, at Crystal Lake, Illinois, on 1st day of April, A.D. 2017

Shaw Media By:



John Rung, Publisher

Account Number 100515

Amount \$95.60

**PUBLIC NOTICE**  
**PUBLIC HEARING NOTICE**

Notice is hereby given that a hearing will be held before the Planning and Zoning Committee of the Village of Lakewood, sitting as a special zoning commission, upon the petition of the Village of Lakewood to consider: i) an amendment to Section 7.4 of Section 7, Accessory Buildings, Structures and Uses, of the Lakewood Zoning Ordinance such that a sidewalk, patio or deck, situated at grade or not exceeding one foot in height from grade in the rear yard shall not be counted against the accessory use structure limit; ii) an amendment to such Section 7.4 providing that a sidewalk, patio or deck in the rear yard located at grade or not exceeding one foot in height from such grade would not count toward the 50% square footage coverage limit as set forth in Section 7.4(E); iii) an amendment providing that distance requirements in 7.5 would not apply to a patio, sidewalk or deck situated at grade or not exceeding one foot in height; iv) an amendment to Section 7.5 providing that the minimum distance otherwise applicable between a principal building and an accessory structure or use would not apply to a patio, sidewalk or deck situated at grade or not exceeding one foot in height. The hearing will be held Monday, April 17, 2017, at 7 p.m. at the RedTail Golf Club, 7900 Redtail Drive, Lakewood, IL, at which time and place any person desiring to attend and provide testimony at the hearing regarding such proposed amendments to Section 7 of the Zoning Ordinance may do so.

A copy of the proposed ordinance is available for public inspection at the Lakewood Village Hall, 2500 Laka Avenue, Lakewood, IL, during regular business hours.

Chairperson Mary Erin Smith,  
Planning and Zoning Committee  
(Published in the Northwest Herald on April 1, 2017) 1394900

# Memo

To: Honorable President and Board of Trustees  
From: Shannon Andrews, Interim Village Manager  
CC: Michael Smoron, Village Attorney  
Date: April 21, 2017  
Re: Ordinance Amending the Zoning Code Regarding Accessory Buildings, Structures and Uses

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Section 7, Accessory Buildings, Structures and Uses of the Village's Zoning Code has recently come under scrutiny due to the limitation within Section 7.4 A. of allowing only one accessory building, structure or use on a lot in a residential zoning district. In Section 7.1, the term accessory building, structure or use is defined by listing examples, such as (but not limited to) the following, which are relative to residential or all uses:

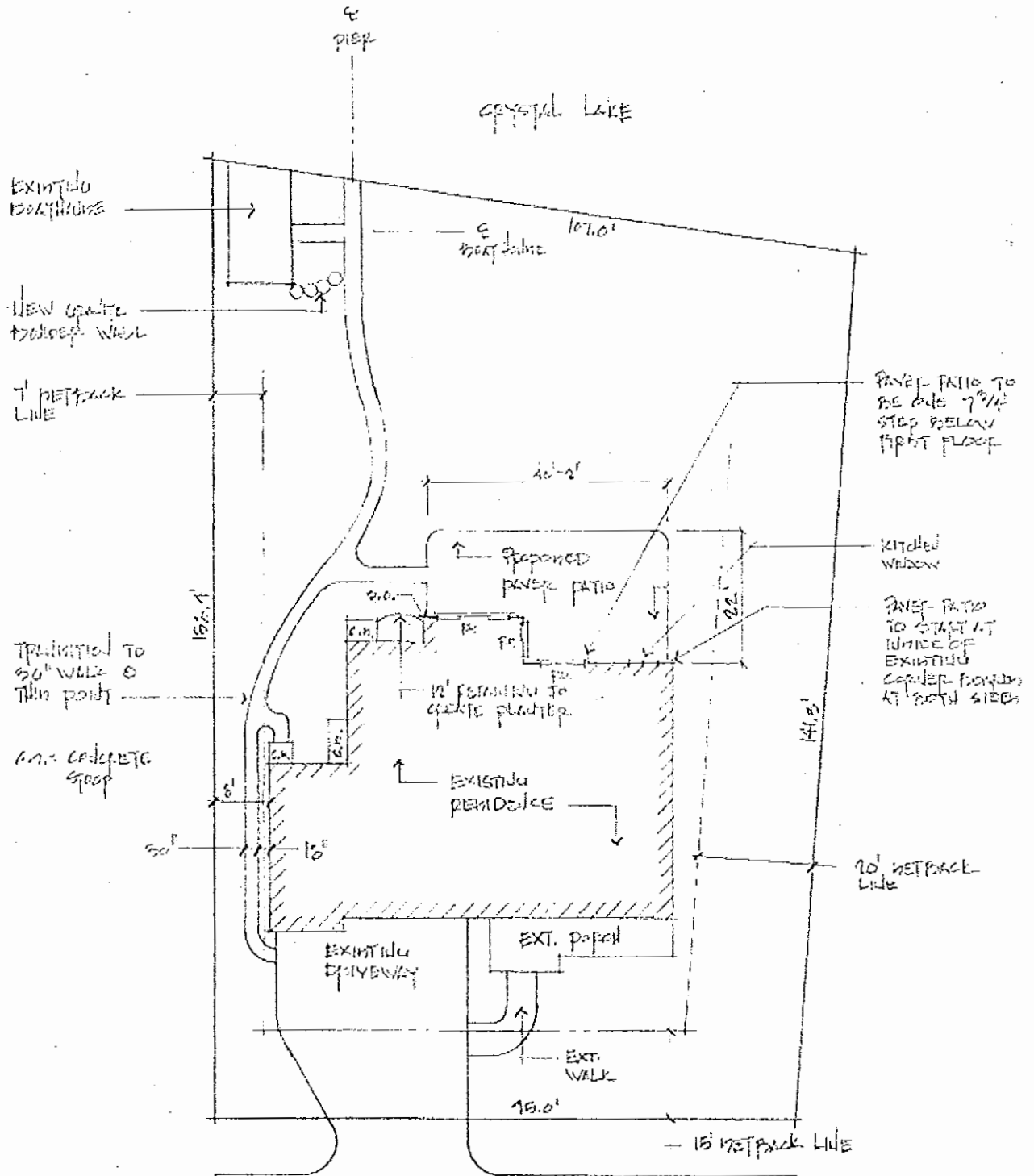
- Shed
- Swimming pool
- Hot tub
- Deck
- Patio
- Gazebo
- Fence
- Sidewalks

