

# GROUP EXHIBIT C: AMENDMENTS TO CHAPTER 151 THE UNIFIED DEVELOPMENT ORDINANCE

Key: Underline and ~~Strikethrough~~ – Combined staff, ZBA, and PWPT recommendations

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## Use Regulations

151.110 Use permit/~~change of use permit~~

151.111 Use table

151.112 Use standards

151.113 Accessory uses

151.114 Temporary uses

## SITE CAPACITY, SITE PLAN REVIEW, AND NATURAL RESOURCE PROTECTION

### § 151.070 SITE CAPACITY CALCULATIONS/SITE PLAN REVIEW PROCEDURES.

This section sets out the procedures for site capacity calculations and site plan review. No site development permit or building permit shall be issued for a development that is subject to the site capacity calculation and site plan review procedures of this section until the Planning, Building and Development Director has approved the application.

(A) *Applicability.*

(1) All of the following shall be subject to the site capacity calculation and site plan review procedures of this section unless otherwise expressly exempted:

- (a) Any conservation development;
- (b) Any mobile home park and any recreational vehicle park;
- (c) Any conventional residential development consisting of three or more dwelling units or lots;
- (d) Any nonresidential development on any parcel that is 40,000 square feet in area or larger; and
- (e) Any site development activity on any parcel with an area of 200,000 square feet or more, except when the parcel is being developed with no more than two single family dwellings.

(2) All of the following shall be subject to the site plan review procedures of this section regardless of the size of the subject parcel, unless otherwise expressly exempted:

- (a) Service stations;
- (b) Any nonresidential use with drive-through service;
- (c) Convenience stores;
- (d) Car washes;
- (e) Motor vehicle display, sales, rental, or service;
- (f) Shopping centers;
- (g) Taverns; ~~and~~
- (h) Marinas; ~~and~~
- (i) Medium and large-scale solar energy systems.

## **§ 151.071 NATURAL RESOURCE PROTECTION STANDARDS.**

### **(I) *Woodlands and significant trees.***

#### **(1) *Calculation of natural resource area.***

(a) *Mature woodlands.* A mature woodland is an area or stand of trees whose total combined canopy covers an area of 20,000 square feet or more, at least 50% of which is composed of trees having a diameter breast height of 16 inches or more.

(b) *Groves.* A grove is a stand of five or more individual trees whose total combined canopy covers an area of less than 20,000 square feet, at least 50% of which is composed of trees having a diameter breast height of 16 inches or more.

(c) *Young woodlands.* A young woodland is an area or stand of trees whose total combined canopy covers an area of 20,000 square feet or more, at least 50% of which is composed of trees having a diameter breast height of at least three inches and less than 16 inches.

(d) *Significant trees.* Significant trees are trees having a diameter breast height (four and one-half feet above average ground elevation) of 24 inches or greater for deciduous trees and 12 inches or greater for evergreen trees.

#### **(e) *Trees planted for commercial purposes.***

1. Active commercial nurseries and Christmas tree operations shall be exempt from the woodland protection standards of this subchapter. If a commercial nursery operation has been abandoned, the areas shall be subject to the woodland protection standards of this subchapter.

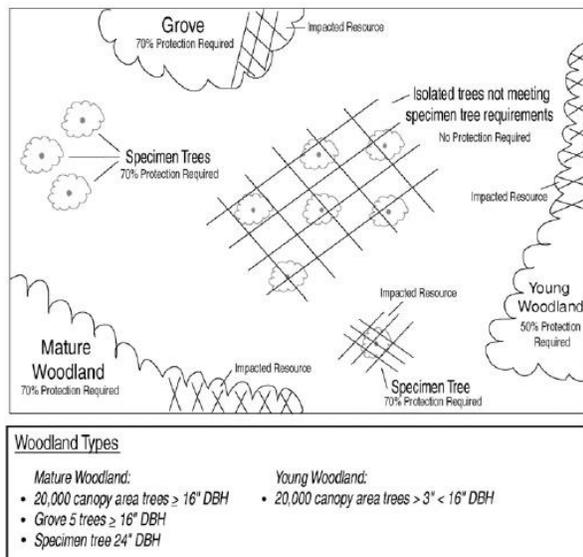
2. In determining whether the areas qualify for protection, the Planning, Building and Development Director shall be authorized to require the submission of an assessment of the areas that identifies: the canopy and understory vegetation; the estimated canopy area; the general health condition of the trees; and relevant site conditions such as soils or drainage conditions that may promote or prohibit maturity of the vegetation.

(f) *Noxious species.* Undesirable or non-native tree species such as *Acer negundo* (box elder), *Robinia pseudoacacia* (black locust), *Rhamnus cathartica* (common buckthorn), *Rhamnus frangula* (smooth buckthorn), *Ailanthus altissima* (tree of heaven), *Morus alba* (white or common mulberry), *Eleagnus angustifolia* (Russian olive), *Eleagnus umbellata* (autumn olive), *Populus alba* (white poplar) and *Ulmus pumila* (siberian elm) shall not be considered a natural resource and shall not require protection under this section.

(2) *Tree surveys.* Tree surveys shall be required for all parcels that contain mature woodlands, groves, young woodlands, or significant trees. Tree surveys shall identify the location, size (caliper), species and condition health rating of all trees having a diameter breast height of 12 inches or more. Property line and hedge row trees shall be included in the tree survey. Required tree surveys and inventories shall be conducted by a certified arborist, professional forester, or by a registered professional in a related field. The Planning, Building and Development Director may waive all or a portion of the tree survey requirements if it is determined that no development will take place within a protected woodland area. A condition health rating categorizes trees in one of the following health categories: 5) excellent, 4) very good, 3) good, 2) fair, or 1) poor. The Planning, Building and Development Director may authorize removal of trees identified as “fair” or “poor” by a certified arborist or professional forester.

(3) *Protection ratios.* See [Figure 151.071\(I\)](#).

*Figure 151.071(I): Woodland Protection*



(a) *Mature woodlands.* A minimum of 70% of mature woodland areas shall be protected and maintained as permanent open space unless otherwise expressly provided in this chapter.

(b) *Groves.* A minimum of 70% of grove areas shall be protected and maintained as permanent open space unless otherwise expressly provided in this chapter.

(c) *Young woodlands.* A minimum of 50% of young woodland areas shall be protected and maintained as permanent open space unless otherwise expressly provided in this chapter.

(d) *Significant trees.* At least 70% of all significant trees shall be protected and maintained as permanent open space except those trees that are located within the ultimate rights-of-way of existing roads and existing drainage and utility easements which may be disturbed during construction. All care and effort shall be applied to locate buildings and improvements in a way that reduces the need for removal of significant trees.

(e) *Mixed (mature-young) woodland areas.* In woodland areas containing a combination of young and mature woodlands, the minimum area that must be protected may be determined by calculating the weighted average protection ratio applicable to the woodland as a whole, in accordance with the following formula:

Weighted average <b>woodland protection ratio</b>	=	(Mature woodland area x .70) + (Young woodland area x 0.50)
		Total woodland area

(4) *Protected areas.* Areas located within 100 feet from the edge of the woodlands with slopes exceeding 12% grade shall be protected and maintained as permanent open space unless otherwise expressly provided in this chapter. The Planning, Building and Development Director shall be authorized to allow improvements such as retaining walls to prevent soil erosion and protect public safety within protected steep slope areas. Any additional buffer required pursuant to this provision shall not affect the site capacity calculation.

(5) *Non-protected areas.* Woodland areas that are not required to be protected may be cleared or developed.

(6) *Resource protection measures.* All required protection measures for woodlands, groves and significant trees located on the development site shall be installed prior to the commencement of any site development activity and shall remain in place and in working, functional order until all site development activities have ceased and the surrounding area has been permanently stabilized.

(a) *Construction fences.* Construction fencing (fluorescent polyethylene laminar safety netting or approved equivalent) with a minimum height of three feet shall be installed around the drip lines of all woodlands, groves, and significant trees, prior to pruning. The fencing shall be entrenched, secured to ground-mounted metal or wood posts spaced a maximum of ten feet apart and maintained to prevent clearing, grading, and development activities from encroaching into woodlands, groves, and significant tree areas.

(b) *Soil erosion/sediment control.* Soil erosion/sediment control measures shall be designed, installed and maintained in accordance § [151.146\(J\)](#) and practices described in the Illinois Environmental Protection Agency/Natural Resource Conservation Service's *Illinois Urban Manual*.

**COMMENTARY:**

For additional guidance with soil erosion/sediment control matters, applicants are encouraged to refer to the *Technical Reference Manual* developed by the Lake County Stormwater Management Commission.

(c) *Restricted activities within protected areas.* The storage of trash and the dumping of liquids shall be prohibited within protected areas. Other activities, such as construction material/equipment storage and vehicle parking, shall also be prohibited within protected areas. Unless otherwise expressly allowed by this chapter, all grading and filling shall be prohibited within protected areas.

(d) *Designation, use, maintenance, and ownership of protected areas.* Protected woodlands, groves, and significant trees areas shall be designated, owned, and maintained in accordance with the provisions of § [151.072](#). Only those passive uses permitted by § [151.072](#)(C)(1) shall be allowed within protected areas.

(e) *Replacement of woodland credit.*

1. If the Planning, Building and Development Director determines that practical difficulties or hardships will result from strict application of the woodland and tree protection standards of this subsection (I)(6), the Planning, Building and Development Director may authorize the clearance of more protected tree or woodland area than is otherwise permitted by this subsection (I)(6), in accordance with the following table. The Planning, Building and Development Director shall notify the Planning, Building and Zoning Committee of all these decisions within 15 days of action or at the next regularly scheduled meeting of the Planning, Building and Zoning Committee.

<i>Zoning District</i>	<i>Minimum Protection Area (%)</i>
LC, RC, GC	15
LI, II, GO	30
All other	45

2. In order to receive replacement of woodland credit, the following shall be required:

a. The developer shall designate a new woodland area on a part of the site not forested. A reforestation plan, prepared by a certified arborist or registered landscape architect, shall be submitted to the Planning, Building and Development Department showing the location, size, and type of all plant materials to be installed. The materials shall be of a suitable type and compatible with the existing or native vegetation of the site.

b. The new woodland area shall consist of one and one-half times the surface acreage of the woodland area disturbed pursuant to this subsection (I)(6) (the new woodland area shall be subtracted from the net buildable site area calculated under § [151.070](#)).

c. The following amount of plant materials shall be provided per each acre of new woodland to be established. Fractional requirements resulting from fractions of acres to be established shall be rounded up. Types of plant materials shall conform to the list of plant materials found in [Appendix A](#). Either of the following two options may be chosen:

Plant Material Required Per Acre	Minimum Size of Plant Material	
Option 1	<del>10 Canopy trees</del>	<del>4-inch caliper size</del>
	10 Canopy trees	3-inch caliper size
	<del>50-20</del> Canopy trees	2-inch caliper size
	<del>20-30</del> Understory trees	2-inch caliper size
	100 Shrubs	3-foot height
Option 2	<del>10 Canopy trees</del>	<del>4-inch caliper size</del>
	10 Canopy trees	3-inch caliper size
	<del>100-50</del> Understory trees	1-1/2-inch caliper size
	200 Shrubs	3-foot height

(7) *Removal, damage and replacement of significant trees.*

(a) *Removal.* The Planning, Building and Development Director may allow the removal of protected significant trees, when deemed necessary to allow:

1. Work shown on approved construction or engineering plans; or
2. Construction of buildings or improvements.

(b) *Reports.* Within 15 days of approving the removal of protected significant trees, the Planning, Building and Development Director shall provide a report to the Planning, Building and Zoning Committee. This report shall describe the action taken and the basis for the decision.

(c) *Replacement.*

1. If the Planning, Building and Development Director allows the removal of protected significant trees, or if the protected trees are damaged during the construction process, high-quality replacement trees of the same species or a species considered native to the area or any other species approved by the Planning, Building and Development Director after consultation with other county departments shall be provided on the development site.

2. The combined total ~~diameter breast height caliper~~ of the replacement trees shall equal at least the combined ~~diameter breast height caliper~~ of the trees to be removed, and all replacement trees shall have a minimum caliper size of ~~four and one-half three~~ inches.

3. If trees that may have fallen under natural resource protection have been removed prior to site capacity/site plan review approval or in the absence of a tree survey, a licensed arborist must provide an assessment of the impact using all available information. The burden of determining the extent of natural resources shall, in all cases, be upon the property owner and/or developer. In the absence of credible evidence supplied by the applicant, staff shall determine the extent to which protected Woodlands or Significant Trees have been impacted based on all available information.

(Ord., § 4.2, passed 10-13-2009; Ord. passed 8-14-2012)

## USE REGULATIONS

### **§ 151.110 USE PERMIT/~~CHANGE OF USE PERMIT.~~**

A use permit shall be required prior to the establishment or change of any use. A Use Permit may also be obtained to identify a use. ~~A change of use permit shall be required prior to any use change.~~

(Ord., § 6.1, passed 10-13-2009)

### **§ 151.111 USE TABLE.**

(A) The Use Table lists the uses allowed within zoning districts.

#### COMMENTARY:

The Use Table is organized into five major use groups:

- . Residential
- . Public, Civic, and Institutional
- . Retail, Service, and Commercial
- . Industrial
- . Other Uses

Each major use group is further divided into a series of use categories. The use category system is based on common functional, product, or compatibility characteristics, thereby regulating uses in accordance with criteria directly relevant to the public interest. Ordinance users interested in reviewing a more detailed listing of specific use types should review [Appendix F](#). [Appendix F](#) will help users identify how specific use types are categorized under the new use category system of this chapter. Section [151.270](#) provides a further description of use categories.

(B) The Zoning Use Table set forth on the following pages lists the uses allowed within zoning districts.

(1) *Permitted uses.*

- (a) A “P” indicates that a use is allowed by right in the respective zoning district.
- (b) Permitted uses are subject to all other applicable regulations of this chapter.

(2) *Conditional uses.*

- (a) A “C” indicates that a use is allowed only if reviewed and approved as a conditional use, in accordance with the conditional use review procedures of § [151.050](#).
- (b) Conditional uses are subject to all other applicable regulations of this chapter.

(3) *Uses not allowed.* A blank cell (one without a “P” or “C”) indicates that a use type is not allowed in the respective zoning district.

(4) *Use standards.*

- (a) The final “standards” column of the following table contains references to use standards that apply to the listed use type.
- (b) The use standards are presented in alphabetical order in § [151.112](#).

(5) *Accessory and temporary uses.* The regulations that apply to accessory and temporary uses are contained in §§ [151.113](#) and [151.114](#).

(6) *Use categories.*

- (a) All of the use categories listed in the following table are described in § [151.270](#).
- (b) The second column of the use table lists some of the specific use types included within respective use categories.
- (c) [Appendix F](#) provides a detailed listing of specific use types and their assignment to use categories.

*Note: Please click to view a printer-friendly table in PDF: [Zoning Use Table](#)*

*Zoning Use Table*

		<i>Residential</i>											<i>Nonresidential</i>									
<i>Use Category</i> (See § <a href="#">151.270</a> for Description)	<i>Use Types</i>	<i>A G</i>	<i>R E</i>	<i>E</i>	<i>R 1</i>	<i>R 2</i>	<i>R 3</i>	<i>R 4</i>	<i>R4 a</i>	<i>R 5</i>	<i>R 6</i>	<i>R R</i>	<i>G O</i>	<i>L C</i>	<i>R C</i>	<i>G C</i>	<i>L I</i>	<i>I I</i>	<i>O S</i>	<i>Use Standard</i>	<i>CUP Decisi on</i>	
Household living (see § <a href="#">151.270</a> (C)(1) )	Attached dwelling (attached to nonresidential use)												P	P	P	P					§ <a href="#">151.112</a> (H)	
	Atrium house <sup>1</sup>							P	P	P	P											
	Cabin or cottage											P			P						§ <a href="#">151.112</a> (I)	
	Caretaker's dwelling unit (accessory use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§ <a href="#">151.113</a> (D)	
	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										C	C	C								§ <a href="#">151.112</a> (II)	Co Bd
	Multi-dwelling structure										P	P										





	<a href="#">Religious institutions (no assembly space)</a>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">§151.112(QQ)</a>	
Religious institutions (see § <a href="#">151.270(D)(8)</a> )	Religious institutions (10,000 sq. ft. or less of assembly space)	P	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	§ <a href="#">151.112(Q)</a>	ZBA
	Religious institutions (more than 10,000 sq. ft. of assembly space)	P	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	§ <a href="#">151.112(Q)</a>	Co Bd
School (see § <a href="#">151.270(D)(9)</a> )		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
School, private (see § <a href="#">151.270(D)(10)</a> )		C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P				ZBA
Utility, major (see § <a href="#">151.270(D)(11)</a> )	Electrical generation plants (all, public or private)																		C	C	§ <a href="#">151.112(R)</a> § <a href="#">151.112(U)</a>	Co Bd
Wind energy facilities	Building-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Co Bd

	Tower-mounted	C <sub>3</sub>	C <sup>3</sup>	C <sub>3</sub>	C <sub>3</sub>	C <sub>3</sub>	P	P	P	P	P	P	P	§ <a href="#">151.113(N)</a>	ZBA						
Entertainment event, major (see § <a href="#">151.270(E)(1)</a> )															C					§ <a href="#">151.112(Q)</a>	Co Bd
Industrial sales and service (see § <a href="#">151.270(F)(1)</a> )	Bus parking															C	P	P		§ <a href="#">151.112(Y)</a>	ZBA
	Commercial service-oriented industrial sales and service not otherwise classified															C	P	P		§ <a href="#">151.112(Y)</a>	ZBA
	Contractor's equipment sales or storage (indoor)															P	P	P		§ <a href="#">151.112(Y)</a>	ZBA
	Contractor's equipment sales or storage (outdoor)															C	P	P		§ <a href="#">151.112(Y)</a>	ZBA
	Feed and grain sales	P														P	P	P		§ <a href="#">151.112(Y)</a>	
	General industrial sales and service not otherwise classified																	P	P		§ <a href="#">151.112(Y)</a>

	Junk yard																	P	§ <a href="#">151.112</a> (Z) § <a href="#">151.112</a> (Y)		
	Landscape contractor's storage yard	C															C	P	P	§ <a href="#">151.112</a> (C) § <a href="#">151.112</a> (Y)	ZBA
	Petroleum or chemical refining/production																	C	C	§ <a href="#">151.112</a> (LL)	Co Bd
	Truck/trailer parking																C	P	P	§ <a href="#">151.112</a> (Y)	ZBA
Office (see § <a href="#">151.270</a> (S)(2))	Offices for non-retail nurseries	C	C	C								P	P	P	P	P	P	P	C	§ <a href="#">151.112</a> (K) § <a href="#">151.112</a> (K)	ZBA
	Offices not otherwise classified											P	P	P	P	P	P				
Parking, commercial (see § <a href="#">151.270</a> (E)(3))														P	P	P	P			§ <a href="#">151.112</a> (N)	
Recreation and entertainment, outdoor (see § <a href="#">151.270</a> (E)(4))	Amusement park													C	C				P	§ <a href="#">151.112</a> (E)	Co Bd
	Camps	C									C	C		P					P	§ <a href="#">151.112</a> (J)	Co Bd
	Golf driving range													P	P	P	P			§ <a href="#">151.112</a> (U)	
	Marina													P							

	Model airplane club	C													C				C	§ <a href="#">151.112(JJ)</a>	Co Bd
	Racetrack, animal														C					§ <a href="#">151.112(MM)</a>	Co Bd
	Racetrack, motor vehicle/ moto-cross/BMX /go-cart														C					§ <a href="#">151.112(NN)</a>	Co Bd
	Shooting range (outdoor)	C													C				C	§ <a href="#">151.112(SS)</a>	Co Bd
	Outdoor recreation and entertainment not otherwise classified	C													P	P	P	P	C		Co Bd
	Adult entertainment establishment															P	P	P		§ <a href="#">151.112(A)</a>	
Retail sales and service (see § <a href="#">151.270(E)(5)</a> )	Antique sales										C	P	P	P	P	P					ZBA
	Art gallery										C	P	P	P	P	P					ZBA
	Bicycle shop										C	P	P	P	P	P					ZBA
	Boat sales/rental/storage/ service												P	C	P	P					ZBA
	Casino/commercial watercraft														C				C	§ <a href="#">151.112(L)</a>	Co Bd



Ice cream shop													P	P	P	P	P	P			
Kennels, animal shelter/obedience school (without outdoor runs)	P															P	P	P			§ <a href="#">151.112(AA)</a>
Kennels, animal shelter/obedience school (with outdoor runs)	C															C	C	C			§ <a href="#">151.112(AA)</a> ZBA
Lumber and building material sales																P	P	P			
Medical cannabis dispensary																P	P	P			§ <a href="#">151.112(GG)</a>
Office equipment and supplies													P	P	C	P	P	P			ZBA
Photocopy, blueprint services													P	P	C	P	P	P			ZBA
Recreational vehicle sales															P	C	P	P			§ <a href="#">151.112(NN)</a> ZBA
Restaurant or coffee shop													P	P	P	P	P	P			

	Recreational vehicle park																		§ <a href="#">151.112(O)</a>	Co Bd
	Sporting goods store										C	P	P	P	P	P				ZBA
	Veterinary clinic	P											P	P	P	P				
	General retail sales and service not otherwise classified											C	C	P	P	P	P			ZBA
	Neighborhood-oriented retail sales and service not otherwise classified											C <sub>4</sub>	P	C <sub>4</sub>	P	P	P			ZBA
	Recreational-oriented retail sales and service not otherwise classified											C	C	P	P	P	P			ZBA
<a href="#">Rural Business (See 151.270(G)(4))</a>	<a href="#">Rural Business (on sites of 200,000 sq. ft. or more)<sup>5</sup></a>	<a href="#">P<sup>5</sup></a>		<a href="#">C</a>	<a href="#">C</a>														<a href="#">151.112(SS)</a>	<a href="#">ZBA</a>
Self-service storage (see															C	P	P			ZBA

§ <a href="#">151.270(E)(6)</a> )																					
Vehicle repair (see § <a href="#">151.270(E)(7)</a> )															C	P	P			§ <a href="#">151.112(V)</a>	ZBA
Vehicle service, limited (see § <a href="#">151.270(E)(8)</a> )													P	C	P	P				§ <a href="#">151.112(R)</a>	ZBA
Manufacturing and production (see § <a href="#">151.270(F)(2)</a> )	Asphalt, concrete or redi-mix plant															C	C			§ <a href="#">151.112(G)</a>	Co Bd
	Boat construction															P	P			§ <a href="#">151.112(Y)</a>	
	Manufacturing and production not otherwise classified															P	P			§ <a href="#">151.112(Y)</a>	
	Medical cannabis cultivation centers															P	P			§ <a href="#">151.112(FF)</a> )	
Warehousing and freight movement	<a href="#">Warehousing and freight movement not otherwise classified</a>															P	P			§ <a href="#">151.112(Y)</a>	

	Dredging material stockpiling and processing	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	§ <del>151.112(B</del> BQ)	ZBA
Waste-related use (see § <a href="#">151.270(F)(4)</a> )	Landscape waste composting facilities	C															C	C	C	§ <a href="#">151.112(D</a> D) § <a href="#">151.112(Y)</a>	Co Bd
	Landscape waste transfer station																C	C		§ <a href="#">151.112(EE</a> ) § <a href="#">151.112(Y)</a>	Co Bd
	Recycling center														C	C	P			§ <a href="#">151.112(PP</a> ) § <a href="#">151.112(Y)</a>	Co Bd
	Construction and demolition recycling facilities																C	C		§ <a href="#">151.112(M)</a>	ZBA
	Waste-related use not otherwise classified																	C		§ <a href="#">151.112(Y)</a>	Co Bd
Wholesale sales (see § <a href="#">151.270(F)(5)</a> )																C	P	P		§ <a href="#">151.112(Y)</a>	Co Bd
Agriculture (see § <a href="#">151.270(G)(1)</a> )	Agricultural supplier's storage and service center	C														C	P	P		§ <a href="#">151.112(B)</a>	Co Bd

Apiary (on lots 200,000 sq. ft. or more)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§ <a href="#">151.112(C)</a>		
Apiary (accessory use on lots less than 200,000 sq. ft.)	P	P	P	P	P	P	P												P	§ <a href="#">151.112(C)</a>		
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	P	P	P	P	P		
Forestry	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§ <a href="#">151.112(S)</a>	Co Bd
<a href="#">Local food garden</a>	<u>P</u>	<a href="#">151.112(FE)</a>																				
Stable, private (accessory use)	P	P	P	P																	§ <a href="#">151.113(G)</a>	
Stable (sites of 200,000 sq. ft. or more)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Agricultural education <sup>56.7</sup> (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	P	P	P	P	P		
Agriculture uses not otherwise classified (on	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		



<a href="#">Solar Energy System, Small – Scale</a> <sup>8,9</sup>	<a href="#">C</a>	<a href="#">P</a>	<a href="#">§151.112(UU)</a> <a href="#">§151.113(U)</a>	<a href="#">ZBA</a>																									
1 Such dwelling types shall be permitted only within conservation residential development.																													
2 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-5 and R-6 Zoning Districts.																													
3 However, tower-mounted wind energy facilities on residentially used or zoned parcels shall be permitted by right up to the height of: a) 45 feet on parcels less than 40,000 square feet, b) 75 feet on parcels 40,000 to 200,000 square feet, and c) 100 feet on parcels greater than 200,000 square feet.																													
4 Such uses shall be allowed by right as accessory uses.																													
<a href="#">5 A conditional use permit shall be required for outside storage of material or equipment in excess of 10 percent of the site.</a>																													
<del>5-6</del> Agricultural education <sup>6</sup> (accessory use to a principal agricultural use on sites of 200,000 sq. ft).																													
<del>6-7</del> Commentary: The inclusion of commercial activities may result in this use being considered an event of public interest and becoming subject to temporary use or conditional use provisions of this chapter.																													
<a href="#">8 Accessory use ground-mounted solar energy systems of all sizes (small, medium, or large) shall be permitted in all zoning districts for those institutional, commercial, or industrial uses with campuses comprised of 5 acres or more.</a>																													
<a href="#">9 Small-scale solar energy systems are permitted as an accessory use in all residential zoning districts.</a>																													

(Ord., § 6.2, passed 10-13-2009; Ord. passed - -; Ord. 15-0701, passed 7-14-2015)

## § 151.112 USE STANDARDS.

Unless otherwise noted, the use standards of this section apply to respective use types whether they are allowed as permitted uses, conditional uses, or accessory uses.

(A) *Adult entertainment establishment (retail sales and service, entertainment-oriented use category).*

(1) *Minimum distance from other adult entertainment establishments.* No adult entertainment establishment shall be established, maintained, or operated on any lot that has a property line within 1,000 feet of the property line of any other lot on which any other adult entertainment establishment is established, maintained, or operated.

(2) *Minimum distance from protected uses.* No adult entertainment establishment shall be established, maintained, or operated on any lot that has a property line within 1,000 feet of the property line of any other lot on which a protected use is established, maintained, or operated.

(3) *Minimum distance from residential property.* No adult entertainment establishment shall be located, established, maintained, or operated on any lot that has a property line within 250 feet of the property line of any residential property.

(4) *Measurement.* For the purposes of this subsection (A), distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the adult entertainment establishment is located to the nearest point on any property line of a residential property or any lot on which a protected use or other adult entertainment establishment is located, as the case may be.

(5) *Limited exception for subsequent protected uses and residential property.* An adult entertainment establishment lawfully operating under this chapter and under the Lake County Adult Entertainment Establishment Licensing Ordinance (see [Chapter 113](#)) shall not be deemed to be in violation of the location restrictions set forth in this subsection (A) solely because a protected use subsequently locates within the minimum required distance of the adult entertainment establishment, or when any other lot or tract within the required minimum distance of the adult entertainment establishment subsequently becomes residential property. This subsection (A)(5) shall not apply to an adult entertainment establishment at a time when an application for an “adult entertainment license” under the Adult Entertainment Establishment Licensing Ordinance for that establishment is submitted after the license has previously expired, has been revoked, or is at that time under suspension.

(B) *Agricultural supplier storage and service center (agriculture use category).*

(1) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(2) The site shall have a minimum area of 200,000 square feet and a minimum lot width of 300 feet.

(3) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

(4) All buildings shall be set back at least 30 feet from all lot lines.

(5) All permanent bulk storage tanks shall be set back at least 150 feet from any street or adjoining property line.

(6) All trucks, tractors, portable storage tanks, and trailored or motorized agricultural implements shall be screened from view of adjacent streets and residential zoning districts.

(7) The conditional use permit shall establish reasonable standards to prevent contamination of water resources due to spillage or leakage of chemicals, fuels, and other products that are stored on-site. The conditional use permit process shall also consider the possibility of accidental explosion in establishing the standards.

(8) Sales shall be primarily to serve the agricultural community.

(C) *Agriculture (agriculture use category).*

(1) *Exempt uses.* Uses that qualify for an agricultural exemption under state statutes shall be subject to the standards of this subsection (C).

(a) A site plan shall be submitted at the time of application showing existing and proposed structures and uses.

(b) The minimum lot area shall be 200,000 square feet.

(c) Minimum setbacks shall be as follows:

Street:	30 feet
Side:	30 feet
Rear:	50 feet

**COMMENTARY:**

Notwithstanding the setback requirements contained in subsection (C)(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 (C)(1)(c). On parcels eligible for the statutory agricultural exemption there shall be no limit under this chapter on the number of farm animals.

(2) *Non-exempt uses.* Uses that do not qualify for an agricultural exemption under state statutes shall be subject to the standards of this subsection (C)(2).

(a) Non-exempt agricultural uses may be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(b) Minimum setbacks shall be as follows:

Street:	30 feet
Side:	30 feet
Rear:	50 feet

(c) No farm animals, other than equine or chickens or beekeeping as an accessory use to a principal agricultural use, shall be kept on zoning lots of less than 200,000 square feet in area.

(d) Standards for non-exempt apiaries shall be subject to conditions provided in § [151.113\(O\)](#).

(D) *Airport/heliport (aviation and surface transportation use categories)*.

(1) The use may be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(2) Documentation shall be submitted showing that the site complies with all applicable state and federal requirements.

(3) Setbacks, landscaping and fencing appropriate to the specific nature of the use proposed shall be established during the conditional use permit review process.

(4) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

(5) All areas proposed for active use, including fuel storage areas, shall be fenced.

(6) Takeoff and landing facilities shall be located so as to minimize the impact on existing and proposed residential areas.

(E) *Amusement park (recreation and entertainment, outdoor use category)*.

(1) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(2) The minimum site area shall be 200,000 square feet.

(3) The site shall be located and designed to minimize adverse impacts on adjacent uses.

(4) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

(F) *Assisted living (assisted living use category)*.

(1) Assisted living may or may not include 24-hour caregivers onsite.

(2) Assisted living uses may be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(3) The assisted living structure shall contain a common food preparation area and may contain individual kitchenettes for occupants.

(G) *Asphalt, concrete, redi-mix, rock and concrete crushing plants (manufacturing and production use category).*

(1) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(2) The site shall be a minimum of 200,000 square feet in size.

(3) The times of operation may be specified as part of the conditional use permit.

(4) All internal roads shall be maintained in a dust-free condition. The main road from which access is taken shall always be kept free of dust, dirt, mud and other debris. The access drive from the site shall be paved with a surface of asphalt or concrete for a distance of at least 50 feet from the right-of-way of the public road from which access is taken. Provisions shall also be made to remove dust, dirt, mud, or other debris from the vehicles before they leave the site.

(5) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

(6) All activity areas, including driveways and on-site roads, shall be set back at least 1,000 feet from any residential zoning district or lot containing a residential use.

(H) *Attached dwellings (household living use category).*

(1) Attached dwelling units shall be subordinate in area to the principal (nonresidential) use occupying the same building.

(2) The following minimum gross site area shall be required:

(a) Eight thousand, five hundred square feet for the first dwelling unit;

(b) Plus 5,000 square feet for the second dwelling unit; and

(c) Plus 3,000 square feet for each additional dwelling unit.

(3) In calculating minimum site area requirements, the entire base site area of the parcel may be counted, including land area devoted to the principal nonresidential use.

(I) *Cabins and cottages (household living use category).*

(1) The minimum lot area and lot width standards for cabins and cottages shall be as follows:

<i>Cabin or Cottage</i>	<i>Minimum Lot Area (Sq. Ft.)</i>
First unit	8,500
Second unit	5,000

Each additional unit	3,000
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(2) An individual cabin or cottage shall not exceed 1,000 square feet (gross floor area).

(J) *Camps (recreation and entertainment, outdoor).*

(1) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(2) The minimum site area shall be 400,000 square feet.

(3) The petitioner shall submit a detailed narrative description of the proposed camp. This narrative shall include a description of the number of camp sites proposed, the type of recreational facilities proposed and the months and hours of operation. The conditional use permit may impose conditions on the layout and design of the camp, the type of recreational facilities proposed and the hours of operation.

(4) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

(5) Caretaker's residences may be allowed as accessory uses. The number of caretaker's residences shall be established as part of the conditional use permit.

(6) In districts where camps are permitted by right, no more than one caretaker's residence shall be allowed.

(K) *Cemetery (parks and open space use category).*

(1) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(2) No landscaping shall be required for a cemetery use.

(3) The site proposed for a cemetery shall not interfere with the development of a public infrastructure system, including streets, sewers, and other utilities.

(4) Any new cemetery shall be located on a site containing at least 200,000 square feet.

(5) All buildings shall be set back at least 30 feet from any property line. The buildings shall be used for cemetery purposes only, including but not by way of limitation, offices, memorial chapels, mausoleums, vaults, columbaria, crematoria, and any other structures as may be necessary for the preparation, presentation, interment, and cremation of human remains and the maintenance of the cemetery.

(6) Existing cemeteries may continue to operate in a manner consistent with the existing development in the area presently covered by a conditional use permit. Any expansion to land not covered by the existing conditional use permits must comply with the requirements of this subsection (K), except that existing cemeteries shall be permitted to expand to whatever extent

additional area is available to them without regard to the minimum size requirement for a new cemetery.

(7) A permit may be issued for a pet cemetery without a conditional use permit if the site has a minimum area of 40,000 square feet, individual lots are not sold, and there are no provisions for perpetual care.

(L) *Casino/commercial watercraft (retail sales and service, entertainment-oriented use category).*

(1) The use may be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(2) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

(3) Documentation shall be submitted detailing the length, width, draft and height above the waterline of the proposed watercraft. The maximum patron capacity and the maximum number of crew members (employees) at the largest shift shall also be provided. The petitioner shall also provide photographs, artist's renderings or other visual documents portraying the proposed watercraft. The County Board may limit in the conditional use permit the size, capacity and appearance of the proposed watercraft.

(4) Documentation shall be submitted detailing the proposed principal use of the watercraft as well as all other proposed onboard and onshore accessory uses. The petitioner shall also document the expected time, length, course, and alternate ports of call of all expected normal cruise operations, if any. The petitioner shall also provide photographs, artist's renderings, site plans or other visual documents portraying the proposed location and design of all docks, piers, structures, driveways, parking areas and their relationship to the proposed watercraft. The County Board may impose in the conditional use permit conditions on operating hours, the type and number of accessory uses, and the location and design of proposed site improvements.

(5) Commercial watercraft shall comply with the following regulatory floodplain, wetland, and buffer standards.

(a) All regulatory floodplain development shall comply with the regulatory floodplain development standard of § [151.148\(B\)](#).

(b) If development is proposed in or adjacent to a wetland, U.S. Army Corps of Engineers approval shall be required.

(c) All development within the otherwise protected buffer area shall be designed and constructed in such a way to protect the water quality of the adjoining public body of water.

(6) The County Board shall establish the maximum permissible impervious surface ratio and floor area factor for casino/commercial watercraft as a part of the conditional use permit.

(7) Each bus parking space provided shall be considered four automobile parking spaces for the purpose of determining the parking lot landscape plant material requirements.

(8) No landscaping shall be required along that portion of the onshore property adjacent to the public body of water, unless otherwise required as a condition of the conditional use permit.

(M) *Construction and demolition recycling facilities.* The following standards shall apply to recycling facilities which will exclusively accept general construction or demolition debris:

(1) The site shall contain a minimum of 200,000 square feet.

(2) The use shall be subject to the site capacity calculations/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with the required conditional use permit review. The site plan shall include, at a minimum, a legal description of the subject property; access/egress point(s); parking areas; any buildings, structures or fixed equipment; the extent of paved or impervious surfaces; material tipping/receiving areas; material processing areas; areas of proposed material stockpiling (by material type); material loading areas; and fencing, berm or screening features.

(3) The application for a conditional use permit shall be accompanied by:

(a) An architectural drawing depicting building and structure elevations and descriptions of such buildings and structures necessary to convey the architectural appearance and physical magnitude of the proposed improvements;

(b) A narrative description of the activities proposed to be conducted indoors or under cover within the facility boundaries; and

(c) A narrative description of other proposed uses (such as, but not limited to truck storage, maintenance, fueling, and container storage) and a demonstration that other such uses can be conducted in a safe and unobtrusive manner without interference with safe recycling activities on the site.

(4) The conditional use permit shall be effectuated upon receipt of a permit from the Illinois Environmental Protection Agency in accordance with § [22.38](#) of the Illinois Environmental Protection Act. It shall be a condition of the conditional use permit that the facility continue to operate in accordance with § [22.38](#) of the Illinois Environmental Protection Act and all other applicable permits. Enforcement of this provision shall be subject to the revocation procedures of § [151.253](#)(E).

(5) The facility shall be located at least 500 feet from any residential zoning district unless otherwise specified by the conditional use permit.

**COMMENTARY:**

For purposes of subsection (M)(5), considerations for modifying the locational standard may include the separation of the residentially zoned property from the proposed site by a designated truck route, active rail line, high voltage power transmission easement or other clearly demarcated land-use planning transition boundary.

(6) The general construction or demolition debris receiving/tipping areas shall be constructed of a low permeability material (e.g., Portland cement concrete, asphalt concrete) such that it prevents infiltration and is able to withstand anticipated loads.

(7) The facility shall be equipped with a fence no less than eight feet in height located to secure the operating areas of the facility during non-operating hours as well as assist in minimizing the potential for litter to leave the facility.

(8) If the applicant and the Solid Waste Agency of Lake County or the County of Lake have previously entered into a host agreement(s) for the proposed construction and demolition recycling facility, the terms and conditions of such host agreement shall be incorporated as conditions of the conditional use permit and may be enforced by any party of the host agreement(s).

(9) Operating standards: The applicant shall provide an operating plan. The operating plan shall, at a minimum, contain the following information:

(a) Number of employees anticipated at the facility;

(b) Proposed hours of operations for receipt of general construction or demolition debris and for processing and shipment of general construction or demolition debris;

(c) Proposed daily average/maximum volume (in tons) of general construction or demolition debris to be received at the facility;

(d) Identification of the maximum number of vehicles (by vehicle type) proposed to utilize the facility on a daily basis;

(e) Description of any processing equipment (i.e., grinders/shredders/balers) proposed to be utilized to prepare the recyclable general construction or demolition debris for stockpiling or shipment and the location and design of any noise-buffering elements, sheltering and operating controls to minimize noise impacts;

(f) Description of operating methods employed to control odor, accidental combustion of materials, vectors, dust, and litter;

(g) Description of the method and equipment utilized to load recyclable and non-recyclable general construction or demolition for shipment from the facility; and

(h) Specification of typical and maximum anticipated height of stockpiled recyclable construction or demolition debris for each recyclable material by type. Identification of the buffering and/or screening measures employed to minimize the visual impact of the proposed stockpiles from surrounding land uses.

**COMMENTARY:**

Noise standards shall be specified as part of the conditional use permit.

(N) *Consumer vehicle sales (retail sales and service, sales-oriented use category), commercial parking lots and recreational vehicle sales/rental.* All parked, displayed, or stored

vehicles shall be set back at least five feet from the right-of-way and all property lines. Concrete wheel stops or other permanent barriers shall be installed to prevent vehicles from encroaching on required setbacks. In lieu of providing side and rear setbacks, landowners of adjoining properties shall be entitled to enter into an agreement that provides for a waiver or partial waiver of the requirements. The agreement shall be in the form of a covenant or deed restriction and shall require approval of the Planning, Building and Development Director. Once approved, the agreement shall be recorded by the Lake County Recorder of Deeds and shall run with the land.

(O) *Crematorium (retail sales and service, personal service-oriented)*. Crematoria shall also be allowed as an accessory use to a cemetery. See subsection (K) of this section.

(P) *Day care facilities (day care use category)*. The standards of this subsection (P) apply to day care facilities for more than seven people.

(1) The use may be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall concurrent with required conditional use permit review.

(2) All day care facilities shall comply with all applicable state requirements for the location of the facilities and the minimum square feet of safe, outdoor recreation area, and usable floor area for every person that the day care facility is licensed to accommodate.

(3) Applications for permission to construct or operate a day care facility for children shall be accompanied by copies of all valid permits required by this state and any other applicable county or federal agency. If the permits cannot be obtained prior to the time of application, the application must be accompanied by a report from the applicable licensing agency stating the licensing requirements and an explanation of how the applicant intends to meet these requirements.

(4) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

(5) Day care shall be a permitted use in the AG District only when operated in conjunction with a religious institution use that is located on the same zoning lot.

[\(Q\) \*Dredging material stockpiling and processing \(warehousing and freight movement\)\*](#)

[\(1\) \*Dimensions\*](#). All sites located in residential, AG and OS zones shall have a minimum area of 200,000 square feet. However, staff may recommend the approval of a smaller site, if exceptional site characteristics and/or application conditions would mitigate any adverse impacts on the surrounding area, as part of the conditional use permit (CUP) process.

[\(2\) \*Site plan review\*](#). The use shall be subject to the site capacity calculation/site plan review procedures of UDO Subchapter: Site Capacity, Site Plan Review and Natural Resource Protection (§ 151.070). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review. The site plan shall include:

[\(a\) Access/egress point\(s\); parking areas.](#)

[\(b\) Any buildings, structures or fixed equipment.](#)

[\(c\) The extent of paved or impervious surfaces.](#)

(d) Material tipping/receiving areas, material processing areas, areas of proposed material stockpiling and material loading areas.

(e) Fencing, berm or screening features.

(f) A site restoration plan.

(g) Any phasing of activity and associated restoration plans.

(3) Access.

(a) For properties without an approved access location, evidence that an access permit can be obtained, for the proposed use, from the highway authority or having jurisdiction. For properties with a previously approved access location, evidence from the highway authority having jurisdiction that the existing access point is sufficient to serve the proposed use; if the existing access is insufficient to handle weight or traffic volumes generated by the proposed use, evidence that a new access permit can be obtained, for the proposed use, from the highway authority having jurisdiction.

(b) For properties with an access location onto a private road, evidence that permission can be obtained, for the proposed use from: 1) homeowners' association having responsibility for maintenance of the private road, or 2) a majority of the property owners fronting the access road in the absence of an active association. Applicants must also show that they have or can obtain access permits from the highway authority which has jurisdiction over the road onto which the private road terminates, as outlined in the preceding paragraph.

(4) Permission to use the property. The application must include a signed, written permission from the owner of or the agency having jurisdiction over the subject property or properties.

(5) Operating standards. The applicant shall provide an operating plan. The operating plan shall, at a minimum, contain the following information:

(a) Number of employees anticipated at the facility.

(b) Proposed hours of operations for receipt of material and for processing and shipment of material.

(c) Proposed daily average/maximum volume (in tons) of material to be received at the facility.

(d) Identification of the maximum number of vehicles (by vehicle type) proposed to utilize the facility on a daily basis.

(e) Description of any processing equipment proposed to be utilized to prepare the material for stockpiling or shipment and the location and design of any noise-buffering elements, sheltering and operating controls to minimize noise impacts.

(f) Description of operating methods employed to control odor, accidental combustion of material, disease vectors, dust, and litter.

(g) Description of the method and equipment utilized to load recyclable and non-recyclable general construction or demolition material for shipment from the facility.

(h) Specification of typical and maximum anticipated height of stockpiled dredging material and debris. Identification of the buffering and/or screening measures employed to minimize the visual impact of the proposed stockpiles from surrounding land uses.

(6) Other conditions. The conditional use permit may establish, as necessary, reasonable conditions that regulate activity on the site including but not limited to:

(a) Hours and days of operation.

(b) Vehicle trips generated per day.

(c) Noise and dust emissions.

(QR) Drive-in theater, amphitheater, sports arena (entertainment event, major).

(1) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(2) The site shall contain at least 200,000 square feet.

(3) All structures, viewing (parking) areas, and seating areas shall be set back at least 100 feet from any street or boundary line.

(4) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

(5) The following accessory uses may be permitted as incidental to, and limited to patrons of, the principal use:

(a) Playground;

(b) Refreshment/souvenir stands or booths; and

(c) Offices.

(6) For any drive-in theater:

(a) The theater screen shall not be visible from any collector street, arterial street, or freeway within 1,200 feet;

(b) The viewing (parking) area shall be screened in such a manner that it cannot be observed from outside the property; and

(c) Off-street space for automobiles of patrons awaiting admission to the theater shall be equal to, at a minimum, 15% of the capacity of the viewing area. All entrances and exits shall be separated, and internal circulation shall be laid out to provide one-way traffic.

(RS) Electrical generation plants (private) (major utility use category). The following standards shall apply to all private electrical generation facilities with power generation potential of 30 megawatts or more:

(1) Petitioner shall submit a site plan prepared and certified by a registered surveyor licensed in this state that complies with the site plan review submission requirements of this chapter.

(2) The facility's operational area shall be located at least 1,000 feet from all parcel boundary lines that adjoin any zoning district other than Limited Industrial (LI) or Intensive Industrial (II). The term "operational area" shall mean all electrical generation equipment, cooling equipment, exhaust or venting equipment, and any structures housing the equipment.

(3) Fencing shall be provided around the boundary of the property to prevent unauthorized access.

(4) All current state and federal permits, waivers of permits, licenses, and certificates of insurance shall be on file with the Planning, Building and Development Department throughout the life of the conditional use.

(5) All equipment on the subject property shall operate in accordance with the Illinois Environmental Protection Agency's Class "C" nighttime noise regulations (Title 35 Ill. Adm. Code Subtitle H, Chapter I) throughout the life of the conditional use permit, as measured at the boundaries of the nearest property zoned for residential purposes.

(6) The conditional use permit shall establish reasonable standards to prevent contamination of water resources due to spillage or leakage of chemicals, fuels, and other products that are stored on-site. The conditional use permit process shall also consider the possibility of accidental explosion in establishing the standards.

(7) Any increase in the schedule, intensity, or energy output of operations, as established under the original conditional use permit, shall require an amendment to the conditional use permit.

(8) If all operations at the facility cease for a period of 24 consecutive months, removal of all equipment, structures, foundations, tanks, towers, and fences shall be completed within the next 12 calendar months; the site shall be returned to its previous landscape by that time. A bond or letter of credit in the amount of 150% of an independent engineer's estimate of site cleanup (removal of structures, foundations, tanks, towers, and fences) shall be submitted to the Planning, Building and Development Department prior to the issuance of a building permit.

(9) All electrical generation plants shall employ best available control technology, as specified by the Illinois Environmental Protection Agency.

(ST) *Forestry (agriculture use category)*. The clearing of young or mature woodlands in any zoning district shall only be allowed pursuant to a conditional use permit, except that no such permit is required for the following: authorized clearing of trees in accordance with plans approved pursuant to § [151.071\(I\)](#); removal of dead or diseased trees or noxious non-native species; and the removal of trees on parcels less than 40,000 square feet in size. The following standards shall be considered the minimum requirements governing the issuance of any conditional use permit for forestry uses.

(1) The forestry activities shall be necessary for the reasonable use of the subject property.

(2) Potential soil erosion shall be addressed with appropriate soil stabilization techniques.

(3) A reforestation plan, if applicable, shall be submitted detailing the types and numbers of trees and the schedule of plantings.

~~(F)~~U *Golf course (parks and open space use category).*

(1) A golf course may include swimming pools, snack shops, or refreshment stands on the course and a club house that may contain dining/banquet facilities, locker room and shower facilities, a pro shop, and a lounge. It may also include a golf practice range as accessory to the golf course, provided that it is an integral part of the golf course, is not lighted or operated other than daylight hours, and is not operated at hours other than those during which the golf course is open for play. These lighting regulations and operating hour restrictions shall apply only when the facility is located in or adjacent to a residential zoning district.

(2) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

~~(U)~~V *Golf driving range (recreation and entertainment, outdoor use category).*

(1) The use may be subject to the site capacity calculation/site plan review procedures of § [151.070](#). In addition to information otherwise required, the site plan shall show the layout of the property with all tee boxes, putting greens, sand traps, lights, structures, parking areas, fencing, and plant materials.

(2) The site shall be configured to permit a minimum driving distance of 300 yards from each proposed tee, exclusive of the required landscape area.

(3) No tee shall be located closer than 50 feet from any adjoining property.

(4) The site shall comply with the landscaping standards of § [151.167](#).

(5) Lighting shall comply with § [151.168](#) in order to minimize glare and reflection onto neighboring properties and public streets.

(6) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

~~(V)~~W *Greenhouse/nursery center, retail (retail sales/service, sales-oriented use category).* The standards of this subsection (V) apply in the AG District.

(1) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(2) The site shall have a minimum area of at least 200,000 square feet.

(3) Permitted activities may include the off-site delivery of plant materials and the use and storage of all vehicles, equipment, and crew necessary for those activities. However, off-site maintenance of plant materials and planting shall constitute landscape contracting, shall require a conditional use permit and shall be subject to the use standards for a landscape contractor's storage yard.

(4) The majority of plants offered for sale shall have been grown on-site.

~~(WX)~~ *Government use.* The standards of this subsection shall apply when a government use is located within a platted residential subdivision and takes direct access exclusively to a local road:

(1) *Operational requirement.* Hours of Operation shall be limited to 8:00 a.m. to 8:00 p.m.; any assembly occurring outside these established hours of operation shall require a temporary use permit in accordance with § [151.114](#)(K). A maximum of 15 such events per calendar year (per zoning lot) shall be permitted. Requests for modifications or waivers from the limits of this subsection shall require review and approval in accordance with the delegated conditional use permit procedures of § [151.050](#). This operational requirement shall not apply to the following activities: ancillary activities unrelated to the core service functions of the government institution, involving, in the aggregate, only a fraction of the assembly space.

(2) *Classification.* A school, day care, or camp associated with the use shall be classified as a separate principal use.

~~(XY)~~ *Group living (group living use category).* Group living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of “household living”. Examples include dormitories, fraternities, sororities, monasteries, and convents.

(1) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#).

(2) Tenancy shall be arranged on a monthly or longer basis.

(3) The residents may receive care, training, or treatment, and caregivers may reside at the site.

(4) The following shall not be considered group living:

(a) Lodging where tenancy may be arranged for periods of less than 30 days is to be considered a hotel or motel use and classified in the retail sales and service category; and

(b) Lodging where the residents meet the definition of “household” and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as household living.

~~(YZ)~~ *Industrial uses (industrial use category).* The use standards of this subsection (Y) apply to all industrial uses that require permits from the Illinois Environmental Protection Agency.

(1) Current state and federal permits, waivers of permits, licenses, and certificates of insurance shall be on file with the Planning, Building and Development Department throughout the life of the conditional use permit.

(2) All equipment on the subject property shall operate in accordance with the Illinois Environmental Protection Agency’s nighttime noise regulations (Title 35 Ill. Adm. Code Subtitle H, Chapter I). Compliance with these noise standards shall be measured at the boundary of the subject property.

~~(ZAA)~~ *Junk yards (industrial use category).*

(1) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#).

(2) The site shall have a minimum area of at least 200,000 square feet of area.

(3) The landscaping surrounding all outdoor storage areas shall include a solid fence at least six feet, but no more than eight feet in height. Storage between the street and the fence or screen, or above the height of the fence or screen, is expressly prohibited.

(4) All gasoline, motor oils, brake and transmission fluids, antifreeze, hydraulic fluids, battery acids, and other fluids shall be removed immediately from all salvaged vehicles. The fluids shall be stored and disposed of in such a manner to avoid soil and environmental contamination of the subject site and prevent contamination of surrounding properties and waterways.

(5) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

~~(AABB) Kennels, animal shelters, and dog obedience schools (retail sales and service, personal service-oriented use category).~~

(1) *General standards.* The following standards shall apply to all indoor and outdoor kennels.

(a) The use shall be subject to the site capacity calculation/site plan review procedures of § 151.070. Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review. In addition to information otherwise required, the site plan shall show all fencing, berming, and building material soundproofing designed to mitigate the noise impact of the proposed use on the surrounding properties.

(b) Kennels shall be permitted only on parcels having an area of at least 200,000 square feet in the Agriculture (AG) zoning district and 80,000 square feet in the permitted nonresidential zoning districts.

(c) The preceding lot area requirement shall not apply to kennels consisting exclusively of the boarding of domesticated felines.

(d) State license shall be prominently displayed.

(2) *Kennels with outdoor runs.* The following standards shall apply to all kennels with outdoor runs.

(a) Kennels with outdoor runs shall require a conditional use permit. Landscaping, fencing and berming requirements for kennels with outdoor runs shall be established as part of the conditional use permit process.

(b) All points on the perimeter of any kennel structure shall be at least 150 feet from all residential zoning districts.

(c) Operational requirements: outdoor exercise areas, runs, or yards shall be restricted to use during daylight hours, with the exception of necessary supervised dog-walking.

~~(BB) Dredging material stockpiling and processing (warehousing and freight movement).  
—(1) Dimensions. All sites located in residential, AG and OS zones shall have a minimum area of 200,000 square feet. However, staff may recommend the approval of a smaller site, if~~

~~exceptional site characteristics and/or application conditions would mitigate any adverse impacts on the surrounding area, as part of the conditional use permit (CUP) process.~~

~~—(2) *Site plan review.* The use shall be subject to the site capacity calculation/site plan review procedures of UDO Subchapter: Site Capacity, Site Plan Review and Natural Resource Protection (§ 151.070). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review. The site plan shall include:~~

~~—(a) Access/egress point(s); parking areas.~~

~~—(b) Any buildings, structures or fixed equipment.~~

~~—(c) The extent of paved or impervious surfaces.~~

~~—(d) Material tipping/receiving areas, material processing areas, areas of proposed material stockpiling and material loading areas.~~

~~—(e) Fencing, berm or screening features.~~

~~—(f) A site restoration plan.~~

~~—(g) Any phasing of activity and associated restoration plans.~~

~~—(3) *Access.*~~

~~—(a) For properties without an approved access location, evidence that an access permit can be obtained, for the proposed use, from the highway authority or having jurisdiction. For properties with a previously approved access location, evidence from the highway authority having jurisdiction that the existing access point is sufficient to serve the proposed use; if the existing access is insufficient to handle weight or traffic volumes generated by the proposed use, evidence that a new access permit can be obtained, for the proposed use, from the highway authority having jurisdiction.~~

~~—(b) For properties with an access location onto a private road, evidence that permission can be obtained, for the proposed use from: 1) homeowners' association having responsibility for maintenance of the private road, or 2) a majority of the property owners fronting the access road in the absence of an active association. Applicants must also show that they have or can obtain access permits from the highway authority which has jurisdiction over the road onto which the private road terminates, as outlined in the preceding paragraph.~~

~~—(4) *Permission to use the property.* The application must include a signed, written permission from the owner of or the agency having jurisdiction over the subject property or properties.~~

~~—(5) *Operating standards.* The applicant shall provide an operating plan. The operating plan shall, at a minimum, contain the following information:~~

~~—(a) Number of employees anticipated at the facility.~~

~~—(b) Proposed hours of operations for receipt of material and for processing and shipment of material.~~

~~— (c) Proposed daily average/maximum volume (in tons) of material to be received at the facility.~~

~~— (d) Identification of the maximum number of vehicles (by vehicle type) proposed to utilize the facility on a daily basis.~~

~~— (e) Description of any processing equipment proposed to be utilized to prepare the material for stockpiling or shipment and the location and design of any noise buffering elements, sheltering and operating controls to minimize noise impacts.~~

~~— (f) Description of operating methods employed to control odor, accidental combustion of material, disease vectors, dust, and litter.~~

~~— (g) Description of the method and equipment utilized to load recyclable and non-recyclable general construction or demolition for shipment from the facility.~~

~~— (h) Specification of typical and maximum anticipated height of stockpiled dredging material and debris. Identification of the buffering and/or screening measures employed to minimize the visual impact of the proposed stockpiles from surrounding land uses.~~

~~— (6) *Other conditions.* The CUP may establish, as necessary, reasonable conditions that regulate activity on the site including but not limited to:~~

~~— (a) Hours and days of operation.~~

~~— (b) Vehicle trips generated per day.~~

~~— (c) Noise and dust emissions.~~

(CC) *Landscape contractor's storage yard (industrial sales and service use category).*

(1) The following standards apply in the AG District.

(a) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(b) The site shall have a minimum area of at least ~~400,000~~ 200,000 square feet.

~~(c) A minimum of 50% of the site shall be planted and maintained in nursery stock within 12 months of the approval of the conditional use permit. The nursery stock shall consist of trees and/or shrubs and shall be established and maintained using standard nursery practices. A landscape plan, planting schedule and maintenance plan shall be submitted to the Planning, Building and Development Director for review and approval prior to any scheduled public hearing.~~

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**COMMENTARY:**

The landscape plan should provide the planting configuration for the required nursery stock consisting of planting rows no more than ten feet apart with shrubs spaced at no more than three feet apart and trees spaced at no more than six feet apart.

~~The planting schedule should provide a detailed description of the phasing of plantings to satisfy the scheduling requirements of subsection (BB)(1)(e) above.~~

~~The maintenance plan should, at a minimum, provide for long-term irrigation, pest control, weed control, pruning, and fertilizing of nursery stock.~~

(d) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

(e) No more than 20% of the site may be used for exposed landscape material, outdoor equipment storage and landscape-related bulk material storage.

(f) Equipment, parking facilities, and bulk material storage areas shall be screened from adjoining properties as established in the conditional use permit. Bulk material storage shall not exceed ten feet in height or a height established by the conditional use permit.

(g) No open burning shall be permitted on-site.

(h) Landscaping need only be provided for the portion of the site that is not planted and maintained in nursery stock.

(i) Landscape waste composting, wood-chipping, mulching and grinding activity, and wholesale sales of landscape-related bulk materials shall be allowed as an accessory use only if expressly approved as part of the conditional use permit application. Noise abatement measures for any permitted mulching, chipping, or grinding activity shall be addressed as part of the conditional use permit. Snow removal operations, including the storage of plow blades, shall be allowed as an accessory use.

(j) The main road from which access is taken shall always be kept free of dust, dirt, mud, and other debris.

(2) The following standards apply in the GC District.

(a) Equipment, parking facilities, and bulk material storage areas shall be screened from adjoining properties as established in the conditional use permit. Bulk material storage shall not exceed ten feet in height or a height established by the conditional use permit.

(b) Landscape waste composting, wood-chipping, mulching and grinding activity, and wholesale sales of landscape-related bulk materials shall be allowed as an accessory use only if expressly approved as part of the conditional use permit application. Noise abatement measures for any permitted mulching, chipping, or grinding activity shall be addressed as part of the conditional use permit.

(DD) *Landscape waste composting facilities (waste-related use category)*. The standards of this subsection (DD) shall apply to landscape waste composting facilities that are principal uses.

(1) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(2) A conditional use permit shall not be required for a landscape waste composting facility that meets the following standards:

(a) The facility complies with state standards under the Illinois Environmental Protection Act for site location and operation;

(b) The facility is located on a farm that produces manure as a byproduct of its principal business;

(c) The compost produced from the facility contains a minimum of 5% animal manure that is produced on the farm;

(d) The farm associated with the facility contains at least 500 acres and grows a majority of the feed used in its operation; and

(e) The facility is located at least one-eighth mile from the nearest public road or non-farm residence.

(3) All new landscape waste composting sites shall be located on a site with a minimum area of at least 400,000 square feet.

(4) The location of the portion of the site where active biological decomposition of the landscape waste is taking place shall be located a minimum of 500 feet from any existing residence, school, park, or playground and shall be set back no less than 200 feet from any property line.

(5) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

(6) Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.

(7) Limits on the days and hours during which landscape waste may be accepted and processed may be imposed as part of the conditional use permit review process.

(8) A gate shall be constructed to bar access to the site by vehicles during the hours that the facility is closed for the receipt of landscape waste. This gate shall be locked during all non-receiving hours.

(9) Conditions may be imposed requiring that soil samples be taken prior to the commencement of operations at the site to establish a base line for future monitoring. The conditions may specify the timing and frequency of the soil samples.

(10) Conditions may be imposed requiring that surface waters leaving the site be tested prior to the beginning of composting operations for quantities and concentrations of heavy metals, organic compounds, solvents, fertilizers, and other potentially harmful substances.

(11) Conditions may be imposed limiting the volume of landscape waste accepted daily.

(12) Conditions may be imposed requiring fencing of a certain type and height in certain locations.

(13) Adequate provision shall be made for the disposal of all composted material.

(14) The operation of a landscape waste composting facility shall not be permitted unless all permits required by the Illinois Environmental Protection Agency have been obtained.

(15) The main road from which access is taken shall always be kept free of dust, dirt, mud, and other debris.

(EE) *Landscape waste transfer station (waste-related use category).*

(1) The use shall be subject to the site capacity calculations/site plan review procedures of § [151.070](#).

(2) The site shall contain a minimum of 200,000 square feet.

(3) All structures, activities, and storage areas shall be set back a minimum of 30 feet from all property lines.

(4) Landscaping and fencing requirements shall be established as part of the conditional use permit.

[\(FF\) Local Food Garden \(Agriculture use category\). The standards of this subsection \(FF\) shall apply to local food gardens that are principal uses.](#)

[\(1\) Operations and Maintenance](#)

[\(a\) The operation and maintenance of local food gardens shall be allowed only during daylight hours.](#)

[\(b\) Regular weeding and maintenance shall be required to maintain a property free from grass and/or weed growth in excess of 10 inches.](#)

[\(c\) If a cover crop or mulch is not used during end of season maintenance, all annual plants shall be cropped to a height of not more than 10 inches and waste material must be discarded at the end of the growing season.](#)

[\(d\) Any composting areas shall be located on the same parcel as the permitted local food garden, all composted materials must be produced on site, no compost pile shall exceed 4 feet in height, and no single compost pile can be in excess of 100 square feet in area. All compost piles shall be fenced with a six foot solid fence, and be setback a minimum of 30 feet from any existing structure on any adjoining parcel, not including storage structures such as garages or sheds.](#)

[\(e\) Local food gardens must be maintained as to remain free from undue accumulated waste, such as to cause odors reasonably detectable on adjacent properties.](#)

[\(2\) Accessory structures.](#)

[\(a\) Sheds not to exceed 250 square feet in area shall be permitted to serve local food gardens and shall only contain tools and materials to cultivate onsite crop raising.](#)

[\(b\) Hoophouses shall be permitted and shall comply with Section 151.113\(H\).](#)

(c) Above ground water storage structures and/or cisterns may be permitted at the discretion of the Planning, Building and Development Director, and adequate visual screening and buffering is required for such structures.

(d) Accessory structures shall be located a minimum of 30 feet from any existing structures on any adjoining parcel, such as dwellings, non-residential buildings, patios, porches, gazebos, decks, or swimming pools, but not including storage structures such as garages or sheds.

(3) Ornamental plants may be cultivated in local food gardens.

(4) Sufficient off-street parking shall be provided to serve local food garden operations, as determined by the Planning, Building and Development Director.

COMMENTARY: Mechanized equipment and hand labor similar in scale and designed for residential gardening shall be permitted. The use of large-scale mechanized farm equipment not customarily used for residential gardening, such as combines, disc plows, and large engine tractors is prohibited.

**(FFGG)** *Medical cannabis cultivation centers (manufacturing and production use category).*

(1) *Minimum distance from protected uses.* No medical cannabis cultivation center shall be established, maintained, or operated on any lot that has a property line within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use.

(2) *Measurement.* For the purposes of subsection (FF)(1) above, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on an applicable cultivation center is located to the nearest point on a property line of any protected use (as defined in subsection (FF)(1) above).

(3) *Site plan review.* The use shall be subject to the Site Capacity Calculation/Site Plan Review procedures.

(4) *Compliance with state regulations and rules.* Each cultivation center shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto.

(5) *Single use site.* No cultivation center may be established in multiple use or tenant property or on a site that shares parking with other uses.

(6) *Setbacks.* Each cultivation center shall be a minimum of 50 feet from its surrounding property lines.

(7) *Parking.*

(a) Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by cultivation center staff and are continually recorded in a tamper proof format.

(b) The electronic security system shall be available 24 hours per day, and seven days per week to the Department and law enforcement agencies via a secure web-based portal.

(8) *Signage.*

(a) All commercial signage for a cultivation center shall be limited to one flat wall sign not to exceed ten square feet in area, and one identifying sign, not to exceed two square feet in area, which may only include the cultivation center address. Such signs shall not be directly illuminated.

(b) Electronic message boards and temporary signs are not permitted in connection with a cultivation center.

(c) Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.

(9) *Age and access limitations.* Each cultivation center shall prohibit any person who is not at least 21 years of age from entering the cultivation center property. Cultivation centers shall not employ anyone under the age 21. Access to the cultivation center site shall be limited exclusively to cultivation center staff, local and state officials and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.).

(10) *Security and video surveillance.*

(a) All cultivation, production and related operations at a medical cannabis cultivation center shall occur in an enclosed locked facility (“facility”). Each cultivation center shall provide and maintain adequate security on the entire site on which the cultivation center sits, including lighting, video surveillance, security personnel and alarms reasonably designed to ensure the safety of persons and to protect the site from theft. The facility shall be enclosed by high security fence or wall. The fence or wall must be adequately secure to prevent unauthorized entry and include gates tied into an access control system.

(b) The medical cannabis cultivation center parking area, cultivation, production, warehousing areas, and shipping bays and entrance shall be monitored by video surveillance equipment whose live images can be viewed by cultivation center staff and continually recorded, in a tamper proof format.

(c) The electronic security system shall be available 24 hours per day, and seven days per week to the Department and law enforcement agencies via a secure web-based portal.

(d) A sign shall be posted in a prominent location which includes the following language: “THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE”.

(e) The Planning, Building and Development Director shall review the adequacy of lighting, security and video surveillance installations with assistance from local law enforcement officials. The Director has the discretion to conduct periodic review of security features as appropriate.

(f) Loading of product shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the facility.

(11) *Noxious odors.* All cultivation centers shall operate in a manner that prevents odor impacts on neighboring premises or properties and, if necessary, the facility shall be ventilated with a system for odor control.

(12) *Conduct on site.*

(a) A cultivation center may not sell or distribute any cannabis to any individual or entity other than a dispensary organization registered under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.).

(b) It shall be prohibited to cultivate, manufacture, process or package any product, other than medical cannabis and cannabis infused products, at a cultivation center.

(c) It shall be prohibited to consume cannabis products in a cultivation center or anywhere on the site occupied by the cultivation center. A sign, at least eight and one-half by 11 inches, shall be posted inside a cultivation center building in a conspicuous place and visible to staff and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on cultivation center property".

(GGHH) *Medical cannabis dispensary (retail sales and services use category).*

(1) *Minimum distance from protected uses.*

(a) No medical cannabis dispensing organization shall be established, maintained, or operated on any lot that has a property line within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility.

(b) No medical cannabis dispensary shall be established, maintained or operated on any lot that has a property line within 500 feet of the property line of a pre-existing residential zoning district, place of worship, park, or forest preserve.

(2) *Measurement.* For the purposes of subsection (GG)(1) above, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which an applicable dispensary is located to the nearest point on any property line of any protected use (as identified in subsection (GG)(1) above).

(3) *Site plan review.* The use shall be subject to the Site Capacity Calculation/Site Plan Review procedures.

(4) *Compliance with state regulations and rules.* All dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto.

(5) *Single use site.* No dispensary shall be established in multiple use or tenant property or on a site that shares parking with other uses.

(6) *Setbacks.* Each medical cannabis dispensary shall be a minimum of 30 feet from its surrounding property lines.

(7) *Buffering from other medical cannabis dispensaries.* Each dispensary shall be a minimum of 1,000 feet from all other dispensaries, as measured from the applicable property lines.

(8) *Parking.*

(a) Parking shall be located in an area which is visible from a public road or a private road that is accessible to the public. It cannot be screened from the roadway with vegetation, fencing, or other obstructions.

(b) Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by dispensary staff and are continually recorded in a tamper-proof format.

(9) *Exterior display.* No dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights, or spot lights or any similar lighting system.

(10) *Signage and advertising.*

(a) All commercial signage for a dispensary shall be limited to one flat wall sign not to exceed ten square feet in area, and one identifying sign, not to exceed two square feet in area, which may only include the dispensary address; such signs shall not be directly illuminated. Exterior signs on the dispensary building shall not obstruct the entrance or windows on the dispensary.

(b) Electronic message boards and temporary signs are not permitted in connection with a dispensary.

(c) Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth, or language referencing cannabis.

(d) A sign shall be posted in a conspicuous place at or near all dispensary entrances and shall include the following language: "Only cardholders, designated caregivers, and staff may enter these premises. Persons under the age of 18 are prohibited from entering". The required text shall be no larger than one inch in height.

(e) Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque without text or graphics advertising or identifying the contents of the products contained within.

(11) *Drug paraphernalia sales.* Dispensaries that display or sell drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1 et seq.) and the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.).

(12) *Age and access limitations.* Each dispensary shall prohibit any person who is not at least 18 years of age from entering the dispensary facility. Dispensaries shall not employ anyone

under the age of 18. Access to the dispensary facility shall be limited exclusively to dispensary staff, cardholders, designated caregivers, local and state officials, and those specifically authorized under Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.).

(13) *Hours of operation.* A dispensary may operate between 6:00 a.m. local time to 8:00 p.m. local time.

(14) *Drive-thru windows.* Dispensaries may not have a drive-through service.

(15) *Security and video surveillance.*

(a) Each dispensary shall be an enclosed locked facility (“facility”). Each dispensary shall provide and maintain adequate security on the entire property on which the dispensary exists, including lighting, video surveillance, security personnel, and alarms reasonably designed to ensure the safety of persons and to protect the site from theft.

(b) The dispensary parking area, client entrance, sales area, back room, storage areas, and delivery bay and entrance shall be monitored by video surveillance equipment whose live images can be viewed by dispensary staff and continually recorded in a tamper proof format.

(c) A sign shall be posted in a prominent location which includes the following language “This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility or its patrons”.

(d) The Planning, Building and Development Director shall review the adequacy of lighting, security and video surveillance installations with assistance from local law enforcement officials. The Director has the discretion to conduct periodic review of security features as appropriate.

(e) Each dispensary shall report all criminal activities occurring on the property to the applicable law enforcement agency immediately upon discovery.

(f) Deliveries shall occur between 7:00 a.m. local time and 9:00 p.m. local time within a secure enclosed delivery bay and shall not be visible from the exterior of the facility.

(16) *Conduct on site.*

(a) Loitering is prohibited on the dispensary property.

(b) It shall be prohibited to consume cannabis products in the medical cannabis dispensary or anywhere on the site occupied by the dispensary. A sign, at least eight and one-half by 11 inches, shall be posted inside the dispensary building in a conspicuous place and visible to a client and shall include the following language: “Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on dispensary property”.

(~~HHH~~) *Mining and extractive uses (mining use category).*

(1) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review. In addition to information otherwise required, the site plan shall

show a plan for the proposed operation and rehabilitation of the site that shall include the following:

- (a) An outline of the area to be excavated;
  - (b) The proposed locations of sorting, grading, crushing, and similar equipment necessary to the operation and initial distribution of the excavated products;
  - (c) The proposed locations of any buildings, scale-house, equipment storage areas, and equipment repair sheds or areas; and
  - (d) The sequence of operations and the schedule of rehabilitation measures.
- (2) A plat of survey of the site, or a map, at a scale of no greater than one inch equals 100 feet, shall be submitted showing the existing topography at one-foot contour intervals.
- (3) The operation and rehabilitation of extractive products area shall be in accordance with the following conditions:
- (a) Excavation to a depth of more than ten feet shall not take place within 30 feet of any street or public right-of-way;
  - (b) Access ways and roads shall be maintained in a dust-free condition;
  - (c) All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, and damage to any street by slides, sinking, or collapse of supporting soil adjacent to an excavation. No extractive operation shall be conducted in a manner so as to lower the water table on surrounding properties;
  - (d) No excavation, removal, or fill shall be permitted if the finished conditions would contain the following:
    1. Deep pits having side slopes of greater than 30 degrees;
    2. Serious on-site erosion problems or erosion problems which could extend to neighboring properties; and
    3. Undrained depressions other than artificial lakes, or drainage problems which adversely affect neighboring properties.
  - (e) After completion of operations, and in accordance with the approved rehabilitation map, the premises shall be cleared of debris, and a layer of soil capable of supporting vegetation shall be spread over the premises to a depth of at least three inches (except for areas under water) and shall be seeded with grass or other groundcover to prevent erosion.
- (4) A performance assurance in the form of a letter of credit or cash bond shall be furnished to the county in an amount adequate to assure compliance with the approved rehabilitation plan. The exact amount and a termination date for the completion of operations and the rehabilitation of the tract shall be established in the conditional use permit review process and imposed at the time of approval, based upon the estimated costs of rehabilitating the site and the estimated length of time the operation will be conducted.
- (5) The hours and days of operation may be specified in the conditional use permit.

(6) The lifespan of the permit may be specified. Extension of the lifespan shall be subject to review and approval by the County Board.

(7) The site and its operations shall be subject to an annual review and inspection for compliance with this chapter.

(8) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

(9) The access drive from the site shall be paved with a surface of asphalt or concrete for a distance of at least 50 feet from the right-of-way of the public road from which access is taken. Provisions shall also be made to remove dust, dirt, mud, and other debris from vehicles exiting the site. The main road from which access is taken shall always be kept free of dust, dirt, mud, and other debris.

**(HJJ) Mobile home parks (household living use category).**

(1) *Land; ownership.* A mobile home park shall consist of a contiguous parcels of land that has been developed for the placement of mobile homes and is owned in its entirety by an individual, firm, trust, partnership, public or private association or corporation. No lots shall be individually sold.

(2) *Site capacity/site plan review.* The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(3) *Mobile homes.* Mobile homes shall be permitted only in approved mobile home parks, except where the agricultural exemption applies or when occupied as a temporary shelter in accordance with § [151.114](#). Mobile home/manufactured housing sales are classified in the “wholesale sales” use category. The sales activities shall be allowed only in zoning districts that allow wholesale sales uses.

(4) *Application and licensing requirements; inspections.*

(a) No person shall construct or expand any mobile home park unless they hold a valid permit according to § 4, Public Act 77-1472 Mobile Home Parks, State of Illinois and a permit is issued by the Planning, Building and Development Department in the name of the person for the specific proposed construction, alteration or extension.

(b) No person shall operate any mobile home park unless they hold a valid license issued annually by the Planning, Building and Development Department in the name of the person for the specific mobile home park. All applications for licenses shall be made to the Planning, Building and Development Department according to the provisions and licensing application forms provided by the Planning, Building and Development Department.

(c) Licensing inspections shall be performed annually by the Planning, Building and Development Department.

(5) *Minimum park size.* Mobile home parks shall be at least nine acres in size. Any addition to an existing mobile home park shall be sufficient to provide for a total site area of at least nine acres.

(6) *Density and open space.* Mobile home parks shall comply with the maximum density standard and minimum open space ratio established for the underlying zoning district.

(7) *Minimum lot area and width.* Every mobile home shall be located on a mobile home site having at least 4,000 square feet of land area exclusive of park streets. The minimum lot or site width shall be 40 feet.

(8) *Setbacks.* Minimum setbacks/ separations shall be as follows:

<i>Table 151.112(II)</i>		
	<i>Setback/Separation</i>	<i>Minimum Distance (Feet)</i>
1.	Mobile homes and accessory structures to mobile home park boundaries[a]	50
2.	Mobile homes and accessory structures to ultimate right-of-way of public street or highway[a]	30
3.	Mobile homes and accessory structures to interior streets[(a)1.a.]	10
4.	Mobile home to mobile home (side to side)[(a)1.a.][(a)1.b.]	20
5.	Mobile home to mobile home (end to end, staggered)[(a)1.a.][(a)1.b.]	10
6.	Mobile home to mobile home (end to end, not staggered)[(a)1.a.][(a)1.b.]	20
7.	Mobile homes to unattached accessory structures (on same or other site)	4
8.	Mobile homes and accessory structures to other mobile home park accessory structures, such as laundry buildings, community buildings and offices	20
9.	Mobile homes and accessory structures to any body of water	per §§ <a href="#">151.145</a> through <a href="#">151.154</a>

(a) 1. In mobile home parks that were legally established before July 1, 1998, mobile home dwelling units may be replaced even if the replacement unit does not comply with the mobile home setback and separation distances required by items 1, 2, 3, 4, 5, and 6 of [Table 151.112\(II\)](#) above, provided that the following minimum setbacks/separation distances are maintained:

- a. Mobile home to mobile home (side to side): ten feet;
- b. Mobile home to mobile home (end to end, staggered): eight feet;
- c. Mobile home to mobile home (end to end, not staggered): ten feet; and

d. Mobile homes and accessory structures may be no closer to mobile home park boundaries or ultimate rights-of-way than the dwelling units they replaced or the minimum setback distance, of item 1 or 2 of [Table 151.112\(II\)](#), whichever is less.

2. This provision shall not be interpreted as allowing additional mobile home units (above the number that existed on July 1, 1998) to be placed within the mobile home park, unless the additional units are allowed under the maximum density standards in effect at the time of application and the units comply with all applicable setback and separation standards for new mobile home parks.

(b) In measuring the minimum separation distance between mobile homes, measurements shall be taken from the outermost projection of the mobile home or from any attached accessory structure, such as decks, stairs, porches, and carports. For the purpose of this provision, a structure shall be considered attached if it is not separated from the mobile home by the minimum distance specified in item 7 of [Table 151.112\(II\)](#), above.

(9) *Mobile home stands.* All mobile homes shall be situated on a concrete slab or a set of piers or runners that meet all state requirements. Mobile homes shall be anchored in accordance with all applicable state requirements.

(10) *Streets and vehicular access.* All internal streets shall be privately owned and maintained. All internal streets shall have a minimum right-of-way width of 50 feet and minimum pavement width of 24 feet (minimum pavement width of 36 feet if on-street parking is allowed). All streets and vehicular access within the mobile home park shall be designed and constructed in accordance with all other applicable standards of this chapter, including the access, sight distance, intersection, right-of-way, paving, length, and vertical and horizontal curve standards. Drainage systems within the road right-of-way shall be closed curb and gutter systems.

(11) *Parking.* A minimum of two parking spaces shall be provided per mobile home site. Size and paving of each parking space shall conform to the standards of § [151.165\(H\)](#).

(12) *Tenant storage.* A minimum of 80 square feet/300 cubic feet of storage area shall be provided per each mobile home within the mobile home park. The required storage area may be located within a central, community storage building or in individual storage units on each mobile home site.

(13) *Required recreation area.* The amount of required recreation area shall be determined by the site capacity calculations. A recreation area shall be as centrally located as possible, free of traffic hazards, and easily accessible to all mobile home park residents. In larger mobile home parks, some decentralization of recreational areas shall be allowed. All recreation areas shall contain the following:

(a) Sufficient space for community use buildings, facilities, playing fields, and open spaces for active and passive adult, senior adult, and child-oriented recreational uses;

(b) Suitable landscaping, fencing and benching; and

(c) A series of pedestrian pathways that shall, as much as possible, be connected to the residential areas of the mobile home park through pedestrian pathway extensions.

(14) *Service buildings and other community facilities.* Management offices, repair shops, storage areas, sanitary facilities, laundry facilities, indoor recreation areas, service and recreational buildings, and commercial uses supplying essential goods or services for the exclusive use of park occupants shall be allowed as accessory uses and shall be constructed to meet all applicable requirements of the applicable building code.

(15) *Sewage disposal.*

(a) An adequate and safe sewage system shall be provided in all mobile home parks for the conveying, treatment, and disposal of sanitary sewage. When a public sewage system of adequate capacity is available within 250 feet of the site boundary, connection to the centralized sewage system shall be required.

(b) At least one sanitary station shall be provided in each mobile home. Sanitary stations shall be located at sites readily accessible to all mobile home park occupants and shall be approved in design and operation by the Lake County Health Department prior to permit issuance.

(16) *Water supply.* All mobile home parks shall be served by community or public water supplies. All community or public water supplies shall be designed and operated in accordance with all applicable standards and regulations of the Lake County Health Department, Lake County Department of Public Works, the Illinois Environmental Protection Agency and the Illinois Plumbing codes.

(17) *Electrical distribution systems.* All mobile home parks shall contain an electrical wiring system consisting of wires, fixtures, equipment, and appurtenances, which shall be installed and maintained in accordance with all applicable state and national electrical codes.

(18) *Lighting and illumination.* All lighting and illumination shall be designed and constructed to comply with § [151.168](#).

(19) *Refuse storage and collection.* As part of the conditional use permit application, the site plan shall also indicate the areas for refuse storage and collection and briefly describe the method of refuse storage, collection, and disposal.

(~~J~~~~K~~~~K~~) *Model airplane club (recreation and entertainment, outdoor use category).* The following standards shall apply to all model airplane clubs.

(1) The minimum flying area shall be 30 acres.

(2) A minimum 1,000-foot setback shall be maintained from the center of the flying field to the nearest residence that is not located on the subject property.

(~~K~~~~K~~~~L~~~~L~~) *Offices for non-retail nurseries (office use category).* The following standards shall apply only when a conditional use permit is required for establishment of the non-retail nursery.

(1) The minimum gross site area shall be ten acres.

(2) A minimum of 50% of the site shall be planted, grown, or propagated in nursery stock.

(3) Centralized offices for clerical and professional personnel may be maintained in one or more buildings for personnel performing functions for nursery-related businesses located elsewhere, but under the same ownership.

(4) The total allowable floor area shall be established as part of the conditional use permit.

(5) The height of office building shall not exceed 35 feet.

(6) Building setbacks and landscaping shall be established as part of the conditional use permit.

(7) Whenever the property ceases to be used as a non-retail nursery, all authorization for the conditional use permit for centralized offices shall lapse, and the conditional use permit shall terminate and become null and void.

(8) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

~~(LMM)~~ *Petroleum or chemical refining or production (industrial sales and service use category).*

(1) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(2) The site shall be a minimum of 200,000 square feet in size.

(3) The site shall have frontage on and access to an arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

(4) The access drive from the site shall be paved with a surface of asphalt or concrete for a distance of at least 50 feet from the right-of-way of the public road from which access is taken. Provisions shall also be made to remove dust, dirt, mud, and other debris from vehicles exiting the site. The main road from which access is taken shall always be kept free of dust, dirt, mud, and other debris.

~~(MMNN)~~ *Racetrack, animal (recreation and entertainment, outdoor use category).*

(1) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(2) The site shall have a minimum area of at least 20 acres.

(3) The racetrack and all building, viewing areas, seating areas, and structures for housing animals shall be located no closer than 250 feet from any ultimate public road right-of-way or site boundary line.

(4) If night racing is to be conducted, all parking areas and access ways shall be adequately lighted; provided that this lighting, as well as lighting for the racetrack, shall be shielded to prevent light and glare spillover to adjacent residential properties.

(5) All facilities for housing and maintaining equine shall comply with the following requirements:

(a) An approval for the facilities from the Lake County Health Department must accompany an application for a conditional use permit; and

(b) A 100-foot wide area of vegetation cover, exclusive of pasture area, shall be maintained between any corral, unvegetated exercise area, manure pile, or application area and any surface water or well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.

(6) All facilities for housing and maintaining other animals shall meet the conditions specified in the conditional use permit.

(7) The following accessory uses may be permitted as incidental to and limited to patrons of the principal use:

(a) Refreshment stands or booths;

(b) Souvenir stands or booths;

(c) Wagering facilities;

(d) Restaurants or lounges;

(e) Playgrounds and day care facilities; and

(f) Any other customary and incidental uses which may be deemed appropriate by the Zoning Board of Appeals or the County Board.

~~(NNOO)~~ *Racetrack, motor vehicle/motocross/BMX/ go-cart (recreation and entertainment, outdoor use category).*

(1) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#). Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(2) The site shall have a minimum area of at least 20 acres.

(3) The racetrack and all building, viewing areas, seating areas, and areas reserved for vehicles to be raced shall be located no closer than 300 feet from any ultimate public road right-of-way or site boundary line.

(4) All parking areas and access ways shall be adequately lighted; provided that this lighting, as well as lighting for the racetrack, shall be shielded to prevent light and glare spillover to adjacent properties.

(5) The following accessory uses may be permitted as incidental to and limited to patrons of the principal use:

(a) Refreshment stands or booths;

(b) Souvenir stands or booths;

- (c) Vehicle fuel and supplies sales limited to owners or operators of vehicles to be raced;
- (d) Temporary campgrounds;
- (e) Playgrounds and day care facilities; and
- (f) Any other customary and incidental uses which may be deemed appropriate by the County Board.

(~~OO~~PP) *Recreational vehicle parks (retail sales/ service, entertainment-oriented use category).*

*(Preface.)* This county’s recreational vehicle parks have enjoyed a long history. Nonetheless, a number of parks have been the source of environmental, traffic, aesthetic, and other negative impacts on surrounding communities. The following regulations have been adopted and shall be enforced in order to minimize the conflict between the recreational vehicle parks and the neighbors surrounding these parks and to ensure that the health, safety, and welfare of recreational vehicle park residents and neighbors is protected, enhanced, and maintained. Specifically, these regulations establish standards for the design, construction, alteration, extension and maintenance of recreational vehicle parks and related utilities and facilities; authorize the issuance of permits for construction, alteration, and extension of recreational vehicle parks; and provide for the licensing and inspection of recreational vehicle parks.

(1) *Use.* Recreational vehicle parks shall be considered a nonresidential use. Recreational vehicles shall be used for occupancy only in approved recreational vehicle parks or when occupied as a temporary shelter in accordance with § [151.114](#).

(2) *Applicability.* All recreational vehicle pad additions, relocations of pads for purposes other than compliance with the provisions of subsection (OO)(19) below, expansions to recreational vehicle parks and new recreational vehicle parks shall comply with all provisions of this chapter and obtain a conditional use permit (CUP). Any portion of an existing park where no additions or expansions are proposed shall not be required to be brought up to the standards of this chapter except all existing recreational vehicle parks shall comply with the provisions of Paragraph “19” if applicable. Adding accessory structures such as decks and porches to existing pads shall require permits but shall not be considered an expansion and shall not require a CUP.

(3) *Application, licensing and operational requirements; inspections.* All parks shall comply with the following application, licensing, operational, and inspection requirements.

(a) All applications for licenses shall be made to the Planning, Building and Development Department according to provisions and licensing forms available in the Planning, Building and Development Department. A map or a plat showing the site layout of recreational vehicle sites shall accompany the application.

(b) Each application shall be accompanied by a current license from the Illinois Department of Public Health.

(c) No person shall construct or expand any recreational vehicle park unless they hold a valid permit according to the requirements of this state and a permit issued by the Planning, Building and Development Department in the name of the person for the specific proposed construction, alteration, or extension.

(d) No person shall operate any recreational vehicle park unless he or she holds a valid license issued annually by the Planning, Building and Development Department in the name of the person for the specific recreational vehicle park.

(e) All existing and new parks shall only be permitted to operate between April 1 and October 31, and shall be closed for the remainder of the year. All water and gas service shall be disconnected from all recreational vehicles during the time the park remains closed.

(f) All recreational vehicle sites shall be sequentially numbered. The reflective site numbers shall be placed on a separate post on the site and shall be clearly visible. A map of the site layout with site numbers shall be placed at the entrance of the park in such a manner that it is clearly visible to the entrants. The base flood elevation for the park shall also be delineated on the map. A copy of the map shall be provided to the local fire protection district.

(g) No parking of any vehicles shall be permitted within any street right-of-way.

(h) Every person holding a license shall give notice in writing to the Planning, Building and Development Department within 24 hours of having sold, transferred, given away, or otherwise disposed of interest in or control of any recreational vehicle park. The notice shall include the name and address of the person succeeding to the ownership or control of the recreational vehicle park. Upon application in writing for transfer, the license shall be transferred if the recreational vehicle park is in compliance with all applicable provision of this chapter.

(i) Licensing inspections shall be performed annually by the Planning, Building and Development Department prior to the renewal of licenses.

(4) *Minimum size.*

(a) Recreational vehicle parks shall be at least 20 acres in size.

(b) Any addition to an existing recreational vehicle park shall be sufficient to provide for a total site area of at least 20 acres.

(5) *Site capacity/site plan review.*

(a) The use shall be subject to the site capacity calculation/site plan review procedures of § [151.070](#).

(b) Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(c) In addition to information otherwise required, the site plan shall show all recreation areas, pedestrian pathways, means of water supply, and sewage disposal.

(6) *Density and open space.*

(a) No recreational vehicle park shall have an overall density greater than 18 recreational vehicles per acre of land.

(b) No recreational vehicle park shall have more than one recreational vehicle or two camping units (tents) permitted on any one camp site.

(7) *Minimum site area.* Every recreational vehicle shall be located on a site having a minimum area of 1,500 square feet.

(8) *Required setbacks and separation.*

(a) The following setbacks and separation distances shall apply.

(b) In measuring these distances, all required setbacks and required separations shall be measured from the outermost edges of any steps, decks, or porches adjacent to the recreational vehicle.

(c) A recreational vehicle site shall not encroach into the ultimate public right-of-way or in any area designated as a buffer or landscape easement.

<i>Table 151.112(OO)(8)</i>	
<i>Setback/Separation</i>	<i>Minimum Distance (Feet)</i>
Accessory structure to any other structure on another recreational vehicle site	8 feet
Accessory structure to site boundary	4 feet
Recreational vehicle and accessory structure to any body of water	Per §§ <a href="#">151.145</a> through <a href="#">151.154</a>
Recreational vehicle and accessory structures to ultimate right-of-way of public street or highway	30 feet
Recreational vehicle or accessory structure to interior street	8 feet
Recreational vehicle to other structures accessory to a recreational vehicle structure	4 feet
Recreational vehicle to other structures accessory to recreational vehicle park, including community buildings and offices	16 feet
Recreational vehicle to recreational vehicle (end to end)	8 feet
Recreational vehicle to recreational vehicle (side to side)	8 feet
Recreational vehicle to recreational vehicle park boundaries	50 feet
Recreational vehicle to site boundary	4 feet

(9) *Accessory structures.* Decks and porches may be placed adjacent to the recreational vehicles, provided they are not attached to the recreational vehicle. The total combined area of all decks and porches shall not exceed the size of the recreational vehicle to which it adjoins or 250 square feet, whichever is less. The total area of covered decks and porches shall not exceed 150 square feet. The total area of any storage shed shall not exceed 80 square feet.

(10) *Streets and vehicular access.* Each recreational vehicle site shall have direct access from an internal park street. All internal streets shall be privately owned and maintained so that emergency vehicles can safely access all area of the site during the recreational vehicle park's

operating season. All internal streets shall have a minimum right-of-way width of 33 feet and minimum pavement width of 18 feet. The streets shall be constructed with an 18-foot wide gravel base with an eight-inch thickness of compacted gravel. A two-inch layer of bituminous surface may be placed on this gravel base. The roads shall be maintained in a dust free condition. All streets and vehicular access within a recreational vehicle park shall be designed and constructed in accordance with all other applicable standards of this chapter, including the access, sight distance, intersection, length, and vertical and horizontal curve standards. Drainage systems within the road right-of-way may be closed (curb and gutter systems) or open (grass swale or open ditch).

(11) *Parking.* A minimum of 1.25 parking spaces shall be provided per recreational vehicle camp site, one of which shall be located on each individual recreational vehicle camp site, the remainder to be located off-street. Size and paving of each parking space shall conform to the standards of § [151.165](#).

(12) *Required recreation areas.* In all recreational vehicle parks, a recreation area shall be provided that shall be as centrally located as possible, free of traffic hazards, and easily accessible to all recreational vehicle park residents. In larger recreational vehicle parks some decentralization of recreational areas shall be allowed. All recreational areas shall, in total, amount to at least 20% of the recreational vehicle park site and shall contain the following:

(a) Sufficient space for community use buildings, facilities playing fields, and open spaces for active and passive adult, senior adult, and child-oriented recreational uses;

(b) Suitable landscaping, fencing, and benching; and

(c) A series of pedestrian pathways that shall, as much as possible, be connected to the residential areas of the recreational vehicle park through pedestrian pathway extensions.

(13) *Sewage disposal.*

(a) An adequate and safe sewage system shall be provided in all recreational vehicle parks for the conveying, treatment, and disposal of sanitary sewage. When a public sewage system of adequate capacity is available within 250 feet of the site boundary, connection to the centralized sewage system shall be required.

(b) At least one sanitary station shall be provided in each recreational vehicle park. Sanitary stations shall be located at sites readily accessible to all park occupants and shall be approved in design and operation by the Lake County Health Department prior to permit issuance.

(14) *Water supply.* All recreational vehicle parks shall be served by community or public water supplies. All the community or public water supplies shall be designed and operated in accordance with all applicable standards and regulations of the Lake County Health Department, Lake County Department of Public Works, the Illinois Environmental Protection Agency and the Illinois Plumbing codes.

(15) *Electrical distribution systems.* All recreational vehicle parks shall contain an electrical wiring system consisting of wires, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with all applicable state and national electrical codes.

(16) *Lighting and illumination.* All lighting and illumination shall be designed and constructed to comply with § [151.168](#).

(17) *Group camping.* Areas may be specified for group camping, subject to the following standards.

(a) Group camping areas shall be at least one acre in area.

(b) Group camping areas shall contain at least one conveniently located toilet facility.

(c) Group camping areas shall not contain more than 40 RV or tent sites.

(d) Group camping areas may contain more than one RV or tent on any single site.

(e) In group camping areas, all recreational vehicles equipped for electrical service shall be required to use park service in lieu of other portable or self-contained power supply.

(f) Group camping areas shall not be permitted within 75 feet of recreational vehicle park boundaries.

(18) *Owners'/manager's units.* Each recreational vehicle park may have a maximum of two mobile homes or one detached dwelling and one mobile home for residential purposes of the owner or manager. Mobile homes shall comply with the standards of § [151.112](#)(HH).

(19) *Legal nonconforming recreational vehicle park.* Any recreational vehicle park that existed and was properly licensed by the State of Illinois on or before July 13, 1976 and fails to meet the requirements of this chapter shall be considered a legal nonconforming use and shall be subject to the nonconforming provisions of this chapter. Any expansions or additions made subsequent to July 13, 1976 to these legal nonconforming parks shall be subject to the provisions of this subsection (NN)(19). Any park established subsequent to July 13, 1976 which failed to meet the requirements of the Recreational Vehicle Park Ordinance approved by the County Board on July 13, 1976 shall also comply with the provisions of this subsection (OO)(19). All existing parks or portions of existing parks that are subject to the provisions of subsection (OO)(19) shall be brought into compliance with the following minimum requirements by March 31, 2004:

(a) *Site capacity.* Site capacity, site plan review and natural resource protection standards and procedures of § [151.070](#).

(b) *Setbacks.*

1. All internal setback requirements of this chapter;

2. All recreational vehicles shall be set back at least 20 feet from any body of water;

3. The following setbacks and landscaping standards shall be met along the boundaries of the recreational vehicle parks that abut residential uses, residential zoning, or public streets. Whenever the regulations require installation of a fence, the fence shall be placed along the interior boundary of the setback and the plant materials shall be installed along the outside of the fence facing the residential use, residential zone, or the public street:

<i>Table 151.112(OO)(19)</i>	
<i>Required Plant Material/100 Feet</i>	
For 25-foot setback	3 canopy trees
	2 understory trees
	3 evergreen trees
	8 shrubs
	6-foot high, 95% opaque fence placed at the higher intensity use
For 30-foot setback	2 canopy trees
	1 understory tree
	3 evergreen trees
	7 shrubs
	6-foot high, 95% opaque fence placed at the higher intensity use
For 40-foot setback	1 canopy tree
	1 understory tree
	2 evergreen trees
	6 shrubs
	3 feet high, 25% opaque fence placed at the higher intensity use
For 50-foot setback	1 canopy tree
	1 understory tree
	2 evergreen trees
	5 shrubs

4. The Planning, Building and Development Director shall be authorized to modify the landscaping standards based on topography, existing vegetation, and other site conditions, provided that adjoining properties are still afforded a comparable level of protection; and

5. Each park shall have submitted a site plan demonstrating compliance with the above stated provisions by March 31, 2002 and shall have obtained approval of the site plan no later than January 1, 2003. Non-compliance with this requirement shall result in either revocation or discontinuation of license. The county shall respond to each submittal of the site plan within 60 days of the submittal date and take final action on the site plan no later than January 1, 2003.

(PPQQ) *Recycling center (waste-related use category).*

(1) The use shall be subject to the site capacity calculation/site plan review procedures of § 151.070. Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

(2) The site shall have a minimum area of at least 80,000 square feet.

(3) There shall be at least two parking spaces per 100 square feet of floor area open to the public.

(4) All processing operations shall be conducted within an enclosed structure.

(5) All vehicles, or parts thereof, on the premises shall be operable and shall meet all state and federal licensing requirements.

(6) Outdoor storage shall be limited to drop-off recycling bins and shall be fenced with a solid fence of at least six feet, but not more than eight feet in height. Storage may not exceed the height of the fence.

~~(QQRR)~~ *Religious institution.* The standards of this subsection shall apply when a Religious Institution is located within a platted residential subdivision and takes direct access exclusively to a local road:

(1) *Operational requirement.* Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m.; any assembly occurring outside these established hours of operation shall require a temporary use permit in accordance with § [151.114](#)(K). A maximum of 15 such events per calendar year (per zoning lot) shall be permitted. Requests for modifications or waivers from the limits of this subsection (QQ)(1) shall require review and approval in accordance with the delegated conditional use permit procedures of § [151.070](#). This operational requirement shall not apply to the following activities: ancillary activities unrelated to the core congregate/worship practice, involving, in the aggregate, only a subset of the members of the religious institution and only a fraction of the assembly space.

(2) *Classification.* A school, day care, or camp associated with the use shall be classified as a separate principal use.

~~(SS)~~ *Rural Business*

(1) *Site Plan Review.* The use may be subject to the Site Capacity Calculation/Site Plan Review procedures of § [151.070](#).

(2) *Site Area.* The site shall have a minimum area of at least 200,000 square feet. No more than 10 percent of the site may be used for exposed material and equipment storage, not including the access drive. However, outside storage of material or equipment in excess of 10 percent on agricultural sites of 200,000 square feet or more, shall require a conditional use permit and may be subject to additional conditions.

(3) *Location.* Rural Businesses shall not be located on lots within platted subdivisions.

(4) *Setbacks.* All structures, activities, and storage areas shall comply with Table [151.125](#)(4).

(5) *Outdoor Storage.* Equipment, parking facilities, and material storage shall be screened from adjoining properties. For those uses allowed by right, material storage shall not exceed 10 feet in height or a height established by the Conditional Use Permit.

~~(RRTT)~~ *Service stations (vehicle service, limited use category).*

(1) The use may be subject to the site capacity calculation/site plan review procedures of § 151.070. Site capacity/site plan review shall be conducted concurrently with any required review.

(2) All services except fuel and motor oil sales shall be performed within a completely enclosed building.

(3) Service stations shall store all refuse and vehicle parts within a completely enclosed building or within an area that is completely screened from view of residential uses.

(4) Islands, including pumps and underground fuel storage tanks, shall be set back a minimum of 20 feet from all ultimate public road rights-of-way. Canopies shall be set back a minimum of ten feet from any public road ultimate right-of-way and property line.

(5) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.

(UU) Solar Energy Systems. Medium and large-scale solar energy systems are permitted as a principal use in the LI and II districts and shall require a conditional use permit in all other zoning districts. Small-scale solar energy systems are permitted as a principal use in all nonresidential zoning districts and require a conditional use permit in all residential zoning districts. Except as expressly provided for in this section, the following standards shall apply to all principal use solar energy systems:

(1) Approval. Medium and large-scale solar energy systems in all zoning districts shall be subject to the Site Capacity Calculation/Site Plan review procedures of 151.070. Site Capacity/Site Plan Review shall be conducted concurrently with any required conditional use permit review.

(2) Fencing. Medium and large-scale solar energy systems shall be enclosed with an approved fence that restricts access to the public. Such fencing shall, at a minimum, encompass the entire system's facility, contain a locking mechanism, and be subject to the fence regulations of 151.113(J)(1).

(3) Height. The total height shall not exceed 15 feet, as measured from grade to the highest point of the solar arrays.

(4) Lot coverage. Ground mounted solar panels are not subject to Impervious Surface Ratio (ISR) calculations of Sections 151.125, 151.233(C)(1)(e), and 151.233(C)(2)(f).

(5) Site Development Permits. A site development permit may be required, per regulations set forth in Section 151.145(B), depending on proposed foundation, footings, and/or site disturbance.

(6) Location and setbacks. Principal use solar energy systems must meet the setback requirements for a principal structure in the underlying zoning district.

(7) Concentrated solar technology. No solar energy system may utilize concentrated solar thermal technology in any zoning district.

(SSVV) *Shooting/archery range, outdoor (recreation and entertainment, outdoor use category).*

(1) The site shall have a minimum area of at least 40 acres for a shooting range or 20 acres for an archery range.

(2) The petitioner shall submit a site capacity calculation and a detailed site plan showing the layout and design of the proposed outdoor shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch = 100 feet.

(3) The petitioner shall submit a detailed written narrative describing the proposed use. This narrative shall, at a minimum, describe the type of range (i.e., public, private, or government), the type of firearms and targets expected to be used, and the days and hours of operation. The County Board may impose conditions in the conditional use permit on the layout and design of the range, and the days and hours of operation.

(FFWW) *Telecommunications facilities (telecom-munications facilities use category).* The provisions of Illinois Compiled Statutes which authorize counties to regulate certain specified facilities of a telecommunications carrier, 55 ILCS 5/5-12001.1, are incorporated by reference and made a part of this chapter. (See commentary below.)

**COMMENTARY:**

In general terms, Illinois Statutes establish the following regulations for Telecommunications Facilities:

Regardless of location or height, an antenna may be attached to any existing structure or new structure permitted by this Ordinance (a “qualifying structure”) provided that the antenna does not extend more than 15 feet above the height of the structure.

A residentially zoned lot that is less than 2 acres in size and is used for residential purposes shall not be used for a facility. The height of a telecom-munications facility shall not exceed 75 feet if the telecommunications facility will be located in a residential zoning district or 200 feet if the telecommunications facility will be located in a nonresidential zoning district. No portion of a telecommunications facility’s supporting structure or equipment housing shall be less than 15 feet from the front lot line of the facility lot or less than ten feet from any other lot line. If the supporting structure is an antenna tower other than a qualifying structure then (1) if the telecommunications facility will be located in a residential zoning district, the telecommunications facility shall be set back from the nearest residentially zoned lot by a distance of at least 50 percent of the height of the telecommunications facility’s supporting structure or (2) if the telecommunications facility will be located in a nonresidential zoning district, the horizontal separation distance to the nearest principal residential building shall be at least equal to the height of the telecommunications facility’s supporting structure.

The county’s review of a building permit application for a telecommunications facility shall be completed within 30 days. If a decision of the County Board is required to permit the

establishment of a telecommunications facility, the county's review of the application shall be simultaneous with the process leading to the County Board's decision.

The County Board may grant variations affecting the location, height or setback of a facility, after a public hearing on the proposed variations conducted before the Zoning Board of Appeals, by a favorable vote of a majority of the members present at a meeting held no later than 75 days after submission of an application. If the County Board fails to act on the application within 75 days after submission, the application shall be deemed to have been approved. In its consideration of an application for variations, the County Board and Zoning Board of Appeals shall consider only those standards specified by Statute. It is Lake County's desire to minimize the erection of new cellular communications towers. To that end, Lake County encourages new antennas to be located on existing, permitted structures. When this is not possible or practical, a lot located outside of a residential zoning districts is the most desirable location. A lot within a residential zoning district that is not used for residential purposes is the next most desirable location. The least desirable allowed location is a residentially zoned lot of more than two acres which is used for residential purposes.

It is also Lake County's desire to minimize the impact of new cellular communication towers on surrounding property. To that end, the County encourages new towers to utilize "stealth technology". For purposes of this commentary, "stealth technology" means those features, materials, or equipment that are designed to hide, disguise, or otherwise soften the appearance of towers.

~~(UUX)~~ *Utility installation and service, public or private.* A conditional use permit shall be required of all buildings and structures not specifically exempted from zoning regulations by state statutes and not specifically permitted by right within a zoning district, pertaining to water, sanitary sewer, gas, telephone, and electric utilities. Any sewage treatment involving surface discharge or land application not exempted by state statute shall require a conditional use permit. Regardless of exempt or non-exempt status, all public and private utility installations shall comply with the site development regulations of §§ [151.145](#) through [151.154](#).

~~(VYY)~~ *Vehicle repair (vehicle repair use category).*

(1) *Setback.* All vehicles shall be set back at least five feet from the right-of-way and all property lines. Vehicles shall not be parked within an intersection visibility triangle (unless otherwise) permitted pursuant to § [151.172](#). Concrete wheel stops or other permanent barriers shall be installed to prevent vehicles from encroaching on required setbacks. In lieu of providing side and rear setbacks, landowners of adjoining properties shall be entitled to enter into an agreement that provides for a waiver or partial waiver of the requirements. The agreement shall be in the form of a covenant or deed restriction and shall require approval of the Planning, Building and Development Director. Once approved, the agreement shall be recorded by the County Recorder of Deeds and shall run with the land.

(2) *Operational requirements.* All vehicle repair uses shall comply with the following operational requirements: no vehicles shall be parked outdoors on the site of a vehicle repair use for over 14 consecutive days except in the II Zoning District. For purposes of this provision, outdoor storage of vehicles will be deemed to have occurred if a vehicle remains outdoors for over 14 consecutive days or if a vehicle does not have current license tags and remains outdoors

for any length of time. Regardless of the above, a vehicle repair use may have 15% of the site area, excluding area in floodplain and wetland, designated for long-term parking of vehicles that are either in the process of repair or title acquisition. This area shall be fenced-in with an eight-foot high solid fence. No vehicles shall be stored in this area for more than three months. No vehicle, without current license tags or missing body panels (e.g., hoods, trunks, fenders, doors, and the like), shall be stored outside of this fenced-in area for any length of time.

(Ord., § 6.3, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed 10-9-2012; Ord. passed - -; Ord. passed - -; Ord. 15-0701, passed 7-14-2015) Penalty, see § [10.99](#)

### **§ 151.113 ACCESSORY USES.**

(A) *Authorization.* Except as otherwise expressly provided in this chapter, accessory uses and structures shall be allowed only in connection with any lawfully established principal use.

(B) *General standards.* All accessory uses shall comply with the following standards.

(1) Unless otherwise expressly stated, accessory uses and structures shall be located on the same zoning lot as a lawfully established principal use and cannot continue in the absence thereof unless lawfully converted to a permitted principal use. Notwithstanding the above, an underground improvement such as a septic system and/or well located on an abutting parcel under common or separate ownership may be allowed.

(2) (a) No accessory structure or use shall be constructed or established on any lot prior to the issuance of a building permit for the principal structure or an occupancy permit for a principal use to which it is accessory.

(b) This provision shall not prohibit the issuance of a permit for a detached garage at the time of issuance of a building permit for a principal dwelling unit on the subject parcel.

(3) (a) Unless otherwise expressly stated, accessory structures and uses shall comply with all applicable regulations of this chapter, including the floor area ratio, impervious surface ratio, height and setback regulations (see also subsection (C) below).

(b) No accessory use or structure shall cause any of these standards to be exceeded for the underlying zoning district.

(4) No accessory structure may be located within four feet of any other structure except fences, any at-grade improvements, or any other structures that do not unreasonably impede access for emergency and/or maintenance purposes or otherwise create a fire or safety hazard.

(5) (a) Accessory uses and structures must be subordinate to the principal use and structure on the subject lot in terms of area, extent, and purpose.

(b) The total gross floor area of all accessory structures on a lot shall not exceed one and one-half times the total gross floor area of the principal structure on the lot.

(c) Nonresidential or agricultural-exempt uses, or hoopouses or greenhouses, exclusively used for growing [ornamental plants or](#) plants for local food production in residential zoning districts, shall be exempt from area-related provisions for accessory structures.

(6) Signs shall be subject to § [151.173](#).

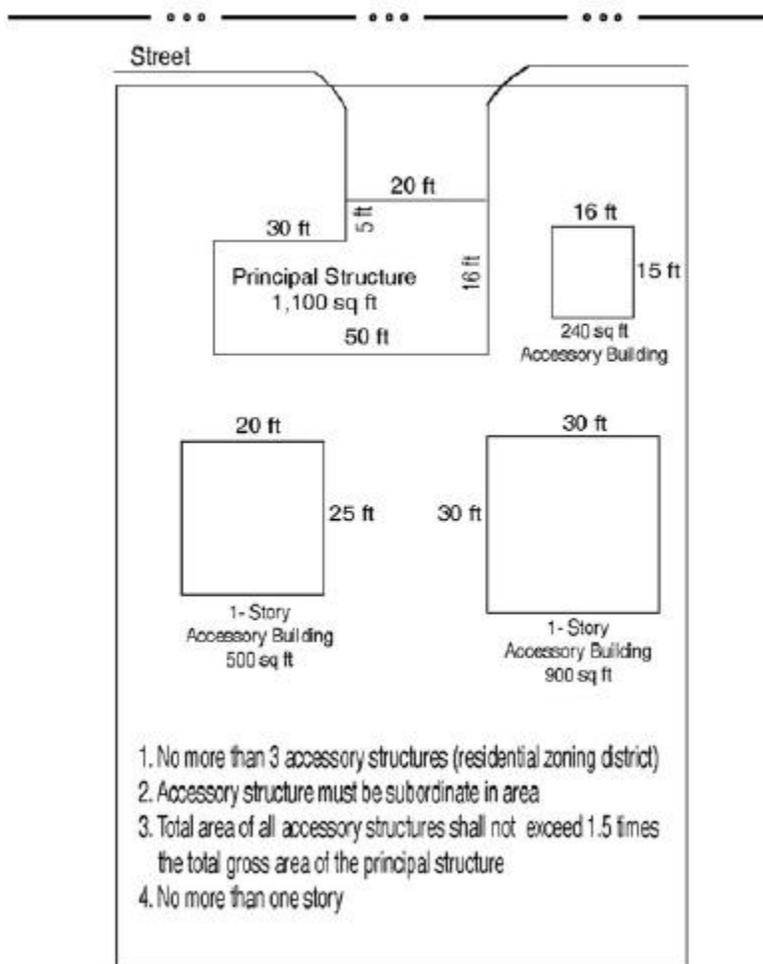
(7) (a) No more than three accessory buildings associated with a principal residential use shall be located on a single parcel in a residential district.

(b) 1. There shall be no limit on the number 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 (subsection (B)).

2. The provisions of this subsection (B)(7) shall not apply to agricultural-exempt uses.

(c) Hoophouses or greenhouses, exclusively used for growing [ornamental plants or](#) plants for local food production in residential zoning districts, open gazebos, [pergolas](#) swimming pools, cabanas, [ground-mounted solar energy systems](#) or similar structures shall not be counted as buildings for purposes of this provision. (See [Figure 151.113](#).)

*Figure 151.113: Accessory Structures*



(8) A basement shall not be permitted in any accessory structure; however, a crawl space may be permitted. An attic shall be permitted in an accessory structure only if the rafter or ceiling height is no greater than six feet and the attic is used for storage purposes only.

(9) Uses prohibited as accessory uses:

- (a) Uses specifically prohibited by subsections (E)(5) and (L) of this section;
- (b) Recreational use of motorized vehicles as residential accessory uses;

(c) Temporary hoophouses, greenhouses, or other frame-designed structures not meeting applicable building codes except as allowed under the state’s agricultural exemption or for exclusively growing ornamental plants or plants for local food production in residential zoning districts;

(d) Temporary storage structures, including trailers and freight containers not meeting building codes; and

(e) Donation drop-off containers.

(C) *Height and setback standards.*

(1) *Height.* The following height standards shall apply to accessory uses and accessory structures unless otherwise expressly stated:

<b>Zoning District</b>	<b>Maximum Height (§ <a href="#">151.131(C)</a>)</b>
AG	30 feet/1 story
RE	25 feet/1 story
E	25 feet/1 story
R1	25 feet/1 story
R2	25 feet/1 story
R3	25 feet/1 story
R4	25 feet/1 story
R-4A	25 feet/1 story
R5	25 feet/1 story
R6	25 feet/1 story
RR	25 feet/1 story
GO	30 feet/1 story
LC	30 feet/1 story
RC	30 feet/1 story
GC	30 feet/1 story
LI	30 feet/1 story
II	30 feet/1 story

OS	30 feet/1 story
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(2) *Setbacks.*

(a) *Residential development.* In residential zoning districts, accessory uses and structures shall meet the ~~front street~~ setback requirement of the underlying zoning district. No accessory use or structure may be located within six feet of any side or rear property line.

(b) *Nonresidential.* In nonresidential zoning districts, accessory uses, and structures shall meet all the setback requirements of the underlying zoning district.

(D) *Accessory dwellings and caretaker’s residences.*

(1) *Where allowed.*

(a) *Accessory dwelling units.* Accessory dwelling units (attached to or detached from the principal structure) shall be an allowed accessory use to any allowed detached house use on lots in the AG, RE, E, R-1 Districts with a minimum area of 80,000 square feet or more. Any attached accessory dwelling unit may be located within any level of the house to which it is attached, but shall not internally exceed one story.

(b) *Caretaker’s residences.* Caretaker’s residences shall be an allowed accessory use to any allowed nonresidential use.

(2) *Other ordinance standards.*

(a) *Accessory dwelling units.* Accessory dwelling units shall comply with the building codes, codified as [Chapter 150](#). Accessory dwelling units shall be subject to all setback, ~~height~~ and impervious coverage standards that apply to principal structures in the underlying zoning district. The maximum height of detached accessory dwelling units shall be subject to the accessory standards of subsection (C)(1) above.

COMMENTARY:  
The existence of an accessory dwelling will not be accepted as a justification for rezoning to a higher density residential district.

(b) *Caretaker’s residences.* Caretaker’s dwelling units shall be subject to all setback, ~~height~~, and impervious coverage standards that apply to principal structures in the underlying zoning district. The maximum height of detached caretaker’s residences shall be subject to accessory standards of subsection (C)(1) above.

(c) *Maximum number of units.* No more than one accessory dwelling unit or caretaker’s residence shall be allowed on a lot unless otherwise expressly allowed by this chapter or state law.

(3) *Occupancy.*

(a) *Accessory dwelling units.* The combined total number of individuals that reside in the principal and accessory dwelling units shall not exceed the number that is allowed for a single household. See definition of “household”. If the subject parcel has an area of more than 200,000 square feet, an accessory dwelling may be occupied by a domestic or farm employee and the employee’s immediate family, regardless of the number of family members. The owner of the real property upon which the accessory dwelling unit is located must occupy either the principal or accessory dwelling unit.

(b) *Caretaker’s residences.* Care-taker’s residences shall be occupied exclusively by the caretaker and his or her immediate family.

(4) *Size.*

(a) *Accessory dwelling units.* Any accessory dwelling unit shall contain no more than one bedroom and no more than 1,000 square feet of gross floor area.

(b) *Caretaker’s residences.* A care-taker’s residence shall contain no more than 1,000 square feet of gross floor area.

(E) *Customary home occupations.*

(1) *General.* Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. The home occupation regulations of this subsection (E) are intended to permit residents to engage in customary home occupations, while ensuring that the home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations (an accessory use) remain subordinate to the allowed principal use (residential) and that the residential viability of the dwelling unit is maintained. Approval of a zoning certificate shall be required.

(2) *Allowed uses.* The home occupation regulations of this subsection (E) establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this subsection (E) will be allowed as home occupations unless they are specifically prohibited. The home occupation must be clearly incidental to the use of the dwelling as a residence.

(3) *Where allowed.* Home occupations that comply with the regulations of this section shall be allowed as an accessory use to any allowed residential use.

(4) *Size.* A home occupation shall occupy less than 50% of the floor area of the principal dwelling unit.

(5) *Prohibited uses.*

(a) *Vehicle and large equipment storage/repair.* Any type of repair, assembly, or storage of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited as a home occupation.

(b) *Dispatch centers.* Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.

(c) *Animal care or boarding facilities.* Animal care or boarding facilities are not allowed as home occupations. This includes animal hospitals, kennels, public stables, and all other types of animal boarding and care facilities.

(d) *Barber shops, beauty shops, and nail salons.* Barber shops, beauty shops, and nail salons and similar cosmetology services shall be prohibited as home occupations when not served by community sewer systems.

(e) *Food service businesses.* Food service businesses, including all types of restaurants and food catering operations, shall be prohibited as home occupations. [Cottage Food Operations, which permits production of certain food items in the kitchen of a person's primary residence for sale exclusively at farmers' markets, shall be allowed as a home occupation.](#)

(f) *Mobile (off-site) vehicle servicing.* Associated storage for mobile vehicle servicing involving service calls to clients' off-site locations, consisting of repair, detailing, and servicing of boats, recreational vehicles, and other consumer vehicles, is not allowed as a home occupation. The maintaining of a home office for the business and the parking of a commercial vehicle in accordance with subsection (L) below shall be allowed as a home business.

(g) *Contracting businesses.* Associated storage for contracting businesses, including plumbing, electrical, carpentry, and other trades, and storage thereto, is not allowed as a home business. The maintaining of a home office for the business and the parking of a commercial vehicle in accordance with subsection (L) below shall be allowed as a home business.

(6) *Employees.* A maximum of two nonresident employee shall be allowed in conjunction with a home occupation. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

(7) *Resident operator.* The operator of a home occupation shall be a full-time resident of the dwelling unit.

(8) *Signs.* No signs shall be allowed.

(9) *Location.* All activities and storage areas associated with home occupations must be conducted and located inside the principal dwelling unit, not in detached buildings or garages.

(10) *Exterior appearance.* There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of the prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.

(11) *Customers.* Customers may visit the site only during the hours of 8:00 a.m. to 8:00 p.m., and no more than six customers or clients may visit the site in any single day.

(12) *Operational impacts.*

(a) No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference, or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted.

(b) No hazardous substances may be used or stored in conjunction with a home occupation.

(13) *Deliveries.* Deliveries or pickups of supplies or products associated with home occupations are allowed only between 8:00 a.m. and 8:00 p.m. Vehicles used for delivery and pickup are limited to those normally servicing residential neighborhoods.

(14) *Retail sales and display.*

(a) No stock-in-trade shall be produced upon the premises, with the exception of the following:

1. The hand-assembly or hand-crafting of arts and crafts. For purposes of this subsection (E)(14), the kiln-firing of hand-wrought or hand-painted ceramics shall also be permitted.

2. The hand-wrapping or finishing of gift baskets, variety packs, or other similar multi-content stock, wherein the component items have been manufactured elsewhere.

(b) No stock-in-trade shall be sold upon the premises, with the exception of the following:

1. The trans-shipment or pre-arranged pickup of items specifically pre-ordered or pre-purchased by a customer, with the exception of vehicles and large equipment as described in subsection (E)(5)(a), above; and

2. The direct shipment of items to a customer that were specifically pre-ordered or pre-purchased by the customer.

(15) *Number.* There shall be no limit on the number of home occupations, provided that the home occupations in cumulative total comply with the standards of this section.

[\(F\) Cottage Food Operations. Cottage Food Operations shall be subject to the home occupation provisions of subsection \(E\) above. The operator must annually submit an Application for Cottage Food Operation registration form to the Lake County Health Department.](#)

Commentary: The Illinois Cottage Food Operation Act, 410 ILCS 625, provides additional standards for the preparation and sale of food under a Cottage Food Operation, including compliance with applicable health regulations

(G) Rural Home Occupations

(1) General. The purpose of rural home occupations is to provide a means to allow business activity of a greater intensity than that of a customary home occupation, while still maintaining compatibility with the rural character of the surrounding area. Residents on larger lots located in rural areas may be able to conduct higher intensity uses with little or no effect on surrounding properties. The business activity shall be conducted within the dwelling or one accessory building. The use of the property for a rural home occupation must be clearly incidental and subordinate to the residential use.

(2) Allowed Uses. The rural home occupation regulations of this subsection (F) establish performance standards rather than detailed lists of allowed rural home occupations. Uses that comply with all of the standards of this subsection (F) will be allowed as rural home occupations unless they are specifically prohibited. The rural home occupation must be clearly incidental to the use of the dwelling as a residence.

(3) Where Allowed. The minimum lot size for a rural home occupation is 80,000 square feet. For zoning lots less than 80,000 square feet, the provisions of § 151.113(E) shall apply. The rural home occupation may occupy either a portion of the principal residential dwelling or one accessory building. Detached accessory structures, which are used in conjunction with a rural home occupation, shall conform to all applicable principal setback and building separation requirements.

(4) Size. Operations and storage associated with the rural home occupation shall occupy less than 50% of the floor area of the principal dwelling unit or in one accessory building. The portion of the accessory building devoted to the rural home occupation shall not exceed 1,000 square feet. Incidental office work occurring in the principal structure in conjunction with the primary use of an accessory structure for the rural home occupation shall not apply towards the allowable gross floor area.

(5) Prohibited Uses. Prohibited uses include outdoor storage, repair of large equipment, vehicle repair not incidental to the maintenance or repair of vehicles associated with the home occupation, dispatch centers, and kennels. Barber shops, beauty shops, and nail salons are allowed only when served by community sewer systems.

(6) Employees. A maximum of three nonresident employees shall be allowed in conjunction with a rural home occupation. For the purpose of this provision, the term “nonresident employee” includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the rural home occupation.

(7) Resident operator. The operator of a rural home occupation shall be a full-time resident of the dwelling unit.

(8) Signs. No signs shall be allowed.

(9) Location. All activities and storage areas associated with rural home occupations must be conducted and located inside the principal dwelling unit or inside one accessory structure that meets the principal residential structure setbacks for the district.

(10) Exterior Appearance. There shall be no visible evidence of the conduct of a rural home occupation when viewed from the street right-of-way or from an adjacent lot. No outdoor storage of materials or goods shall be permitted.

(11) Customers. Customers may visit the site only during the hours of 8 a.m. to 8 p.m., and no more than six customers or clients may visit the site in any single day.

(12) Operational Impacts.

(a) No rural home occupation or equipment used in conjunction with a rural home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible to the nearest residential structure on an adjoining parcel.

(b) No hazardous materials may be used or stored in conjunction with a home occupation.

(13) Vehicles. Outside storage of commercial vehicles must meet all standards of § 151.113(L). Off-street parking spaces shall be provided for all employees and patrons.

(14) Inspections. Rural home occupations shall be subject to monitoring inspections during normal business hours as necessary to ensure the occupation and use of the property remains in compliance with the standards of this subsection.

~~(FH)~~ *Bed and breakfast.* Bed and breakfast operations shall be subject to the home occupation provisions of subsection (E) above and the following standards, provided that the home occupation customer limits of § 151.113(E)(11) above shall not apply. In the event of conflict, the following standards shall apply.

**COMMENTARY:**

The Illinois Bed and Breakfast Act, 50 ILCS 820, provides additional standards for the establishment of a bed and breakfast, including compliance with applicable health and fire safety regulations.

(1) *Guest rooms.* No more than five bedrooms or guest rooms shall be rented per night.

(2) *Health Department approval.* Approval and inspection by the Lake County Health Department shall be required.

(3) *Planning, Building and Development Department approval.* Approval and inspection by the Planning, Building and Development Department shall be required.

(4) *Signs.* A maximum of one sign with a maximum area of one square foot shall be allowed.

(5) *Length of stay.* Occupancy by any guest shall not exceed seven consecutive days. A permanent register shall be maintained to show the names and signatures of all guests.

~~(GI)~~ *Private stables.*

(1) *Zoning.* Private stables shall be allowed only in the AG, RE, E, and R-1 Zoning Districts, provided that all applicable standards are met.

(2) *Lot area.* The minimum lot area shall be 80,000 square feet for the first two equine, plus an additional 40,000 square feet for each additional equine. There shall be no limit on the number of equine kept on parcels with an area of 200,000 square feet or more.

(3) *Setbacks.* The following minimum setbacks shall be provided:

(a) On parcels of less than 200,000 square feet, all feed and bedding shall be stored indoors;

(b) Stables on parcels of at least 200,000 square feet shall be regulated in accordance with § [151.112\(C\)\(1\)](#);

(c) Pastures enclosing an undivided area of at least 40,000 square feet may extend to the lot line; and

(d) All stable buildings and corrals shall be set back from all lot lines and rights-of-way lines as follows:

1. From nonresidential districts (including AG), RE, E, and R-1 - 30 feet; and
2. From R-2, R-3, R-4, R-5, R-6, and RR Districts - 100 feet.

**COMMENTARY:**

Fenced enclosures for equine shall be considered corrals, and subject to corral setbacks, if containing less than 40,000 square feet of undivided space. Manure shall be regulated in accordance with Lake County Health Department regulations.

~~(H)~~ *Hoophouses.*

(1) Hoophouses and greenhouses on residentially zoned properties shall be used for the primary exclusive purpose of growing plants ornamental plants or for local food production. Hoophouses shall not exceed, in the aggregate, 100 square feet in area for ~~each lot~~ 10,000 square feet in lot area or less. An additional 100 square feet in area shall be allowed for each additional 20,000 square feet in lot area There shall be no limit on the size or number of hoophouses kept on agriculturally exempt parcels with an area of 200,000 square feet or more.

(2) Location and setbacks. Hoophouses shall not be located between the principal building and any improved road right-of-way. In the case of an unimproved right of way, this provision may be modified by the Planning, Building and Development Department Director in consultation with the appropriate local roadway authority.

~~(23)~~ Hoophouses shall be covered with a colorless and transparent, plastic, polyethylene-film material and shall be maintained intact with all parts secure. Any repairs shall maintain consistency in appearance and condition with the original construction. The hoophouse must be replaced, removed, or repaired upon evidence of deterioration.

(~~IK~~) *Private swimming pools and tennis courts.*

(1) *Setbacks.* Pools and tennis courts, including but not limited to ~~aprons,~~ walls, and equipment rooms, shall not extend into any required setback area.

(2) *Fences.* Swimming pools of more than two feet in depth shall be provided with a protective barrier in accordance with the building code.

(3) *Private use only.* A pool or tennis court accessory to a principal residential use shall not be operated as a business or private club.

(~~JL~~) *Fences and walls.*

(1) *Fences and walls.* Fences and walls shall be permitted in any required setback (except within required visibility triangles, see § [151.172](#)). The finished/ornamental side of the fence shall face outward; ~~provided,~~ however, ~~that~~ this requirement may be waived by the Planning, Building and Development Director if it is determined no practical benefit is served based upon an assessment of site conditions. The maximum height of walls and fences shall be six feet, or six feet six inches when the fence is required to be elevated due to the drainage requirement. 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 eight feet. However, an eight-foot high fence or a wall may be allowed separating residential and nonresidential uses without the Planning, Building and Development Director's authorization. The finished/ornamental side of the fence shall face outward. Fences 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 subsection (C)(1). If a recreational fence is greater than six feet in height, it shall be a minimum of 90% open. Fences and walls shall be permitted in any required setback (except within required intersection, visibility triangles, see § [151.172](#), or within designated open space areas, unless otherwise permitted pursuant to § [151.072\(A\)\(1\)](#).

(2) *Retaining walls.* Retaining walls (i.e., walls that support fill) shall be set back a minimum of four feet from all property lines unless site conditions warrant a lesser setback, in which case, the Planning, Building and Development Director shall be authorized to allow a reduced setback. Retaining walls shall not be permitted within required visibility triangles (see § [151.172](#)). The maximum height of retaining walls shall be six feet. If site conditions warrant, the Planning, Building and Development Director may allow the height of a retaining wall to be greater than six feet.

(~~KM~~) *Tents.* No tent shall be used, erected, or maintained as living quarters. Tents used for camping purposes wherever permitted shall be of a temporary nature. Tents erected for a consecutive period of more than seven days in conjunction with a series of temporary events shall be permitted only by conditional use permit. Canopies, awnings, and other similar temporary open shelters (with no enclosing sides or walls) attached to the building that accommodate outdoor seating areas for restaurants and taverns shall be allowed, provided the structures meet all applicable zoning and building code requirements, and further provided the ancillary use of the structures to accommodate any temporary events, including outdoor music, shall require a temporary use permit.

(~~EN~~) *Commercial vehicle parking.* One vehicle, customarily used for commercial purposes, not to exceed eight feet in width and 22 feet in length, may be allowed to be parked outdoors as an accessory use to an existing residential use in Residential Zoning Districts. Two commercial vehicles, not to exceed eight feet in width and 22 feet in length, may be allowed to be parked outdoors in the Agricultural (AG) zone on parcels having 200,000 square feet or larger area as an accessory use to any principal permitted use. In no case shall semi-trailers, semi-trailer cabs, tow trucks, dump trucks, aerial ladders, bucket trucks, flat bed trucks, box trucks, and/or any commercial vehicle with a diesel engine be permitted in the Residential or Agricultural (AG) Zoning Districts. Uses qualifying for agricultural exemption shall be exempt from this requirement.

(~~MO~~) *Wildlife rehabilitation facilities.* Wildlife rehabilitation shall be considered an accessory use to an existing residential use in AG and Residential Zoning Districts. This use shall be allowed only by a non-delegated conditional use permit. Setbacks, screening, and noise abatement requirements shall be addressed as part of the conditional use permit. The following standards shall apply:

(1) The site shall contain a minimum of 80,000 square feet.

(2) All structures containing rehabilitation activities shall be set back a minimum of 30 feet from all property lines.

(3) When adjacent to a residential use, all structures containing rehabilitation activities shall be separated from the residential use by providing landscaping consisting of one plant unit per every 100 lineal feet.

(4) State and federal wildlife permits shall be obtained as required by law.

(~~NP~~) *Wind energy facilities.* Wind energy facilities include building-mounted and tower-mounted turbines, less than 200 feet in height, and are considered to be an accessory use to principal residential and nonresidential uses. It is permissible to sell excess electricity produced by a wind energy facility to an electric utility company, provided that the majority of energy produced is intended to serve the principal use on site.

(1) *Height.*

(a) *Residential Zoning Districts.*

1. As measured from its highest point, building-mounted turbines shall be allowed up to the height of 15 feet above the highest point of the building structure, but in no case shall exceed 45 feet above the structure's average ground elevation in a residential zoning district.

2. Tower-mounted turbines shall be permitted by right up to the heights of: 45 feet on parcels less than 40,000 square feet; 75 feet on parcels 40,000 to 200,000 square feet; and 100 feet on parcels larger than 200,000 square feet, as measured from the base of the tower to the top of a fully extended blade. Proposed turbines over these limits shall require a delegated conditional use permit. Turbines shall be limited to 125 feet in height if located within 500 feet of a nonparticipating residentially zoned property.

3. The blade tip of a tower-mounted horizontal axis turbine shall have ground clearance of not less than 25 feet at its lowest point. The blade tips of a vertical access turbine shall have ground clearance of not less than 15 feet at their lowest point.

(b) *Nonresidential Zoning Districts.*

1. As measured from its highest point, building-mounted turbines shall be allowed at the height of 15 feet above the highest point of the building structure, in a nonresidential zoning district.

2. The turbine height for a tower-mounted turbine (as measured at its highest point) shall be less than 200 feet in a nonresidential zoning district. Tower-mounted turbines shall be limited to 125 feet in height if located within 500 feet of a nonparticipating residentially zoned property.

3. The blade tip of a tower-mounted horizontal axis turbine shall have ground clearance of not less than 25 feet at its lowest point. The blade tips of a vertical access turbine shall have ground clearance of not less than 15 feet at their lowest point.

(2) *Setbacks.*

(a) Tower-mounted turbines shall be set back a minimum distance equal to 150% of (1.5 times) the turbine height, from the exterior surface of the base of the tower to nonparticipating property lines.

(b) Tower-mounted turbines for which the generated electricity is exclusively used on-site shall be set back a minimum distance equal to 110% of (1.1 times) the turbine height, from the exterior surface of the base of the tower to nonparticipating property lines.

(c) Tower-mounted turbines shall be set back a minimum distance equal to 110% of (1.1 times) the turbine height, from third party transmission lines and communication towers.

(3) *Operating requirements.* The following are requirements for the operation of wind energy facilities. Additional requirements and standards for wind energy facilities shall apply as identified in [Appendix Q](#). Provisions for violations, penalties and enforcement shall apply as identified under §§ [151.250](#) through [151.258](#).

(a) *Sound level limitations for wind energy facilities.*

1. The sound level limits identified below shall apply. Measurement procedures are outlined in [Appendix Q section 2.0](#). Measurements can be taken at any location on nonparticipating properties and must account for ambient sound contributions.

<i>Receiving Property</i>	<i>Hours of Operation</i>	<i>Sound Level Limits</i>
Residential	10:00 p.m. - 7:00 a.m.	45 dB(A)
Residential	7:00 a.m. - 10:00 p.m.	55 dB(A)
Other non-residential	24 hours	60 dB(A)
Industrial	24 hours	65 dB(A)

2. No facility shall operate with an average sound level more than five dB(A) above the non-operational ambient level, as measured within 100 feet of any residential dwelling on a neighboring property.

3. To limit the level of low-frequency sound, the average C-weighted sound level during facility operation shall not exceed the A-weighted ambient sound level by more than 20 dB.

(b) *Shadow flicker.* The facility's shadow flicker shall not fall on any nonparticipating residential building, built at the time of approval, for more than one hour a day. The owner must commit to a schedule for turning the turbine off during periods exceeding that limit.

(c) *Width.* As measured at its widest point, the width of building-mounted turbine(s) shall not exceed 20% of the shortest width of the building's front or side elevation, for residential buildings and non-residential buildings abutting residentially used properties. The width of the building-mounted turbine shall not exceed 50% of the shortest width of the front or side elevation of a nonresidential building, not abutting residentially used properties.

(d) *Sun glint.* The facility's surface finish shall be flat or matte, so as to reduce incidence of sun glint.

(e) *Electronic interference.* Facilities shall not cause electromagnetic interference with communications systems. The determination of degradation of performance and of quality and proper design shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers or Electrical Industries Association.

(4) *Waivers.* Requirements for setbacks, sound level limitations or shadow flicker from wind energy facilities may be waived by impacted nonparticipating property owners. The written waiver shall notify nonparticipating property owner(s) of the requirements established by this chapter and how the proposed wind energy facility is not in compliance. The waiver shall be signed by the nonparticipating property owner(s) giving consent to exceed the limits for setback, sound level limitations, or shadow flicker on his or her property.

(EQ) *Recycling dumpsters and bins.*

(1) Recycling dumpsters and bins shall be provided appropriate area for multi-family dwellings as defined by the Solid Waste Agency of Lake County.

(2) Areas used for collecting solid waste shall include adequate areas for collecting and loading recyclable materials. Wherever feasible, areas for collecting and loading recyclable materials shall be adjacent to solid waste collection areas.

(PR) *Beekeeping and apiaries.* The keeping of honey bees, of the European species *Apis mellifera*, shall be permitted in the Agricultural, Rural Estate, Estate, R1, R2, R3, and R4 Zoning Districts on lots less than 200,000 square feet in area, as an accessory use to a principal use, provided the following conditions are met,

(1) *Number of beehives.* Two full beehives (hives) and two "nucleus hives" shall be permitted on lots up to and including a minimum lot area of 10,000 square feet of area, and one beehive and one nucleus hive shall be permitted for each additional 10,000 square feet. There

shall be no limit on the number of hives kept on parcels with an area of 200,000 square feet or more. Nucleus hives, consisting of five or fewer frames, are kept for the purposes of queen and pest management.

(2) *Location and setbacks.*

(a) *Setbacks to property lines.* Hives and related structures that form the apiary shall be located a minimum of 30 feet from any adjoining improved alley, easement for purposes of ingress or egress, or road right-of-way and a minimum of ten feet from all other property lines. In the case of an unimproved right of way, this provision may be modified by the Planning, Building and Development Department Director in consultation with the appropriate local roadway authority.

(b) *Setback to habitable structures.* Hives shall be located a minimum of 30 feet from any existing habitable structures on any adjoining parcel, such as dwellings, non-residential buildings, patios, porches, gazebos, decks, swimming pools, or permanently affixed play equipment, but not including storage structures such as garages or sheds.

(c) *Fencing.* On parcels of 40,000 square feet or less, hives shall be enclosed behind a minimum four-foot high fence, hedge, or wall.

(c) *Signage.* In lieu of the fencing requirement in subsection (c) above, a sign, or signs, identifying the presence of beehives on the property shall be posted so as to be reasonably visible within close proximity of the apiary.

(e) *Flyway barrier.* On parcels of 40,000 square feet or less, where the beehive entrance is oriented to an exterior property line, a six-foot high, solid flyway barrier (e.g., fence, wall, or dense shrub) shall be located between the hive entrance and the property line and shall extend five feet in each direction.

(3) *Management practices.*

(a) *Water supply.*

1. A supply of water shall be continuously available and located within the parcel, provided that it is closer than water sources on any adjoining parcel.

2. Water supply shall be designed to allow bees to access water by landing on a hard surface. Water requirement shall be in effect from April 1 to November 30 or any and all days in which temperature exceeds 55 degrees for three consecutive days.

(b) *Requeening.* In any instance in which a hive exhibits unusually aggressive characteristics, as verified by Illinois Apiary inspector, the property owner shall destroy, move to another parcel, or requeen the hive within 14 days of observation.

(c) *Moveable combs.* All honey bees shall be kept in hives with removable combs, which shall be kept in good repair and usable condition.

COMMENTARY: State Regulations: Per the Illinois Department of Agriculture, hives shall be registered with the
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Illinois Department of Agriculture and actively maintained in accordance with 510 ILCS 20/1 et seq., the Illinois Bees and Apiaries Act.

(ES) *Chickens.* The keeping of hens, the female of the chicken species *Gallus gailus domesticus*, shall be permitted in single family residential zoning areas, on zoning lots of 20,000 square feet or greater, provided the following conditions are met.

(1) *Number of hens.*

(a) This table identifies the number of hens allowed on non-exempt residential property.

<i>Minimum Lot Size</i>	<i>Maximum Number of Hens Allowed</i>
<a href="#">None</a>	<u>4</u>
10,000 sq. ft.	6
20,000 sq. ft.	8
40,000 sq. ft.	10
80,000 sq. ft.	12

(b) There shall be no limit on the number of hens kept on parcels with an area of 200,000 square feet or more.

(2) *Chicken coops and yards.*

(a) *Chicken coop.*

1. Hens shall be kept in an enclosed outdoor coop, an accessory structure used for the purpose of keeping live chickens, so as to offer protection from weather elements and from predators and trespassers.

2. Coops shall be built and kept in such a manner, large enough to provide at least three square feet per hen and allow the hens easy ingress and egress to an enclosed chicken yard.

[Coops may be freestanding or integrated into an accessory structure.](#) Freestanding ~~E~~coops shall not exceed eight feet in height.

3. Coops shall be covered with uniform materials and shall be maintained intact with all parts secure. Any repairs shall maintain consistency with original structure in appearance and condition. The coop must be replaced, removed, or repaired upon evidence of deterioration.

(b) *Chicken yard.*

1. Coops shall be connected with an enclosed chicken yard or run.

2. Hens may be allowed to roam in a fenced back yard, but shall not be allowed to roam outside of the fenced yard. Hens must be returned to the secured chicken coop each night.

3. Chicken yards constructed with wire mesh fencing shall retain a flat, uniform plane, in a well-maintained, safe condition.

(3) *Location and setbacks.*

(a) *Street setbacks.* Chicken coops and yards shall not be located between the principal building and any improved alley, easement for purposes of ingress or egress, or road right-of-way. In the case of an unimproved right of way, this provision may be modified by the Planning, Building and Development Department Director in consultation with the appropriate local roadway authority.

(b) *Setback to habitable structures.* In addition to setback requirements for accessory structures, chicken coops shall be located a minimum of 30 feet from any existing structures on any adjoining parcel, such as dwellings, non-residential buildings, patios, porches, gazebos, decks, or swimming pools, but not including storage structures such as garages or sheds.

(4) *Prohibitions and management practices.*

(a) *Roosters.* The keeping of roosters shall not be allowed on non-exempt property.

(b) *Odors.* Chicken coops and yards must be cleaned on a regular basis so they remain free from undue accumulated waste, such as to cause odors reasonably detectable on adjacent properties.

(c) *Feed.* All feed for hens shall, except when placed for consumption by the hens, be kept in containers with tightly fitted lids that are rodent-proof.

(d) *Maintenance of coops.* Coops shall be maintained in good repair and non-dilapidated condition.

(e) *Slaughter.* No outdoor slaughter of chickens shall be allowed.

**COMMENTARY:**

State Regulations: Per the Illinois Department of Agriculture, those wishing to keep chickens hens on their premises shall complete a Livestock Premises Registration.

(T) Value Added Agricultural Processing. Value added agricultural processing is permitted as an accessory use to an agriculture use on zoning lots of 200,000 square feet or more, provided the following conditions are met:

(1) The agricultural processing must be clearly subordinate to and supportive of the principal agricultural use of the property. The total processing area must be 1,200 square feet or less in gross floor area. The primary ingredients used must be grown on-site.

(2) The agricultural processing will not cause odor, vibration, noise, electrical interference, or fluctuation in voltage that is perceptible beyond the lot line of the parcel upon which the agricultural processing is conducted.

(3) Any outdoor processing operation shall be located at least 50 feet from all property lines.

(4) Examples of permitted agricultural processing of products include but are not limited to food products, cheese, honey, herbal products, soap, and woolen goods. Any and all processing of fish, meat or game is prohibited.

(5) The operation shall comply with all federal, state, and local laws.

(U) *Accessory Solar Energy Systems.*

(1) *Types*

(a) *Roof-mounted.* Building-mounted solar energy systems may be mounted on accessory or principal structures in all zoning districts. All applicable accessory or principal structure requirements apply to building-mounted solar energy systems.

(b) *Building-integrated.* Building-integrated solar energy systems may be integrated into accessory or principal structures in all zoning districts. Solar energy systems that are integrated into any structure shall be regulated as architectural features, including applicability of setback exceptions of 151.131(C)(3)(I)

(c) *Ground-mounted.* Ground-mounted solar energy systems which meet the definition of an accessory structure as defined in Section 151.271 shall be permitted as an accessory use based on the underlying zoning district as follows:

1. *Residential Districts.* Small-scale solar energy systems are permitted as an accessory use in all residential zoning districts. Accessory use medium and large-scale solar energy systems shall require a conditional use permit in all residential zoning districts.

2. *Nonresidential Districts.* Small-scale solar energy systems are permitted as an accessory use in all nonresidential districts. Medium and large-scale solar energy systems are permitted as an accessory use in the II and LI zoning districts and shall require a conditional use permit in all other nonresidential zoning districts.

3. *Campus Settings.* Accessory use ground-mounted solar energy systems of all sizes (small, medium, or large) shall be permitted in all zoning districts for those institutional, commercial, or industrial uses with campuses comprised of 5 acres or more.

(2) *Approval.* Accessory use medium and large-scale solar energy systems in all zoning districts shall be subject to the Site Capacity Calculation/Site Plan review procedures of 151.070. Site Capacity/Site Plan Review shall be conducted concurrently with any required conditional use permit review.

(3) *Street setbacks.* Accessory use ground-mounted solar energy systems located in residential zoning districts shall not be located between the principal building and any road right-of-way. In the case of an unimproved right-of-way, this provision may be modified by the

Planning, Building and Development Department Director in consultation with the appropriate local roadway authority.

4) Location. Accessory use ground-mounted solar energy systems must meet the setback requirements for an accessory structure in the underlying zoning district.

(5) Height. The total height shall not exceed 10 feet, as measured from grade to the highest point of the solar arrays. In instances when greater height is deemed necessary to allow for maximum efficiency of the solar energy system, or when necessary to address site constraints such as topography, the Planning Director shall be authorized to allow a maximum height of 15 feet.

(6) Lot coverage. Ground mounted solar panels are not subject to Impervious Surface Ratio (ISR) calculations of Sections, 151.125, 151.233(C)(1)(e), and 151.233(C)(2)(f).

(7) Site Development Permits. A site development permit may be required, per regulations set forth in Section 151.145(B), depending on proposed foundation, footings, and/or site disturbance.

(8) Maximum area.

(a) Residential. Accessory use ground-mounted solar energy systems accessory to residential uses located in residential zoning districts shall not exceed 5% of the net buildable area of a lot, or 500 square feet, whichever is less.

(b) Nonresidential. There shall be no limit to the area or number solar panels in relation to a nonresidential development for those uses which meet the definition of accessory structure as defined in Section 151.271.

(9) Concentrated solar technology. No solar energy system may utilize concentrated solar thermal technology in any zoning district.

(T) Non-Customary Recreational Structures. Non-Customary Recreational Structures include certain recreational structures which do not customarily occur as an accessory use in residential districts and which have aspects that are characteristic of public, commercial, or community facilities. Examples of non-customary recreational structures include but are not limited to skateboard/bike ramps, sports courts, and ice rinks.

(1) Zoning. Non-customary recreational structures shall be allowed as an accessory use in the following districts AG, E, and R-1, R-2, R-3, R-4, R-5, and R-6 zoning districts on lots with a minimum lot area of 40,000 square feet, provided all applicable standards are met. A delegated conditional use permit shall be required for lots with an area of less than 40,000 square feet.

(2) Setbacks. Non-customary recreational structures must meet principal structure setbacks required in the underlying zoning district. In addition to setback requirements for principal structures, non-customary recreational structures shall be located a minimum of 30 feet from any existing structures on any adjoining parcel, such as dwellings, nonresidential buildings, patios, porches, gazebos, decks, but not including swimming pools or storage structures such as garages

or sheds. Given the unique impacts of non-customary recreational structures, setbacks and buffering may be modified on a site-specific basis. See subsection (4) of this section.

(3) Noise. The noise level resulting from a non-customary recreational structure shall not exceed 60 decibels when measured from an adjoining property line.

(4) Buffering. Given the unique impacts of such structures on surrounding properties, non-customary recreational structures shall require landscape buffering and/or fencing to be determined on a site-specific basis.

(5) Hours of use. Hours of use shall be limited to 8:00 a.m. to 8:00 p.m. For those properties requiring a conditional use permit, hours of use will be determined as a condition of approval.

(6) Lighting. Lighting shall subject to the standards of Section 151.168(A)(3) and the hours of operations of subsection (8) above.

(Ord., § 6.4, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed - -)

#### **§ 151.114 TEMPORARY USES.**

(A) *Authorization.* Temporary uses are allowed in accordance with the following [Table 151.114](#) and all other applicable provisions of this chapter.

*Table 151.114: Temporary Uses*

<i>Use Types</i>		<i>AG</i>	<i>RE</i>	<i>E</i>	<i>RI</i>	<i>R2</i>	<i>R3</i>	<i>R4</i>	<i>R4A</i>	<i>R5</i>	<i>R6</i>	<i>RR</i>	<i>GO</i>	<i>LC</i>	<i>RC</i>	<i>GC</i>	<i>LI</i>	<i>II</i>	<i>OS</i>
Animal show or animal exhibition (see § <a href="#">151.114(E)</a> )		P	P	P									P	P	P	P	P	P	P
Batch plant for road construction (see § <a href="#">151.114(G)</a> )		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Carnival or circus (see § <a href="#">151.114(H)</a> )		P											P	P	P	P	P	P	P
Contractor’s model home (see § <a href="#">151.114(J)</a> )		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Contractor’s office and construction equipment sheds (see § <a href="#">151.114(I)</a> )		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Events of public interest (see § <a href="#">151.114(K)</a> )		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Material staging, stockpiling, and processing (see § <a href="#">151.114(SL)</a> )	Material staging	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Material stockpiling and processing (on residential lots 200,000 sq. ft. or more) <sup>1</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<a href="#">Public safety training structure (see § 151.114 (M))</a>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Real estate sales office (see § <a href="#">151.114(L)</a> )		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Rodeo (see § <a href="#">151.114(F)</a> )		P	P	P									P	P	P	P	P	P	P
Shelters, temporary (see § <a href="#">151.114(N)</a> )		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary sales (see § <a href="#">151.114(M)</a> )	Christmas tree sales lots	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Farm produce, seasonal sales of	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

	Food sales															P				
	<a href="#">Farmers' Market</a>	<u>P</u>																		
	Garage sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Retail nursery stock sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
P= permitted subject to all other applicable standards of this chapter.																				

<sup>1</sup>200,000 square feet shall be required; however, a smaller site area may be approved by the Director, in consultation with the MDT team, if exceptional site characteristics and/or application conditions would mitigate any adverse impacts on the surrounding area.

\ (B) *Temporary use permit required.* No temporary use shall be established unless a temporary use permit evidencing the compliance of the use with the provisions of this section and other applicable provisions of this chapter has been issued by the Planning, Building and Development Director. The Planning, Building and Development Director shall be authorized to impose conditions on the application in accordance with § [151.045](#)(I).

(C) *Applications.* Applications for temporary use permits shall be submitted to the Planning, Building and Development Department on forms available in the Planning, Building and Development Department. Applications shall be submitted at least 30 days before the date of the event or start of the temporary use, unless this timeframe is reduced by the Planning, Building and Development Director. Each application shall be accompanied by:

(1) A site plan, drawn to scale, showing the location of structures, improvements, parking areas and other features that exist or are proposed on the site; and

(2) Signed, written permission from the owner of or the agency having jurisdiction over the subject property.

(D) *General standards.* The following standards shall apply to all temporary uses unless otherwise expressly stated.

(1) Access approval from the highway authority with jurisdiction over the subject road shall be required.

(2) No permanent or temporary electrical connection shall be installed without an electrical permit and inspection.

(3) A building permit and inspection shall be obtained prior to the construction of any temporary structures.

(4) Temporary structures shall be located at least four feet from any buildings or structures on the subject property.

(5) The Planning, Building and Development Director shall be authorized to require evidence of approval from the Lake County Health Department regarding temporary sanitation facilities.

(6) No signs in connection with a temporary use shall be permitted except in accordance with the provisions of § [151.173](#). All temporary signage shall be removed immediately upon cessation of the temporary use.

(7) Temporary uses or structures shall not encroach into any required landscaping.

(8) Parking areas shall be provided for the temporary use (in addition to required parking for any principal use existing or proposed on the site), and the areas shall be capable of accommodating the number of parking spaces that are required for the most similar use type under § [151.165](#).

(9) Requests for modifications or waivers from any of the time limits of this section shall require review and approval in accordance with the delegated conditional use permit procedures of § [151.050](#).

(10) The Planning, Building and Development Director shall have the authority to suspend, revoke, or modify a temporary use permit immediately upon determination that the conditions and requirements set forth in the permit have been violated. Written notice of the Planning, Building and Development Director's determination to suspend, revoke, or modify the permit shall be promptly provided to the applicant. A determination under this subsection (C) shall be final and conclusive unless the applicant takes an appeal to the Zoning Board of Appeals within ten calendar days after receipt of notice of the Planning, Building and Development Director's determination.

(11) The Planning, Building and Development Director shall have the authority to deny temporary use permits to any person who owns, applied for or otherwise caused an uncorrected violation of a provision of this chapter or who has demonstrated a willful history of violations, including any condition attached to a permit or approval previously granted by the county. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

(12) The Planning, Building and Development Director shall have the authority to deny temporary use permits on any land or structure or improvements thereon, upon which there is an uncorrected violation of a provision of this chapter, including any condition attached to a permit or approval previously granted by the county. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

(13) The main road from which access is taken shall always be kept free of dust, dirt, mud, and other debris.

(14) Any food service operation that sells, prepares or serves potentially hazardous food must obtain an approved food service permit from the Lake County Health Department and is subject to inspection.

(E) *Animal show or animal exhibition.* Animal shows or animal exhibitions shall be allowed for special events, including but not limited to shows, exhibitions, and contests. The maximum length of such a permit shall be ten days, with no more than three permits for a total of no more than 20 days issued per zoning lot in any calendar year.

(F) *Rodeo.*

(1) Rodeos shall be limited to specified hours and a maximum of seven 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 ten 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 Chair of the Liquor Control Commission, as required by the Liquor Control Ordinance (see [Chapter 111](#)).

(7) The Planning, Building and Development Director shall be authorized to require proof of insurance to ensure public safety and protection.

(8) (a) 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.

(b) 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 Lake County Sheriff's Office shall have the right to close the event to ensure the health, safety, or general welfare of attendees or neighbors.

(G) *Batch plant for road construction.*

(1) Batch plants shall be located a minimum of 1,000 feet from any building used for residential purposes.

(2) The period for which the permit shall be valid shall be stated on the permit and shall not exceed the duration of the construction contract by more than 14 days.

(3) All facilities placed or located on the site shall be removed and the site restored to a clean and vegetated condition within the timeframe of the permit.

(H) *Carnival or circus.*

(1) The maximum length of the permit shall be ten days and no more than one permit shall be issued per zoning lot in any calendar year.

(2) No structure or equipment shall be located within 200 feet of any (off-site) building used for residential purposes.

(I) *Contractor's office and construction equipment sheds.*

(1) (a) Contractor's office and construction equipment sheds shall be allowed in any zoning district when accessory to an allowed construction project.

(b) Contractor's office and construction equipment sheds must be located on the same site as the construction project unless approved by the Planning, Building and Development Director.

(2) No contractor's office or shed shall contain sleeping or cooking accommodations, except as necessary to accommodate security personnel.

(3) The maximum length of the permit shall be one year. The permit may be renewed throughout the duration of the construction period.

(4) Any office or shed shall be removed within 14 days of completion of the construction project.

(J) *Contractor's model homes.*

(1) Temporary use permits for one or more contractor's model homes may be issued for any subdivision that has received final plat approval.

(2) Temporary use permits for one or more model homes may be issued prior to final plat approval, subject to the following standards:

(a) Final engineering plans must be approved by all applicable county reviewing agencies and a site development permit must be issued prior to building permit approval.

(b) Model homes shall comply with minimum setback standards of the underlying zoning district. Setbacks from existing property lines and proposed lot lines shall be shown on the required site plan.

(c) The maximum number of contractor's model homes that may be established prior to final plat approval shall not exceed 20% of the total number of dwelling units proposed in the development, or five dwelling units, whichever is less.

(d) Temporary occupancy permits for the model homes shall not be issued until:

1. Final plat approval is obtained; and

2. Roads, appropriate means of sewage disposal, storm sewers, stormwater management, and other required public improvements are substantially completed in that area of the development where the model homes have been constructed.

(e) A temporary use permit shall be valid for one year and may be renewed.

(K) *Events of public interest.* Events of public interest, including but not limited to picnics, races for motorized vehicles, water craft or air craft races, fishing derbies, dinner dances, fundraisers, survival games, haunted houses, outdoor concerts, auctions, tent meetings, [farm-to-table events](#), and supervised public display of fireworks shall be subject to the following standards.

**COMMENTARY:**

Private, non-commercial events on the sponsor's property such as home owners' associations picnics at the subdivision park, corporate picnics on the corporate campus, private weddings at a private residence or subdivision clubhouse, and the like, are not considered events of public interest.

(1) Unless otherwise expressly approved, all uses and activities shall be limited to specified hours and a maximum of 15 days per calendar year (per zoning lot).

(2) All activities and uses shall be limited to the dates and hours of operation specified in the permit.

(3) Events of public interest shall be permitted in residential districts only when located on the site of a permitted nonresidential use. [Any temporary event of public interest in a residential zoning district must be directly related to an approved nonresidential, institutional, or agricultural use.](#)

(4) Traffic control shall be arranged by the operators of the event with the Lake County Sheriff's Office.

(5) Water-based events of public interest shall require 60-day advanced notification to and coordination with all applicable governmental agencies having jurisdiction, the approval of any applicable agency permits, and the payment of any applicable agency fees prior to the issuance of a temporary use permit.

(6) Public parking for the exclusive use of the facility/event shall be provided and a stabilized drive to the parking area shall be maintained. It is the responsibility of the operators to guide traffic to these areas. No parking shall be permitted on any road or public right-of-way.

(7) Noise levels associated with events of public interest, except for supervised display of fireworks, shall not exceed 60 dB(A) (SLOW meter response) at the property line of any abutting property zoned and used for residential purposes.

(8) The site shall be cleared of all debris within 24 hours of the end of the event and cleared of all temporary structures within seven days after closing of the event. A cash bond or other assurance may be required by the Planning, Building and Development Director to ensure cleanup. Bond amounts shall be based on the estimated costs of cleanup and site restoration.

(9) If liquor will be used, sold, or consumed on the property, a liquor permit shall be obtained from the Chair of the Liquor Control Commission, as required by the Liquor Control Ordinance (see [Chapter 111](#)).

(10) The Planning, Building and Development Director shall be authorized to require proof of insurance to ensure public safety and protection.

(11) 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, and welfare, the Lake County Sheriff's Office shall have the right to close the event to ensure the health, safety, or general welfare of attendees or neighbors.

(12) In addition to the conditions listed above, a temporary use permit for supervised public displays of fireworks shall only be issued subject to the terms and conditions of the Fireworks Ordinance of the county (see [Chapter 92](#)).

[13\) In addition to the conditions listed above, a temporary food service permit for farm-to-table events must be obtained from the Lake County Health Department prior to issuance of a temporary use permit.](#)

[\(L\) Material stockpiling and processing. Temporary material stockpiling and processing shall be subject to the following standards:](#)

[\(1\) Permitting and public outreach. The use shall be subject to both site development and temporary use permit processes. Following application submittal, staff will determine whether public information meeting would be required. A staff administered meeting may be held to gather information and feedback, as well as offer an opportunity for the public to learn about the use.](#)

(2) Director approval. Approval of the temporary use permit is contingent on the Planning, Building, and Development Department Director's approval. If a specific proposed site requiring a temporary use permit presents an unreasonable risk to public health, safety or welfare, the Director shall have the authority to deny the request.

(3) Maximum length of permit. Temporary use permits shall be limited to a maximum two year period of time. However, the permit may be renewed in increments of up to two years in the absence of a pattern of credible complaints. In consideration of any such permit renewal, the Director may require a public information meeting to obtain additional input, as appropriate.

(4) Access.

(a) For properties without an approved access location, evidence that an access permit can be obtained, for the proposed use, from the highway authority having jurisdiction. For properties with a previously approved access location, evidence from the highway authority having jurisdiction that the existing access point is sufficient to serve the proposed use; if the existing access is insufficient, evidence that a new access permit can be obtained, for the proposed use, from the highway authority having jurisdiction.

(b) For properties with an access location onto a private road, evidence that permission can be obtained, for the proposed use from: 1) homeowners' association having responsibility for maintenance of the private road, or 2) a majority of the property owners fronting the access road in the absence of an active association. Applicants must also show that they have or can obtain access permits from the highway authority which has jurisdiction over the road onto which the private road terminates, as outlined in the preceding paragraph.

(5) Permission to use property. The application must include a signed, written permission from the owner of, or the agency having jurisdiction over, the subject property or properties.

(6) Site restoration plan.

(a) A site restoration plan must be submitted to and approved by the county.

(b) The exact termination date for the completion of operations and the restoration of the site shall be established in the temporary use permit review process and imposed at the time of approval based upon the estimated length of time the operation will be conducted.

(7) Operating standards. The applicant shall provide an operating plan. The operating plan shall, at a minimum, contain the following information:

(a) Number of employees anticipated at the facility.

(b) Proposed hours of operations for receipt of material.

(c) Proposed daily average/maximum volume (in tons) of material to be received at the facility.

(d) Identification of the maximum number of vehicles (by vehicle type) proposed to utilize the facility on a daily basis.

(e) Description of any equipment proposed to be utilized to prepare the material for stockpiling or shipment and the location and design of any noise-buffering elements, sheltering and operating controls to minimize noise impacts.

(f) Description of operating methods employed to control odor, accidental combustion of material, disease vectors, dust, and litter.

(g) Description of the method and equipment utilized to load recyclable and non-recyclable general construction or demolition for shipment from the facility.

(h) Specification of typical and maximum anticipated height of stockpiled dredging material and debris. Identification of the buffering and/or screening measures employed to minimize the visual impact of the proposed stockpiles from surrounding land uses.

(8) Other conditions. The temporary use permit may establish, as necessary, reasonable conditions that regulate activity on the site including but not limited to:

(a) Hours and days of operation.

(b) Vehicle trips generated per day.

(c) Noise and dust emissions.

(M) Public safety training structure. The Planning, Building and Development Director shall be authorized to approve the use of temporary structures for public safety training conducted by or on behalf of a governmental public safety entity to conduct training to fulfill the statutory purpose of that entity. The temporary structure permit shall not exceed a period of more than 1-year.

~~(N)~~ *Real estate sales office.*

(1) Real estate sales offices shall be allowed in any zoning district for any new development approved in accordance with this chapter. Unless otherwise expressly approved by the Planning, Building and Development Director, the real estate sales office shall be located on the site of a new development. The office shall not be used as a residence, provided that a model home may be used as a temporary sales office.

(2) The maximum length of the permit shall be one year. The permit may be renewed throughout the sales period of the development.

(3) Applications to establish temporary real estate sales offices prior to final plat approval shall be accompanied by a signed affidavit from the builder and property owner acknowledging that the builder/owners will remove any structures, including model homes, if the preliminary plat lapses prior to approval of the final plat. The affidavit shall be in a form specified by the Planning, Building and Development Director.

~~(O)~~ *Temporary sales.* The standards of this subsection (M) shall apply to farm produce sales, retail nursery sales associated with wholesale nurseries, Christmas tree sales, garage sales, farmers' markets, and food sales.

(1) *Farm produce sales (seasonal).*

(a) Seasonal sales of farm produce and value added agricultural products may be allowed by temporary use permit in all zoning districts for a period not to exceed eight months per calendar year. In residential zoning districts, seasonal sale of farm produce and value added agricultural products 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 the produce and primary ingredients of products ~~is~~ are grown on-site.

(b) Temporary 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 purpose.

(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) Sales shall be conducted in such a manner so as not to interfere with traffic or cause a nuisance.

(g) The access drive to the site shall be located at least 150 feet from the right-of-way of any public road intersection or other major access drive unless there is an existing access within 150 feet of the intersection and the highway authority having jurisdiction grants approval to use the existing access.

(2) *Retail nursery stock sales associated with wholesale nurseries.*

(a) Retail nursery stock sales events associated with wholesale nurseries may be allowed by temporary use permits and shall be limited to 30 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 § [151.112\(V\)](#).

(3) *Christmas tree sales.*

(a) 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.

(b) All sales shall be conducted at least 30 feet from the right-of-way of any street.

(c) A minimum of 30-foot setback shall be maintained from property used or zoned for residential purpose.

(d) 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.

(e) Sales shall be conducted in such a manner so as not to interfere with traffic or cause a nuisance.

(f) The access drive to the site shall be located at least 150 feet from the right-of-way of any public road intersection or other major access drive unless there is an existing access within 150 feet of the intersection and the highway authority having jurisdiction grants approval to use the existing access.

(4) *Garage sales.*

(a) Garage sales shall be allowed in all zoning districts without a permit, provided that no more than two garage sales shall be conducted on a zoning lot in any calendar year.

(b) No garage sale shall be conducted for longer than three consecutive days duration.

(c) Sales events may be conducted during daylight hours only.

(d) No more than two signs may be used to advertise a permitted garage sale event. The sign shall not exceed four square feet in area and must be located within the boundaries of the zoning lot on which the sale takes place or on other private property, with the consent of the owner.

(5) *Food sales.*

(a) Temporary food stands may be allowed by temporary use permit in the General Commercial (GC) Zoning District for a period not to exceed six months per calendar year.

(b) Temporary food stands 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 public rights-of-way.

(d) A minimum 30-foot setback shall be maintained from adjoining 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 other use on the subject property.

(f) Sales shall be conducted so as not to interfere with traffic or cause a nuisance.

(g) The access drive shall be located at least 150 feet from the right-of-way of any public road intersection or other major access drive unless there is an existing access within 150 feet of

the intersection and the highway authority having jurisdiction grants approval to use the existing access.

(6) Farmers' Markets.

(a) Farmers' markets, defined as an area for farmers and gardeners to sell agricultural produce and products to the public, may be allowed by temporary use permit in all zoning districts for a maximum of 24 days per calendar year. In residential zoning districts, farmers' markets shall be allowed only when located on parcels with a permitted nonresidential use having a minimum area of 80,000 square feet and a minimum road frontage of 190 feet.

(b) Sales may be conducted from trucks, open booths, or temporary structures. At least 75% of the vendors must sell products obtained from local food production or a cottage food operation.

(c) Farmers' markets shall be allowed only during daylight hours, with specific hours of operation specified in the temporary use permit.

(d) All sales booths, temporary structures, and trucks being used to sell produce and products must maintain a minimum of 30-foot setback from all property lines, streets, and public rights-of-way.

(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. There shall be no parking permitted in a right-of-way.

(f) Sales shall be conducted in such a manner so as not to interfere with traffic or cause a nuisance.

(g) The access drive to the site shall be located at least 150 feet from the right-of-way of any public road intersection or other major access drive unless there is an existing access point within 150 feet of the intersection and the highway authority having jurisdiction grants approval to use the existing access.

(h) The operator and/or vendors must operate in compliance with all applicable state and federal laws and obtain all permits and registrations as required by Lake County and State of Illinois Health Departments prior to issuance of a temporary use permit.

**COMMENTARY:**

Either a "temporary food service permit" or a "seasonal food service permit" must be obtained from the Lake County Health Department prior to issuance of a temporary use permit.

(NP) Temporary shelter. When fire or natural disaster has rendered a residence unfit for human habitation, the temporary use of a single mobile home or recreational vehicle located on the parcel during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.

- (1) Required water and sanitary facilities must be provided.

(2) The maximum length of a permit shall be six months, but the Planning, Building and Development Director may extend the permit for a period or periods not to exceed 60 days provided reasonable construction progress has been made and the construction is being diligently pursued. Application for the extension shall be made at least 15 days prior to expiration of the original permit.

(3) The mobile home or recreational vehicle shall be removed from the property upon issuance of any occupancy permit for the new or rehabilitated residence. The applicant shall be required to provide express consent and authorization to the county to remove the shelter at the owner's expense upon termination of the permit, if the applicant has not done so voluntarily.

(EQ) *Temporary structures for farm housing.* Temporary structures for farm housing that are associated with an exempt agricultural use shall be subject to the following standards.

(1) A temporary use permit shall be required.

(2) Lake County Health Department approval shall be required.

(3) All structures used for temporary farm housing shall be subject to the (principal structure) setback standards of the underlying zoning district.

(4) There shall be no limit on the number of structures allowed.

(PR) *Temporary structures for classrooms.* The Planning, Building and Development Director shall be authorized to approve the use of temporary structures for portable classrooms, when the Planning, Building and Development Director determines that the structures are necessary to accommodate uses and activities of immediate necessity within the county.

(ES) *Temporary structures during construction.*

(1) Upon application 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.

(2) The 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 two years, whichever is less.

(RT) *Temporary structures for scientific research and testing.* The Planning, Building and Development Director shall be authorized to approve the use of temporary structures for scientific research and testing and ancillary to an existing permitted principal manufacturing and production use on the subject property, provided that the structures meet all applicable density and dimensional requirements of this chapter.

~~—(S) *Material stockpiling and processing.* Temporary material stockpiling and processing shall be subject to the following standards:~~

~~—(1) *Permitting and public outreach.* The use shall be subject to both site development and temporary use permit processes. Following application submittal, staff will determine whether public information meeting would be required. A staff administered meeting may be held to gather information and feedback, as well as offer an opportunity for the public to learn about the use.~~

~~—(2) *Director approval.* Approval of the temporary use permit is contingent on the Planning, Building, and Development Department Director's approval. If a specific proposed site requiring a temporary use permit presents an unreasonable risk to public health, safety or welfare, the Director shall have the authority to deny the request.~~

~~—(3) *Maximum length of permit.* Temporary use permits shall be limited to a maximum two year period of time. However, the permit may be renewed in increments of up to two years in the absence of a pattern of credible complaints. In consideration of any such permit renewal, the Director may require a public information meeting to obtain additional input, as appropriate.~~

~~—(4) *Access.*~~

~~—(a) For properties without an approved access location, evidence that an access permit can be obtained, for the proposed use, from the highway authority having jurisdiction. For properties with a previously approved access location, evidence from the highway authority having jurisdiction that the existing access point is sufficient to serve the proposed use; if the existing access is insufficient, evidence that a new access permit can be obtained, for the proposed use, from the highway authority having jurisdiction.~~

~~—(b) For properties with an access location onto a private road, evidence that permission can be obtained, for the proposed use from: 1) homeowners' association having responsibility for maintenance of the private road, or 2) a majority of the property owners fronting the access road in the absence of an active association. Applicants must also show that they have or can obtain access permits from the highway authority which has jurisdiction over the road onto which the private road terminates, as outlined in the preceding paragraph.~~

~~—(5) *Permission to use property.* The application must include a signed, written permission from the owner of, or the agency having jurisdiction over, the subject property or properties.~~

~~—(6) *Site restoration plan.*~~

~~—(a) A site restoration plan must be submitted to and approved by the county.~~

~~—(b) The exact termination date for the completion of operations and the restoration of the site shall be established in the temporary use permit review process and imposed at the time of approval based upon the estimated length of time the operation will be conducted.~~

~~—(7) *Operating standards.* The applicant shall provide an operating plan. The operating plan shall, at a minimum, contain the following information:~~

~~—(a) Number of employees anticipated at the facility.~~

~~—(b) Proposed hours of operations for receipt of material.~~

~~—(c) Proposed daily average/maximum volume (in tons) of material to be received at the facility.~~

~~—(d) Identification of the maximum number of vehicles (by vehicle type) proposed to utilize the facility on a daily basis.~~

- ~~— (e) Description of any equipment proposed to be utilized to prepare the material for stockpiling or shipment and the location and design of any noise buffering elements, sheltering and operating controls to minimize noise impacts.~~
- ~~— (f) Description of operating methods employed to control odor, accidental combustion of material, disease vectors, dust, and litter.~~
- ~~— (g) Description of the method and equipment utilized to load recyclable and non-recyclable general construction or demolition for shipment from the facility.~~
- ~~— (h) Specification of typical and maximum anticipated height of stockpiled dredging material and debris. Identification of the buffering and/or screening measures employed to minimize the visual impact of the proposed stockpiles from surrounding land uses.~~
- ~~— (8) *Other conditions.* The temporary use permit may establish, as necessary, reasonable conditions that regulate activity on the site including but not limited to:~~
  - ~~— (a) Hours and days of operation.~~
  - ~~— (b) Vehicle trips generated per day.~~
  - ~~— (c) Noise and dust emissions.~~

(Ord., § 6.5, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed - -; Ord. 15-0701, passed 7-14-2015)

## **DENSITY AND DIMENSIONAL STANDARDS**

### **§ 151.125 DENSITY AND DIMENSIONAL STANDARDS TABLES.**

The following tables ([151.125\(1\)](#) through [151.125\(5\)](#)) establish standards for development in all base zoning districts.

**COMMENTARY:**

The residential and non-residential density and dimensional standards of this section are not a “guarantee” of development intensities. Other factors such as public facility availability, infrastructure capacity, building layout, and parking configuration may have the effect of limiting development intensity more than the stated standards. The inability to attain allowed development intensities shall not serve as justification for adjusting other standards.

**Table 151.125(1): Agricultural and Residential District Density and Dimensional Standards, Conventional Residential Development**

Zoning District	Maximum Density (Units per Acre) (§ 151.131(F))	Min. Lot Size		Minimum Setbacks <sup>[3][4]</sup> (Ft.) (§ 151.131(C))			Max. ISR (§ 151.131(D))	Max. Height (Ft.) (§ 151.131(E))
		Area (Sq. Ft.) (§ 151.131(A))	Width (Ft.) (§ 151.131(B))	Street	Side (Min / Total)	Rear		
AG	0.20	200,000	300	30	30/60	50	0.10[3]	40[1]
RE	0.20	200,000	300	30	30/60	50	0.10[3]	40[1]
E	0.45	80,000	190	30	19/48	30	0.15[3]	40[1]
R1	0.80	40,000	130	30	13/33	30	0.20[3]	40
R2	1.33	20,000	90	30	9/23	15	0.30[3]	40
R3	2.00	12,000	60	30	7/17	15	0.30[3]	40
R4	2.50	8,500	60	30	6/15	15	0.40[3]	40
R-4A	5.00	See <a href="#">Table 151.125(2)</a>				15	0.50[3]	40
R5	8.00	See <a href="#">Table 151.125(2)</a>				15	0.50[3]	40
R6	12.00	See <a href="#">Table 151.125(2)</a>				15	0.50[3]	45
RR	12.00	8,500	50	30	6/15	15	0.50[3]	40

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

[1] [Structures Single-family dwellings](#) in the AG, RE, and E Zoning Districts may exceed the 40-foot building height limit by providing additional setbacks, as follows: for each 1 foot of additional height above 40 feet, structures shall be set back from all front, side, and rear property lines by two feet more than the otherwise required minimum setback. Structures in the AG, RE, or E Districts shall not exceed 50 feet in height.

[2] ISR shall be calculated by dividing the total area of all impervious surfaces on the site by the site's base site area.

[3] A transition yard may also be required, which may increase the minimum setback shown in this table. See § [151.167\(G\)](#).

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

<b>Table 151.125(2): R-4A, R5, and R6 District Lot Size and Setback Standards (Conventional Residential Development)</b>						
<b>Structure Type</b>		<b>Min. Lot Size</b>	<b>Minimum Setbacks[1][2] (Ft.) (§ 151.131(C))</b>			
		<b>Area (Sq. Ft.) (§ 151.131(A))</b>	<b>Width (Ft.) (§ 151.131(B))</b>	<b>Street</b>	<b>Side (Min/total)</b>	<b>Rear</b>
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	First dwelling unit	8,500	60	30	6/15	15
	Second dwelling unit	+5,000	+25	00	+4/08	0
	each add'l unit	+3,000	+5	00	+2/01+1/02	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 § 151.167(G).						
[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.						

<b>Table 151.125(3): Agricultural and Residential District Density and Dimensional Standards (Conservation Residential Development)</b>			
<b>Zoning District</b>	<b>Maximum Density (Units per Acre) (§ 151.131(F))</b>	<b>Minimum Open Space Ratio (§ 151.131(G))</b>	<b>Cluster Bonus [1] (% over max. density)</b>
			<b>Min. Open Space</b>

			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
R-4A	5.00	0.30	NA	NA	NA
R5	8.00	0.30	NA	NA	NA
R6	12.00	0.30	NA	NA	NA
RR	12.00	0.30	NA	NA	NA

[1] Cluster bonuses shall be given to developments in the AG, E, R-1, R-2, and R-3 Districts that set aside open space above the minimum requirements. A 5% density bonus (above the maximum number of units permitted by applicable density standards) is given to developments that provide at least 50% open space; a 10% density bonus is given to projects with a minimum of 60% open space; and 15% density bonus is given to projects with at least 70% open space.

**COMMENTARY:**

<i>Sample Density Calculations under Conservation Residential Development Option</i>									
<i>Zoning District</i>	<i>Gross Land Area (Acres)</i>	<i>Floodplains, Wetlands, Water Bodies and ROW (Acres)</i>	<i>Net Site Area (Acres)</i>	<i>Maximum Density</i>	<i>Maximum Number of Dwelling Units By Open Space Amount</i>				
					<i>30% O.S.</i>	<i>40% O.S.</i>	<i>50% O.S.</i>	<i>60% O.S.</i>	<i>70% O.S.</i>
AG	100	16	84	0.2	NA	16.8	17.64	18.48	19.32
AG	100	28.5	71.5	0.2	NA	14.3	15.02	15.73	16.45
E	100	16	84	0.45	NA	37.8	39.69	41.58	43.47
E	100	28.5	71.5	0.45	NA	32.18	33.78	35.39	37

R-1	100	16	84	0.8	67.2	67.2	70.56	73.92	77.28
R-1	100	28.5	71.5	0.8	57.2	57.2	60.06	62.92	65.78
R-2	100	16	84	1.33	111.7	111.7	117.3	122.9	128.5
R-2	100	28.5	71.5	1.33	95.1	95.1	99.85	104.6	109.4
R-3	100	16	84	2	168	168	176.4	184.8	193.2
R-3	100	28.5	71.5	2	143	143	150.2	157.3	164.5

**Table 151.125(4): Residential District Density and Dimensional Standards  
Non-Residential Development Allowed in Agricultural and Residential Districts**

Zoning District	Floor Area Factor	Minimum Size		Setbacks <sup>[2][3]</sup> (Ft.) (§ <a href="#">151.131(C)</a> )			ISR (Each Lot) (§ <a href="#">151.131(D)</a> )	Height (§ <a href="#">151.131(E)</a> )
		Area (Sq. Ft.) (§ <a href="#">151.131(A)</a> )	Width (Ft.) (§ <a href="#">151.131(B)</a> )	Street	Side (Min/Total)	Rear		
AG	0.10	200,000	300	30	30/60	50	0.20	40[1]
RE	0.10	200,000	300	30	30/60	50	0.20	40[1]
E	0.15	80,000	190	30	19/48	19	0.30	40[1]
R1	0.20	80,000	190	30	19/48	19	0.35	40
R2	0.30	80,000	190	30	19/48	19	0.45	40
R3	0.30	80,000	190	30	19/48	19	0.50	40
R4	0.30	80,000	190	30	19/48	19	0.50	40
R-4A	0.30	80,000	190	30	19/48	19	0.50	40
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	45
RR	0.30	80,000	190	30	19/48	19	0.50	40

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

[1] Structures in the AG, RE, and E Zoning Districts may exceed the 40-foot building height limit by providing additional setbacks, as follows: for each 1 foot of additional height above 40 feet, structures shall be set back from all front, side, and rear property lines by 2 feet more than the otherwise required minimum setback. Structures in the AG, RE, or E Districts shall not exceed 50 feet in height.

[2] A transition yard may also be required, which may increase the minimum setback shown in this table. See § [151.167\(G\)](#).

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

**Table 151.125(5): Non-Residential District Density and Dimensional Standards**

Zoning District	Floor Area Factor	Minimum Size		Minimum Setbacks <sup>[4][5]</sup> (Ft.) (§ <a href="#">151.131(C)</a> )			Max. ISR (Each Lot) (§ <a href="#">151.131(D)</a> )	Max Height (Ft.) (§ <a href="#">151.131(E)</a> )
		Area (Sq. Ft.) (§ <a href="#">151.131(A)</a> )	Width (Ft.) (§ <a href="#">151.131(B)</a> )	Street	Side (Min/Total)	Rear		
GO	0.45	40,000	130	50	12	12	0.50	50 [1]
LC [3]	0.50	10,000	50	30	12 [2]	12	0.75	35
RC	0.20	20,000	100	50	10 [2]	10	0.75	35
GC	0.30	10,000	50	30	12 [2]	12	0.70 [6]	35
LI	0.45	40,000	130	50	20	20	0.60 [6]	50 [1]
II	0.45	40,000	130	50	20	20	0.60 [6]	50 [1]
OS	0.07	200,000	300	30	30	30	0.15	35

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

[1] Structures in the GO, LI, and II Zoning Districts may exceed the 50-foot building height limit by providing additional setbacks, as follows: for each 1 foot of additional height above 50 feet, structures shall be set back from all front, side, and rear property lines by 2 feet more than the otherwise required minimum setback. Structures in the GO, LI, and II Districts shall not exceed 95 feet in height.

[2] Any one interior side setback may be waived if: (a) the development complies with all applicable fire codes; (b) adjacent to LC or less restrictive district; and (c) adequate access is provided to the rear of the property.

[3] The maximum gross floor area for any single use shall be 5,000 square feet. The maximum gross floor area for any single building shall be 10,000 square feet.

[4] A transition yard may also be required, which may increase the minimum setback shown in this table. See § [151.167\(G\)](#).

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

[6] Consumer vehicle sales, truck sales, recreational vehicle sales, boat sales and other similar vehicle sales uses containing outdoor display, due to the need for increased parking, shall be permitted a maximum impervious surface ratio of 0.80.

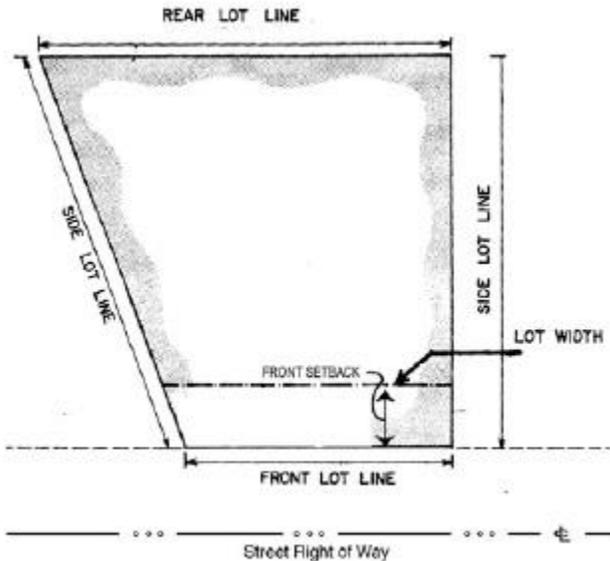
(Ord., § 7.1, passed 10-13-2009; Ord. passed 8-14-2012)

### 151.131 MEASUREMENTS AND EXCEPTIONS.

(A) *Lot size.* Lot size refers to the amount of horizontal land area contained within lot lines of a lot, excluding streets, easements for street purposes, and street rights-of-way.

(B) *Lot width.* Lot width refers to the horizontal distance between side lot lines. Lot width shall be measured between side lot lines at the minimum required front setback line (see [Figure 151.131\(B\)](#)). When a lot has more than one street lot line, lot width shall be measured along the street lot line with the narrower width. In R-1 and more restrictive zoning districts, the minimum average width of lots at the terminus of a cul-de-sac and on curvilinear streets shall comply with the minimum width requirements of the underlying zoning district, provided that the width measured at the building setback line shall be at least 50% of the specified lot width but not less than 45 feet.

*Figure 151.131(B): Measuring Lot Width*



(1) *Panhandle lot exception.* Panhandle lots may be allowed in subdivisions established pursuant to the standards of this chapter.

(a) *Permitted use of panhandle lots.*

1. A panhandle lot exception may be used to facilitate creation of a two-lot subdivision out of a parcel that has sufficient area but insufficient width to be subdivided.

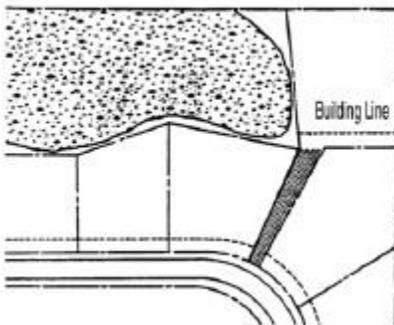
2. A panhandle lot may be used to eliminate access to collector or arterial roads (see [Figure 151.131\(B\)\(1\)\(a\)2.](#)).

*Figure 151.131(B)(1)(a)2.: Panhandle Lot Used to Avoid Access to Collector or Arterial Road*



3. A panhandle lot may be used when the buildable area of a parcel is restricted due to the presence of a natural resource or irregular property shape (see [Figure 151.131\(B\)\(1\)\(a\)3.](#)).

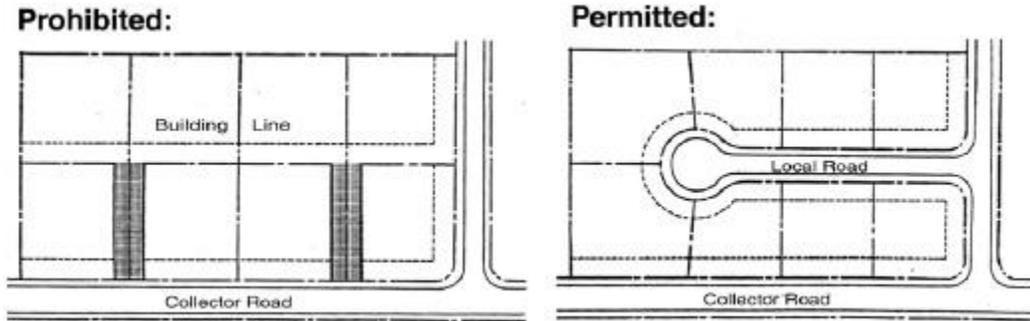
*Figure 151.131(B)(1)(a)3.: Panhandle Lot Used Due to Presence of Natural Resource*



(b) *Prohibited use of panhandle lots.*

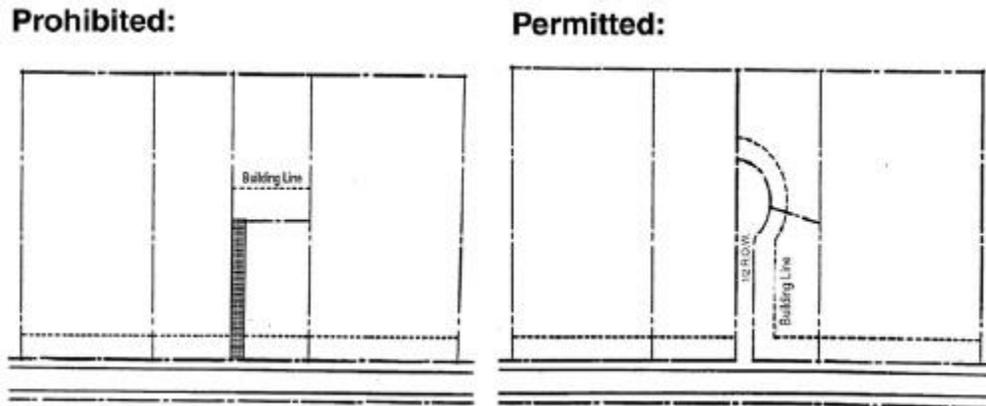
1. Panhandle lots shall not be used to avoid the development of publicly dedicated streets otherwise required by this chapter when the effect of their use would be to increase the number of access points (driveways) on a publicly dedicated road right-of-way (see [Figure 151.131\(B\)\(1\)\(b\)1.](#)).

*Figure 151.131(B)(1)(b)1.: Panhandle Lots May Not Be Used to Avoid Public Street Creation If Their Effect Would Be to Place Additional Driveways on Public Roads*



2. A panhandle lot shall not be used when an adjoining parcel of land also has sufficient area but insufficient width to otherwise be subdivided. In these cases, in lieu of platting a panhandle lot, a half-width road right-of-way shall be platted along the common property line to facilitate the platting of a full-width road right-of-way if and when the adjoining property is subdivided (see [Figure 151.131\(B\)\(1\)\(b\)2.](#)).

*Figure 151.131(B)(1)(b)2.: Half-width Right-of-way in Lieu of Panhandle Lot*



(c) *Standards for panhandle lots.*

1. The panhandle of a panhandle lot shall take direct access to a publicly dedicated street right-of-way.
2. The panhandle of a panhandle lot shall not be less than 15 feet in width at its narrowest point.
3. The minimum street setback on a panhandle lot shall be established at a distance equal to the required street setback from the property line that is most parallel to the street lot

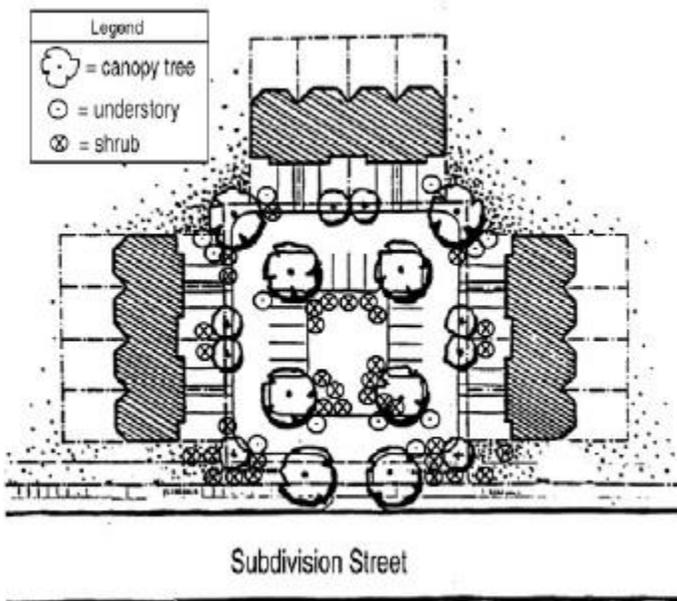
line (road right-of-way line). The lot width at this minimum required setback shall not be less than as otherwise required by this chapter.

4. The area within the panhandle of a panhandle lot shall not be counted as lot area for the purpose of meeting the minimum lot area requirements of this chapter.

5. If required by the highway authority having jurisdiction over the road on which the panhandle lot will take access, the panhandle of the lot, or portion thereof, shall contain an access easement to allow the adjoining lot to share access to the road. In no case shall the panhandle of a panhandle lot serve as any access easement for more than two dwelling units.

(2) *Parking court exception.* Parking courts shall be allowed in subdivisions established pursuant to the standards of this chapter. Parking courts are easements that serve as parking areas and access driveways for conservation residential structure types. Through the use of parking courts, structures obtain their required lot width from a parking court rather than a publicly dedicated street right-of-way. Parking courts shall be owned and maintained by the adjoining unit or property owners' association and are distinct in form and function from publicly dedicated road rights-of-way. Parking courts shall comply with the following standards (see [Figure 151.131\(B\)\(2\)](#)).

*Figure 151.131(B)(2): Parking Court*



(a) No fewer than three and no more than 16 dwelling units may obtain their required lot width from a single parking court.

(b) Dwelling units and structures gaining access from parking courts shall provide the same lot width along a parking court and the same street yards from the parking court as otherwise required along and from a publicly dedicated road right-of-way by this chapter.

(c) Parking courts may be used to satisfy part or all of the off-street parking requirements of § 151.165. Regardless of the number of off-street parking spaces required by § 151.165(B), at least one off-street parking space per dwelling unit shall be provided in the parking court.

(d) Parking courts shall be located outside of public right-of-way.

(e) The design of parking courts shall conform to the following engineering and geometric standards.

1. Access to a parking court from the adjoining publicly dedicated road right-of-way shall be limited to one entry drive unless otherwise approved by the appropriate highway authority. The entry drive shall be a minimum of 18 feet in width. One-way drives may be reduced to 14 feet in width.

2. A depressed curb section shall be provided at the intersection of the entry drive pavement and the publicly dedicated road right-of-way pavement.

3. The minimum size of a parking space within the court shall be nine feet by 18 feet.

4. The required landscaping adjacent to the publicly dedicated road right-of-way shall be broken only by the entry drive. No parking shall be permitted within the required landscaping.

5. Parking courts shall contain no more than 75% impervious coverage.

6. Parking courts shall be paved in conformance with the following standards:

1.5-inch bituminous surface course	Class I
1.5-inch bituminous binder course	Class I
8-inch aggregate base course	Class A or B

7. Adequate pavement drainage and snow storage areas shall be provide within parking courts.

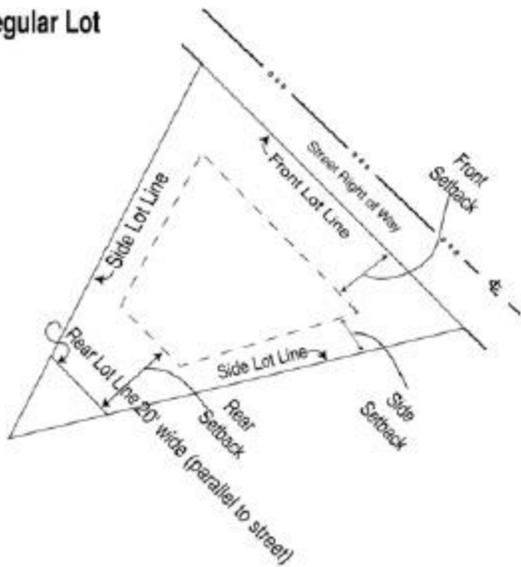
(f) Street landscaping shall not be required between a parking court and the adjoining dwelling units or structures. However, parking courts shall be landscaped with two canopy trees, three understory trees and nine shrubs for every three dwelling units taking access from the parking court. Care shall be taken in the selection and siting of landscape plant materials so as not to create any site distance or other traffic and pedestrian hazards.

(C) *Setbacks.*

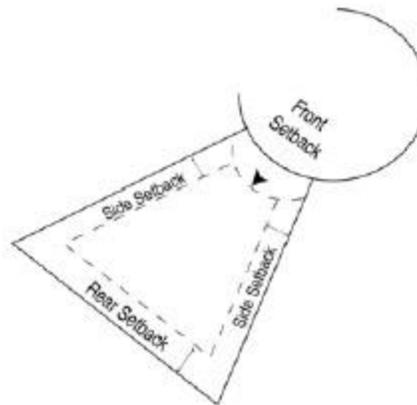
(1) *Defined.* Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky except as expressly stated.

*Figure 151.131(C): Irregular and Pie-Shaped Lots (See Also Definition of Lot Line, Rear)*

Irregular Lot



Pie Shaped Lot



(2) *Measurement from ultimate right-of-way.* Street setbacks applicable to subdivisions and site plans shall be measured from the ultimate right-of-way line as specified in § [151.169\(A\)](#).

(3) *Features allowed within setbacks.* The following features may be located within required setbacks to the extent indicated.

(a) Fences, walls, and other landscape features shall be allowed within required setbacks, subject to the limitations of § [151.113\(J\)](#).

(b) Architectural entrance features and subdivision entrance features shall be allowed within required setbacks, provided the size and location will not constitute a traffic hazard.

(c) Cantilevered bay windows and cantilevered building overhangs may encroach into required front or rear setbacks, provided they do not encroach more than two feet into a required front or rear setback and are located at least four feet from all lot lines.

(d) Chimneys may encroach into required setbacks, provided they do not encroach more than two feet into a required setback and are located at least four feet from all lot lines.

(e) Clothesline posts shall be allowed within required setbacks, provided they are located at least four feet from all lot lines.

(f) Driveways, curbs, and sidewalks shall be allowed within required setbacks.

(g) Flagpoles with ropes or chains on interior of pole shall be allowed within required setbacks, provided they are located at least four feet from all lot lines.

(h) Garbage disposal and recycled material equipment (non-permanent) shall be allowed within required setbacks, provided they are located at least four feet from all lot lines.

(i) Guardhouses or gatehouses shall be allowed within required setbacks, provided they are located at least four feet from all lot lines.

(j) Heating units, cooling units ~~and~~ generators, and mechanical and electrical storage systems associated with solar energy systems may encroach into required setbacks, provided they do not encroach more than three feet into a required setback and are located at least four feet from all lot lines.

(k) Mailboxes shall be allowed within required setbacks, provided they are located at least four feet from all side lot lines.

(l) Overhanging roof, eave, ~~gutter~~, cornice, awnings, or other architectural features may encroach into required setbacks, provided they do not encroach more than three feet into a required setback and are located at least four feet from all lot lines.

(m) Individual sewage disposal systems, wells, and underground utilities shall be allowed within required setbacks.

(n) Steps, stairs, stoops, and landings (non-enclosed with no walls or screens, with or without a roof) to a dwelling may encroach into required setbacks, provided they do not encroach more than four feet into a required setback and are located at least four feet from all lot lines.

(o) In conventional developments, open terraces (second story or above), decks, porches (non-enclosed with no walls or screens ~~or roof~~) swimming pool aprons, pergolas, and at-grade patios or paved areas that function as decks may encroach into required setbacks, provided they do not encroach more than four feet into a required setback and are located at least four feet from all lot lines.

(p) In conservation developments, terraces (above first floor, open), decks, swimming pool aprons, pergolas, porches (non-enclosed, with no walls or screens, ~~or roof~~) and at-grade patios or paved areas that function as decks, when proposed in conjunction with the single family detached house structure type, may encroach into the required rear yard setback provided they do not encroach more than ten feet into the required setback, the structure's area within the required setback does not exceed 200 square feet, and the lot abuts permanent open space to the rear (no other exceptions shall be allowed for terraces, decks, swimming pool aprons, porches, pergolas, and at-grade patios in conservation developments).

(q) Wheelchair ramps or wheelchair platforms not to exceed four 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 four feet from side and rear lot lines.

(r) Wharfs, docks, piers, walkways not to exceed four feet in width, or private boathouses (exempt only from water's edge setbacks) shall be allowed within required setbacks.

(s) Yard and service lighting poles and fixtures shall be allowed within required setbacks, provided they are located at least four feet from all lot lines.

(t) Window wells may encroach no more than three feet into required setbacks, provided they are located at least four feet from all lot lines. The Planning, Building and Development Director may approve window wells that are covered with load-bearing materials at grade at less

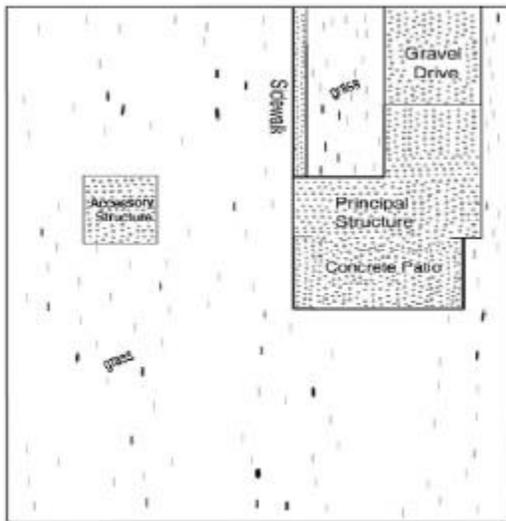
than four foot setback. Window wells within regulatory floodplains shall be regulated by the provisions of §§ [151.145](#) through [151.154](#).

(u) Outdoor seating associated with a restaurant use, shall be allowed within [the required setbacks street setback](#), provided the space is at grade and is separated from the right-of-way by landscaping or man-made barrier, subject to the intersection visibility requirements of § [151.172](#).

(D) *Impervious surface*. Impervious surface is any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreation areas. The impervious surface ratio is calculated by dividing the total area of all impervious surfaces on the site by the site's Net Site Area. If approved by the Planning, Building and Development Director, all or a portion of the area covered by pervious paving material may be excluded from impervious area calculations (see [Figure 151.131\(D\)](#)).

**COMMENTARY:**  
Swimming pools accessory to a principal residential use, hot tubs, and other similar man-made water-retaining structures containing freeboard, shall not be included in calculating total impervious surface on residential parcels.

*Figure 151.131(D): Impervious Surfaces*



(E) *Height*.

(1) *Building height*. Building height refers to the vertical distance between the mean elevation at finished grade along the portion of a structure to the highest point of the roof.

(2) *General exceptions to height limits*. The following structures or parts thereof are exempt from zoning district height limits:

- (a) Agricultural buildings, but not dwellings;
- (b) Bulk storage silos and towers;
- (c) Chimneys, ~~solar panels~~, and cupolas on residential dwelling units, not to exceed six feet above the height of the building, or the minimum height required to meet applicable building, fire, or environmental regulations;

(d) Roof-mounted solar energy systems are exempt from zoning district height limits. However, roof-mounted solar energy systems shall not exceed six feet above the height of the building, or the minimum height required to meet applicable building or fire regulations.

(~~e~~) Elevator penthouses and mechanical equipment, provided the structures do not occupy more than 33% of the area of the roof;

(~~f~~) Gravity feed apparatus;

(~~g~~) Flagpoles, radio/television antennae and towers, not to exceed 15 feet above the maximum height allowed in the underlying zoning district without approval of a variation (see § [151.056](#));

(~~h~~) Steeples, not to exceed 25 feet above the maximum height allowed in the underlying zoning district without approval of a variation (see § [151.056](#));

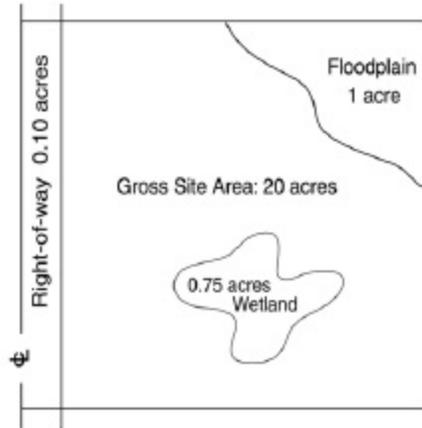
(~~i~~) Towers, fire, mechanical and smokestacks, not to exceed 16 feet above the maximum height allowed in the underlying zoning district without approval of a variation (see § [151.056](#));

(~~j~~) Water tanks and standpipes; and

(~~k~~) Emergency warning devices, not to exceed 60 feet in height.

(F) *Maximum density.* Maximum density refers to the maximum number of dwelling units allowed per acre of site area, after subtracting land area in regulatory floodplains, wetlands, water bodies, and public rights-of-way from the base site area. To calculate the number of dwelling units allowed on a parcel, first subtract from the base site area the total area of all regulatory flood-plains, wetlands, water bodies, and public rights-of-way, then multiply the resulting figure by the maximum density standard of the zoning district. When density calculations result in fractions, fractions of one-half or greater shall be rounded to the next highest whole number; fractions of less than one-half shall be rounded down (see [Figure 151.131\(F\)](#)).

*Figure 151.131(F): Density Calculations (e.g., R-1)*



Gross site area:	20.00 acres
Subtract ROW:	0.10 acres
<b>Base site area:</b>	19.90 acres
Subtract	
Wetland:	00.75 acres
Floodplain	1.00 acres
<b>Net site area:</b>	18.15 acres x R1 density
	18.15 x 0.80 = 14.52 (15) dwelling units

(G) *Open space ratio.* The minimum open space ratio is one measure of the amount of open space required in a conservation development.

(H) *Floor area factor.* Floor area refers to the sum total floor area of a building, measured from the exterior limits or faces of the structure. Parking structures providing spaces to meet minimum off-street parking standards of § [151.165](#) shall not be counted as floor area. The maximum floor area factor refers to the amount of floor area allowed per acre of Net Site Area, as calculated under § [151.070](#)(D). The maximum floor area factor is one of the key determinants of a site’s nonresidential development capacity.

(I) *Number of dwelling units.* The Planning, Building and Development Director shall be authorized to allow exceptions to the minimum and maximum number of dwelling units per building for townhouse, multiplex, and multi-dwelling structures, provided that the average number of dwelling units per building within a development is neither fewer than the minimum nor more than the maximum number of dwelling units permitted for the structure type.

(J) *Walls.* The Planning, Building and Development Director shall be authorized to reduce side and rear wall requirements for patio and atrium houses if the Planning, Building and

Development Director determines that the walls are only providing a separation from common open space.

(Ord., § 7.7, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed - -)

## GENERAL DEVELOPMENT STANDARDS

### § 151.165 OFF-STREET PARKING.

(A) *Applicability.*

(1) *New development.* The off-street parking standards of this section apply to any new building constructed and to any new use established.

(2) *Expansions and alterations.* The off-street parking standards of this section apply to all principal and accessory uses when an existing structure or use is expanded or enlarged. Additional off-street parking spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases the number of off-street parking spaces provided for the entire use (preexisting + expansion) must equal at least 75% of minimum ratio established in the off-street parking schedule of subsection (B) below.

(3) *Change of use.* Off-street parking must be provided for any change of use or manner of operation that would, based on the off-street parking schedule of subsection (B) below, result in a requirement for more parking spaces than the existing use.

(B) *Off-street parking schedule.* Off-street parking spaces shall be provided in accordance with the following schedule of requirements. (See rules for computing requirements, subsection (C) below.)

<i>Table 151.165(B)</i>		
Use Category (See § <a href="#">151.270</a> for Description)	Use Types	Minimum Number of Off-Street Parking Spaces Required
<b><i>Residential Use Categories</i></b>		
Household living		2 per dwelling unit
<b><i>Public, Civic and Institutional Use Categories</i></b>		
College		1 per 4 students, plus 1 per staff member
Community service	Library or museum	2.5 per 1,000 square feet or 1 per 4 person-capacity (whichever is greater), plus 1 per employee
	Community service not otherwise classified	1 per 3-person capacity

Day care		1 per teacher/employee, plus 1 per 6 enrollees, or off-street waiting to accommodate at least 6 vehicles
Group living	Assisted living	1 per 4 beds, plus 1 per employee
	Convent or monastery	1 per 6 residents, plus 1 per employee, plus 1 per 2.5 chapel seats if open to the public
	Group living not otherwise classified	1 per 3 residents, plus 1 per employee
Hospital		1.8 per patient bed
Parks and open space	Cemetery	No minimum
	Golf course	60 per 9 holes, plus 1 per employee, plus 50% of spaces otherwise required for any accessory uses (e.g. bars, restaurants)
	Golf course, Par 3	25 per 9 holes, plus 1 per employee
	Parks and open space not otherwise classified	1 per 4-person capacity
Religious institutions		1 per 4 seats, plus 50% of spaces otherwise required for any accessory uses (e.g., banquet hall, day care)
School	Elementary and Junior High	1 per faculty/staff member, plus 1 per 2 classrooms
	Senior High	1 per faculty/staff member, plus 1 per 5 students
Utility, major		None required
<b><i>Retail, Service and Commercial Use Categories</i></b>		
Entertainment event, major	Major entertainment event not otherwise classified	1 per 3-person capacity
Office	Office, medical	3 per examining room, plus 1 per staff doctor/employee
	Office, non-medical	2.5 per 1,000 square feet
Parking, commercial		None required
Recreation and entertainment, outdoor	Camp	1 per employee, plus 1 per camp vehicle normally parked on the premises, plus 1 visitor space per acre, with a minimum of 5 and a max maximum of 50 spaces.
	Golf driving range	1 per tee, plus 1 per employee
	Golf miniature	1 per hole, plus 1 per employee
	Outdoor recreation and entertainment not otherwise classified	1 per 4-person capacity

Retail sales and service	Bank	2.5 per 1,000 square feet, plus stacking spaces per § <a href="#">151.165(I)</a>
	Barber or beauty shop	3 per operator chair
	Bars, taverns, dance halls and nightclubs	14 per 1,000 square feet
	Bowling center	5 per lane, plus 1 per employee, plus 50% of spaces otherwise required for accessory uses (e.g., bars, restaurants, gamerooms)
	Convenience store (grocery)	6 per 1,000 square feet
	Funeral home	1 per 4 seats or 25 per chapel, whichever is greater
	Grocery or supermarket	4 per 1,000 square feet
	Hotel or motel	1 per room or suite, plus 1 per employee, plus 1 per person-capacity of each public meeting and banquet room, plus 50% of the spaces otherwise required for accessory uses (e.g., restaurants and bars)
	Repair service	3.2 per 1,000 square feet
	<del>Restaurant, fast food</del> <a href="#">Class "A" restaurant</a>	<del>4</del> 12 per 1,000 square feet, <a href="#">plus 1 per 3 employees</a> , plus stacking spaces per § <a href="#">151.165(I)</a>
	<a href="#">Restaurant, standard</a> <a href="#">Class "B" restaurant</a>	<del>4</del> 12-14 per 1,000 square feet, <a href="#">plus 1 per 3 employees</a>
	<a href="#">Class "C" restaurant</a>	12 per 1,000 square feet, <a href="#">plus 1 per 3 employees</a>
	Retail sales and service not otherwise classified	4 per 1,000 square feet (shopping centers: 5 per 1,000 square feet)
	Theater or auditorium, indoor	1 per 3-person capacity
	Theater, outdoor	1 per 3-person capacity
	Vehicle sales	0.5 per 1,000 square feet of display area, whether indoor or outdoor plus 2.5 per 1,000 square feet devoted to servicing vehicles
	Self-service storage	None required
Vehicle repair	2.5 per 1,000 square feet	
Vehicle service, limited	2.5 per 1,000 square feet	
<b><i>Industrial Use Categories</i></b>		
Industrial sales and service		2.5 per 1,000 square feet

Manufacturing and production		2.5 per 1,000 square feet
Warehousing and freight movement		<del>0.25 per 1,000 square feet</del> <u>1 per employee</u>
Waste-related use		1 per employee
Wholesale sales		2.5 per 1,000 square feet
<b><i>Other Use Categories</i></b>		
Agriculture		None required
Mining	Mining and resource extraction	1 per employee

(C) *Rules for computing requirements.* The following rules apply when computing off-street parking requirements.

(1) *Multiple uses.* Unless otherwise approved, lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses.

(2) *Fractions.* When measurements of the number of required spaces result in a fractional number, any fraction of one-half or less shall be rounded down to the next lower whole number and any fraction of more than one-half shall be rounded up to the next higher whole number.

(3) *Area measurements.* Unless otherwise specifically noted, all square footage-based parking standards must be computed on the basis of ~~gross floor area~~ used or intended to be used for office space (as a principal use), service areas accessible to customers, patrons, clients, patients or tenants, including areas occupied by fixtures or equipment used for display or sale of merchandise. Floor area for the purposes of this section shall not include any area used for:

- (a) Storage accessory to the principal use of the building;
- (b) Window displays;
- (c) Offices or spaces incidental to the management or maintenance of a store or building;
- (d) Restrooms;
- (e) Utilities, including HVAC systems; or
- (f) Dressing, fitting, or alteration rooms.

(4) *Occupancy- or capacity-based standards.* For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

(5) *Fleet parking.* For the purpose of computing parking requirements, any vehicle owned or leased by a business, government agency, or other organization, rather than by an individual,

shall be provided 1 space on the same zoning lot as the principal use. Spaces shall be sized appropriately for fleet vehicles.

(56) *Unlisted uses.* Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Planning, Building and Development Director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking study prepared by the applicant. A parking study must include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable estimates as approved by the Planning, Building and Development Director, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.

(7) Consideration of operational standards. The provisions of this section represent the minimum required parking. It is the responsibility of the applicant to consider their unique operational needs, which may require additional parking. The Planning, Building and Development Director may require additional analysis of business operational needs.

(D) *Off-street parking reductions for large developments.* In order to prevent the establishment of a greater number of parking spaces than actually needed to meet the particular needs of large developments of over 500,000 square feet of gross floor area, a reduction in the number of required off-street parking spaces may be permitted by the Planning, Building and Development Director. Reduction shall be permitted subject to the following conditions.

(1) *Maximum reduction.* A maximum reduction of one parking space per every 1,000 square feet of gross floor area or 20% of the total spaces required (whichever is less) may be permitted. The site plan shall indicate the location and dimensions of the parking area provided.

(2) *Reservation.* Sufficient area shall be reserved to accommodate the total number of off-street parking spaces otherwise required by this section. The purpose of this reservation is to ensure adequate area to meet any future need for additional parking spaces. The reserved area shall be located on the same site and noted on the site plan. The reserved parking area shall not include areas for required landscaping, setbacks, or areas that would otherwise be unusable for parking due to the physical characteristics of the land or the requirements of this chapter.

(3) *Installation of additional spaces.* The Planning, Building and Development Director shall be authorized to require that the developer install additional parking spaces, up to the total number otherwise required by this section, if the Planning, Building and Development Director determines that additional parking spaces are necessary to satisfy the off-street parking needs of the use.

(E) *Off-street parking alternatives.*

(1) *Off-site parking.* The Planning, Building and Development Director may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located, subject to all of following standards.

(a) *Limitation on amount of off-site parking.* No more than 50% of a use's required off-street parking may be located off-site unless the off-site parking is located on a lot that is contiguous to the lot containing the subject use. There shall be no limit on the amount of off-site parking located on a contiguous lot.

(b) *Ineligible activities.* Off-site parking may not be used to satisfy the off-street parking standards for residential uses, restaurants, bars, resorts, convenience stores, or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

(c) *Location.* No off-site parking space may be located more than 600 feet from the primary entrance of the use served.

(d) *Zoning classification.* Off-site parking areas require the same or a more intensive zoning classification than required for the use served.

(e) *Covenant for off-site parking.* If the off-site parking area is under separate ownership from the use to be served by the parking area, an irrevocable written covenant among all owners of record shall be required prior to approval of the off-site parking. An attested copy of the irrevocable covenant between the owners of record must be submitted to the Planning, Building and Development Director for recordation on forms made available in the Planning, Building and Development Department. The covenant must be recorded in the Lake County Recorder's office before any building permits may be issued for any use to be served by the off-site parking area. A shared parking covenant may be revoked only if all required off-street parking spaces will be provided, in accordance with subsection (B) above.

(2) *Shared parking.* The Planning, Building and Development Director may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with the all of following standards.

(a) *Location.* Shared parking spaces must be located within 600 feet of the primary entrance of all uses served.

(b) *Zoning classification.* Shared parking areas require the same or a more intensive zoning classification than required for the use served.

(c) *Shared parking study.* Applicants wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Planning, Building and Development Director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Planning, Building and Development Director and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

(d) *Covenant for shared parking.* A shared parking plan will be enforced through an irrevocable, written covenant among all owners of record. An attested copy of the irrevocable covenant between the owners of record must be submitted to the Planning, Building and Development Director for recordation on forms made available in the Planning, Building and Development Department. The covenant must be recorded in the Lake County Recorder's office

before any building permits may be issued for any use to be served by the shared parking area. A shared parking covenant may be revoked only if all required off-street parking spaces will be provided, in accordance with subsection (B) above.

**COMMENTARY:**

Certain large uses, such as regional shopping centers, may need fewer parking spaces than otherwise required by this section, since they typically have a lower trip generation rate than smaller uses. This provision allows a 20% maximum reduction in required parking spaces for the uses, while requiring that land be reserved to accommodate future parking should the need arise.

(F) *Location.*

(1) Except as otherwise expressly provided in this section, required off-street parking spaces shall be located on the same zoning lot as the principal use. Except as otherwise provided in this section, off-street parking and stacking spaces may be located within required setbacks but not within required landscaping and not within five feet of any property line. In lieu of providing side and rear setbacks, landowners of adjoining properties shall be entitled to enter into an agreement that provides for a waiver or partial waiver of the requirements. The agreement shall be in the form of a covenant or deed restriction and shall require approval of the Planning, Building and Development Director. Once approved, the agreement shall be recorded in the Lake County Recorder's office and shall run with the land.

**COMMENTARY:**

When ultimate right-of-way is reserved but not dedicated to the highway authority, required off-street parking spaces are permitted to be located up to the edge of the ultimate right-of-way.

(2) However, the parking of any car, van, or truck may occur in the front yard between the principal structure and an improved street in residential zoning districts only on an improved pad not to exceed 400 square feet or on an improved driveway (in both cases either gravel, paved, or otherwise improved with hardscape). In no event shall these personal vehicles be allowed to park on grass or other unimproved surface between the principal structure and an improved street ~~in the front yard~~. This provision shall not apply to nonresidential uses permitted in residential zones.

**COMMENTARY:**

This provision is not intended to prohibit occasional or "short-term" parking on grass in front yards for special events (such as family functions, parties, and the like).

(G) *Use of off-street parking areas.* Required off-street parking areas are to be used solely for the parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, motor homes, campers, mobile homes, or building materials.

(H) *Design.*

(1) *Design standards.* The minimum size of each required off-street parking space shall be consistent with the chart below.

	<i>Stall Width</i>	<i>Stall Length</i>	<i>Aisle Width</i>
			<i>One Way/Two Way</i>
<b>Parallel Parking</b>			
0 degrees	9'	22'	12'/22'
45 degrees	9'	18'	13'/24'
60 degrees	9'	18'	18'/24'
90 degrees	9'	18'	24'/24'

(2) *Markings.* Each required off-street parking space shall be designated by lines or parking blocks.

(3) *Surfacing and maintenance.* All off-street parking areas shall be kept in a dust-free condition at all times. Parking areas for nonresidential uses that are located between a [public street](#) [an improved street](#) and the principal building on the parcel shall be paved.

[\(4\) Consideration of operational standards. The provisions of this Section represent the minimum traffic circulation standards. It is the responsibility of the applicant to consider their unique operational needs, which may require unique parking stall sizes, aisle widths, and circulation radii. The Planning, Building and Development Director may require additional analysis of business operational needs, such as modeling of vehicle maneuverability.](#)

(I) *Vehicle stacking areas.* Vehicle stacking shall be prohibited within public rights-of-way.

**COMMENTARY:**  
 The following guidelines will be used in evaluating the adequacy of vehicle stacking areas. Vehicle stacking shall be prohibited within public rights-of-way.

**Number of Spaces**

<i>Table 151.165(I)-Commentary</i>		
<i>Activity Type</i>	<i>Spaces</i>	<i>Measured From</i>
Automated teller machine	3	Teller
Bank teller lane	4	Teller or window
Car wash stall, automatic	6	Entrance
Car wash stall, self-service	3	Entrance
Gasoline pump island	2	Pump island

Pharmacy/drug store	4	Pickup window
Restaurant drive-through	6	Order box
Restaurant drive-through	4	Order box to pickup window
Other uses	3 (minimum)	Pickup window

## Design and Layout

### 1. Size

Stacking spaces must be a minimum of 8 feet by 20 feet in size.

### 2. Location

Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

### 3. Design

Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary for traffic movement and safety.

(J) *Accessible parking for physically handicapped persons.* A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with all applicable county, state, and federal standards.

(Ord., § 9.1, passed 10-13-2009; Ord. passed - -)

## § 151.166 OFF-STREET LOADING.

(A) *No use of public right-of-way.*

(1) At no time shall goods be loaded or unloaded from the right-of-way of a collector or arterial street.

(2) No part of any vehicle shall be allowed to extend into the ultimate right-of-way of a collector or arterial street while being loaded or unloaded.

(B) *Location.* Plans for location, design, and layout of all loading spaces shall be indicated on required site plans.

(C) *Design.*

(1) *Space size.* Off-street loading spaces, excluding maneuvering areas, shall be at least ten feet wide and 25 feet long unless off-street loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of 25 feet in length, in which case the minimum size of a space shall be 12 feet by 65 feet.

(2) *Surfacing and maintenance.*

(a) All off-street loading areas shall be kept in a dust-free condition at all times.

(b) Loading areas located between a ~~public street~~ an improved street and the principal building on the parcel shall be paved.

(Ord., § 9.2, passed 10-13-2009)

### § 151.167 LANDSCAPING.

(A) *Intent.* This landscape section is intended to accomplish the following:

- (1) Preserve or enhance the appearance and character of the property and its surroundings;
- (2) Reduce noise and air pollution, light glare, soil erosion, and solar heating of the environment;
- (3) Provide buffering between land uses and zoning districts of differing intensity;
- (4) Promote the preservation of existing significant vegetation;
- (5) Improve the appearance of parking areas and property abutting public rights-of-way; and
- (6) Promote the implementation of best management practices, low impact development features, and sustainable design elements. (See [Appendix A](#).)

(B) *Applicability and plant unit standards.*

(1) ~~Applicability.~~ The standards of this section shall apply to the following development types (see also § [151.167\(G\)](#) *Landscape standards for transition areas*):

(a) All development subject to the site capacity calculations/site plan review procedures of § [151.070\(A\)](#); and

(b) All nonresidential development adding at least 1,000 square feet of floor area or 2,000 square feet of impervious surface (on any size parcel) when adjacent to a residential use or zoning district.

(c) Any new nonresidential development or use on any size parcel consisting of at least 1,000 square feet of floor area or 2,000 square feet of impervious surface.

#### **COMMENTARY:**

~~Plant unit calculations establish the total quantity of required plant material while allowing the landscape architect or other design professional flexibility in allocating and distributing plant material. Existing plant material protected during construction may be used to satisfy the plant material requirements provided the type and size of the plant material meets the plant material standards of this chapter and the plant material is not an invasive or noxious variety.~~

~~(2) *Plant unit standards.* A plant unit is a measurement used to determine the quantity of plant material for screening and shading.~~

~~(a) One plant unit is comprised of all of the following elements:~~

- ~~1. One canopy tree;~~
- ~~2. Two understory trees;~~
- ~~3. Two evergreen trees; and~~
- ~~4. Seven shrubs.~~

~~(b) With the approval of the Planning, Building and Development Director, the composition of a plant unit may be varied if the intended purpose of the landscaping is not compromised.~~

(C) Modification of landscape standards. So long as the intended purpose of the landscaping is not compromised, landscape requirements may be modified by the Planning, Building and Development Director in instances such as:

(1) When installing the plant material would compromise the health, vitality, or ecology of existing vegetation, or those natural resources requiring protection under §151.070; or

(2) Where unique limitations of the site preclude the installation of the required plant units,  
or

(3) When the principal use of the site is changed to a principal use of the same or lesser intensity.

~~(D) Previously approved development.~~ A development that was legally established in accordance with all landscaping regulations in effect at the time of establishment shall not be deemed nonconforming solely due to the fact that it does not comply with the landscaping regulations of this section.

(E) Plant unit and plant material standards. Plant material used to satisfy the standards of this section shall comply with the following standards:

(1) Plant units. A plant unit is a measurement used to determine the quantity of plant material required.

(a) One plant unit is comprised of all of the following elements:

- 1. One canopy tree;
- 2. Two understory trees;
- 3. Two evergreen trees; and
- 4. Seven shrubs

(2) Plant Material. Plant material used to satisfy the standards of this section shall comply with the following standards.

(a) Size. Unless otherwise expressly provided, all plant materials used to satisfy the requirements of this section shall meet the following minimum size standards:

<u>Plant Type</u>	<u>Minimum Size</u>
<u>Canopy tree</u>	<u>3 inch caliper</u>
<u>Understory/ornamental tree</u>	<u>2 inch caliper or 8 feet height</u>
<u>Evergreen/conifer tree</u>	<u>8 feet height</u>
<u>Shrubs</u>	
<u>Broadleaf/deciduous</u>	<u>3 feet height</u>
<u>Needleleaf/evergreen</u>	<u>2 feet height</u>
<u>Columnar evergreen</u>	<u>3 feet height</u>

(b) Examples of species. Species of plant material that satisfy the requirements of this section are contained in Appendix A. That Appendix categorizes plant species as either “canopy trees”, “evergreen/conifer trees”, “understory/ornamental trees”, “broadleaf/deciduous shrubs” or “needleleaf/evergreen shrubs”. Varieties and cultivars of the plant species listed in Appendix A may be used to satisfy the requirements of this section, provided that the variety or cultivar used complies with applicable size and form standards.

(c) Quality. Plants installed to satisfy the requirements of this section shall meet or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen-Horticulture Industry Association. Plants shall be nursery-grown and balled and burlapped with burlapping or other suitable material that is biodegradable.

(d) Additional landscape treatment. All required landscape areas not dedicated to trees, shrubs or preservation of existing vegetation shall be landscaped with grass, groundcover, or other landscape treatment, not including sand, rock, or pavement.

(e) Species mix. For projects requiring more than five canopy trees, each plant type (i.e., canopy tree, understory tree, etc.) associated with the landscape requirements of this section, no single plant species shall represent more than 40% of the total plantings of each plant type.

(f) Berms not required in perimeter landscape transition areas. Any berm at least five feet in height whose toe is within 25 feet of any right-of-way or other property line shall be improved with a minimum of one plant unit per 100 linear feet for every five 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.

(DE) *Landscape standards for parking lots.*

(1) *Applicability.* The parking lot landscaping standards of this subsection (DE) shall apply to all off-street parking areas containing more than five off-street parking spaces with the exception of interior landscaping associated with multi-level parking structures. The standards of this subsection (DE) shall not apply to storage of new or used motor vehicles or boats or to trucking or motor freight terminals that are not normally open to the public.

(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:

<i>Parking Lot Area</i>	<i>Required Landscape Area</i>
4,000 sq. ft. to 10,000 sq. ft.	5% of paved surface
Greater than 10,000 sq. ft.	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) Native perennials and grasses may be planted in lieu of shrubs, up to 20% of the total number of required shrubs. Three (3) native perennial plants or native grasses shall equal one (1) shrub.

(de) The minimum width of all parking lot landscaped areas shall be ten feet and shall be protected by raised curbs with a minimum height of four inches with the exception of low impact development features (see [Appendix A](#)) as appropriate.

(ef) The minimum area for a corner island shall be ~~225~~200 square feet.

(fg) The finished grade (crown) of interior planting areas shall not be less than three inches above curb or pavement with the exception of low impact development features as appropriate.

(gh) The parking lot perimeter shall be landscaped with a minimum of one plant unit per 100 lineal feet (not to include ingress/egress dimensions). In situations where the perimeter of

the parking lot overlaps with the required transition area, whichever requirement is greater shall apply.

(hi) Prior to planting, all interior areas shall be excavated to a depth of three feet and amended with a soil mixture consisting of one part screened topsoil, one part existing topsoil and two 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.

(hj) All landscaped areas that are not planted in grass shall be mulched with a three-inch layer of shredded hardwood bark mulch or stone.

(hk) A maintenance schedule shall be provided for review prior to approval of the landscape plan.

(G) Best Management Practices. 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.

(1) 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 the 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%.

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

<u>Best Management Practice</u>	<u>Incentives</u>
---------------------------------	-------------------

<a href="#">Permeable pavement</a>	<a href="#">Additional impervious surface</a> <a href="#">Can be used for parking/drive aisle</a> <a href="#">Reduced curb &amp; gutter</a> <a href="#">Wheel stops in lieu of curb &amp; gutter</a> <a href="#">Alteration of plant species/quantity</a>
<a href="#">Structural soil</a>	<a href="#">Additional impervious surface</a> <a href="#">Alteration of plant species/quantity</a>
<a href="#">Vegetated swale or buffer bio-retention cell/rain garden</a>	<a href="#">Additional impervious surface</a> <a href="#">Reduced curb &amp; gutter</a> <a href="#">Wheel stops in lieu of curb &amp; gutter</a> <a href="#">Alteration of plant species/quantity</a>

[\(3\) Provide both a short-term and long-term maintenance and management plan of BMP areas.](#)

[\(EH\)](#) *Landscape standards for streets.*

(1) *Subdivision and local streets.* Subdivision and local streets shall have two canopy trees per 100 feet of road frontage.

(2) *Arterial/collector/freeway.*

(a) Residential uses abutting an arterial or collector street or a freeway shall have three plant units per 100 feet of road frontage.

(b) Nonresidential uses abutting an arterial or collector street or a freeway shall have one plant unit per 100 feet of road frontage.

(3) *Ultimate right-of-way provisions.*

(a) Where a parcel extends to the centerline of an existing street or where the existing street adjacent to the development site contains less than the right-of-way width specified in § [151.169](#), the landscape material shall be located no closer than the ultimate right-of-way line of local streets and no closer than one foot outside the ultimate right-of-way of collector streets, arterial streets, and freeways [unless the roadway authority provides written notice there is no immediate or foreseen future need to widen the right-of-way.](#)

(b) No landscaping shall be located within the existing right-of-way of any public road without written consent of the highway authority having jurisdiction over the public road.

[\(FI\)](#) *Landscape standards for common open space.*

(1) *Applicability and standards.* Residential subdivisions or residential developments containing common open space shall provide one-half plant unit of landscaping for each residential dwelling unit within the common open space.

(2) *Location.*

(a) Plant material shall be installed so it relates to the natural environment and habitat in which it is placed.

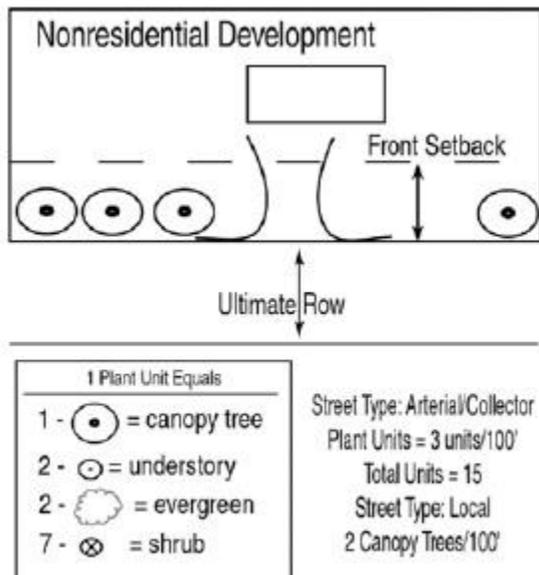
(b) Native vegetation shall be utilized in all instances unless site conditions or availability of species warrant the use of cultivars or similar materials compatible with the area.

~~—(3) Waiver of landscape standards. The Planning Director may fully or partially waive the installation of the required plant units and in conjunction with the waivers impose conditions on the installation of the plant material in the following instances:~~

~~—(a) When installing the plant material would compromise the health, vitality, or ecology of existing vegetation, or those natural resources requiring protection under § 151.070; or~~

~~—(b) Where the type or intent of the open space would preclude the installation of the required planting units.~~

Figure 151.167(E): Landscape Standards for Streets



(GJ) *Landscape standards for transition areas.*

(1) *Applicability.*

(a) A transition area shall be required when a residential use is adjacent to a nonresidential use.

(b) A transition area and associated landscaping shall be provided along the perimeter of all developments subject to the standards of this section.

(2) *Transition landscape standards.*

(a) The width of a required transition area shall be calculated as 20% of lot width, but in no case shall the transition area be any less than ten feet or more than 30 feet in width.

(b) Plant unit intensity shall be based on transition area width, and shall be calculated proportionately at one plant unit for every ten feet of transition area width.

(c) Subject to this width requirement, transition area landscaping shall be determined in accordance with the following [Table 151.167\(G\)](#):

<b>Table 151.167(G): Perimeter Transition Landscape Requirements (Plant Units Per 100 Linear Feet, Based on a 30-foot Transition Area)</b>													
	<b>Existing Site</b>												
<b>Proposed Developing Site</b>	<b>Residential</b>			<b>Nonresidential</b>							<b>Vacant</b>		
	<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>	<b>GO</b>	<b>LC</b>	<b>RC</b>	<b>GC</b>	<b>LI</b>	<b>II</b>	<b>OS</b>	<b>Vac. Res.</b>	<b>Vac. Non-Res.</b>	<b>AG</b>
Class 1	-									A*	-	2	2
Class 2	2	-								A*	-	2	2
Class 3	3	2	-							A*	-	2	2
GO	3+B or D	3+B or D	3+B or D	-						A	3	-	2
LC	3+B or D	3+B or D	3+B or D	1	-					A	3	-	2
RC	3+B or D	3+B or D	3+B or D	1	1	-				A	3	-	2
GC	3+B or D	3+B or D	3+B or D	2	1	1	-			2A	3	-	2
LI	3+C or E	3+C or E	3+C or E	2	2	2	2	-		2A	3	-	3
II	3+C or E	3+C or E	3+C or E	2	2	2	2	1	-	2A	3	-	3
OS	-	-	-	-	-	-	-	-	-	-	-	-	-
Notes:													
Nonresidential uses allowed in the Agricultural and Residential Districts shall be subject to the transition landscape requirements of the LC Zoning District.													
Class 1 = Detached house, village house or lot line house													
Class 2 = Duplex, patio house, atrium house, twinhouse, multiplex, townhouse													
Class 3 = Multi-dwelling													
A = Split rail fence or other fence not to exceed 10% opacity													
B = Fence (minimum 95% opacity), 6-foot minimum height													

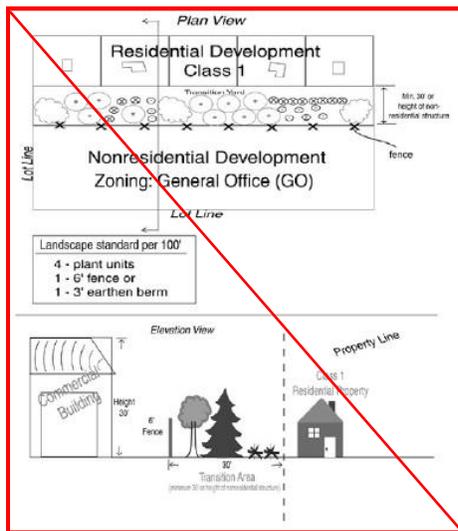
C = Wood fence (minimum 95% opacity), 8-foot minimum height with concrete footings
D = Earthen berm, 3-foot minimum height
E = Earthen berm, 5-foot minimum height
Plant units: one plant unit is comprised of all of the following: 1 canopy tree; 2 understory trees; 2 evergreen trees; and 7 shrubs.
* Fence permitted at the property line and no transition yard required, provided that no parking lot, active recreational area, or other structure is currently located within 30 feet of the adjoining property line on the OS-Zoned parcel.

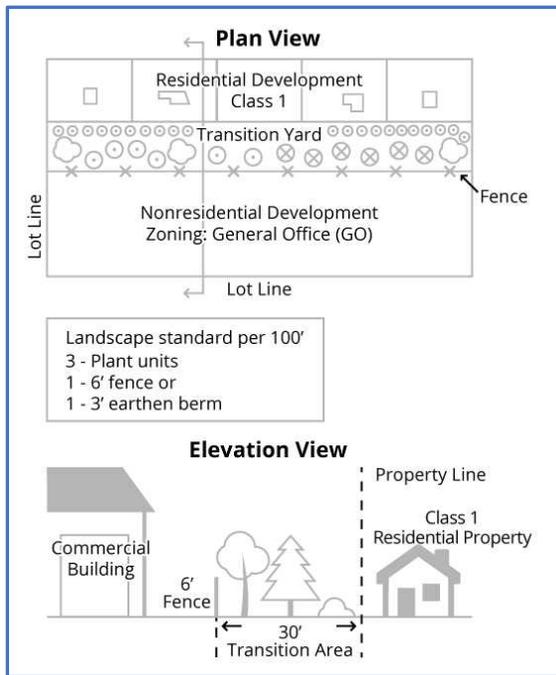
(3) *Location.*

(a) All plant material within transition areas shall be installed within the required setback line of the proposed development site as close to the property line as practical.

(b) In instances where a drainage or utility easement are conterminous with the transition easement, the width of the transition area shall be increased so it does not compromise the function of the utility or drainage easement.

*Figure 151.167(G): Transition Area Landscaping*





~~—(c) In those instances where it may not be practical to install the plant material within a transition area, or when the principal use of the site is changed to a principal use of the same or lesser intensity, the Planning, Building and Development Director may approve the use of a fence, berm, and/or landscaping to mitigate the difference in development types.~~

(4) *Calculation of plant units.* In calculating the number of plant units required, measurements shall be measured along the external dimensions of the property.

(HK) *Telecommunication and co-locate facilities.* All new telecommunication towers and co-locate facilities shall require landscaping to be determined by amount, location and species on a site-specific basis.

(H) *Exceptions.*

(1) Plant material existing within a transition area of a proposed development site or on an adjacent parcel that has comparable composition and density to the minimum landscape standards of this section may be used to satisfy landscape requirements, provided that the plant material is designated and protected as permanent open space and further provided that, if the plant material is located on the adjacent property, a written agreement between both adjoining property owners is reached and recorded against both properties. In this instance, the existing plant material need not comply with the “species mix” standards of this section.

(2) A protected natural resource that exists on a proposed development site within the transition area or on an adjacent parcel may be counted toward meeting the transition landscape requirements of § 151.167(FG), provided that the following minimum width is provided.

<i>Mature Woodland</i>	<i>Young Woodland or Grove</i>	<i>Other Resources</i>
30 feet	40 feet	100 feet

(3) If a development is proposed on a tract of land that exceeds the minimum lot area standard of the zoning district in which it is located, the landowner may designate a smaller area of parcel as the development site and provide landscaping in accordance with this section within the smaller development site area. In order to use this provision, the size of the designated development site and the remaining land area of the tract must both equal or exceed the minimum lot size and width standard of the underlying zoning district.

(4) Landscaping shall not be required for accessory uses or additions to principal uses, provided that:

(a) The accessory use or addition does not exceed 1,000 square feet of gross floor area or 2,000 square feet of impervious surface area; and

(b) The Planning, Building and Development Director determines that no adverse land use impacts will result.

~~(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.~~

~~— (a) Considerations shall include the following.~~

~~— 1. 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.~~

~~— 2. 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.~~

~~— 3. Proposed swales or filters using a structural pervious surface may be used for parking or drive aisles provided the features are designed to withstand vehicular loads.~~

~~— 4. 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%.~~

~~— (b) The following BMP/LID incentives are available subject to the above considerations:~~

~~-~~

<i>Best Management Practice</i>	<i>Incentives</i>

<del>Permeable pavement</del>	<del>Additional impervious surface Can be used for parking/drive aisle Reduced curb &amp; gutter Wheel stops in lieu of curb &amp; gutter Alteration of plant species/quantity</del>
<del>Structural soil</del>	<del>Additional impervious surface Alteration of plant species/quantity</del>
<del>Vegetated swale or buffer bio-retention cell/rain garden</del>	<del>Additional impervious surface Reduced curb &amp; gutter Wheel stops in lieu of curb &amp; gutter Alteration of plant species/quantity</del>

(~~JM~~) *Transition agreements.* In lieu of providing transition landscaping that complies with the minimum standards of this section, landowners of adjoining properties shall be entitled to enter into an agreement that provides for a waiver or partial waiver of the requirements. The agreement shall consider the relationship of the existing uses of each property and their ultimate development potential. The agreement shall state each owner’s obligation for preserving and maintaining the transition easements. The agreement shall be in the form of a covenant or deed restriction and shall require approval by the Planning, Building and Development Director. Once approved, the agreement shall be recorded with the Lake County Recorder and shall run with the land.

(~~KN~~) *Use of transition and common open space landscape areas.*

(1) *Passive recreation.* Landscape areas may be used for passive recreation and may contain pedestrian, bicycle, or equestrian trails, provided that:

(a) No required plant material is eliminated and the survival potential of the plant materials is not compromised; and

(b) For the purpose of this provision, passive recreation includes activities associated with extremely low noise levels and individual activities, such as birdwatching, walking, jogging, bicycling, horseback riding, and picnicking. Motorized activities of any kind are not included, nor are activities that involve competition, large groups or special facilities such as tennis courts, ski hills, skating rinks, or swimming pools. Lighting, if provided, shall be extremely low level and associated with pedestrian walkways in a “campus-like” setting.

(2) *Drainage and utility easements.* Drainage and utility easements may be allowed within transition and common open space landscape areas, provided that the easement and landscape requirements are compatible and the function of the easement is not adversely affected.

(3) *Structures.* No structures, other than those allowed by the Planning, Building and Development Director pursuant to this subsection (L)(3), shall be permitted within transition and common open space landscape areas. The Planning, Building and Development Director shall be

authorized to allow signs, decorative fences, and other accessory structures within transition and common open space landscape areas, provided that the structures will not detract from the intended purpose and function of the landscape easement and no plant material is eliminated.

~~(L) *Plant material standards.* Plant material used to satisfy the standards of this section shall comply with the following standards:~~

~~—(1) *Size.* Unless otherwise expressly provided, all plant materials used to satisfy the requirements of this section shall meet the following minimum size standards:~~

-

<i>Plant Type</i>	<i>Minimum Size</i>
Canopy tree	3 inch caliper
Understory/ornamental tree	2 inch caliper or 8 feet height
Evergreen/conifer tree	8 feet height
<i>Shrubs</i>	
Broadleaf/deciduous	3 feet height
Needleleaf/evergreen	2 feet width

-

~~—(2) *Species.* Species of plant material that satisfy the requirements of this section are contained in [Appendix A](#). That Appendix categorizes plant species as either “canopy trees”, “evergreen/conifer trees”, “understory/ornamental trees”, “broadleaf/deciduous shrubs” or “needleleaf/ evergreen shrubs”. Varieties and cultivars of the plant species listed in [Appendix A](#) may be used to satisfy the requirements of this section, provided that the variety or cultivar used complies with applicable size and form standards.~~

~~—(3) *Quality.* Plants installed to satisfy the requirements of this section shall meet or exceed the plant quality standards of the most recent edition of *American Standard for Nursery Stock*, published by the American Association of Nurserymen. Plants shall be nursery grown and balled and burlapped.~~

~~—(4) *Additional landscape treatment.* All required landscape areas not dedicated to trees, shrubs or preservation of existing vegetation shall be landscaped with grass, groundcover, or other landscape treatment, not including sand, rock, or pavement.~~

~~—(5) *Species mix.* For each plant type (i.e., canopy tree) associated with the landscape requirements of this section, no single plant species shall represent more than 40% of the total plantings.~~

~~—(6) *Berms not required in perimeter landscape transition areas.* Any berm at least five feet in height whose toe is within 25 feet of any right-of-way or other property line shall be improved with a minimum of one plant unit for every five 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.~~

~~(MO)~~ *Installation, maintenance, and replacement.*

(1) *Installation.*

(a) All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. Where possible, best management practices should be incorporated (See Appendix A). Properly amended 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.

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

2. When not specifically waived pursuant to subsection (D)(2)(h) above, planting islands shall be excavated of compacted soil to a depth of three feet and be backfilled with a soil mix consisting of one part screened topsoil, one part existing topsoil and two parts of organic compost or an approved equivalent with the exception of other soil mixtures as necessary to accommodate low impact development features.

3. Individual planting pits shall be ~~no less than three times as wide as~~ a minimum two times the width of the root ball of the plants. ~~The sides may be at an angle that provides a pit floor two times the width of the root ball.~~

(b) 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.

(2) *Maintenance and replacement.* Required trees, shrubs, structures, and other landscape features shall be considered as elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The land-property owner, or successors in interest, shall be jointly and severally responsible for the following:

(a) All landscaping shall be maintained in good condition and in a way-manner that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other maintenance care, as needed. All maintenance shall be performed in accordance with acceptable horticultural practices;

(b) The repair or replacement of required landscape structures (e.g., fences) to a structurally sound condition;

(c) The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this section;

(d) Continuous maintenance of the site as a whole; and

(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/maintenance assurance to assure installation and, for a minimum one-year period, the continued maintenance of landscape improvements associated with a development. The amount of the performance assurance shall be at least 130% of the estimated cost of the required landscape improvements. The maintenance assurance shall be equal to at least 10% 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. Any performance and/or maintenance assurance required by the Director shall be administered in accordance with the provisions of Section 151.203 of this Chapter.](#)

(Ord., § 9.3, passed 10-13-2009; Ord. passed 8-14-2012)

## **§ 151.168 OUTDOOR LIGHTING.**

### *(A) Applicability.*

(1) *General.* Unless otherwise expressly stated, the provisions of this section shall apply to all outdoor lighting except lights on lots containing single family detached houses, public street lights, and the exempt active outdoor recreational uses specified in the following subsection (A)(2).

(2) *Exempt active outdoor recreational uses.* Because of their unique requirements for nighttime visibility and their limited hours of operation, active outdoor recreational facilities within a public park and schools shall be exempt from the outdoor lighting standards of this section. Exempt active outdoor recreational uses shall be subject to the following requirements in addition to the general standards applicable to all outdoor lighting contained in subsection (A)(3) below:

(a) Exempt outdoor recreational uses shall not exceed a maximum permitted post height of 50 feet;

(b) Light sources or luminaires shall not be located within landscape areas except on pedestrian walkways; and

(c) Lights shall not be illuminated after 11:00 p.m.

(3) *General standards applicable to all outdoor lighting.* Outdoor lighting shall comply with the following standards:

(a) Outdoor lighting shall not exceed one-half footcandle at any point on the adjoining property if the subject property abuts a residential zoning district or a lot containing a residential use;

(b) Outdoor lighting shall not exceed one footcandle at any point on the adjoining property if the subject property abuts a nonresidential zoning district or lot containing a nonresidential use or at the right-of-way line;

(c) All luminaires shall be shielded to prevent light and glare spillover to adjacent residential property and abutting rights-of-way;

(d) No flickering or flashing lights, search lights, laser source lights or mercury vapor lamps shall be permitted; and

(e) Subject to the above standards, security lighting shall be installed on the site of nonresidential development in accordance with industry standards for security lighting.

(B) *Measurements.*

(1) *Metering equipment.* Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall read within an accuracy of plus or minus 5%. It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within ~~30 days~~ 1-year of the date of its use.

(2) *Method of measurement.* The meter sensor shall be mounted not more than six inches above ground level in a horizontal position at the property line. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination. This procedure eliminates the effects of moonlight and other ambient light.

(Ord., § 9.4, passed 10-13-2009)

## NONCONFORMITIES

### § 151.231 NONCONFORMING USES.

(A) *Definition.* A nonconforming use is a use that was legally established but which no longer complies with the use regulations of the zoning district in which it is located.

(B) *Expansion.*

(1) A nonconforming use shall not be enlarged or expanded unless the expansion eliminates or reduces the nonconforming aspects of the situation.

(2) Subsection (B)(1) of this section shall not be construed as prohibiting additions to any dwelling regardless of the zoning district in which the dwellings are located, nor shall any provision of this subchapter be construed as prohibiting the construction of any use that is accessory to a dwelling unit regardless of the zoning district in which the dwelling is located.

(3) Expansion for the sole purpose of complying with off-street parking standards of this chapter shall not be considered expansion of a nonconforming use.

(4) No temporary use permit shall be issued for a site containing a nonconforming use, if the proposed temporary use or event has the potential to generate additional traffic, noise, or other adverse impacts on the surrounding area.

(C) *Change of use.* A nonconforming use shall not be changed to any use other than a use allowed in the zoning district in which it is located.

(D) *Loss of nonconformity status.*

(1) *Abandonment.* If a nonconforming use ceases for any reason for a period of more than one year, the use shall be considered abandoned. Once abandoned, the use's nonconforming status shall be lost and reestablishment of the use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the zoning district in which it is located.

(2) *Damage or destruction.* If a structure containing a nonconforming use is destroyed by [any means disaster](#) to the extent of more than 50% of the replacement cost of the structure located above the average ground elevation, the use shall not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located. [Any proposed improvement unrelated to damage sustained from a disaster may exceed 50% of the replacement cost of the structure.](#) Replacement cost calculations will consist of the following process:

(a) Submission of complete stamped engineering or architectural drawings showing an itemized list of all materials involved in the project (excluding open appliances); and

(b) Submission of at least two contractor's cost estimates based on the architectural drawings, consisting of labor and all materials. The Planning, Building and Development Director may waive the above submission requirement upon a determination that the extent of damage or destruction appears to be significantly below the 50% threshold based on available information.

(E) *Accessory uses.* No use that is accessory to a principal nonconforming use shall continue after the principal use has ceased or terminated.

(Ord., § 12.2, passed 10-13-2009; Ord. passed - -)

## § 151.232 NONCONFORMING STRUCTURES.

(A) *Definition.* A nonconforming structure is any building or structure that was legally established but which no longer complies with any of the following:

(1) The density and dimensional standards of § [151.125](#); and

(2) The floodplain development standards of § [151.147](#).

(B) *Use.* A nonconforming structure may be used for any use allowed in the underlying zoning district, subject to all applicable standards of §§ [151.110](#) through [151.114](#).

(C) *Expansion.* A nonconforming structure may be enlarged or expanded if the expansion does not increase the extent of nonconformity.

### COMMENTARY:

All building alterations or additions that violate a zoning district dimensional standard shall be

prohibited. This is interpreted, for example, to mean that no additions, including a second-story addition, will be allowed within a required setback, except as described in subsection (H)(2) below.

(D) *Moving.* A nonconforming structure may be moved if the movement or relocation eliminates the nonconformity. This provision shall not be interpreted as prohibiting the elevation of a nonconforming structure for the purpose of floodproofing or repair.

(E) *Loss of nonconforming status; damage or destruction.* If a nonconforming structure is destroyed by any means disaster to the extent of more than 50% of the replacement cost of the structure located above the average ground elevation, it may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located, or in compliance with subsection (H) below.

(1) Replacement cost calculations will consist of the following process:

(a) Submission of complete stamped engineering or architectural drawings showing an itemized list of all materials involved in the project (excluding open appliances);

(b) Submission of at least two contractor's cost estimates based on the architectural drawings, consisting of labor and all materials. The Planning, Building and Development Director may waive the above submission requirement upon a determination that the extent of damage or destruction appears to be significantly below the 50% threshold based on available information.

(F) *Nonconforming structures within floodplains.* The owner of a nonconforming structure that has been removed from a floodplain may apply for a permit to re-establish the structure outside the floodplain, provided that a permit application for the re-establishment is submitted within one year of the date that the structure was demolished. Once a permit has been approved, the structure must be reestablished before expiration of the permit.

(G) *Accessory structures.* No structure that is accessory to a principal nonconforming structure shall continue after the principal structure has been destroyed by disaster to an extent of more than 50% of the replacement cost of the structure located above the average ground elevation, unless the accessory structure complies with all applicable regulations of this chapter.

(H) *Nonconforming single family dwelling and accessory structures.*

(1) A legal nonconforming single family dwelling or an accessory structure on a foundation may be restored if deteriorated, damaged, or destroyed to an extent greater than 50% of the replacement cost of the structure, provided that the following standards are met:

(a) The restored structure does not extend further into any required setback than the existing structure prior to improvement or rebuilding;

(b) The restored structure is located at least ten feet from the street lot line and at least four feet from the side and rear lot lines;

(c) Any proposed improvement unrelated to damage sustained from a disaster may exceed 50% of the replacement cost of the structure;

(ed) Any proposed addition or expansion to the existing structure beyond a repair, remodel, or restoration must meet the setback requirement of the underlying zoning district or the setback requirement for a nonconforming lot, whichever applies; and

(de) If the structure is located in the floodplain and if the restoration constitutes “substantial improvement”, the entire structure shall be brought into conformance with the floodplain provisions of §§ [151.145](#) through [151.154](#).

(2) A legal nonconforming single family dwelling may be allowed a second story, provided the following standards are met:

(a) The second story does not extend further into any required [yard-setback](#) than the existing structure;

(b) The existing structure is located at least ten feet from the street lot line and at least four feet from the side and rear lot lines;

(c) The structure complies with the maximum height requirement;

(d) If the proposed improvement constitutes “substantial improvement” (see § [151.271](#)), the water’s edge setback requirement shall apply; or

(e) If the structure is located in the floodplain and if the improvement constitutes “substantial improvement” (see § [151.271](#)), the entire structure shall be brought into conformance with the floodplain provisions of §§ [151.145](#) through [151.154](#).

(I) *Nonconforming multi-dwelling structures.* A multi-dwelling structure that was legally established in accordance with all regulations in effect at the time of establishment shall not be deemed nonconforming solely due to the fact that it does not comply with the maximum density standards of this chapter. If such a structure is destroyed by [accidental means disaster](#), it may be rebuilt, provided that the number of dwelling units does not exceed the number that existed prior to destruction or the maximum density limit of the subject zoning district, whichever is greater.

(J) *Structures rendered nonconforming due to right-of-way acquisition.* If a structure has been rendered nonconforming or made more nonconforming by a public agency’s acquisition of a portion of the lot upon which the structure is located, the structure shall have the status of a legal nonconforming structure. If the structure consists of a single family dwelling and is subsequently destroyed [by disaster](#), the owner of the single family dwelling may apply for a permit to reestablish the single family dwelling at the same location. Upon notice that the single family dwelling has been destroyed [by disaster](#) and that the owner wishes to reestablish the single family dwelling at the same location, the county shall inform the owner in writing that the permit application for the reestablishment shall be submitted within one year of the date of the notification letter. Once a permit has been approved, the single family dwelling must be reestablished before expiration of the permit. All other structures shall be subject to the nonconforming structure provisions of this subchapter.

(K) *Structures rendered nonconforming due to consolidation.* If a structure is rendered nonconforming or made more nonconforming by consolidation of parcels required pursuant to this chapter, the structure shall have the status of a legal nonconforming structure.

(L) *Structures rendered nonconforming due to rezoning action.* If a structure has been rendered nonconforming or made more nonconforming by a rezoning action, the structure shall have the status of a legal nonconforming structure.

(Ord., § 12.3, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed - -)

### **§ 151.233 NONCONFORMING LOTS.**

(A) *Definition.* A nonconforming lot is a tract of land, designated on a duly recorded subdivision plat, or by a duly recorded deed, or by other lawful means that complied with the lot area, lot width, and other dimensional standards of the zoning district in which it was located at the time of its creation, but that does not comply with the minimum lot area, lot width, or other dimensional requirement of the zoning district in which it is now located. If a lot is rendered nonconforming or made more nonconforming by a public agency's acquisition of a portion of the lot or by the rezoning of the lot, the lot shall have the status of a nonconforming lot.

(B) *Uses.*

(1) In AG, RE, E, R1–6, and RR Districts, vacant nonconforming lots may be developed with a detached house, government uses or structures containing no assembly space, ~~or~~ basic utility structures, [local food gardens, or ground-mounted solar energy systems](#) provided that the use complies with the minimum standards of this section and the requirements of the Lake County Health Department or other agency providing sewer service.

#### **COMMENTARY:**

It is the county's desire to integrate necessary governmental use and structures and utility structures into unincorporated areas as seamlessly as possible to avoid potential land use conflicts. To that end, the county encourages new governmental uses and structures and basic utility structures to be located on conforming lots already containing the uses or structures. When this is not possible or practical, a conforming nonresidentially-zoned lot is the most desirable location. A nonconforming nonresidentially zoned lot or a conforming residentially-zoned lot is the next most desirable location. The least desirable location is a nonconforming, residentially-zoned lot.

(2) In AG, RE, E, R1–R6, and RR Districts, an accessory detached garage not to exceed 576 square feet in size, underground utilities, or a boathouse may be constructed at or after the time of issuance of a building permit for a principal dwelling on a nonconforming parcel under the same ownership on the opposite side of an alley, easement, or right-of-way. The placement of a new septic system or an addition to an existing septic system other than the repair of an existing septic system located on a parcel on the opposite side of an alley, easement or right-of-way shall require written approval from the highway authority having jurisdiction over the subject right-of-way and shall require consolidation through the covenant method as specified in subsection (D)(3)(b) below.

(3) In all other districts, vacant nonconforming lots may be developed with uses allowed in the underlying zoning district, provided that the uses or structures containing the uses comply with the minimum standards of this section and the requirements of the Lake County Health

Department or other agency providing sewer service. If the underlying zoning district allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable lot area, lot width or other dimensional and use standards, while others would not, then only the uses or intensities that comply with applicable dimensional and use standards shall be permitted.

(C) *Dimensional standards.* Development on nonconforming lots shall comply with the dimensional standards of the underlying zoning district, except as expressly stated in this section.

(1) *Agricultural and residential zoning districts.* The following dimensional standards shall apply to development on nonconforming lots located in AG, RE, E, R1–6, or RR Districts.

(a) *Front setbacks.* The minimum front setback shall be 20% of the lot depth or the underlying zoning district setback, whichever is less. Double-frontage (through) lots shall maintain a front setback from both streets.

(b) *Interior side and rear setbacks.* The minimum interior side and rear setback for principal structures shall be four feet or 10% of the lot width, whichever is greater. This provision shall not be interpreted as requiring a greater setback than specified for the underlying zoning district. The minimum interior side and rear setbacks for accessory structures shall be four feet.

(c) *Street side setbacks.* The minimum street side setback shall be four feet, plus one-half foot of additional setback for each foot lot width above 28 feet. However, if the Planning, Building and Development Director determines that the abutting road right-of-way is currently unimproved and is likely to remain unimproved, the street side setback shall be the same as an interior side setback. Setbacks from alleys shall be the same as otherwise applicable side or rear setbacks. In all cases, structures shall comply with the intersection visibility standards of § [151.172](#).

**COMMENTARY:**

**Street Side Setbacks**

The minimum street side setback on nonconforming lots is four feet, plus one-half foot for each foot of lot width above 28 feet.

Examples:

***Lot Width (Ft.)    Minimum Setback (Ft.)***

28	4
29	4.5
30	5
31	5.5
40	10
50	15

(d) *Setback from water bodies.* All structures except those expressly exempted in §§ [151.125](#) through [151.132](#), shall be set back from all water bodies in accordance with §§ [151.145](#) through [151.154](#).

(e) *Impervious surface.* Lots that are nonconforming due to insufficient area shall be allowed an impervious surface ratio (ISR) of 0.50, provided that, for lots located within the Agricultural, Rural Estate, Estate, and Residential-1 Zoning Districts, in no event shall the impervious surface exceed the impervious surface threshold for a minimally conforming lot in the underlying zoning district. The Planning, Building and Development Director may allow an increase in ISR to a maximum of 0.60 provided an on-site inspection is conducted to determine that there shall be no adverse impact resulting from flooding or drainage on the neighboring properties due to increase in impervious surface. In the event of an anticipated adverse impact, the Planning, Building and Development Director shall either deny the increase or shall approve the increase subject to additional engineering requirements and improvements that will mitigate the impact. All other nonconforming lots shall comply with the impervious surface requirements of the underlying zoning district. ISR shall be calculated by dividing the total area of all impervious surfaces on the site by the site's base site area.

**COMMENTARY:**

**Impervious Surface Threshold for Nonconforming Lots**

The impervious surface for nonconforming lots in the Agricultural, Rural Estate, Estate and Residential-1 Zoning Districts shall not exceed the impervious surface threshold for a minimally conforming lot in the underlying zoning district.

Examples:

***Zoning District Impervious Surface Threshold (Sq. Ft.)***

AG, RE 20,000

E 12,000

R-1 8,000

(f) *Height.*

1. The maximum height of principal structures on nonconforming lots of less than 60 feet in width shall be 30 feet plus one-third foot for each foot of lot width above 40 feet up to the maximum height allowed in the underlying zoning district, except in the AG zone or on lots equal to or greater than 40,000 square feet in area. Accessory structures shall not exceed 12 feet in height at the minimum side and rear setback of four feet.

2. For each one foot of additional setback beyond four feet, the height of the accessory structure may be increased by two feet, to a maximum height of 20 feet or 25 feet in the AG District.

**COMMENTARY:**

Height

<i>Lot Width (Ft.)</i>	<i>Maximum Height (Ft.)</i>
30	30
40	30
45	31 ft., 8 in.
50	33 ft., 4 in.
55	35
60	40

(g) *Floor area of accessory structures.* The combined floor area of all accessory structures on the subject parcel shall not exceed one and one-half times the floor area of the principal structure on the parcel.

(2) *Nonresidential zoning districts.* The following dimensional standards shall apply to development on nonconforming lots located in all zoning districts except AG, RE, E, R1-6, or RR Districts.

(a) *Front setbacks.* The minimum front setback shall be 20% of the lot depth or the required zoning district setback, whichever is less. In all cases, the minimum front setback shall be at least ten feet. Double-frontage (through) lots shall maintain a front setback from both streets.

(b) *Interior side setbacks.* No side setback shall be less than ten feet unless expressly allowed by the underlying zoning district.

(c) *Rear setback.* Nonconforming lots shall comply with the rear setback requirements of the underlying zoning district.

(d) *Street setback.* The minimum street side setback shall be four feet, plus one-half foot of additional setback for each foot of lot width above 28 feet. In all cases, structures shall comply with the intersection visibility standards of § [151.172](#).

<b>COMMENTARY:</b>	
<b>Street Side Setbacks</b>	
The minimum street side setback on nonconforming lots is four feet, plus one-half foot for each foot of lot width above 28 feet.	
Examples:	
<i>Lot Width (Ft.)</i>	<i>Minimum Setback (Ft.)</i>
28	4
29	4.5
30	5
31	5.5
40	10
50	15

(e) *Setback from water bodies.* All structures except those expressly exempted in §§ [151.125](#) through [151.132](#), shall be set back from all water bodies in accordance with §§ [151.145](#) through [151.154](#).

(f) *Height, impervious surface, and floor area ratio.* Nonconforming lots shall comply with the height, impervious surface, and floor area ratio requirements of the underlying zoning district. An accessory structure on a nonconforming lot that abuts a residential zoning district shall not exceed 12 feet in height at the minimum side and rear setback. For each one foot of additional setback beyond the minimum required setback, the maximum height of the accessory structure may be increased by two feet, to a maximum height of 25 feet.

(3) *Detached house (single family) dwellings.* If there is an existing detached house (single family) dwelling located on a nonconforming lot in a zoning district other than an AG, RE, E, R1–6, or RR District, any addition to a principal or accessory building or any new accessory building thereto shall be governed by the setbacks in subsection (C)(2)(a) above, rather than subsection (C)(2)(b) above. However, no single family dwelling or accessory building shall be converted to a nonresidential use permitted in that zoning district unless it complies with the setback requirements of subsection (C)(2)(b) above.

(D) *Development standards for nonconforming recorded lots.*

(1) *Standards.* The following standards shall apply to the development of a single nonconforming lot in platted subdivisions. These standards shall apply to the establishment of principal or accessory structures.

(a) Minimum requirements of the Lake County Health Department for individual sewage disposal system and individual well shall be met if sewer is not present.

(b) Each lot shall have direct access to an improved street approved by the relevant highway authority.

(c) Drainage improvements consistent with the site development standards of §§ [151.145](#) through [151.154](#) shall be met.

(2) *Consolidation of parcels.*

(a) A consolidation of parcels shall be required in the following instances when it is necessary to use any contiguous nonconforming recorded parcel(s) held in common ownership:

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;

2. For construction of an addition to an existing residential or nonresidential structure that will not meet the setback from a common parcel line unless the structure or addition straddles the same common parcel line;

3. For construction of an accessory residential building on the same parcel on which the principal residential structure exists that will not meet the setback requirement from the common

parcel line unless the existing principal residential structure straddles the same common parcel line;

4. For any new residential or nonresidential construction that will not meet the impervious surface ratio requirement if the ISR was calculated only on one parcel; or for any new nonresidential construction that will not meet the floor area ratio requirement if the FAR was calculated only on one parcel;

5. For construction of any of the following improvements on a parcel on which the principal residential structure is not located:

- a. More than one accessory residential building;
- b. An accessory residential building larger than 576 square feet in size;
- c. A new septic system; or
- d. An addition to an existing septic system.

6. For construction of any of the following improvements on a parcel on which the principal nonresidential structure is not located:

- a. Any new nonresidential accessory building;
- b. A new septic system; or
- c. An addition to an existing septic system.

(b) Construction of accessory structures such as decks, porches, gazebos, [pergolas](#), sheds, [ground-mounted solar energy systems](#), and pools shall be exempt from the consolidation requirement, provided that these structures meet the setback requirement from the common lot line.

(c) Improvements such as reroofing, residing, electrical upgrades, interior alterations, installation of exterior air conditioning/heating units, seawalls, retaining walls, the repair of failing septic systems, driveways, and fences shall be exempt from the consolidation requirement.

(d) The adjustment or movement of a common boundary line between two or more contiguous parcels under common ownership, consisting of at least one nonconforming recorded lot, may be accomplished through a consolidation (in lieu of the lot split subdivision requirements of § [151.186\(B\)\(3\)\(b\)](#)), provided that the adjustment or movement does not increase the extent of nonconformity of either lot (i.e., the extent of nonconformity remains the same or decreases for each resulting parcel).

(3) *Required method of consolidation; covenant.*

(a) A consolidation of parcels through covenant refers to any required consolidation within the boundaries of a platted subdivision, of metes and bounds parcels, not within the boundaries of a platted subdivision, or the consolidation of one or more metes and bounds parcels with a parcel, located within the boundaries of a platted subdivision, that has been vacated through a written vacation instrument in accordance herewith.

(b) A consolidation by covenant shall be executed through a signed, notarized, and recorded covenant on forms available from the Planning, Building and Development Department.

(c) Through the covenant, the applicant shall agree that all parcels comprising the consolidation of parcels shall remain in common ownership in perpetuity, and shall henceforth be considered one zoning lot for development purposes.

(d) The covenant would be binding on the applicant's successors and assigns.

(e) The Planning, Building and Development Director shall have the authority to approve a consolidation through covenant as contemplated in this subsection (D)(3) and to execute the written covenant instrument on behalf of the county.

**COMMENTARY:**

The Lake County Health Department approval is required for individual sewage disposal systems and individual wells if public sewer and water are not present. In accordance with § [151.169](#), each lot is required to have direct access to an improved, approved street. Compliance with the requirements of the site development standards of §§ [151.145](#) through [151.154](#) is required.

(Ord., § 12.4, passed 10-13-2009; Ord. passed 8-14-2012)

## DEFINITIONS

### § 151.270 USE CATEGORIES.

(A) *General.*

(1) *Basis for classifications.* Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

(2) *Principal uses.* Principal uses are assigned to the category that most closely describes the nature of the principal use. The “characteristics” subsection of each use category describes the common characteristics of each principal use.

(3) *Developments with multiple principal uses.* When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore, and bakery, for example, would be classified in the retail sales and service category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each

principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

(4) *Accessory uses.* Accessory uses are allowed by right in conjunction with a principal use unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

(5) *Use of examples.* The “examples” subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself “wholesale warehouse” but that sells mostly to consumers, is included in the retail sales and service category rather than the wholesale sales category. This is because the actual activity on the site matches the description of the retail sales and service category.

(B) *Similar use interpretations.* The standards of this section shall guide officials in making similar use interpretations.

(1) *Authority.* If an application is submitted for a use type not listed in § [151.111](#), the Planning, Building and Development Director shall be authorized to make a similar use interpretation, based on the following considerations:

- (a) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use type;
- (b) The relative amount of site area or floor space and equipment devoted to the activity;
- (c) Relative amounts of sales from each activity;
- (d) The customer type for each activity;
- (e) The relative number of employees in each activity;
- (f) Hours of operation;
- (g) Building and site arrangement;
- (h) Vehicles used with the activity;
- (i) The relative number of vehicle trips generated by the use;
- (j) Signs;
- (k) How the use advertises itself; and
- (l) Whether the activity is likely to be found independent of the other activities on the site.

(2) *Use interpretation standards.*

(a) No similar use interpretation shall allow a use in a zoning district when that use is a permitted or a conditional use in any other zoning district.

(b) No similar use interpretation shall permit any use in any zoning district unless evidence shall be presented demonstrating that it will comply with all applicable use standards and all other applicable requirements and standards of this chapter.

(c) No similar use interpretation shall permit any use in a zoning district unless the use is more similar to those uses than to permitted and conditional uses allowed in other zoning districts.

(d) If the proposed use is more similar to a use allowed only as a conditional use in the zoning district in which it is proposed to be located, then any similar use interpretation permitting that use shall require a conditional use permit.

(3) *Effect of similar use interpretation.* No similar use interpretation finding a particular use to be permitted or conditionally permitted in a specific district shall authorize the establishment of the use or the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the county or other governmental agencies having jurisdiction. These permits and approvals include but are not limited to conditional use permits, building permits, and certificates of occupancy.

(C) *Residential use categories.*

(1) *Household living.*

(a) *Characteristics.* Household living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered a form of transient lodging (see the retail sales and service and community service categories).

(b) *Accessory uses.* Accessory uses commonly associated with Household Living are recreational activities, raising of pets, hobbies and parking of the occupants' vehicles. Home occupations are accessory uses that are subject to additional regulations.

(c) *Examples.* Examples of household living use (structure) types include: atrium house, attached dwelling (attached to nonresidential use), duplex, detached house, lot line house, mobile home park, multi-dwelling structure, multiplex, patio house, townhouse, twinhouse, and village houses.

(d) *Exceptions.* Lodging in a [multi-dwelling unit structure](#) or where [less fewer](#) than two-thirds of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified in the retail sales and service category.

(D) *Public, civic, and institutional use categories.*

(1) *Assisted living.*

(a) *Characteristics.* Assisted living is characterized by occupancy of a structure by a group of people with developmental disabilities. The residents may receive care, training, or treatment. Caregivers may (or may not) reside at the site.

(b) *Accessory uses.* Accessory uses include offices, cafeterias, parking, maintenance facilities.

(c) *Examples.* Examples of assisted living include nursing and convalescent homes; certain group homes for the physically disabled, mentally retarded, or emotionally disturbed; and some residential programs for drug and alcohol treatment.

(2) *Colleges.*

(a) *Characteristics.* This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree or professional accreditation. Colleges tend to be in campus-like settings or on multiple blocks.

(b) *Accessory uses.* Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial.

(c) *Examples.* Examples include community colleges, liberal arts colleges, medical schools not accessory to hospitals, personnel training centers, seminaries, and universities.

(d) *Exceptions.* Business and trade schools are classified as retail sales and service.

(3) *Community service.*

(a) *Characteristics.* Community services are uses of a public, non-profit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community services or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, non-profit, or charitable nature.

(b) *Accessory uses.* Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; and athletic facilities.

(c) *Examples.* Examples of the community service uses “not otherwise classified” include the following: libraries, museums, neighborhood or community centers, senior centers, and youth club facilities.

(d) *Exceptions.*

1. Private lodges, clubs and private or commercial athletic or health clubs are classified as retail sales and service.

2. Public parks and recreation are classified as parks and open space.

(4) *Day care.*

(a) *Characteristics.* Day care uses provide care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day.

(b) *Accessory uses.* Accessory uses include offices, recreation areas, and parking.

(c) *Examples.* Examples include adult day care programs (for more than seven individuals), child care center (for more than seven individuals), day care facility (seven plus children or adults), family child care, group child care (for more than seven individuals), nursery schools (for more than seven individuals), and preschools (for more than seven individuals).

(d) *Exceptions.* Day care does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. Day care for seven or fewer individuals at any one time is considered “babysitting” and is regulated as a home occupation.

(5) *Group living.*

(a) *Characteristics.* Group living is characterized by the occupancy of a structure by a group of people who do not meet the definition of household living. Tenancy is arranged on a monthly or longer basis. Uses where tenancy may be arranged for a shorter period are not considered group living. They are considered to be a form of lodging (see the “retail sales and service” and “community service” categories). Generally, group living structures have a common eating area for residents.

(b) *Accessory uses.* Accessory uses commonly associated with group living are recreational facilities and parking of vehicles for occupants and staff.

(c) *Examples.* Examples of group living include convents or monasteries, dormitories, fraternities, and sororities.

(d) *Exceptions.*

1. Lodging where tenancy may be arranged for periods of less than 30 days is to be considered a hotel or motel use and classified in the retail sales and service category.

2. Lodging where the residents meet the definition of household and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as household living.

(6) *Hospital.*

(a) *Characteristics.* Hospitals include uses providing medical or surgical care to patients and offering overnight care.

(b) *Accessory uses.* Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, emergency heliports, maintenance facilities, and housing facilities for staff or trainees.

(c) *Examples.* Examples include hospitals, trauma centers, and medical centers.

(d) *Exceptions.*

1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the assisted living category;

2. Medical clinics or offices that provide care where patients are generally not kept overnight are classified as offices; and

3. Emergency medical clinics are classified as retail sales and service.

(7) *Parks and open space.*

(a) *Characteristics.* Parks and open space are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping, community gardens, or public squares. Land tends to be occupied by few structures.

(b) *Accessory uses.* Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, and parking.

(c) *Examples.* Examples of the parks and open space uses "not otherwise classified" include the following: botanical gardens, nature preserves, park/playgrounds, non-commercial parks, pet cemeteries, playgrounds, plazas, public open lands, nature preserves, and recreational trails.

(8) *Religious institutions.*

(a) *Characteristics.* Religious institutions primarily provide meeting areas for religious activities.

(b) *Accessory uses.* Accessory uses include Sunday school facilities, parking, caretaker's housing, and group living facilities such as convents.

(c) *Examples.* Examples include churches, temples, synagogues, and mosques.

(d) *Exceptions.*

1. Preschools are classified as day care uses; and

2. Schools are classified as schools.

(9) *Schools.*

(a) *Characteristics.* This category includes schools at the primary, elementary, middle, junior high, or high school level that are recognized by the State Board of Education.

(b) *Accessory uses.* Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

(c) *Examples.* Examples include daytime schools, boarding schools, and military academies.

(d) *Exceptions.*

1. Preschools are classified as day care uses; and

2. Business, music, art, martial art, trade, and other similar schools are classified as schools, private.

(10) *Schools, private.*

(a) *Characteristics.* This category includes schools that are not recognized by the State Board of Education.

(b) *Accessory uses.* Accessory uses include cafeterias, auditoriums, and offices.

(c) *Examples.* Examples include business schools, trade schools, music schools, art schools, and martial arts schools.

(d) *Exceptions.*

1. Public schools are classified as schools; and
2. Preschools are classified as day care uses.

(11) *Utility, major.*

(a) *Characteristics.* Major utilities are major, countywide infrastructure services that typically have employees at the site. Services may be public or privately provided.

(b) *Accessory uses.* Accessory uses may include parking and control, monitoring, data or transmission equipment.

(c) *Examples.* Examples of the utility, major uses “not otherwise classified” include the following: electrical substations; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, steam, water, sewage collection, or other similar service.

(d) *Exceptions.* For government uses see “community service”.

(E) *Retail, service, and commercial use categories.*

(1) *Entertainment event, major.*

(a) *Characteristics.* Major entertain-ment event uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.

(b) *Accessory uses.* Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

(c) *Examples.* Examples include amphitheaters, stadiums, sports arenas, coliseums, auditoriums, exhibition and meeting areas, and fairgrounds.

(d) *Exceptions.*

1. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as retail sales and service.

2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the retail sales and service category.

3. Theaters, including drive-in theaters, are classified as retail sales and service.

4. Recreation or entertainment uses conducted on a continuous basis are classified as outdoor recreation and entertainment or retail sales and service uses.

(2) *Office.*

(a) *Characteristics.* Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

(b) *Accessory uses.* Accessory uses may include cafeterias, health facilities, gift shops, dry cleaning pick-up stations, parking, or other amenities primarily for the use of employees or customers of permitted primary uses.

(c) *Examples.* Examples of the office uses “not otherwise classified” include the following: professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utilities offices; TV and radio studios; medical and dental clinics (including minor emergency centers), medical and dental labs; and blood-collection facilities.

(d) *Exceptions.*

1. Offices that are part of and located with a principal use in another category are considered accessory to the firm’s primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.

2. Contractors and others who perform services off-site are included in the office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

(3) *Parking, commercial.*

(a) *Characteristics.* Commercial parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.

(b) *Examples.* Examples include short- and long-term fee parking facilities, park-and-ride facilities, and mixed parking lots (partially accessory to a specific use, partly for rent to others).

(c) *Exceptions.*

1. Parking facilities that are accessory to a use, but that charge the public to park for occasional events nearby, are not considered commercial parking facilities.

2. Parking facilities that are accessory to a principal use are not considered commercial parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.

(4) *Recreation and entertainment, outdoor.*

(a) *Characteristics.* Outdoor recreation and entertainment uses are large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.

(b) *Accessory uses.* Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.

(c) *Examples.* Examples of the recreation and entertainment, outdoor uses "not otherwise classified" include the following: archery ranges (outdoor), commercial parks/playgrounds, miniature golf course, recreational uses (outdoor), skating rinks (outdoor), ski or toboggan clubs, polo clubs, commercial swimming pools, outdoor theaters, theme parks, and zoos.

(d) *Exceptions.*

1. Golf courses are classified as parks and open space.
2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as major entertainment events.

(5) *Retail sales and service.*

(a) *Characteristics.* Retail sales and service firms are involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

(b) *Accessory uses.* Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale and parking.

(c) *Examples.* Examples of the retail sales and service uses "not otherwise classified" include uses from the three following groups:

1. *Neighborhood-oriented.* Animal grooming, art supply stores, barber shops, beauty shops, book stores, banks, camera shops, cigar/cigarette/tobacco stores, clothing stores, currency exchanges, dairy products sales, drug stores, dry cleaning drop-off/pickup with on-site services, electronic equipment stores, electronics/computer sales and service, fabric stores, florist sales, fruit and vegetable markets (retail), grocery stores, hair salons, hardware stores, health food stores, hearing aid sales, hobby shops, jewelry stores, laundry drop-off, laundromats, leather goods sales, liquor stores, locksmiths, magazine and ~~news stands~~ [newsstands](#), music, musical instrument, and records sales and service, paint and wallpaper sales, personal care services, pet food stores, pet shops, pharmacies, photography studios, picture frame sales and service, shoe repair, ~~stationary~~ [stationery](#) stores, tailors and clothing repair, tanning salons, toy stores, video stores, watch and clock sales and repair.

2. *General (shall include all neighborhood-oriented uses and the following).* Appliance sales and repair, business machine sales and service, catering services, department stores, exterminators, farriers, firewood sales, fish markets, floor covering sales, funeral homes, furnace/water heater sales, furniture stores, furniture repair, golf-cart sales and service, home improvement stores, household product stores, meat markets, mortuaries, pawn shops, plumbing supplies and fixture sales/service (retail), rental of equipment and supplies, shopping centers, taxidermists, union halls, upholsterers, and water softening equipment sales/service.

3. *Recreational-oriented.* Amusement arcades, archery ranges (indoor), bait shop, bars, billiard parlors, bowling alleys, dance halls, lodges, nightclubs, pool halls, private clubs, recreational uses (indoor), resorts, shooting ranges (indoor), skating rinks (indoor), taverns, and theaters (indoor).

(d) *Exceptions.*

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as wholesale sales.

2. Repair and service of consumer motor vehicles, motorcycles and light and medium trucks is classified as vehicle service/repair. Repair and service of industrial vehicles and equipment and heavy trucks is classified as industrial sales and service.

3. Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as wholesale sales.

4. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop which is classified as industrial sales and service.

5. In certain situations, hotels and motels may be classified as a community service use, such as short-term housing or mass shelter. See “community service”.

(6) *Self-service storage.*

(a) *Characteristics.* Self-service storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

(b) *Accessory uses.* Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the self-service storage use. The rental of trucks or equipment is also not considered accessory to a self-service storage use.

(c) *Examples.* Examples include facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.

(d) *Exceptions.* A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the warehouse and freight movement category.

(7) *Vehicle repair.*

(a) *Characteristics.* Vehicle repair firms, service passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

(b) *Accessory uses.* Accessory uses may include offices, sales of parts, and vehicle storage.

(c) *Examples.* Examples include alignment shop, auto body shop, auto detailing and tire sales and mounting, auto repair, auto upholstery shop, motorcycle, lawnmower and other small engine repair, recreational vehicle service, transmission or muffler shop.

(d) *Exceptions.*

1. Repair and service of boats and equipment are classified as boat sales/rental/storage/service.

2. Repair and service of industrial vehicles and equipment and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as industrial sales and service.

(8) *Vehicle service, limited.*

(a) *Characteristics.* Limited vehicle service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed.

(b) *Accessory uses.* Accessory uses may include auto repair and tire sales.

(c) *Examples.* Examples include car washes, quick lubrication services and service stations (full-service or self-service).

(d) *Exceptions.*

1. Truck stops are classified as industrial sales and service.

2. Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.

(F) *Industrial use categories.*

(1) *Industrial sales and service.*

(a) *Characteristics.* Industrial sales and service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

(b) *Accessory uses.* Accessory activities may include offices, parking, and storage.

(c) *Examples.* Examples of the industrial sales and service uses “not otherwise classified” include uses from the two following groups:

1. *Commercial service-oriented.* Agricultural implement sales/service, auto and truck salvaging and wrecking, carpet/rug cleaning plants, dry cleaning/dyeing plants (wholesale), fuel oil distributors, fuel sales (wholesale), gas/butane and propane sales, furniture refinishing, janitorial and building maintenance services, metal and building material sales, mobile home sales, repair of scientific or professional instruments, tool repair, towing service and vehicle storage, truck (heavy) servicing and repair, truck stops, truck/trailer sales, repair or rental, and well drilling services; and

2. *General (shall include all commercial service-oriented uses and the following).* Heavy machinery sales, machine shops, rendering or tanning plants, sewage disposal (individual), systems sales/service, tire re-treading or recapping, and welding shops.

(d) *Exceptions.*

1. Contractors and others who perform services off-site are included in the office category, if major equipment and materials are not stored at the site and fabrication, or similar work is not carried on at the site.

2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

(2) *Manufacturing and production.*

(a) *Characteristics.* Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

(b) *Accessory uses.* Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

(c) *Examples.* Examples of the manufacturing and production uses "not otherwise classified" include the following: advertising display construction/sign shop; bakery; concrete batching and asphalt mixing; custom boatworks; food and related products processing; food processing and packing; lumber mills; manufacture or production of artwork and toys; manufacture or production of chemical, rubber, leather, mulch, clay, bone, plastic, stone, or glass materials or products; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; manufacture, production or fabrication of metals or metal products including enameling and galvanizing, manufactured housing unit production and fabrication; monument works; movie production facilities; ornamental iron work shop; printing, publishing and lithography; pulp and paper mills and other wood products manufacturing; research laboratory, including but not limited to pure research, product development, pilot plants and research manufacturing facilities; sign making; slaughterhouse; meat packing; weaving or production of textiles or apparel; and woodworking, including cabinet makers.

(d) *Exceptions.*

1. Manufacturing of goods to be sold primarily on-site and to the general public are classified as retail sales and service.

2. Manufacture and production of goods from composting organic material is classified as waste-related uses.

(3) *Warehouse and freight movement.*

(a) *Characteristics.* Warehouse and freight movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

(b) *Accessory uses.* Accessory uses may include offices, truck fleet parking, and maintenance areas.

(c) *Examples.* Examples include machinery storage yard, recreational vehicle storage, utility service yard or garage, bulk materials storage, bus barns, cold storage plants, including

frozen food lockers, freight terminal, motor/rail, grain elevators, moving companies and general freight storage, parcel services, post office (main), post offices, main, sand, gravel, or other aggregate materials stockpiling, truck, or air freight terminals, warehouse, warehouses (separate from retail business) used by retail stores such as furniture and appliance stores, and wholesale distribution centers.

(d) *Exceptions.*

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as waste-related uses.

2. Mini-warehouses are classified as self-service storage uses.

(4) *Waste-related.*

(a) *Characteristics.* Characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.

(b) *Accessory uses.* Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

(c) *Examples.* Examples of the waste-related uses “not otherwise classified” include the following: energy recovery plants, hazardous-waste collection sites, sanitary landfills, and waste composting.

(5) *Wholesale sales.*

(a) *Characteristics.* Wholesale sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

(b) *Accessory uses.* Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

(c) *Examples.* Examples include auction houses, mail order houses and wholesalers of food, clothing, auto parts, building hardware.

(d) *Exceptions.*

1. Firms that engage primarily in sales to the general public or on a membership basis are classified as retail sales and service.

2. Firms that are primarily storing goods with little on-site business activity are classified as warehouse and freight movement.

(G) *Other use categories.*

(1) *Agriculture.*

(a) *Characteristics.* Agriculture includes activities that primarily involve raising, producing, or keeping plants or farm animals.

(b) *Accessory uses.* Accessory uses include dwellings for proprietors and employees of the use and animal training. Private stables are a permitted accessory use in the AG, RE, E, and R-1 Districts. Equine assisted activities for people with disabilities are a permitted accessory use to stables on sites of at least 200,000 square feet.

(c) *Examples.* Examples of the agriculture uses “not otherwise classified” include the following: animal (farm animal) breeding or raising; dairy farms’ farming; [value added agricultural processing](#), truck gardening; tree farming; non--retail greenhouse/nursery; plant nurseries (wholesale); and riding academies.

(d) *Exceptions.*

1. Uses involved in the processing of animal or plant products are classified as manufacturing and production.

2. Livestock auctions are classified as wholesale sales.

3. Plant nurseries that are oriented to retail sales are classified as sales-oriented retail sales and service.

[4. Value added agricultural processing is not consider Manufacturing and Production.](#)

(2) *Aviation and surface transportation facilities.*

(a) *Characteristics.* Aviation and surface transportation facilities includes facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and surface transportation facilities also includes passenger terminals for aircraft, regional bus service, and regional rail service.

(b) *Accessory uses.* Accessory uses include freight handling areas, concessions, offices, parking, and maintenance and fueling facilities.

(c) *Examples.* Examples include airports, bus passenger terminals, bus terminal, helicopter landing facilities, and railroad passenger stations.

(d) *Exceptions.*

1. Bus and rail passenger stations for subregional service such as mass transit stops and park-and-ride facilities are classified as basic utilities.

2. Private helicopter landing facilities that are accessory to another use are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities, with the exception of helicopter landing facilities for hospitals.

3. Helicopter landing facilities that are established and operated by or on behalf of a governmental agency acting pursuant to its statutory purpose are classified as governmental uses.

(3) *Mining.*

(a) *Characteristics.* Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.

(b) *Accessory uses.* Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.

(c) *Examples.* Examples include mining and resource extraction; oil, gas, or geothermal drilling; and quarrying or dredging for sand, gravel, or other aggregate materials.

(4) Rural Business

(a) Characteristics. Rural businesses are small scale, lower intensity commercial uses that are compatible with rural residential and agricultural areas and do not create a nuisance for residents in the area through excessive traffic, smoke, or noise. The business activity may involve contractors' offices and equipment storage, production of goods or product repair. Rural businesses are similar to Rural Home Occupations except the business activity can occur as the principal use. Few customers visit the site.

(b) Accessory Uses. Accessory activities may include offices, parking, and storage.

(c) Examples. Examples include but are not limited to small-scale operation of contracting businesses such as masonry, plumbing, painting, electrical or general; repair of small engines, appliances, or office machinery; woodworking; furniture or upholstery repair; and artisan workshops.

(45) Telecommunications facilities.

(a) *Characteristics.* Tele-communications facilities are signal distribution systems used or operated by a telecommunications carrier under a license from the Federal Communications Commission consisting of a combination of improvements and equipment including one or more antennas; a supporting structure and the hardware by which antennas are attached; equipment housing; and ancillary equipment such as signal transmission cables and miscellaneous hardware. (For related definitions, see 55 ILCS 5/5-12001.1.)

(b) *Accessory uses.* Accessory uses may include transmitter facility buildings.

(c) *Examples.* Examples include broadcast towers, attached telecommunications facilities, telecommunications support towers, and point-to-point microwave towers.

(d) *Exceptions.*

1. Receive-only antennas are not included in this category and amateur radio facilities that are owned and operated by a federally-licensed amateur radio station operator are not included in this category.

2. Radio and television studios are classified in the office category.

(56) Wind apparatus.

(a) *Characteristics.* Wind apparatus consists of tower-mounted equipment designed and operated for the purpose of generating electricity through wind-power.

(b) *Accessory uses.* Accessory uses may include ground-based power-storage equipment, monitoring equipment, and transmission equipment.

(c) *Examples.* Examples of wind apparatus include windmills, wind turbines, and other similar structures.

(d) *Exceptions.*

1. For wind apparatus owned and operated by agencies that are under public franchise or ownership to provide the general public with electricity, see “utility, major”.

2. For government uses, see “community service”.

(Ord., § 14.1, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed - -)

**§ 151.259 SOLAR ENERGY SYSTEMS.**

(A) General. The provisions in this section are in addition to the general violation, penalties, and enforcement provisions of this subchapter. Lake County shall retain authority to enforce the height and setbacks for solar energy systems in 151.112(UU) and 151.113(U), and additional requirements and standards for solar energy systems as identified in Appendix R.

(1) Decommissioning Plan and Assurances

(a) Prior to permit issuance, the operator shall prepare a decommissioning plan which shows the final site conditions after a principal use medium/large scale ground-mounted solar energy system has been removed from the property. Decommissioning shall include the removal of all elements listed in Section 121.259(2)(a) below. Access roads, fencing, groundcover, and landscaping may remain only if it can be shown to be compatible with the future use of the property.

(b) Prior to permit issuance, the operator shall submit an engineer’s estimate of probable cost for decommissioning the principal use medium/large scale ground-mounted solar energy system and restoring the site in accordance with the approved decommissioning plan. Upon review and approval of the estimate by the Planning Director, the operator shall obtain a bond, letter of credit, or other form of surety that meets the requirements of Section 151.203 (A) in the amount of 130% of the engineer’s estimate.

(2) Removal Requirements

(a) Any ground-mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the county by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

1. Physical removal of all solar energy systems, structures, equipment, security barriers and electrical wiring lines from the site, and;

2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations, and;

3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The county may allow the owner or operator to leave landscaping or designated below-grade foundations or electrical wiring in order to minimize erosion and disruption to vegetation.

(b) Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a principal use or accessory use medium/large scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the county. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the county may seek a court order to require the property owner to remove an abandoned, hazardous, or decommissioned ground-mounted solar energy system. The county also retains the right, after the receipt of an appropriate court order, to enter and remove the ground-mounted solar energy system and lien the property for such costs. As a condition of Site Plan and/or Special/Conditional Use Permit approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

### **§ 151.271 TERMS DEFINED.**

Words and terms used in this chapter shall be given the meanings set forth in this section. All words not defined in this section shall be given their common, ordinary meanings, as the context may reasonably suggest. The use-related terms are mutually exclusive, meaning that uses given a specific definition shall not also be considered to be a part of a more general definition of that use type. A “bookstore”, for example, shall not be considered a general “retail sales and service” use, since “bookstore” is a more specific definition of that use.

**ABUTTING.** Having a common border with or being separated from the common border by an alley, easement, or right-of-way.

**ACCESS.** A means of vehicular entry to or exit from property.

**ACCESSORY DWELLING.** An accessory structure, separate or attached, located on the same lot as a principal dwelling and occupied, for residential purposes only, by a person or persons either employed on the premises or related by blood, marriage, or adoption to the occupants of the principal dwelling.

**ACCESSORY STRUCTURE.** A structure that customarily:

- (1) Is subordinate to and services a principal building or a principal use legally existing on the same zoning lot;
- (2) Is subordinate in area, extent, and purpose to the principal building or principal use;
- (3) Contributes to the comfort, convenience or necessity of the occupants, business, or industry of the principal structure or principal use served; and
- (4) Is located on the same zoning lot as the principal structure or principal use served.

**ACCESSORY USE.** See **USE, ACCESSORY.**

**ADEQUATE DOWNSTREAM STORMWATER CAPACITY.** A stormwater management system shall be considered to have **ADEQUATE DOWNSTREAM STORMWATER CAPACITY** if the system can be shown to store or convey up to and including the 100-year stormwater runoff without increasing damage to adjoining properties or to a point downstream

known to the Planning, Building and Development Director to be a restriction causing significant backwater.

**ADULT BOOTH.** Any area of an adult entertainment establishment set off from the remainder of the establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

**ADULT CABARET.** Any commercial establishment that regularly features any of the following as a substantial or significant portion of its business:

(1) Persons who appear semi-nude; or

(2) Live performances distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

**ADULT ENTERTAINMENT ESTABLISHMENT.** An adult cabaret, adult store, or adult theater.

**ADULT MATERIAL.** Any of the following, whether new or used:

(1) Books, magazines, periodicals, or other printed matter, or digitally-stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities;

(2) Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities;

(3) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities; or

(4) Instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas.

**ADULT STORE.** Any commercial establishment that contains one or more adult booths; offers for sale, rental, or viewing any adult materials as a substantial or significant portion of its business; or has a segment or section devoted to the sale or display of adult materials.

**ADULT THEATER.** Any commercial establishment that as a substantial or significant portion of its business regularly features for presentation films, motion pictures, video or audio cassettes, slides, computer displays or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

**AFFORDABLE HOUSING.** Decent, safe, and sanitary housing that can be secured at a cost not exceeding 30% of the owner's or renter's household income. For renters, the 30% is

comprised of rent and utilities. For owners, the 30% is comprised of mortgage principal, interest, real estate taxes, and insurance (PITI).

**AGRICULTURAL EDUCATION.** Any assemblage of structures and uses intended to educate the general public about the history, science, business, and technology of agriculture, as defined in this section, when operated in conjunction with a principal agricultural use on sites of 200,000 square feet or greater. These structures may include but are not limited to classrooms, displays of equipment, and working models of agricultural implements, devices, or machinery.

**AGRICULTURAL EXEMPTION.** An exemption contained in state law which prohibits fee bearing building permits with respect to land used or to be used for agricultural purposes and further defines the powers of this chapter as to restrict its application.

**AGRICULTURAL PRACTICES.** These practices include: normal farming; silviculture and ranching activities such as gardening, plowing, seeding, cultivating, harvesting for the production of food, fiber, forest products, nursery stock, and livestock; maintenance of agricultural drain tiles, irrigation and drainage ditches; and maintenance of farm roads and other access areas for farm vehicles and equipment use.

**AGRICULTURE.** The tilling of the soil; the growing of crops; the operation of non-retail greenhouses and nurseries; the raising and/or keeping of livestock, equine, fur-bearing animals, gamebirds, poultry, and farm animals; and incidental structures for carrying out the above.

**AIRCRAFT.** Any machine or device, including but not limited to airplanes, helicopters, gliders, hang gliders, ultralights, autogiros, dirigibles, and hot air balloons, capable of atmospheric flight.

**AIRPORT.** Any area of land, water, or both which is used or designed for the landing or taking off of aircraft of any type, or for the location of runways, landing areas, airdomes, hangars, structures, airport runways, grass runways, and other facilities constituting an advantage or convenience to the safe landing, takeoff, and navigation of aircraft, or the safe and efficient maintenance thereof, whether or not facilities are provided for the shelter, servicing, or repair of aircraft or for receiving or discharging passengers or cargo, and whether or not those areas and facilities are public or are restricted to private use.

**ALLEY.** A thoroughfare that is not more than 30 feet wide and that affords only a secondary means of access to abutting property.

**AMBIENT SOUND.** The all-encompassing sound at a given location, usually a composite of sounds from many sources near and far. For the purpose of this ordinance, the "ambient sound level" shall mean the quietest of ten 10-second average sound levels measured when there are no nearby or distinctly audible sound sources (e.g., dogs, or jets). Daytime ambient measurements should be made during mid-morning weekday hours, while nighttime measurements should be made after midnight.

**AMPHITHEATER.** An open air commercial structure, with tiers of seats or a seating area rising above a stage, that is intended to be used for the viewing of musical, theatrical, or other entertainment performances. Non-commercial bandshells and other outdoor stages established as accessory structures in public or community parks shall not be considered **AMPHITHEATERS**.

**AMUSEMENT PARK.** An area of land, including the structures thereon, which is devoted to a commercial enterprise open to the public, which provides to patrons multiple amusement attractions and/or amusement rides.

**APPROPRIATE USE.** Those uses of the regulatory floodway that are expressly permitted by § [151.150](#).

**ARBORIST, CERTIFIED.** A person certified by the International Society of Arboriculture.

**ARCHITECT.** A person registered as an architect and licensed to practice in the State of Illinois.

**ARTERIAL STREET.** See **STREET, ARTERIAL**.

**ASSEMBLY SPACE.** Space intended to accommodate a group of people gathered together, for a particular purpose, whether religious, political, educational, or social. **ASSEMBLY SPACE** may include but shall not be limited to meeting rooms/halls, classrooms, worship halls, and social halls.

**ASSURANCE, SUBDIVISION (PERFORMANCE, RESTORATION OR MAINTENANCE).** A financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be restored, completed, or maintained in compliance with this chapter.

**ATRIUM HOUSE.** A one-story dwelling unit with private individual access that is attached to another dwelling unit. Each dwelling unit has a private yard or atrium that is enclosed by the house or a wall. (See also atrium house standards of § [151.130](#).)

**ATTACHED DWELLING.** A dwelling unit that is attached to one or more dwelling units or to nonresidential uses.

**AVERAGE GROUND ELEVATION.** The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

**BANNER.** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution shall not be considered a **BANNER**.

**BAR.** An establishment in which the principal business is the sale of alcoholic beverages to patrons for consumption on the premises. Same as **TAVERN** or **NIGHTCLUB**.

**BASE FLOOD.** The flood having a 1% probability of being equaled or exceeded in any given year. The base flood also is known as the 100-year frequency flood event.

**BASE FLOOD ELEVATION.** The elevation delineating the level of flooding resulting from the 100-year flood frequency. Application of the base flood elevation at any location shall conform to all applicable standards of § [151.147](#).

**BASE SITE AREA.** The portion of a parcel as calculated pursuant to § [151.070](#)(D)(1).

**BASEMENT.** Any area of a building having its floor subgrade (below grade level) on all sides.

**BASIN.** A facility which provides temporary or permanent impoundment of water for flood control and other water resource purposes. **BASINS** include stormwater infiltration, retention, and detention facilities. Sub-watershed areas within the county that include the Fox River mainstream (including the Chain O'Lakes), Flint Creek, Tower Lake Drain, Slocum Drain, Mutton Creek, Squaw Creek, Fish Lake Drain, Sequoit Creek, the Des Plaines River mainstream, South Mill Creek, North Mill Creek, Newport Drainage Ditch, Bull Creek, Indian Creek, Aptakisic Creek, Buffalo Creek, Skokie River, Middle Fork-North Branch Chicago River, West Fork-North Branch Chicago River, Kellogg Creek, Dead River, Waukegan River, Pettibone Creek, and Lake Michigan Bluff/Ravines.

**BASIN PLAN.** A study and evaluation of an individual drainage basin's stormwater management and flood control needs.

**BEACON.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

**BERM.** A man-made landscape feature generally consisting of a linear mound of fill. Temporary soil stockpiles and retaining walls are not **BERMS**.

**BEST MANAGEMENT PRACTICE (BMP).** Structural or vegetative control measure designed to mitigate changes to both quantity and quality of storm water runoff from land development. **BMPs** are intended to reduce storm water volume, peak flows, and/or nonpoint source pollution through evapotranspiration, infiltration, detention, and filtration.

**BOATHOUSE.** A structure erected for the purpose of storing boats on an earthen floor or over a water slip.

**BRIDGE ENGINEER.** The Bridge Engineer of the Illinois Department of Transportation.

**BUFFER.** An area of predominantly vegetated land to be left open, adjacent to linear water bodies, wetland, lakes, ponds, or other surface waters for the purpose of eliminating or minimizing adverse impacts to the areas.

**BUILDING.** A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term includes a gas or liquid storage tank, a manufactured home, mobile home, or a prefabricated building. This term also includes recreational vehicles and travel trailers that exist on a site for more than 180 days.

**BUILDING, FRONT OF.** The exterior wall of a building which faces the street lot line of the lot.

**BUILDING MARKER.** Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

**[BUILDING-INTEGRATED SOLAR ENERGY SYSTEM.](#)** An active solar energy system that is an integral part of a principal or accessory structure, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, or awnings.

**BUILDING PERMIT.** A permit issued by the county for the construction, erection, or alteration of a structure or building.

**BUILDING, PRINCIPAL.** A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

**BYPASS.** To route tributary drainage area runoff around and not through a stormwater control structure.

**CABIN or COTTAGE.** A recreational (nonresidential) use consisting of detached dwelling units used for temporary or seasonal occupancy.

**CALIPER.** A measurement of the size of a tree equal to the diameter of its trunk measured six inches above natural grade for trees having calipers less than or equal to 12 inches diameter; and measured four and one-half feet above grade for tree calipers greater than 12 inches diameter.

**CAMP.** Any land, including structures, used for assembly or temporary occupancy by individuals and providing outdoor recreational facilities.

**CARDHOLDER.** A qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card by the Illinois Department of Public Health pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.).

**CARETAKER'S DWELLING UNIT.** A dwelling unit located on the same parcel as a nonresidential principal use and occupied exclusively by either the owner, manager, caretaker, or operator, and his or her family, of a permitted principal use.

**CASINO/COMMERCIAL WATERCRAFT.**

(1) A retail sales and service (entertainment-oriented) use consisting of:

(a) A boat, barge, or vessel or other watercraft operated on any body of water in the county, excluding Lake Michigan, for the purpose of providing on-board food, beverage, entertainment, and/or gaming services to patrons of the watercraft;

(b) All onshore facilities established adjacent to the body of water upon which the watercraft is operated, including but not limited to all docking, maintenance and service, operation, restaurant, tavern, ticketing, retail sales and service, parking, loading and other buildings, structures, and facilities that provide for the comfort, convenience, entertainment, or enjoyment of the patrons of the watercraft;

(c) All piers, docks, breakwaters, moorings, and other waterside structures and facilities required in connection with the safe and convenient operation of the watercraft; and

(d) All on-site construction and development activities associated with the establishment of these uses.

(2) Boats, barges, vessels, or other watercraft operated principally for the transportation of people and materials shall not be considered **COMMERCIAL WATERCRAFT**.

**CEMETERY.** Any land, and the structures thereon, designed, used, or intended to be used for the interment of human or animals remains. **ACEMETERY** may include a crematorium.

**CERTIFIED COMMUNITY.** A community which has petitioned the Lake County Stormwater Management Commission and has been found by the Lake County Stormwater Management Commission to be capable of enforcing an ordinance (or ordinances) which contain stormwater and regulatory floodplain management rules and regulations which are consistent with, or at least as stringent, as these of this chapter.

**CERTIFIED PROFESSIONAL SOIL CLASSIFIER.** A person who is certified by Illinois Soil Classifiers' Association or the American Registry of Certified Professionals in Agronomy, Crops, and Soils.

**CERTIFIED WETLAND SPECIALIST.** Persons meeting the minimum requirements of subsections (1), (2), (3), and (4) as follows:

- (1) Provide a one-page statement of qualifications in the areas noted below. The signed statement will be considered as evidence of qualifications;
- (2) Pass the **CERTIFIED WETLAND SPECIALIST** exam;
- (3) Completion of a Lake County Stormwater Management Commission-approved wetland delineation course and meet the requirements of one of the following:
  - (a) Registered professional wetland scientist (PWS) from the Society of Wetland Scientists;
  - (b) Minimum of a bachelor's degree in an earth science or biologic science and at least one of the following: three years (cumulative) full-time experience in the Upper Midwest Region on wetland related projects; or the completion of 100 wetland delineations in the Upper Midwest; or a minimum of 300 hours spent in field review of wetlands in the Upper Midwest; or
  - (c) Six years (cumulative) full-time experience in the Upper Midwest Region on wetlands related projects.
- (4) Recertification as a **CERTIFIED WETLAND SPECIALIST** shall be required every three years through the Lake County Stormwater Management Commission. A minimum of 24 work-related professional development hours including Lake County Stormwater Management Commission mandatory training for this type of certification shall be obtained within the three-year period in order to qualify for recertification. Documentation shall be self-monitoring and shall be provided to Lake County Stormwater Management Commission upon application of certification or recertification.

**CERTIFY or CERTIFICATION.** The act or process of attesting that the specific inspections, calculations, or tests, where required, have been performed and that they comply with the applicable requirements of this chapter.

**CHANNEL.** See **LINEAR WATER BODY**.

**CHANNEL MODIFICATION.** Alteration of a channel by changing the physical dimensions or materials of its bed or banks. **CHANNEL MODIFICATION** includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining and significant removal of bottom or woody vegetation from the channel. **CHANNEL MODIFICATION** does not include the clearing of dead or dying vegetation, debris, or trash from the channel.

**CLUB, NIGHTCLUB.** See *NIGHTCLUB*.

**CLUB, PRIVATE.** A structure, building or property which is primarily used by an organization serving its members or their guests.

**COLLECTOR STREET.** See *STREET, COLLECTOR*.

**COMMERCIAL ESTABLISHMENT.** Any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

**COMMERCIAL MESSAGE.** Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**COMMERCIAL VEHICLE.** A vehicle that is used or intended to be used primarily for commercial purposes.

**COMMUNITY SEWER SYSTEM.** A sewage treatment system which serves more than one dwelling unit.

**COMMUNITY WATER SYSTEM.** A water system which serves more than one dwelling unit.

**COMPENSATORY STORAGE.** A volume of storage created to offset the loss or displacement of flood storage capacity due to a development activity. (See also § [151.149](#).)

**COMPOSTING.** The biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost.

**COMPREHENSIVE PLAN.** All plans for the orderly development of the county including all accompanying maps, charts, and explanatory material adopted by the County Board, and all amendments thereto.

**[CONCENTRATED SOLAR THERMAL TECHNOLOGY.](#)** A solar energy technology that uses lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area.

**CONDITIONAL APPROVAL REGULATORY FLOODWAY MAP**

**CHANGE.** Preconstruction approval by Illinois Department of Transportation, Office of Water Resources and Federal Emergency Management Agency of a proposed change to the regulatory floodway map. This preconstruction approval ensures the property owner that once an appropriate use is constructed according to permitted plans, the regulatory floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.

**CONDITIONAL LETTER OF MAP REVISION.** A letter which indicates that the Federal Emergency Management Agency will revise base flood elevations, flood insurance rate zones, flood boundaries or regulatory floodway as shown on an effective Flood Hazard Boundary Map or Flood Insurance Rate Map, once the as-built plans are submitted and approved.

**CONDUIT.** A general term for any channel, watercourse, sewer, or culvert used for the conveyance or movement of water, whether open or closed.

**CONSERVATION DISTRICT.** Soil and Water Conservation District of Lake County.

**CONSERVATION RESIDENTIAL DEVELOPMENT.** The development of land for residential uses that requires the reservation of open space pursuant to the requirements of §§ [151.125](#) through [151.132](#). A **CONSERVATION RESIDENTIAL DEVELOPMENT** may contain one or more of the following housing types: detached house (single family), lot-line house, village house, twinhouse, patio house, atrium house, townhouse, multiplex and/or multi-dwelling structure, as fully described in § [151.130](#).

**CONTRACTOR.** Any person or firm engaged in construction, building services, or maintenance, on a contract basis.

**CONTRACTOR'S MODEL HOME.** A temporary retail sales and/or service use consisting of a building, or portion thereof, designed as a dwelling unit and constructed in a residential development for the purpose of temporary marketing and/or sales of lots or dwelling units within the development in which it is located.

**CONTROL, HORIZONTAL AND VERTICAL GROUND.** A system of photo-identifiable points with established positions or elevations, or both, which are used as fixed references in positioning and correlating map features.

**CONTROL STRUCTURE.** A structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

**CONVENTIONAL RESIDENTIAL DEVELOPMENT.** The development of land for detached house (single family) dwelling units that requires no minimum reservation of open space pursuant to the requirements of §§ [151.125](#) through [151.132](#).

**CORNER LOT.** See **LOT, CORNER**.

**CORRAL/PADDOCK.** An enclosure for confining and/or exercising animals which is generally located adjacent or in close proximity to a stable or barn.

**CRITICAL DURATION.** The design storm duration for a given frequency storm which produces the greatest peak flow, volume, or stage by analyzing all durations presented in [Appendix K](#).

**CUL-DE-SAC.** A street ending in a turnaround, designed and intended as a permanent or temporary terminus.

**CUSTOMARY HOME OCCUPATIONS.** A business, profession, or trade commonly practiced within a principal residence.

**CUTOFF.** The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cutoff) at a specific angle above the ground.

**CUTOFF ANGLE.** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

**DAM.** All obstructions, wall embankments, or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included.

**DAMAGE.** For the purpose of interpreting the provisions of §§ [151.145](#) through [151.154](#) only, **DAMAGE** shall mean a measurable rise in flood heights on property currently subject to flooding, flooding of property currently not subject to flooding unless it is contained within the streambanks or a deed- or plat-restricted area or increases in velocity to the point where the rate of land lost to erosion and scour is significantly increased.

**DAY.** A work day on which county offices are open for business, exclusive of weekends and holidays, as established by the County Board.

**DAY, CALENDAR.** A calendar day.

**DAY CARE FACILITY.**

(1) Any facility which is established and maintained for the general care of children or adults. Whether established for gain or otherwise, a day care facility receives or arranges for care or placement of more than seven individuals unrelated to the operator of the facility.

(2) The term **DAY CARE FACILITY** includes facilities commonly called “child care centers”, “day nurseries”, “nursery schools”, “adult day cares” and “kindergartens” but does not include any state operated institution for child care, any juvenile detention housing, any licensed nursing home, or any bona fide boarding school.

**DECISION-MAKING BODY.** The entity that is authorized to finally approve or deny an application or permit required under this chapter.

**DEDICATION.** The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee interest, including an easement.

**DEED OR PLAT RESTRICTION.** Permanent easements, covenants, deed-restricted open spaces, outlots dedicated to a public entity, reserved plat areas, and conservation easements dedicated to meet the requirements of this chapter, or public road rights-of-way that contain any part of the stormwater management system of a development.

**DENSITY, MAXIMUM.** The maximum number of dwelling units allowed per acre of site area, after subtracting land area in regulatory floodplains, wetlands, water bodies and public rights-of-way from the base site area. See § [151.131](#)(F).

**DEPRESSIONAL STORAGE AREAS.** Non-riverine depressions in the earth where stormwater collects.

**DESIGN STORM.** A selected storm event, described in terms of the probability of occurring once within a given number of years, for which stormwater or flood control improvements are designed and built.

**DESIGNATED CAREGIVER.** A person who:

- (1) Is at least 21 years of age;
- (2) Has agreed to assist with a patient's medical use of cannabis;
- (3) Has not been convicted of an excluded offense; and

(4) Assists no more than one registered qualifying patient with his or her medical use of cannabis.

***DESIGNATED EROSION CONTROL INSPECTOR.***

(1) A person responsible for, at a minimum, verifying compliance and ongoing maintenance of the approved soil erosion and sediment control plan measures of a development and who is recommended to meet the minimum qualification requirements of subsections (1)(a), (1)(b), and (1)(c) as follows:

(a) Provide a one-page statement of qualifications in the areas noted below and a request to be included on the Lake County Stormwater Management Commission Designated Erosion Control Inspector qualified listing. The signed statement will be considered as evidence of qualifications.

(b) Pass the Designated Erosion Control Inspector Exam that is administered by the Lake County Stormwater Management Commission.

(c) Complete a Lake County Stormwater Management Commission-approved soil erosion and sediment control course and meet the requirements of one of the following:

1. Have an official designation as a Certified Professional in Erosion and Sediment Control (CPESC) or Certified Erosion, Sediment and Stormwater Inspector (CESSWI);

2. Two years cumulative experience in the Upper Midwest Region on soil erosion and sediment control inspections.

(2) The listing of Designated Erosion Control Inspectors shall be officially updated every three years by the Lake County Stormwater Management Commission. A minimum of 24 work-related professional development hours including Lake County Stormwater Management Commission mandatory training for this designation shall be obtained within the three-year period in order to qualify for re-listing. Documentation shall be self-monitoring and shall be provided to Lake County Stormwater Management Commission upon application for listing.

***DESIGNATED EROSION CONTROL INSPECTOR EXAM.*** An exam that is formally adopted and administered by the Lake County Stormwater Management Commission to establish minimum qualifications for an individual to be listed as a Designated Erosion Control Inspector by the Lake County Stormwater Management Commission. Formal adoption of this exam by the Lake County Stormwater Management Commission shall include the determination of a starting date for the Designated Erosion Control Inspector Program requirements in this chapter.

***DETENTION FACILITY.*** A man-made structure, with either a wet or dry bottom, for the temporary storage of stormwater runoff with controlled release during or immediately following a storm.

***DETENTION STORAGE.*** The temporary detaining or storage of stormwater in reservoirs, on rooftops or other areas under predetermined and controlled conditions, with a controlled rate of discharge therefrom.

***DETENTION VOLUME SAFETY FACTOR.*** A multiplication factor applied to a development's detention volume when the detention facility is constructed on-stream.

**DEVELOPER.** The legal or beneficial owner or the representative thereof, of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

**DEVELOPMENT.** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alternation, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, excavation or other movement of land, for which permission may be required pursuant to this chapter. For stormwater management purposes, **DEVELOPMENT** includes any other activity that might change the direction, height, volume, or velocity of flood or surface water, including the drainage of wetlands and removal of vegetation to the extent such that the wetland would no longer meet the criteria of supporting hydrophytic vegetation as defined in this chapter except that which would be considered appropriate for management purposes.

**DEVELOPMENTAL DISABILITY.** A physical or mental impairment that substantially limits one or more of a person's major life activities, impairs his or her ability to live independently, or a record of having the impairment.

**DIAMETER AT BREAST HEIGHT (DBH).** A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half feet above natural grade.

**DIRECT DISCHARGE.** Discharges of stormwater that have not passed through a detention or retention facility designed to the specification of this chapter.

**DISCHARGE.** The outflow of water, silt, or other mobile substances passing along a conduit, watercourse, or a channel or released from detention storage.

**DOMINANT.** For the purpose of this chapter, a **DOMINANT** plant species is one that comprises greater than 50% of the vegetated layer. The "vegetated layer" is defined as a subunit of a plant community in which all component species exhibit the same growth form (e.g., trees, saplings, shrubs, herbs).

**DRAIN TILE.** A conduit, such as corrugated plastic tubing, clay tile, or pipe, installed beneath the ground surface to collect and/or convey drainage water.

**DRAINAGE.** The removal of surface water or groundwater from land by drains, grading, or other means. **DRAINAGE** includes the control of runoff to minimize erosion and sedimentation during or after development and includes the means necessary for water supply preservation or for prevention or alleviation of flooding.

**DRAINAGE AREA.** The land area above a given point that contributes stormwater to that point.

**DRAINAGE BASIN.** Subwatershed as indicated in the Lake County Comprehensive Stormwater Management Plan.

**DREDGING MATERIAL.** Material, including sediments and debris, which are excavated or dredged from the bottom of lakes, rivers, ponds, channels and other water bodies.

**DRIP LINE.** The perimeter of the circular area surrounding the trunk of a tree measured as one foot of radius from the centerline of the trunk for each one inch of DBH.

**DRIVE-IN THEATER.** An outdoor movie theater designed to allow patrons to view motion pictures while seated in their parked automobiles.

**DRY DETENTION FACILITY.** A dry detention facility is a detention facility designed to drain completely after temporary storage of stormwater flows and to normally be dry over the majority of its bottom area.

**DUPLEX.** Two dwelling units within a single structure located on one lot. (See also **TWINHOUSE**.)

**DWELLING, ACCESSORY.** See **ACCESSORY DWELLING**.

**DWELLING, ATRIUM HOUSE.** See **ATRIUM HOUSE**.

**DWELLING, ATTACHED.** See **ATTACHED DWELLING**.

**DWELLING, DETACHED.** Same as **HOUSE, DETACHED**.

**DWELLING, DUPLEX.** See **DUPLEX**.

**DWELLING, LOT LINE HOUSE.** See **LOT LINE HOUSE**.

**DWELLING, MANUFACTURED HOME.** See **MANUFACTURED HOME**.

**DWELLING, MOBILE HOME.** See **MOBILE HOME**.

**DWELLING, MULTI- (STRUCTURE).** See **MULTI-DWELLING STRUCTURE**.

**DWELLING, MULTIPLEX.** See **MULTIPLEX**.

**DWELLING, PATIO HOUSE.** See **PATIO HOUSE**.

**DWELLING, SINGLE FAMILY.** A dwelling containing one dwelling unit.

**DWELLING, TOWNHOUSE.** See **TOWNHOUSE**.

**DWELLING, TWINHOUSE.** See **TWINHOUSE**.

**DWELLING UNIT.** A building or portion of it designed and used for residential occupancy by a single household and that includes exclusive sleeping, cooking, eating, and sanitation facilities. A single **DWELLING UNIT** shall contain no more than one set of cooking facilities. Any additional cooking facilities must be clearly accessory in nature.

**DWELLING UNIT, CARETAKER'S.** See **CARETAKER'S DWELLING UNIT**.

**DWELLING, VILLAGE HOUSE.** See **VILLAGE HOUSE**.

**ELEVATION CERTIFICATES.** A form published by the Federal Emergency Management Agency that is used to certify the elevation to which a building has been elevated.

**EMERGENCY OVERFLOW.** The structure in a stormwater management system designed to protect the system in event of a malfunction of the primary flow structure or a storm event greater than the system design. The **EMERGENCY OVERFLOW** capacity initiates at the facility design high water level or base flood elevations.

**ENCLOSED, LOCKED FACILITY.** A room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's agents or a dispensing organization's agent working for the registered cultivation center or the registered dispensing organization to cultivate, store, and distribute cannabis for registered qualifying patients.

**ENGINEER.** A registered professional engineer licensed to practice in the State of Illinois.

**ENGINEER OF RECORD.** An engineer that designed and certified the final engineering plans or the engineer responsible for the design of engineering improvements in the subdivision and certifies those improvements.

**EQUINE.** A horse, pony, mule, or ass.

**EROSION.** The process whereby soil is removed by precipitation, flowing water, wave action, or wind.

**EXCAVATION.** Any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

**EXCEPTIONAL FUNCTIONAL VALUE WETLAND.** See **WETLAND, EXCEPTIONAL FUNCTIONAL VALUE.**

**FAMILY.** See **HOUSEHOLD.**

**FARM ANIMALS.** Any animal customarily raised on farms, including alpaca, llama, burros, cattle, bison, mink, chickens, turkeys, ducks, geese, donkeys, emus, goats, horses, mules, ostriches, swine, sheep, or lambs.

**FARM HOUSING.** Temporary housing that is intended to accommodate individuals primarily engaged in the occupation of agriculture. The term includes housing occupied by farm workers, farm employees or farm owners engaged in the full-time occupation of agriculture, and their families.

**FARMED WETLAND.** Wetlands that are farmed currently, or have been farmed within five years previous to the permit application date, as defined in 7 C.F.R. Part 12 (61 FR 47025).

**FEDERAL EMERGENCY MANAGEMENT AGENCY.** The Federal Emergency Management Agency and its regulations codified as 44 C.F.R. 59-79 effective as of October 1, 1986. This incorporation does not include any later editions or amendments.

**FILL.** Earth, sand, gravel, rock, concrete without metal reinforcement, or other material, excluding asphalt, biodegradable material, such as wood, hazardous waste and special waste (as determined by the Illinois Environmental Protection Agency), which is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location.

**FILLING.** The act of depositing fill on land, whether submerged or not.

**FILLING, DEEP.** Filling of the regulatory floodplain which raises the land surface elevation above that of the base flood elevation (see also § [151.149](#)).

**FILLING, SHALLOW.** Filling of the regulatory floodplain to realign contours, protect seawalls, or make yards or lands more useful which does not raise the land surface elevation above the base flood elevation (see also § [151.149](#)).

**FINAL DEVELOPMENT PLAN.** The specific design of all physical planning and engineering elements necessary to develop the land in substantial compliance with the approved preliminary development plan.

**FLAG.** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**FLOOD.** A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAPS.** A map prepared by Federal Emergency Management Agency or U.S. Department of Housing and Urban Development that depicts the Special Flood Hazard Area within a community. This map includes insurance rate zones and regulatory floodplains and may or may not depict regulatory floodways.

**FLOODPLAIN MANAGEMENT.** An overall program of corrective and preventive measures for avoiding or reducing future flood damage.

**FLOODPLAIN, REGULATORY.** May be either riverine or non-riverine depressional areas. Floodplain boundaries shall be delineated by projecting the base flood elevation onto the best available topography and by superimposing the Special Flood Hazard Area onto the base map. **REGULATORY FLOODPLAINS** include:

(1) Any riverine area inundated by the base flood where there is at least 640 acres of tributary drainage area;

(2) Any non-riverine area with a surface area of one-fourth acre or more, or with a storage volume of three-fourths acre-foot or more when inundated by the base flood; or

(3) Any area indicated as a Special Flood Hazard Area on the Federal Emergency Management Agency Flood Insurance Rate Map or Letter of Map Revision and located with the best available topographic information to be inundated by the base flood.

**FLOODPLAIN STUDY.** A study, formally adopted by the Lake County Stormwater Management Commission, excluding base flood determinations performed for a specific development site, that examines, analyzes, evaluates, or determines the hydraulic and hydrologic characteristics of flood hazards for a basin or partial basin area. To be used as a regulatory instrument, the study shall, at a minimum, meet the Federal Emergency Management Agency criteria specified in *Guidelines and Specifications for Flood Hazard Mapping Partners*, most current version.

**FLOOD-PRONE AREA.** Any area inundated by the base flood, including such areas outside of the regulatory floodplain.

**FLOOD-PRONE AREA.** Any area inundated by the base flood.

**FLOOD-PROOFING.** Any combination of structural and non-structural additions, changes or adjustments to structures or property which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**FLOOD-PROOFING CERTIFICATE.** A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

**FLOOD PROTECTION ELEVATION.** The base flood elevation plus two feet of freeboard.

**FLOOD TABLE LAND.** The land area immediately adjacent to flood-prone areas with greater than 100 acres of tributary drainage area, the elevation of which is greater than the base flood elevation by two feet or less.

**FLOODWAY, REGULATORY.** The channel, including on-stream lakes, and that portion of the regulatory floodplain adjacent to a channel as designated by Illinois Department of Transportation, Office of Water Resources, which is needed to store and convey the existing and anticipated future 100-year frequency flood discharge with no more than a one-tenth foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10% increase in velocities. The location of the regulatory floodway shall be as delineated on the maps listed in [Appendix M](#), as may be amended by the Federal Emergency Management Agency. Where interpretation is needed to determine the exact location of the regulatory floodway boundary, Illinois Department of Transportation, Office of Water Resources shall be contacted.

**FLOOR AREA.** The sum of the gross area for each of a building's stories under roof measured from the exterior limits or faces of the structure. Parking structures providing spaces to meet minimum off-street parking standards of § [151.165](#) shall not be counted as **FLOOR AREA**.

**FLOOR AREA FACTOR.** An intensity measurement expressed as the total floor area per Net Site Area.

**FOOTCANDLE.** A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle.

**FORESTED WETLAND.** A wetland area with 30% or greater aerial coverage of trees. Trees referred to as woody plants that are greater than three inches in diameter at breast height (DBH) and with a height of greater than 20 feet.

**FORESTRY.** The clearing of forested or woodland areas, including mature woodlands and young woodlands as defined by this chapter.

**FRAMEWORK PLAN.** A component of the Comprehensive Plan.

**FREEBOARD.** An increment of height added to the base flood or other high water elevation to provide a factor of safety for uncertainties in calculations, unknown local conditions, wave actions, and unpredictable effects such as those caused by ice or debris jams.

**FREEWAY.** A high volume traffic corridor which, together with other freeways, carries a high proportion of total area travel with a minimum of total mileage, and to which access is partially or fully controlled, often by public purchase of access rights or by designation pursuant to state statutes.

**FUNCTIONAL ASSESSMENT.** An assessment of a wetlands flood storage, water quality, and other beneficial functions.

**GARAGE.** A structure or part thereof, designed, used, or intended to be used for the parking and storage of motor vehicles.

**GARDEN CENTER.** A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

**GENERAL CONSTRUCTION OR DEMOLITION DEBRIS.** Non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and the demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous, painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials or as defined in Section 3.160(a) of the Illinois Environmental Protection Act as amended.

**GLARE.** The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted and which causes annoyance, discomfort, or loss of visual performance and visibility.

**GOLF COURSE.** An area of land laid out for the game of golf with a series of holes and including tees, greens, fairways, and often one or more natural or artificial hazards.

**GOVERNMENT BUILDING (OR USE).** A building or structure owned or leased by a unit of government and used by the unit of government in exercising its statutory authority. **GOVERNMENT BUILDINGS** may include but shall not be limited to township and forest preserve structures, postal offices, public sewage treatment plants, public water treatment plants, fire stations, and public libraries.

**GRADE, EXISTING OR NATURAL.** The vertical elevation of the existing ground surface prior to excavation or filling.

**GRADING.** The contouring of land to a specified level or slope.

**GREEN INFRASTRUCTURE.** Any stormwater management technique or practice that reduces runoff volume through preserving, restoring, utilizing, or enhancing the processes of infiltration, evapotranspiration, and reuse. Approaches may include green roofs, naturalized detention facilities, trees and tree boxes, rain gardens, vegetated swales, wetlands, infiltration planters, porous and permeable pavements, porous piping systems, dry wells, vegetated median strips, reforestation/revegetation, rain barrels and cisterns, and protection and enhancement of riparian buffers and floodplain.

**GREENHOUSE.** An enclosed structure, permanent or portable, which is used for the growth of plants.

**GREENHOUSE AND/OR NURSERY CENTER.** The retail or wholesale sale of plants, 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, and the like. However, no power equipment, such as gas or electric lawnmowers and farm implements, may be sold wholesale or retail.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM.** A solar energy system mounted on a rack or pole that is attached to or ballasted on the ground. Ground-mounted systems can be either accessory or principal uses.

**GROUP LIVING.** Residential occupancy of a structure by a group of people who do not meet the definition of “household living”. Examples include dormitories, fraternities, sororities, monasteries, and convents.

**GROUP LIVING STRUCTURE.** A structure that is used as a residence for a group living use and that contains sleeping areas and one or more cooking, eating, and sanitary facilities.

**GROVE.** A stand of five or more individual trees whose total combined canopy covers an area of less than 20,000 square feet, at least 50% of which is composed of trees having a diameter breast height of 16 inches or more. An active commercial nursery or Christmas tree operation shall not be considered a **GROVE**.

**HEIGHT.** The vertical distance between the mean elevation at finished grade along the front of a structure to the highest point of the roof.

**HELIPORT.** A facility constructed for the taking off and landing of helicopters.

**HIGH-QUALITY AQUATIC RESOURCES (HQAR).** Waters of the United States or isolated waters of Lake County that are determined to be critical due to their uniqueness, scarcity, function, and/or value as defined in [Appendix N](#) of this chapter.

**HIGHWAY DESIGN MANUAL.** The *Design Manual* or its successor document or documents, as published by the Illinois Department of Transportation in effect at the time a preliminary plat is approved.

**HIGHWAY STANDARD MANUAL.** The *Standards Manual* or its successor document or documents, as published by the Illinois Department of Transportation in effect at the time a preliminary plat is approved.

**HOSPITAL.** A health-medical use devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, and overnight care of individuals suffering from illness, disease, injury, deformity, or other abnormal physical, mental, or emotional conditions or afflictions.

**HOSPITAL EMERGENCY HELIPORT.** A facility constructed for the taking off and landing of helicopters as a means of providing medical emergency transport. This heliport shall be considered an accessory use to the hospital, shall be used exclusively in connection with the hospital, and shall be subordinate to the hospital in area, extent, and purpose.

**HOTEL.** A building designed for transient occupancy containing rooms or suites accessible from a common hall or entrance, providing living, sleeping and toilet facilities; individual cooking facilities, a general kitchen or a common dining room may be provided.

**HOUSE, ATTACHED.** Same as *DWELLING, ATTACHED* .

**HOUSE, DETACHED.** A dwelling unit located on its own lot that is not attached to any other dwelling unit.

**HOUSEHOLD.** Any of the following:

(1) Two or more persons related to one another by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit;

(2) Up to four unrelated persons living together as a single housekeeping unit in a single dwelling unit; or

(3) Up to eight persons with ~~physical or developmental~~ disabilities and attendant support staff living together as a single housekeeping unit in a single dwelling unit.

**HYDRAULICALLY EQUIVALENT COMPENSATORY STORAGE.** Compensatory storage placed between the proposed normal water elevation and the proposed 100-year flood elevation. All storage lost or displaced below the existing ten-year flood elevation is replaced below the proposed ten-year flood elevation. All storage lost or displaced above the existing ten-year flood elevation is replaced above the proposed ten-year flood elevation. The additional compensatory storage required beyond a 1:1 ratio may be placed at any elevation between normal water level and the base flood elevation.

**HYDRIC SOIL.** A soil that is saturated, flooded, or ponded long enough during the growing season to develop an anaerobic (without oxygen) conditions in the upper part.

**HYDROLOGIC AND HYDRAULIC CALCULATIONS.** Engineering analysis which determines expected flood flows and flood elevations based on land characteristics and rainfall events.

**HYDROLOGICALLY CONNECTED.** A stormwater discharge that is tributary to a channel, wetland, lake, or pond and that has an overland flow path of less than 200 feet.

**HYDROLOGICALLY DISTURBED.** An area where the land surface has been cleared, grubbed, compacted, or otherwise modified to increase runoff volumes or rates, or to change runoff direction.

**HYDROPHYTIC VEGETATION.** Plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

**ILLICIT DISCHARGE.** Any discharge or dumping of material into the stormwater management system or a flood-prone area that is not composed entirely of stormwater, except for discharges allowed under NPDES Permit No. ILR40 Part I.B.2.

**ILLINOIS URBAN MANUAL.** The *Natural Resources Conservation Service Illinois Urban Manual*. A technical manual designed for urban ecosystem protection and enhancement. This manual contains design guidance for a development site to meet the Watershed Development Ordinance performance standards for soil erosion and sediment control.

**ILLUMINATED SIGN.** Any sign that has characters, letters, figures, designs, or outlines illuminated by electric lights, luminous tubes, or any other artificial means as part of the sign.

**ILLUMINATION, MAXIMUM PERMITTED.** The maximum illumination measured in footcandles at the property line.

**IMPERVIOUS SURFACE.** Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas.

**IMPERVIOUS SURFACE RATIO (ISR).** A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a site by the Net Site Area.

**IMPROVEMENTS.** Any man-made changes to any land or structure.

**IMPROVEMENTS, PUBLIC.** Any improvement necessary to provide for public needs.

**INDIVIDUAL SEWAGE DISPOSAL SYSTEM.** A sewage treatment and disposal system that infiltrates treated wastewater into soil; discharges wastewater to the surface where the projected daily flow is less than 1,500 gallons; or holds wastewater in a tank for removal or disposal at a remote site.

**IN-KIND REPLACEMENT (CULVERT).** An **IN-KIND CULVERT REPLACEMENT** has an equivalent cross-sectional area, shape, roughness coefficient, and inlet and outlet elevations; or the replacement may be shown to have an equivalent hydraulic capacity using appropriate engineering calculations.

**INSPECT.** To visit, or to review plans, or to oversee a site visit or plan review per generally accepted engineering practices.

**INTERIOR LOT.** See **LOT, INTERIOR.**

**INTERSECTION VISIBILITY TRIANGLE.** An area formed by a point on each street center line located 100 feet from the intersection of local street center lines and a third line connecting the two points of 130 feet from the intersection of collector or higher category street center lines and a third line connecting the two points.

**ISOLATED WATERS OF LAKE COUNTY.** All waters such as lakes, ponds, streams (including intermittent streams), farmed wetlands, and wetlands that are not under U.S. Army Corps of Engineers jurisdiction. The limits of the **ISOLATED WATERS OF LAKE COUNTY** extend to the ordinary high water mark or the delineated wetland boundary.

(1) The following are excluded from the **ISOLATED WATERS OF LAKE COUNTY**, as determined by the Enforcement Officer:

(a) Excavations and impoundments that have received a permit from the appropriate jurisdictional authority;

(b) Excavations and impoundments permitted by right, prior to being a regulated activity, within 40% or more non-hydric soils. Areas designated as “water” as depicted on the *Soil Survey of Lake County*, SCS, 1970 are determined as either hydric or non-hydric soils by connecting adjoining soil boundaries to create complete polygons of the depicted soil types;

(c) Wetlands created incidental construction grading on development sites; and

(d) Road-side ditches.

(2) The following shall not be considered as meeting the exclusion criteria in subsection (1) above:

(a) All areas meeting the definition of high-quality aquatic resources;

(b) Wetland mitigation areas created to meet the requirements of this chapter or § 404 of the Clean Water Act; and

(c) Wetland areas created or restored using public funds.

**JUNK YARD.** Any land or structure, exclusive of recycling centers, used for a salvaging operation, including, among other things, the storage and sale of waste paper, rags, scrap metal, and discarded materials, or the dismantling, storage, and salvaging of unlicensed, inoperative vehicles.

**KENNEL.** A location where the number of dogs or any other animal, except for farm animals, exceeds the residential pet limits established by the Lake County Health Department, or any place in or at which dogs or any other animals, except farm animals, are kept on a regular basis for the purpose of sale or in connection with boarding, training, care, or breeding or adoption.

**LANDSCAPE ARCHITECT.** A person with a degree in landscape architecture from an accredited university or college.

**LANDSCAPE CONTRACTOR.** A business principally engaged in the decorative and functional alteration, planting and maintenance of grounds. The business may engage in the installation and construction of underground improvements but only to the extent that the improvements (e.g., irrigation or drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

**LANDSCAPE WASTE.** All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees.

**LANDSCAPE WASTE COMPOSTING FACILITY.** An establishment for the composting of waste materials accumulated as the result of the care of lawns, shrubbery, vines, and trees. However property on which the principal use is residential and on which composting of these materials, accumulated exclusively on-site, is conducted, shall not be considered a **LANDSCAPE WASTE COMPOSTING FACILITY**.

**LETTER OF MAP AMENDMENT.** Official determination by Federal Emergency Management Agency that a specific structure is not in a Special Flood Hazard Area, amends the effective Flood Hazard Boundary Map or Flood Insurance Rate Map.

**LETTER OF MAP REVISION.** A letter issued by Federal Emergency Management Agency or Illinois Department of Transportation, Office of Water Resources that revises base flood elevations, flood insurance rate zones, flood boundaries, or regulatory floodways as shown on an effective Flood Hazard Boundary Maps or Flood Insurance Rate Maps.

**LETTER OF NO IMPACT (LONI).** Written confirmation from Lake County Stormwater Management Commission or isolated wetland certified community that no wetland impacts will occur from a proposed development, based on a review of plans or other applicable information provided by the applicant as specified in this chapter.

**LINEAR WATER BODY.** A natural or artificial watercourse that periodically or continuously contains moving water, or that forms a connecting link between two or more bodies of water. **LINEAR WATER BODIES** have a definite bed and banks that serve to confine the water and include any river, stream, creek, brook, branch, flowage, ditch, conduit, culvert, gully, ravine, swale, wash, or natural or man-made drainage way, in or into which surface water or groundwater flows, either perennially or intermittently. Roadside drainage ditches, conveyance systems between on-site detention facilities and excavated detention facilities are not **LINEAR WATER BODIES**. **LINEAR WATER BODIES** are also known as **CHANNELS**. For the purposes of §§ [151.145](#) through [151.154](#) only, the terms **LINEAR WATER BODY** and **NONLINEAR WATER BODY** are interchangeable.

**LIQUID EQUIVALENT PRECIPITATION.** The amount of precipitation, including any frozen precipitation in its melted state (e.g., snow, sleet, freezing rain). With varying densities of frozen precipitation, the liquid equivalent precipitation indicates the actual amount of water that falls in a storm event, regardless of the type of precipitation.

**LIVESTOCK.** Animals that are customarily kept for producing food or fiber.

**LOCAL FOOD GARDEN.** A parcel of any portion thereof, managed and maintained by a person or group of persons, for the growing and harvesting of food products and/or ornamental plants, exclusive of those agricultural uses that require large-scale mechanized equipment not customarily used for residential gardening.

**LOCAL FOOD PRODUCTION.** The practice of producing food for the purposes of consumption or sale at a local market, such as growing vegetables and fruits and raising livestock. **LOCAL FOOD PRODUCTION** also includes the growing of vegetables and fruits and the keeping of chickens or bees, as a residential accessory use.

**LOCAL STREET.** See **STREET, LOCAL** .

**LOT.** A single legally divided parcel of land.

**LOT AREA.** The area contained within the boundary lines of a lot, excluding any street, easement for street purposes, or street right-of-way.

**LOT, CORNER.** A lot abutting on two streets at their juncture.

**LOT, DOUBLE-FRONTAGE.** A lot abutting on two parallel streets, or abutting on two intersecting streets at points removed from their juncture.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT LINE.** A line bounding a lot which divides one lot from another or from a street or any other public or private space.

**LOT LINE, FRONT.** The part of the entire interior lot abutting the street or that part of a corner lot extending across the narrowest part of the lot abutting the street. Double frontage lots have two “front” lot lines.

**LOT LINE HOUSE.** A dwelling unit that is located on its own lot, not attached to any other dwelling unit and set on or within five feet of the interior side lot line.

**LOT LINE, REAR.** The lot line which is parallel to and most distant from the front lot line; in the case of a triangular or an irregular lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front lot line shall be considered to be the **REAR LOT LINE**.

**LOT LINE, SIDE.** Any lot line other than a street or rear lot line.

**LOT LINE, STREET.** In the case of a lot abutting only one street, the lot line separating a lot from the street; in the case of a corner lot, each lot line separating the lot from a street; in the case of a double frontage lot, each lot line separating the lot from a street shall be considered to be the **STREET LOT LINE**.

**LOT, PANHANDLE.** A lot resulting from the division of a tract of land that, before its division, did not have sufficient width on a street to create more than one lot abutting the street but had sufficient area and depth to be divided into more than one buildable lot.

**LOT WIDTH.** The horizontal distance between side lot lines. **LOT WIDTH** shall be measured between side lot lines at the required front setback line. (See also § [151.131\(B\)](#).)

**LOT, ZONING.** A parcel of land comprised of one or more recorded lots that are contiguous and under the same ownership and in the same zoning district; occupied or intended to be occupied by a principal building or buildings, or principal use or uses, along with permitted accessory buildings or uses; and meeting all of the requirements for area, buildable area, frontage, width, setbacks, and any other requirements set forth in this chapter. Lots separated by streets or alleys shall not be considered contiguous for the purposes of this definition.

**LOW-FREQUENCY SOUND.** Sound with frequencies below 100 Hz, including audible sound and infrasound, as opposed to broadband which has sound frequencies above 100 Hz. Infrasound has frequencies below 20 Hz, which if sufficiently intense, can be perceived by many individuals, and must be measured by a sound level meter using the C-weighted scale.

**LOW OPENING ELEVATION.** The elevation at which water could enter a structure through any non-watertight opening such as a doorway threshold, a window sill, or a basement window well.

**LOWEST ADJACENT GRADE.** The lowest finished grade adjacent to a structure, not including the bottom of window wells.

**LOWEST FLOOR.** Lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, or building access in an area other than a basement area is not considered a building's lowest floor; provided, that the requirements of § [151.149\(H\)](#) are met.

**LUMINAIRE.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**LUMINAIRE, CUTOFF-TYPE.** A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than 90 degrees.

**MAINTAINABLE OUTLET.** A stormwater conveyance system (such as a storm sewer or overland flow path) that provides positive drainage to a natural watercourse or stormwater management system. The natural watercourse or stormwater management system shall have

adequate downstream capacity. Stormwater management systems shall be within a recorded drainage easement or right-of-way.

**MANUFACTURED HOME.** A dwelling manufactured off-site which complies with the provisions of the 2012 International Residential Code (see [Chapter 150](#)).

**MARINA.** A boat basin and recreational facility, located on waterfront property or having direct water access, providing moorings for boats, and one or more of the following facilities: boat launching ramps, boat livery, boat sales, maintenance shops, marine supply store, and fuel dock.

**MATURE WOODLAND.** See **WOODLAND, MATURE.**

**MAXIMUM EXTENT PRACTICABLE (MEP).**

(1) For the purposes of this chapter, the maximum extent practicable (MEP) is defined as the highest level of Runoff Volume Reduction (RVR) that is achievable for the development as determined by the applicant and approved by the Planning, Building and Development Director (see [Appendix R](#) for runoff volume reduction quantities). The MEP RVR quantitative standard for the development shall not be required to exceed the minimum performance standards identified in § [151.146\(D\)](#). For public road developments, the **MEP** shall not necessitate the need to acquire right-of-way or deed and plat restricted areas outside of the right-of-way.

(2) In making the determination that the RVR quantitative standard for the development is the **MEP**, the following objectives should be considered, when applicable, including, but not limited to:

- (a) Prevention or reduction of existing, adjacent flood-related problems;
- (b) Examination of adequate downstream capacity from the development;
- (c) Preservation of existing wetland hydrology;
- (d) Protection of adjacent streams from degradation due to increased volumes and prolonged bankfull flows;
- (e) Minimization of off-site water quality impacts;
- (f) Enhancements of aquifer recharge on-site;
- (g) Evaluate geographic features of the site (e.g., topography, soil structure, natural resources);
- (h) Utilize best available and feasible technology;
- (i) Maximize performance of the design; and
- (j) Provide for sustainability through maintenance and management of the installed practices.

**MEDIAN FAMILY INCOME.** As defined by the U.S. Department of Housing and Urban Development.

**MEDICAL CANNABIS INFUSED PRODUCT.** Food, oils, ointments, or other products containing usable cannabis that are not smoked.

**MEDICAL CANNABIS CONTAINER.** A sealed, traceable, food compliant, tamper resistant, tamper evident container or package used for the purpose of containment of medical cannabis from a cultivation center to a dispensing organization.

**MEDICAL CANNABIS CULTIVATION CENTER (CULTIVATION CENTER).** A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

**MEDICAL CANNABIS DISPENSING ORGANIZATION (DISPENSING ORGANIZATION, DISPENSARY ORGANIZATION, DISPENSARY).** A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

**MINIMUM FLOOR ELEVATION.** The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

**MINI-WAREHOUSE.** See **WAREHOUSE, MINI.**

**MITIGATION.** Measures taken to eliminate or minimize damage from development activities, such as construction in wetlands or regulatory floodplain filling, by replacement of the resource or other means of compensation.

**MOBILE HOME.** A transportable, factory-built structure that was manufactured prior to enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401) or a manufactured home build subsequent to and in compliance with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401) and that is designed to be used as a single dwelling unit.

**MOBILE HOME PARK.** A contiguous parcel of land which has been developed for the placement of mobile homes and is owned in its entirety by an individual, a firm, trust, partnership, public or private association or corporation.

**MOTEL.** A building designed for transient occupancy containing rooms or suites with separate entrances, providing living, sleeping, and toilet facilities. Individual cooking facilities may be provided.

**MULTI-DWELLING (STRUCTURE).** A structure that contains more than eight dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. **MULTI-DWELLING** includes structures commonly called apartments and condominiums. (See also **MULTI-DWELLING STRUCTURE** standards of § [151.130](#).)

**MULTIPLEX.** An attached dwelling or a stacked dwelling containing no fewer than three and no more than eight dwelling units within a single building, each (building) of which is located on its own individual lot. (See also **MULTIPLEX** standards of § [151.130](#).)

**NATIVE VEGETATION (OR PLANT SPECIES).** Plant species grown in the Chicago region, specifically this county, prior to European settlement of the region. (See *Plants in the Chicago Region*, Indiana Academy of Sciences.)

**NATURAL.** When used in reference to streams, channels, and linear water bodies, means those streams, channels, and linear water bodies formed by the existing surface topography of the earth prior to changes made by man. A modified stream, channel, or linear water body that has regained **NATURAL** characteristics over time as it meanders and reestablishes vegetation may be considered **NATURAL**.

**NATURAL RESOURCES.** All areas of wetlands, floodplains, linear and nonlinear water bodies, woodlands, and significant trees, as defined in this chapter.

**NET SITE AREA.** The buildable portion of a lot, as calculated in accordance with § [151.070](#)(D).

**NGVD.** National Geodetic Vertical Datum of 1929. Superseded by NAVD 88, effective September 18, 2013.

**NIGHTCLUB.** An establishment serving liquor and/or food while providing space for music, dancing, floor shows, or comedy acts. **ANIGHTCLUB** shall not include activities or uses as defined by this chapter as an “adult entertainment establishment”.

**NOISE.** Sound that adversely affects the psychological or physiological well-being of people.

**NON-COMMERCIAL MESSAGE.** Any sign, wording, logo, or other representation that directly or indirectly expresses, conveys, or calls attention to political, religious, social, or other non-commercial information, sentiments, or beliefs, but not including incidental sign messages.

**NON-CUSTOMARY RECREATIONAL STRUCTURE.** A recreational structure intended for the private use of occupants of a principal dwelling and their guests. Examples of non-customary recreational structures include but are not limited to skateboard/bike ramps, sports courts, and ice rinks.

**NONLINEAR WATER BODY.** A natural or artificial body of water that retains water year-round, other than a linear water body, such as depressional ponded areas, lakes, and sloughs. For the purposes of §§ [151.145](#) through [151.154](#) only, the terms “linear water body” and **NONLINEAR WATER BODY** are interchangeable.

**NON-PARTICIPATING PROPERTY.** A different property that is not owned by the owner of the property on which a development is being proposed or installed.

**NONRESIDENTIAL ZONING DISTRICT.** All zoning districts except those classified as residential zoning districts. See Residential Zoning District.

**NON-RIVERINE REGULATORY FLOODPLAIN.** Regulatory floodplains not associated with streams, creeks, or rivers, such as isolated depressional storage areas or lakes.

**NRI.** Natural resources information report, as required by Illinois Statutes, 70 ILCS 405/22.02a.

**NURSERY.** A place where the primary activity is the growing of plants, flowers, trees, and shrubs for sale.

**ON-STREAM DETENTION.** Any detention facility that has off-site tributary drainage area.

**OPEN SPACE RATIO.** A ratio derived by dividing open space by the Net Site Area.

**OPEN WATERS.** Permanently inundated isolated waters of Lake County that are greater than three feet in depth below the normal water level or normal pool elevation.

**ORDINARY HIGH WATER MARK.** The point on the bank or shore at which the presence and movement of surface waters are continuous so as to leave a distinctive mark, such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other recognized characteristics.

**OVERLAND FLOW PATH.** An area of land which conveys stormwater for all events up to and including the base flood event. The **OVERLAND FLOW PATH** can be estimated using readily available topographic information and shall take into account all on-site and off-site tributary areas in accordance with § [151.146\(H\)](#).

**OWNER.** The person having the right of legal title or beneficial interest in or a contractual right to purchase a parcel of land. For the purpose of providing notices required by this chapter, the **OWNER** is the person who last paid taxes on any parcel as identified by county property tax records.

**OWNERSHIP PARCEL.** Any legally described parcel of land. This includes contiguous lots or parcels of land, owned in whole, or in part, by the same property owner.

**PARCEL.** Any legally described piece of land.

**PARCEL IDENTIFICATION NUMBER.** Permanent index number used to identify properties for tax assessment.

**PARK, COMMERCIAL.** Any park or recreation area for which an admission fee is charged.

**PARK, COMMUNITY.** Any non-commercial recreation area or park created as part of, or within the area covered by, a county approved subdivision plat.

**PARK, NON-COMMERCIAL.** A park or recreation area that is open to public and for which no fee is charged.

**PASTURE.** An area of grass or other vegetative cover grown for the purpose of grazing animals.

**PATIO HOUSE.** A dwelling unit located on its own lot that may be attached to or detached from other dwelling units. A **PATIO HOUSE** lot is enclosed by a solid wall located at the lot line, broken only by driveways and pedestrian access points, thus creating a private yard area between the house and the wall. (See also the **PATIO HOUSE** standards of § [151.130](#).)

**PEAK FLOW.** The maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from a specified storm or flood.

**PEDESTRIANWAY.** A right-of-way designated for use by pedestrian traffic.

**PENNANT.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**PERMITTEE.** Any person to whom a permit is issued.

**PERSON.** Any individual, public or private firm or corporation, the State of Illinois and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer, or employee of any of the foregoing.

**PLAT.** Plat of subdivision, whether preliminary or final.

**POND.** A natural or artificial body of water of less than two acres that retains water year-round.

**PRINCIPAL BUILDING.** See **BUILDING, PRINCIPAL.**

**PRINCIPAL USE.** See **USE, PRINCIPAL.**

**PRIVATE CLUB.** See **CLUB, PRIVATE.**

**PRIVATE STABLE.** See **STABLE, PRIVATE.**

**PROTECTED USE.** Any of the following:

- (1) A church, synagogue, mosque, or other place of worship;
- (2) A public or private nursery, elementary, or secondary school;
- (3) A child care facility, licensed by the Illinois Department of Children and Family Services;
- (4) A public park, playground, playing field, forest preserve, or other recreational area;
- (5) A public or private cemetery; or
- (6) A public housing facility.

**PUBLIC BODIES OF WATER.** All open public rivers, streams, and lakes specifically designated by Illinois Department of Transportation, Office of Water Resources, that are capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, or which in their natural condition were capable of being improved and made navigable, or that are connected with or discharged their waters into navigable lakes or rivers within, or upon, the borders of the State of Illinois, together with all bayous, sloughs, backwaters, lakes that are open to the main channel or body of water and directly accessible thereto.

**PUBLIC FLOOD CONTROL PROJECT.** A flood control project within a deed- or plat-restricted area, which will be operated and maintained by a public agency to reduce flood damages to existing buildings or structures. A land stewardship not-for-profit corporation or other similar entity may also own, operate or maintain a **PUBLIC FLOOD CONTROL PROJECT**. In this circumstance, there shall also be an executed agreement with a public agency to take over ownership, operation or maintenance if the corporation dissolves or fails to meet the operation, and maintenance requirements for the project area. The project shall include a hydrologic and hydraulic study of the existing and proposed conditions of the watershed area

affected by the project. Nothing in this definition shall preclude the design, engineering, construction, or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

**PUBLIC PARK.** Park, noncommercial.

**PUBLIC ROAD DEVELOPMENT.** Any development activity which takes place in a public right-of-way, or part thereof, that is administered and funded in whole or in part, by a public agency under its respective roadway jurisdiction. Rehabilitative maintenance and in-kind replacement are considered to be a **PUBLIC ROAD DEVELOPMENT** if located in a regulatory floodplain. A **PUBLIC ROAD DEVELOPMENT** located within a regulatory floodway and which has been approved by the Illinois Department of Transportation, Division of Highways (IDOT/DOH), Bureau of Local Roads and Streets is exempt from the hydraulic analysis requirements of this chapter. Individual recreational trail systems being constructed that are not part of another development project and linear railroad development projects shall be considered **PUBLIC ROAD DEVELOPMENTS** with respect to the requirements of this chapter.

**PUBLICLY DEDICATED ROAD RIGHT-OF-WAY.** Any street which is dedicated for public road purposes.

[RATED NAMEPLATE CAPACITY.](#) The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

**REAR LOT LINE.** See **LOT LINE, REAR.**

**REAR SETBACK.** See **SETBACK, REAR.**

**REASONABLY FEASIBLE ALTERNATIVE.** An option that does not involve physical or economic hardships that would render a development project infeasible and that is not unreasonable in the determination of the Planning, Building and Development Director.

**RECONSTRUCTION.** The act of rebuilding a structure.

**RECORD DRAWINGS.** Construction drawings revised to show significant changes made during the construction process, usually based on marked-up prints, drawings and other data furnished by the contractor to the Enforcement Officer.

**RECREATIONAL VEHICLE.** A vehicle that is built on a single chassis and that has a total area of 400 square feet or less when measured at the largest horizontal projection. The vehicle must be designed to be self-propelled or permanently towable by a light-duty truck. Furthermore, the vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling. **TRAVEL TRAILER, MOTOR-HOME, CAMPING TRAILER,** and **PICKUP COACH** are deemed synonymous with **RECREATIONAL VEHICLE.** **RECREATIONAL VEHICLES** must be road-ready at all times when located within the floodplain.

**RECREATIONAL VEHICLE PARK.** A parcel on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.

**RECREATIONAL VEHICLE, ROAD-READY.** A recreational vehicles that is on its wheels or a jacking system and is attached to the site only by quick-disconnect type utilities and security

devices. The hitch must remain on the vehicle at all times, and the vehicle's wheels must remain on its axles, with tires inflated.

**RECYCLING CENTER.** A land use devoted to the receipt, separation, storage, baling, conversion, and/or processing of recyclable materials.

**REGULATORY FLOODPLAIN.** See **FLOODPLAIN, REGULATORY.**

**REGULATORY FLOODWAY.** See **FLOODWAY, REGULATORY.**

**REHABILITATIVE MAINTENANCE (ROADWAY).** Repair or maintenance that does not increase the traffic lanes and does not involve changes to the roadway elevation.

**REPAIR, REMODELING, OR MAINTENANCE.** Activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

**REPETITIVE LOSS.** Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

**RESIDENTIAL PROPERTY.** Any lot or other tract of land zoned in any of the following zoning districts: RE, E, R-1, R-2, R-3, R-4, R-5, R-6, and RR.

**RESIDENTIAL ZONING DISTRICT.** Any RE, E, R-1, R-2, R-3, R-4, R-5, R-6, and RR Zoning District.

~~**RESTAURANT, FAST FOOD.**—An establishment whose principal business is the sale of food and/or beverages in a ready to consume state for consumption within the restaurant building; within a motor vehicle on the premises; or off-premises as carry-out orders, and whose principal method of operation is characterized by the service of food and/or beverages in disposable or edible containers.~~

~~—**RESTAURANT, STANDARD.**—An establishment whose principal business is the sale of food and/or beverages to customers in a ready to consume state, and whose principal method of operation includes one or both of the following characteristics: customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; and/or a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.~~

**RESTAURANT, CLASS “A” (i.e. “FAST FOOD”)** A restaurant which exhibits any three (3) or more of the following characteristics: (1) Provides drive-through service, (2) Sells prepared food ready to carryout, (3), Holds no County liquor license, (4) Does not accept dining reservations, or (5) Little or no advertising on an individual establishment basis.

**RESTAURANT, CLASS “B” (i.e. “FAST CASUAL)** A restaurant which exhibits any three (3) or more of the following characteristics: (1) Limited service or self-service format, (2) Significant portion of sales are carryout orders, (3) Holds a County-issued Class E County liquor license, (4) Does not accept dining reservations, or (5) Does little or no advertising on an individual establishment basis.

**RESTAURANT, CLASS “C” (i.e. “FULL SERVICE)** A restaurant which exhibits any three (3) or more of the following characteristics: (1) Full table service is available, (2) Holds a County-issued Class A, B, or E liquor license, (3) Meeting and/or banquet facilities incidental to the principal use are available, (4) Provides carry out in addition to full table service, or (5) Advertising primarily on an individual establishment basis.

**RETAINING WALL.** A structure used to accommodate a vertical grade change over a short horizontal distance.

**RETENTION FACILITY.** A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, or pumping.

**REVIEW BODY.** The entity that is authorized to recommend approval or denial of an application or permit required under this chapter.

**REVIEWING AGENCY.** Any of the following agencies or individuals:

- (1) Cable television company;
- (2) County Board district member;
- (3) Electric company;
- (4) Fire Department/protection district;
- (5) Gas company;
- (6) Illinois Department of Natural Resources;
- (7) Illinois Department of Transportation;
- (8) J.U.L.I.E.;
- (9) Lake County Forest Preserve District;
- (10) Lake County Map Services;
- (11) Local postmaster;
- (12) Mayor/president of all municipalities within a one and one-half-mile radius of the subject property;
- (13) METRA and PACE;
- (14) Planning Building and Zoning Committee members;
- (15) Regional Planning Commission;
- (16) Regional Superintendent of Schools;
- (17) Soil and Water Conservation District;
- (18) Sanitary District;
- (19) Lake County Stormwater Management Commission;
- (20) Superintendent, grade school district;

- (21) Superintendent, high school district;
- (22) Telephone company;
- (23) Township Assessor;
- (24) Township Highway Commissioner;
- (25) Township Supervisor; and
- (26) Water District.

**RIGHT-OF-WAY.** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, sanitary or storm sewer, electric transmission line, oil or gas pipeline, or for any other similar use as may be designated.

**RIGHT-OF-WAY, ULTIMATE.** The full width of right-of-way, as identified in [Appendix B](#) or as shown on transportation plans that have been adopted by the County Board, whichever width is greater.

**RIVERINE.** Relating to, formed by, or resembling a stream (including creeks and rivers).

**ROAD.** An approved place or way, however designated, for vehicular travel which affords principal means of access to abutting property, or other street.

**ROADSIDE DITCHES.** Drainage ditches within 25 feet from the edge of the outside travel lane.

**RODEO.** A public exhibition of cowboy skills, such as but not limited to bronco- and bull-riding, steer-wrestling, calf-roping and barrel racing.

**ROOF-MOUNTED SOLAR ENERGY SYSTEM.** A solar energy system that is fastened to or ballasted on a building roof. Roof-mounted systems are accessory to the principal use.

**SCHOOL.** A place or institution that is recognized by the State Board of Education and provides basic education at the primary, elementary, middle, junior high, or high school level.

**SCHOOL, PRIVATE.** Any school that 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.

**SEASONAL SALE OF FARM PRODUCE.** A temporary use of land involving the retail sale of agricultural produce primarily grown on-site.

**SEDIMENTATION.** The process that deposits soils, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.

**SEMI-NUDE.** A state of dress or undress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.

**SERVICE STATION.** An establishment providing retail sales of vehicle fuels which may also provide such services as lubrication, oil and tire changes, and minor repairs. This use does not include paint spraying or body repair.

**SETBACK, REAR.** A setback extending the full width of the lot in the area between the rear lot line and the rear building line.

**SETBACK, SIDE.** A setback extending the full length of the lot in the area between a side lot line and a side building line.

**SETBACK, STREET.** A setback extending the full width of a lot between the street lot line and a building line.

**SEWER.** Unless otherwise expressly stated, **SEWER** means a closed conduit for conducting sanitary sewage.

**SHADOW FLICKER.** The on-and-off strobe light effect caused by the shadow of moving blades cast by the sun passing above or behind the turbine.

**SHADOW FLICKER INTENSITY.** The difference or variation in brightness at a given location in the presence and absence of a shadow.

**SHOOTING RANGE, OUTDOOR.** An area of land reserved or designed for the aiming and discharge of firearms at inanimate targets.

**SHOPPING CENTER.** A group of commercial establishments planned, developed, and managed as a unit and having in excess of 100,000 square feet of floor area.

**SHOPPING CENTER, REGIONAL.** A shopping center having in excess of 500,000 square feet of floor area.

**SHORELINE.** The area of land adjacent to a wetland, lake, pond, or channel.

**SIDE LOT LINE.** See **LOT LINE, SIDE.**

**SIDE SETBACK.** See **SETBACK, SIDE.**

**SIGN.** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announces the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**SIGN, ANIMATED.** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**SIGN, BENCH.** Any sign that is part of, or affixed to, a bench, including but not limited to a sidewalk bench, park bench, or a bench at a bus stop or railroad station.

**SIGN, BUILDING.** Any sign attached to any section of a building, as contrasted to a freestanding sign. **BUILDING SIGNS** include but are not necessarily limited to the following: banners, building markers, canopy signs, identification signs, incidental signs, projecting signs, residential signs (some), roof signs, temporary signs, wall signs, and window signs.

**SIGN, CANOPY.** Any sign that is a section of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a **CANOPY.**

**SIGN, CHANGEABLE COPY.** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

The term **CHANGEABLE COPY SIGN** expressly excludes animated signs, time/temperature signs, and electronic message boards.

**SIGN, CONSTRUCTION.** A temporary sign indicating that construction is occurring on that zoning lot.

**SIGN, DIRECTIONAL.** A sign indicating only the name of a business or activity and the distance or directions to the business or activity.

**SIGN, ELECTION.** A sign concerning a concurrent election.

**SIGN, ELECTRONIC MESSAGE BOARD.** A sign or component of a sign that uses changing lights to form a message or series of messages that are electronically programmed or modified by electronic processes.

**SIGN, ENTRANCE.** A freestanding or wall sign located at the entrance of a subdivision, office park, park or forest preserve, providing only the name and/or location of that activity.

**SIGN, FLASHING.** A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects. Electronic message boards and time/temperature signs that are operated in accordance with all applicable regulations shall not be considered **FLASHING SIGNS**.

**SIGN, FREESTANDING.** A sign not attached to a building or structure other than its own support, supported by one or more columns, uprights or braces in or upon the ground. Includes ground-mounted monument signs, pylon signs, and pole signs.

**SIGN, IDENTIFICATION.** A sign bearing the address of the premises and/or the name of its occupant but containing no logo and no commercial message.

**SIGN, INCIDENTAL.** A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and similar information and directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered **INCIDENTAL**.

**SIGN, INSTITUTIONAL.** A sign identifying or advertising an institutional or business use permitted in a residential district, where the sign is located on the same premises as the use.

**SIGN, INTEGRAL ROOF.** Any sign erected and constructed as an integral or essential integral section of a normal roof structure of any design, so that no section of the sign extends vertically above the highest portion of the roof and so that no section of the sign is separated from the rest of the roof by a space of more than six inches.

**SIGN, MERCHANDISE DISPLAY.** A sign that is an integral part of a product display rack (also known as **POINT-OF-PURCHASE SIGN**).

**SIGN, NON-COMMERCIAL, NOT OTHERWISE CLASSIFIED.** A sign containing a non-commercial message, either political or personal; provided that a sign concerning a concurrent election shall be considered a temporary election sign.

**SIGN, PORTABLE.** Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to signs designed to be

transported by means of wheels; signs made as A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for commercial messages; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business.

**SIGN, PROJECTING.** Any sign attached to a building wall and extending laterally more than 18 inches from the face of the wall.

**SIGN, RESIDENTIAL.** Any sign located in a district zoned for residential uses that contains no commercial message.

**SIGN, ROOF.** A sign that is placed above or supported on the top of a building.

**SIGN, SUSPENDED.** A sign that is suspended from the underside of a horizontal plane surface and is supported by that surface.

**SIGN, TEMPORARY.** Any sign that is used only temporarily and is not permanently mounted.

**SIGN, TIME/TEMPERATURE.** Any sign indicating the time and/or temperature.

**SIGN, VEHICLE.** A sign attached to an operable vehicle licensed to operate on the public streets. Any sign attached to an inoperable or unlicensed vehicle or any sign attached to a vehicle that is regularly parked for more than 72 hours in a location conspicuously visible from a public street shall be deemed a portable sign.

**SIGN, WALL.** Any sign attached parallel to, but within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by the wall or building, and which displays only one sign surface.

**SIGN, WINDOW.** Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**SIGNIFICANT TREES.** Trees (other than those listed as prohibited or noxious species) with a diameter at breast height of 24 inches or greater that are not included in any young woodland or mature woodland area.

**SITE.** A parcel of land for which a permit is issued pursuant to this chapter.

**SITE DEVELOPMENT PERMIT.** A permit issued by the Lake County Planning, Building and Development Department for the alteration or construction of ground improvements and structures for the control of erosion, runoff, and grading.

**SITE DEVELOPMENT PLAN.** A plan prepared by an engineer that shows the method, control, and implementation of erosion control measures, stormwater runoff, and/or grading of lands for the construction of buildings and other necessary improvements.

**SMC WETLAND RESTORATION FUND.** A fund that is administered and implemented for wetland impact mitigation that is approved and adopted by the Lake County Stormwater Management Commission.

**SOIL SURVEY.** The latest issue and amendments thereto of a publication entitled *Soil Survey of Lake County, Illinois* prepared by the U.S. Department of Agriculture, Soil Conservation Service, in cooperation with Illinois Agriculture Experiment Station.

**SOLAR ARRAY.** A solar array is a group of solar panels wired together. An array consists of multiple solar modules (solar panels).

**SOLAR ENERGY SYSTEM.** a device or structural design feature to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

**SOLAR ENERGY SYSTEM, LARGE-SCALE.** A ground-mounted solar energy system that occupies at least 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

**SOLAR ENERGY SYSTEM, MEDIUM-SCALE.** A ground-mounted solar energy system that occupies more than 1,750 square feet but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).

**SOLAR ENERGY SYSTEM, SMALL-SCALE.** A ground-mounted solar energy system that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

**SOLAR PANEL.** A device that is used to convert radiant solar energy into electrical current.

**SOUND FREQUENCY.** The number of oscillations per second in hertz (Hz). How we perceive sound is partly dependent on what the frequency is. High frequency sound has more oscillations per second, whereas low frequency sound has fewer.

**SOUND LEVEL.** The A-weighted sound pressure level in decibels (dB) (or the C-weighted level if specified) as measured using a sound level meter that meets the requirements of a Type 2 or better precision instrument according to ANSI S1.4. The “average” sound level is time-averaged over a 1-2 minute period, using an integrating sound level meter that meets the requirements of ANSI S12.43.

**SPECIAL FLOOD HAZARD AREA.** Any area subject to inundation by the base flood as shown on the regulatory floodplain maps and profiles listed in [Appendix M](#), as may be amended by the Federal Emergency Management Agency.

**SPECIFIED ANATOMICAL AREAS.** Any of the following:

(1) Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

**SPECIFIED SEXUAL ACTIVITIES.** Any of the following:

(1) Actual touching of human genitals, pubic region, buttocks, anus, or female breasts;

(2) Actual physical sexual acts, normal or perverted, including intercourse, oral copulation, or sodomy;

(3) Actual masturbation;

(4) Human genitals in a state of sexual stimulation, arousal, or tumescence; or

(5) Excretory functions as part of or in connection with any of the activities set forth in subsections (1), (2), (3), or (4) of this definition.

***SPORTS ARENA.*** A commercial structure with tiers of seats rising around a field or court, that is intended to be used primarily for the viewing of athletic events. ***SPORTS ARENA*** may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

***STABLE, PRIVATE.*** An accessory structure and/or land use which is designed, arranged, used or intended to be used for the keeping of equines for the private use of the occupants of a principal dwelling and their guests, but in no event for hire.

***STAFF DOCTOR.*** A doctor employed by a hospital, clinic, or other institution, or a doctor who is “on call” to that institution during certain specified periods of time for emergencies or other need.

***STANDARD RESTAURANT.*** See ***RESTAURANT, STANDARD.***

***STANDARD SPECIFICATIONS.*** The *Standard Specifications for Road and Bridge Construction, Supplemental Specifications and Recurring Special Provisions* or its successor document or documents, as adopted by the Illinois Department of Transportation, in effect at the time a preliminary plat is approved. The *Standard Specifications for Water and Sewer Main Construction in Illinois* or its successor document or documents, as adopted by the Illinois Environmental Protection Agency in effect at the time a preliminary plat is approved.

***STOCKPILE, TEMPORARY SOIL.*** A mass or mound of soil, typically topsoil, that has been stripped or removed from an area or areas of a site and reserved for future use.

***STORAGE, OUTDOOR.*** Outdoor storage of fuel, raw materials, products, and equipment.

***STORM, ONE HUNDRED-YEAR.*** Rainstorms of varying durations and intensities expected to recur on the average of once every 100 years or statistically having a 1% chance of occurring in any single year. A duration of 24 hours is assumed unless otherwise noted.

***STORM RUNOFF, ONE HUNDRED-YEAR.*** The stormwater runoff from the 100-year storm.

***STORM SEWER.*** A closed conduit for conducting stormwater.

***STORMWATER DRAINAGE FACILITY.*** Any element in a stormwater drainage system which is made or improved by humans.

***STORMWATER DRAINAGE SYSTEM.*** All facilities used for conducting stormwater to, through, or from a drainage area to the point of final outlet.

**STORMWATER MANAGEMENT.** A set of actions taken to control stormwater runoff with the objectives of providing controlled surface drainage, flood control, and pollutant reduction in runoff.

**STORMWATER MANAGEMENT COMMISSION APPROVED WETLAND BANK.** A wetland mitigation bank approved by the Lake County Stormwater Management Commission that conforms with Appendix O of the Watershed Development Ordinance.

**STORMWATER MANAGEMENT SYSTEM.** The collection of natural features and man-made facilities which define the stormwater management for a development.

**STORMWATER RUNOFF.** The waters derived from rains falling within a tributary drainage basin, flowing over the surface of the ground or collected in channels, watercourses, or conduits.

**STORMWATER RUNOFF, EXCESS.** The volume and rate of flow of stormwater discharged from a developed drainage area which is or will be in excess of that volume and rate which existed before development.

**STORY.** The portion of a building or structure included between the surface of any floor and the ceiling next above. A basement shall be counted as a **STORY** if the floor next above it is more than five feet above the average ground elevation.

**STREAM.** A course of running water flowing in a channel.

**STREET.** An approved place or way, however designated, for vehicular travel which affords principal means of access to abutting property, or other street.

**STREET, ARTERIAL.** A street which serves or connects major urban activity centers, is a high volume travel corridor, provides for long trip desires and/or is part of an integrated network providing intercounty and interstate service. (See § [151.169\(A\)](#).)

**STREET, COLLECTOR.** A street serving as an intracounty travel corridor channelizing and distributing traffic to and from arterial and local streets. (See § [151.169\(A\)](#).)

**STREET, LOCAL.** A street providing access to adjacent land, service to travel short distances, the lowest level of mobility, and access service to other streets. (See § [151.169\(A\)](#).)

**STREET LOT LINE.** See **LOT LINE, STREET**.

**STREET, MARGINAL ACCESS.** A local street that is adjacent to, or is included in, the right-of-way of an expressway, major arterial, collector street, railroad or utility right-of-way and which provides access to abutting properties and protection from through traffic.

**STREET, NONRESIDENTIAL.** A street internal to a non-residential subdivision.

**STREET, PRIVATE.** A street which is not dedicated for public use and for which no highway authority has any jurisdiction or maintenance responsibilities.

**STREET SETBACK.** See **SETBACK, STREET**.

**STRUCTURE.** Anything man-made, constructed, erected, or placed, which has location in or on the ground or is attached to something having a location on the ground.

**STRUCTURE, ACCESSORY.** See **ACCESSORY STRUCTURE**.

**STRUCTURE, HEIGHT OF.** See **HEIGHT**.

**SUBDIVISION.** Any division or redivision of a parcel of land into two or more parts by means of mapping, platting, conveyance, change or rearrangement of boundaries, except those divisions of land provided for under 765 ILCS 205/1.

**SUBDIVISION MARKETING SIGN.** A temporary sign used for marketing lots within a subdivision which has been approved pursuant to the provisions of this chapter.

**SUBDIVISION, NONRESIDENTIAL.** A division of land which is in compliance with the Lake County Subdivision Ordinance (§§ [151.185](#) through [151.204](#)) and which results in lots all of which are intended for nonresidential uses.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, rehabilitation, addition, or improvement of a structure, which increases the floor area by more than 75% of the structure's first floor area or the cost of which equals or exceeds 50% of the market value of the current structure before the start of construction. This term includes structures which have incurred a repetitive loss or substantial damage, regardless of the actual repair work performed. For the purposes of this definition, "start of construction" is considered to occur when the first qualifying improvement, as described in FEMA Publication 480 National Flood Insurance Program Flood Management Requirements, commences or when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes all cumulative improvements within the last ten years. The term does not, however, include either:

(1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**SUBSTANTIAL OR SIGNIFICANT PORTION OF ITS BUSINESS.** For purposes of the definitions of Adult Cabaret, Adult Store, or Adult Theater herein, the phrase **SUBSTANTIAL OR SIGNIFICANT PORTION OF ITS BUSINESS** shall be deemed to apply to any commercial establishment that satisfies one or more of the following criteria:

(1) Gross sales: 30% or more of the retail dollar value of the commercial establishment's annual gross sales derives from the sale, rental, or viewing of adult materials;

(2) Floor area: 30% or more of the floor area of the commercial establishment is devoted to the display, viewing, or presentation of adult materials, not including storerooms, stock areas, bathrooms, basements, or any other portion of the commercial establishment not open to the public;

(3) Merchandise displayed: 30% or more of the retail dollar value of all merchandise displayed at any one time is attributable to adult materials;

(4) Inventory: 30% or more of all inventory of the commercial establishment (whether measured by retail dollar value or number of items) consists at any one time of adult materials;

(5) Stock-in-trade: 30% or more of the stock-in-trade at the commercial establishment consists at any one time of adult materials; and/or

(6) Live performances: live performances by persons appearing semi-nude, or live performances that are otherwise distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities, and that are taking place 30% or more of the time during which the commercial establishment is open for business.

**SUN GLINT.** The reflection of sunlight off of a surface, as in the case of the blades, tower, or other component of a wind energy facility.

**SURVEYOR.** A registered professional land surveyor licensed to practice in the State of Illinois.

**SWALE.** A linear depression in the ground surface which conveys drainage water with side slopes at or less steep than a 3H to 1V slope.

**TECHNICAL REFERENCE MANUAL (TRM).** The Lake County Stormwater Management Commission *Technical Reference Manual*. This manual contains design guidance for a development site to meet the Watershed Development Ordinance performance standards.

**TEMPORARY USE.** See *USE, TEMPORARY*.

**TERMINAL, TRUCK.** A structure or land primarily used for the temporary storage of goods awaiting transfer or wholesale distribution by means of motor carrier transportation.

**TOPDRESSING.** The placement of not more than four inches of topsoil within the regulatory floodplain for the purposes of preventing soil erosion and establishing vegetative cover. (See also § [151.149](#).)

**TOWER.** A tall structure, mounted in the ground, on which a wind turbine is mounted.

**TOWNHOUSE.** A dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units. *ATOWNHOUSE* does not share common floors/ceilings with other dwelling units. (See also the *TOWNHOUSE* standards of § [151.130](#).)

**TRAFFIC CONTROL MANUAL.** The *Illinois Manual for Uniform Traffic Control Devices for Streets and Highways (MUTCD)*, as published by the Illinois Department of Transportation.

**TRAFFIC ENGINEER.** A State of Illinois registered professional engineer whose primary work experience has been in traffic engineering.

**TRAFFIC FACILITY.** Any public or private right-of-way used for or intended to be used for travel including but not limited to an expressway, highway, arterial, street, road, thoroughfare, avenue, lane, place, or alley.

**TRANSITION SECTION.** Reaches of the stream or regulatory floodway where water flows from a narrow cross-section to a wide cross-section or vice-versa.

**TRAUMA CENTER.** A facility devoted primarily to the diagnosis and treatment of individuals suffering from injury or medical emergency.

**TRIBUTARY AREA.** See **DRAINAGE AREA**.

**TRUCK TERMINAL.** See **TERMINAL, TRUCK**.

**TURBINE.** The parts of a wind energy facility including the blades, nacelle and tail.

**TWINHOUSE.** A structure that contains two primary dwelling units, each located on its own lot. The two dwelling units share a common wall along the common lot line. (See also the **TWINHOUSE** standards of § [151.130](#).)

**USE.** The purpose or activity for which land, or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained.

**USE, ACCESSORY.** A use that customarily:

(1) Is subordinate to and services a principal building or a principal use legally existing on the same zoning lot;

(2) Is subordinate in area, extent, and purpose to the principal building or principal use;

(3) Contributes to the comfort, convenience, or necessity of the occupants, business, or industry of the principal structure or principal use served; and

(4) Is located on the same zoning lot as the principal structure or principal use served.

**USE, NONRESIDENTIAL.** Any use not classified as a residential use.

**USE, PRINCIPAL.** The specific primary purpose for which land is used.

**USE, RESIDENTIAL.** A use of land which provides space for the permanent occupancy of either individuals or households within dwellings.

**USE, TEMPORARY.** A use established for a fixed period of time with the intent to discontinue the use upon the expiration of that time.

[VALUE ADDED AGRICULTURAL PROCESSING.](#) The small-scale processing and/or packaging of raw agricultural products resulting in an increase in the value of the agricultural product.

[VALUE ADDED AGRICULTURAL PRODUCT.](#) An agricultural product that has been modified from its raw physical state or form in order to enhance the value for sale to the consumer.

**VILLAGE HOUSE.** A dwelling unit that is located on its own lot, not attached to any other dwelling units, surrounded by very shallow front and side yards and located in a conservation residential development that complies with the **VILLAGE HOUSE** standards of § [151.130](#).

**WAREHOUSE, MINI.** A building or group of buildings that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. No service or repair activities other than the rental of dead storage units are permitted on the premises.

**WATER DEPENDENT.** Structures of facilities relating to the use of, or requiring access to, the water or shoreline. Examples of **WATER DEPENDENT** uses include but are not limited to pumping facilities, wastewater treatment facilities, facilities and improvements related to recreation boating or commercial shipping.

**WATERCOURSE.** Any natural or man-made depression into which water flows either regularly or intermittently.

**WATERS OF THE UNITED STATES.** For the purpose of this chapter, the term **WATERS OF THE UNITED STATES** refers to those areas that are under the U.S. Army Corps of Engineers jurisdiction.

**WATERSHED.** The land area above a given point on a channel that contributes stormwater to that point. In this county the four major **WATERSHEDS** are officially defined as: the Lake Michigan Watershed, the North Branch of the Chicago River Watershed, the Des Plaines River Watershed, and the Fox River Watershed.

**WATERSHED BENEFIT.** A decrease in flood damages to structures upstream or downstream of the development site created by installation of the stormwater management system. The benefit must be beyond the benefit provided by meeting the minimum Watershed Development Ordinance standards and TRM guidance.

**WATERSHED DEVELOPMENT PERMIT.** A permit established by the Watershed Development Ordinance and issued, through the Lake County Stormwater Management Commission or certified communities, prior to the approval of a building permit signifying conformance with provisions of the Watershed Development Ordinance.

**WEEKEND.** Saturday and Sunday. National holidays observed on a Friday or Monday may be included.

**WET DETENTION FACILITY.** A **WET DETENTION FACILITY** designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

**WETLAND.** A specific type of natural or man-made drainageway as follows: land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, under normal conditions, a prevalence of vegetation adapted for life in saturated soil conditions (known as hydrophytic vegetation). A **WETLAND** is identified based upon the three attributes: hydrology, soils, and vegetation as mandated by the current federal wetland determination methodology.

**WETLAND, EXCEPTIONAL FUNCTIONAL VALUE (ADID).** Any wetland identified as such in the U.S. Environmental Protection Agency Advanced Identification Study of the county (ADID) or any wetland that through a functional assessment meets the criteria defined in that study for determining exceptional functional value.

**WETLAND IMPACT.** Isolated waters of Lake County or waters of the United States that are hydrologically disturbed or otherwise adversely affected by flooding, filling, excavation, or drainage which results from implementation of a development activity.

**WETLAND, MAPPED.** Any area suspected of being a wetland because it is mapped as such on the Lake County Wetland Inventory or Advanced Identification (ADID) maps.

**WHOLESALE.** The sale of goods to retailers or jobbers rather than consumers.

**WOODLAND, MATURE.** An area or stand of trees whose total combined canopy covers an area of 20,000 square feet or more, at least 50% of which is composed of trees having a diameter breast height of 16 inches or more. An active commercial nursery or Christmas tree operation shall not be considered a **MATURE WOODLAND**. In addition, no woodlands dominated (more than 50% of the canopy cover) by non-native tree species such as *Acer negundo* (box elder), *Robinia pseudoacacia* (black locust), *Rhamnus cathartica* (common buckthorn), *Eleagnus angustifolia* (Russian olive), *Eleagnus umbellata* (autumn olive), *Populus alba* (white poplar) and *Ulmus pumila* (siberian elm) shall be considered a **MATURE WOODLAND**.

**WOODLANDS, YOUNG.** An area or stand of trees whose total combined canopy covers an area of 20,000 square feet or more, at least 50% of which is composed of trees having a diameter breast height of at least three inches and less than 16 inches. An active commercial nursery or Christmas tree operation shall not be considered a **YOUNG WOODLAND**. In addition, no woodlands dominated (more than 50% of the canopy cover) by non-native tree species such as *Acer negundo* (box elder), *Robinia pseudoacacia* (black locust), *Rhamnus cathartica* (common buckthorn), *Eleagnus angustifolia* (Russian olive), *Eleagnus umbellata* (autumn olive), *Populus alba* (white poplar) and *Ulmus pumila* (siberian elm) shall be considered a **YOUNG WOODLAND**.

**YARD.** The space between a lot line and building line.

**YOUNG WOODLAND.** See **WOODLANDS, YOUNG**.

**ZONING LOT.** See **LOT, ZONING**.

(Ord., § 14.2, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed 10-9-2012; Ord. passed - - ; Ord. passed - - ; Ord. 15-0701, passed 7-14-2015; Ord. 15-1028, passed 10-13-2015)

## APPENDIX A: PLANT MATERIALS LIST

<i>Appendix A</i>					
<i>Botanical Name</i>	<i>Common Name</i>	<i>Woodland Replacement</i>	<i>Street Tree</i>	<i>Parking Lot</i>	<i>Transition Area</i>
<b>CANOPY TREES</b>					
<i>Acer nigrum</i>	Black Maple	Y	N	Y	Y
<i>Acer pseudoplatanus</i>	Sycamore Maple	Y	N	N	Y
<i>Acer miyabei</i>	Miyabe Maple	Y	Y	N	Y
<i>Acer rubrum</i>	Red Maple Varieties	Y	Y	Y	Y
<i>Acer saccharum</i>	Sugar Maple	Y	N	N	Y
<i>Aesculus glabra</i>	Ohio Buckeye	Y	N	N	Y

<i>Aesculus hippocastanum</i>	Horsechestnut	Y	N	N	Y
<i>Carya species</i>	Hickory	Y	N	N	Y
<i>Celtis occidentalis</i>	Hackberry	Y	Y	Y	Y
<i>Cladrastis lutea</i>	Yellowwood	Y	N	N	Y
<i>Fagus grandifolia</i>	American Beech	Y	N	N	Y
<i>Fagus sylvatica</i>	European Beech	Y	N	N	Y
<i>Ginkgo biloba</i> (male)	Ginkgo	N	Y	N	Y
<i>Gymocladus dioicus</i>	Kentucky Coffeetree	Y	N	N	Y
<i>Juglans cinerea</i>	Butternut	Y	N	N	Y
<i>Liquidambar styraciflua</i>	Sweetgum	Y	N	N	Y
<i>Liriodendron tulipifera</i>	Tuliptree	Y	N	Y	Y
<i>Metasequoia glyptostroboides</i>	Dawn Redwood	Y	N	N	Y
<i>Nyssa sylvatica</i>	Tupelo	Y	N	N	Y
<i>Platanus acerifolia</i>	Planetree	Y	Y	Y	Y
<i>Platanus occidentalis</i>	American Sycamore	Y	Y	Y	Y
<i>Pyrus calleryana</i>	Flowering Pear	N	Y	N	Y
<i>Quercus alba</i>	White Oak	Y	Y	Y	Y
<i>Quercus bicolor</i>	Swamp White Oak	Y	Y	Y	Y
<i>Quercus coccinea</i>	Scarlet Oak	Y	N	N	Y
<i>Quercus ellipsoidalis</i>	Hill's Oak	Y	N	N	Y
<i>Quercus imbricaria</i>	Shingle Oak	Y	N	Y	Y
<i>Quercus macrocarpa</i>	Bur Oak	Y	Y	Y	Y
<i>Quercus muehlenbergii</i>	Chinkapin Oak	Y	Y	Y	Y
<i>Quercus prinus</i>	Chestnut Oak	Y	Y	Y	Y
<i>Quercus robur</i>	English Oak	Y	Y	Y	Y
<i>Quercus rubra</i>	Red Oak	Y	Y	Y	Y
<i>Quercus velutina</i>	Black Oak	Y	Y	Y	Y
<i>Taxodium distichum</i>	Bald Cypress	Y	N	N	Y

<i>Tilia americana</i>	American Basswood	Y	Y	Y	Y
<i>Tilia cordata</i>	Little Leaf Linden	Y	Y	Y	Y
<b>SHRUBS</b>					
<i>Aronia</i>	Chokeberry	Y		Y	Y
<i>Betula pumila</i>	Dwarf Birch	Y		N	Y
<i>Cephalanthus occidentalis</i>	Buttonbush	Y		Y	Y
<i>Chaenolmeles speciosa</i>	Flowering Quince	N		N	Y
<i>Clethra alnifolia</i>	Summersweet	Y		Y	Y
<i>Cornus species</i>	Dogwood	Y		N	Y
<i>Corylus americana</i>	American Filbert	Y		Y	Y
<i>Corylus cornuta</i>	Beaked Hazelnut	Y		Y	Y
<i>Cotoneaster species</i>	Cotoneaster	Y		Y	Y
<i>Deutzia</i>	Deutzia	Y		Y	Y
<i>Forsythia</i>	Forsythia	N		Y	Y
<i>Euonymus species</i>	Euonymous	Y		Y	Y
<i>Hamamelis vernalis</i>	Vernal Witchhazel	Y		Y	Y
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea	Y		Y	Y
<i>Ilex opaca</i>	American Holly	Y		Y	Y
<i>Ilex verticillata</i>	Winterberry	Y		Y	Y
<i>Itea virginica</i>	Sweetspire	Y		Y	Y
<i>Juniperus species</i>	Juniper	Y		Y	Y
<i>Lindera benzoin</i>	Spicebush	Y		Y	Y
<i>Myrica pennsylvanica</i>	Northern Bayberry	Y		N	Y
<i>Physocarpus opulifolius</i>	Common Ninebark	Y		Y	Y
<i>Potentilla fruticosa</i>	Bush Cinquefoil	Y		Y	Y
<i>Rhus species</i>	Sumac	Y		Y	Y
<i>Ribes</i>	Current	Y		Y	Y
<i>Rosa species</i>	Rose varieties	Y		Y	Y
<i>Salix discolor</i>	Pussy Willow	Y		N	Y

Sambucus canadensis	Elderberry	Y		N	Y
Spirea species	Spirea	N		N	Y
Symphoricarpos albus	Snowberry	Y		Y	Y
Syringa species	Lilac	N		N	Y
Taxus species	Yew	N		N	Y
Thuja species	Arborvitae	N		N	Y
Viburnum species	Viburnum	Y		Y	Y
<b>EVERGREEN TREES</b>					
Abies concolor	Concolor Fir	Y	N	N	Y
Juniperus virginiana	Red Cedar	Y	N	N	Y
Picea abies	<a href="#">White Norway-Spruce</a>	Y	N	Y	Y
Picea glauca	<del>Colorado</del> <a href="#">White Spruce</a>	Y	N	Y	Y
Picea omorika	Serbian Spruce	Y	N	Y	Y
Picea pungens	Colorado Spruce	Y	N	Y	Y
Pinus nigra	Austrian Pine	Y	N	Y	Y
Pinus resinosa	Red Pine	Y	N	Y	Y
Pinus strobus	White Pine	Y	N	Y	Y
Pinus sylvestris	Scotch Pine	Y	N	Y	Y
Pseudotsuga menziesii	Douglas Fir	Y	N	N	Y
Tsuga canadensis	Canadian Hemlock	Y	N	N	Y
<b>UNDERSTORY TREES</b>					
Acer ginnala	Amur Maple	Y	N	Y	Y
Amelanchier species	Serviceberry	Y	N	Y	Y
Betula alleghaniensis	Yellow Birch	Y	N	Y	Y
Betula nigra	River Birch	Y	N	Y	Y
Alnus	Alder	Y	N	N	Y
Carpinus caroliniana	American Hornbeam	Y	N	Y	Y
Cercis canadensis	Eastern Redbud	Y	N	Y	Y

Crataegus species	Hawthorn	Y	N	Y	Y
Hamamelis virginiana	Common Witchhazel	Y	N	Y	Y
Larix decidua	Larch	Y	N	Y	Y
Malus	Crabapple	N	N	Y	Y
Magnolia species	Magnolia	Y	N	Y	Y
Ostrya virginiana	Hophornbeam	Y	N	Y	Y

## Landscape Design and 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 effectively 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 dependent 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 BMPs 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% of the needed nitrogen that turf requires to be healthy.
4. If thatch is present at a depth greater than 1/2 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; and
4. Provide uniform soil temperature.

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

(Ord., Appendix A, passed 10-13-2009)

## **APPENDIX R: SOLAR ENERGY SYSTEMS**

### **§1.0 APPLICATION REQUIREMENTS FOR SOLAR ENERGY SYSTEMS**

See Section 151.112(UU) Solar Energy Systems and Section 151.113(U) Accessory Solar Energy Systems for information on Height, Setbacks and Lot Coverage Requirements. See Section 151.250 through 151.259 for Violations, Penalties and Enforcement. Other local and state regulations shall apply.

#### **A. Project proposal**

1) Owner name, address, and phone number

2) Photos of existing site conditions for proposed facility  
3) Project summary including the manufacturer information, number of proposed solar modules, and proposed height of the solar arrays.

#### **B. Site plan (drawn to scale)**

1) Existing and proposed contours, at a minimum of two-foot intervals

2) Location, setbacks, exterior dimensions, and square footage of all structures on the owner's property and abutting properties within 100 feet.

3) Location and size of existing waterways, wetlands, one hundred-year floodplain, sanitary sewers, field drain tiles, storm sewer systems, and water distribution systems.

4) Location of any overhead or underground power lines and utility easements.

#### **C. Waivers**

1) All landscape transition yard waiver agreements shall be submitted with the application for the solar energy system.

2) Any landscape transition waiver agreement between the property owner and adjacent property owner shall be recorded against the impact properties with the Lake County Recorder of Deeds.

D. Engineering plans, drawings, and schematics.

1. Manufacture’s specifications of the solar modules, foundation, and detailed drawing of electrical components and installation details.

2. All electrical wire and lines connecting modules and any related structures.

E. Utility connection.

1. Developers of principal use solar energy systems connected to the utility grid must provide written authorization from the local utility company acknowledging and approving such connection prior to building permit issuance.

F. Native plantings.

1. In order to prevent erosion, manage run-off, and provide ecological benefit, medium and large-scale ground-mounted solar energy systems shall be planted with “low-profile” native prairie species, and use a mix appropriate for this region and site-specific soil conditions.

Commentary: Pollinator Friendly Solar Site Act, 525 ILCS 55/1, establishes a scorecard for solar site vegetation that provides foraging habitat for game birds, songbirds, and pollinators, and prevents weeds, reduces storm water runoff, and erosion.

G. Signage.

1. Signs on ground-mounted solar energy systems shall comply with the signage requirements of the underlying zoning district. A sign consistent with the standards of Section 151.173 shall be required to identify the owner and provide a 24-hour emergency contact phone number.

H. Lighting.

1. Lighting of ground-mounted solar energy systems shall be consistent with Section 151.168. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.