As it is currently written, a resident with a fence would not be allowed to add a patio and a resident with a patio would not be able to add a sidewalk to access that patio. There are a number of scenarios with different combinations of accessory structures that seem counter-intuitive, depending on the original intent of the Board at the time the Section was written.

Staff's interpretation is that there is an interest in limiting a property from having multiple vertical structures (buildings/structures) that could lead to visibility complaints from adjacent neighbors. If this assessment is accurate, staff is questioning the need to include accessories that are "at-grade" in this restriction. As such, the language in the attached Ordinance removes sidewalks, patios and decks not exceeding one foot in height from the restrictions placed on other accessory structures. These simple changes would allow for the issuance of at least two permit applications currently on file that are requesting sidewalks in conjunction with an existing accessory structure.

The Section as a whole will need to be revisited to determine whether further adjustments will be merited related to accessory structures. This is an important first step in making sure future adjustments represent the vision and direction of the Board, so that Staff can apply sound consistency in the application of the Code.

Staff recommends the Board approve the Ordinance Amending the Lakewood Zoning Code Regarding Accessory Buildings, Structures and Uses.



**Findings of fact in favor of a proposed text amendment to the Village of Lakewood Zoning Ordinance regarding Section 7, Accessory Buildings, Structures and Uses**

WHEREAS, the Village of Lakewood Planning and Zoning Committee has, after providing due notice, conducted a public hearing and heard evidence and testimony in connection with proposed text amendments to the Village of Lakewood Zoning Ordinance regarding Section 7, Accessory Buildings, Structures and Uses;

WHEREAS, the proposed text amendments are reflected in an ordinance attached as Exhibit A to these findings of fact;

After hearing evidence and testimony at the public hearing on the proposed text amendments, the Planning and Zoning Committee recommends that the Village's Zoning Ordinance be amended by adopting the ordinance attached as Exhibit A.

The Planning and Zoning Committee hereby makes the following findings of fact regarding the proposed amendment pursuant to Section 7 of the Zoning Ordinance: (i) that the proposed amendments are beneficial to the orderly development of the Village; (ii) that the proposed amendments will benefit the public health, safety, comfort and general welfare of the community; and (iii) that the proposed amendments promote the public interest and not solely in the interest of any particular party.

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Erin Smith, Village President and  
Chairperson, Planning and Zoning  
Committee

" EXHIBIT A "

**ORDINANCE NO. 2017-(13)**

*An Ordinance Amending the Lakewood Zoning Code Regarding  
Accessory Buildings, Structures and Uses*

BE IT ORDAINED by the President and Board of Trustees of the Village of Lakewood, McHenry County, Illinois, as follows:

SECTION 1: Section 7.4(A), of Section 7, Accessory Buildings, Structures and Uses, of the Lakewood Zoning Code shall be amended to add the underlined text as follows:

- A. There shall be a limit of one of any kind of accessory building, structure or use permitted on a lot in a residential zoning district. However, a sidewalk, patio or deck, situated at grade or not exceeding one foot in height from grade, in the rear yard, shall not be counted against the accessory use structure limit.

SECTION 2: Section 7.4(E), of Section 7, Accessory Buildings, Structures and Uses, of the Lakewood Zoning Code shall be amended to add the underlined text as follows:

- E. The sum total square footage of all accessory buildings and structures shall not exceed 50 percent of a rear or side yard of a lot except that a sidewalk, patio or deck in the rear yard located at grade or not exceeding one foot in height from such grade does not count toward the 50 percent square footage coverage limit.

SECTION 3: Section 7.5, Distance Between Buildings or Structures, of the Lakewood Zoning Code shall be amended to add paragraph 7.5(C), which shall read as follows:

- C. Notwithstanding any other inconsistent or contrary provision in this Zoning Code, any distance requirement set forth in this Section 7.5 would not apply to a patio, sidewalk or deck situated at grade or not exceeding one foot in height.

SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Ayes:

Nays: