

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

Underline and ~~Strikethrough~~ = Combined staff, ZBA and PBZ&E recommendations

§ 151.050 CONDITIONAL USE PERMITS.

(A) *Classification of conditional use permits.*

(1) *Delegated conditional use permits.* Delegated conditional use permits are those conditional use permits for which the County Board has delegated final decision-making authority to the Zoning Board of Appeals, as provided in §§ [151.111](#) and [151.114](#)(D).

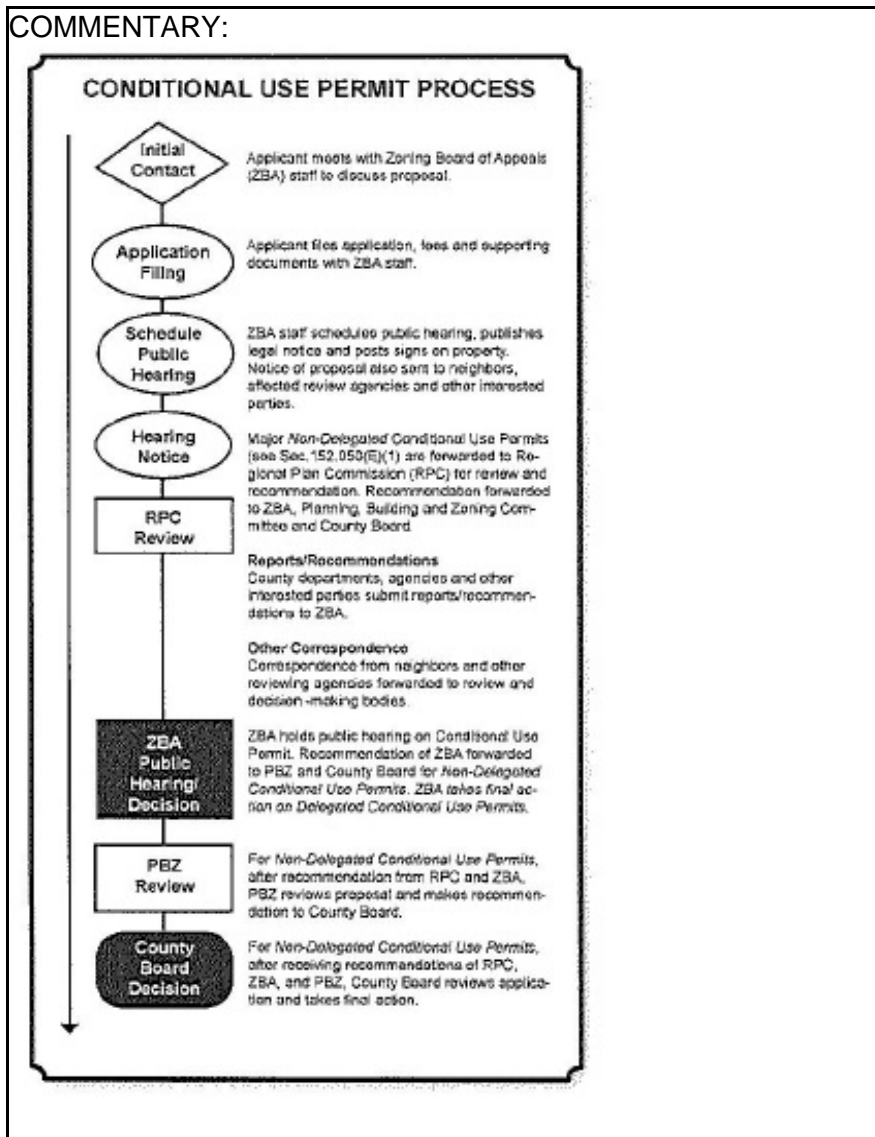
(2) *Non-delegated conditional use permits.* Non-delegated conditional use permits are those conditional use permits for which the County Board has retained the final decision-making authority, as provided in § [151.111](#).

(B) *Application filing.* Applications for conditional use permits shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department.

(C) *Public hearing notice.* Neighbor, newspaper and posted notice of the Zoning Board of Appeals' public hearing shall be provided in accordance with the requirements of § [151.045](#)(G).

(D) *Staff review and recommendation.* Planning, Building and Development Department staff shall review each conditional use permit application in light of the approval criteria of subsection (F) below and provide a report to the Zoning Board of Appeals. In addition, the Planning, Building and Development Director may request a formal site plan review prior to the Zoning Board of Appeals hearing.

COMMENTARY:



(E) *Review and action.*

(1) *Delegated conditional use permits.* The Zoning Board of Appeals shall hold a public hearing on a delegated conditional use permit request and approve, approve with conditions or deny the request based on the conditional use approval criteria of subsection (F) below.

(2) *Non-delegated conditional use permits.*

(a) *Zoning Board of Appeals' review and recommendation.* The Zoning Board of Appeals shall hold a public hearing on the non-delegated conditional use permit request and recommend approval, approval with conditions, or denial of the application based on the conditional use approval criteria of subsection (F) below.

(b) *Planning, Building and Zoning Committee review and recommendation.* After receiving the recommendation of the Zoning Board of Appeals, the Planning, Building and Zoning Committee shall review the application and make a recommendation to the County Board based on the conditional use approval criteria of subsection (F) below.

(c) *County Board review and action.* After receiving the required recommendations, the County Board shall review the application and act to approve, approve with conditions, or deny the application based on the conditional use approval criteria of subsection (F).

COMMENTARY:

Public hearings for commercial solar energy systems and commercial wind energy systems must be held not more than 45 days after the filing of the application for the facility. Counties must make siting and permitting decisions not more than 30 days after the conclusion of the public hearing.

(F) *Conditional use approval criteria.* Conditional use permits may be approved only if all of the following criteria are met:

(1) The use in its proposed location will be consistent with the stated purpose and intent of § [151.005](#);

(2) The proposed use in its proposed location complies with all applicable standards of this chapter, including any applicable use standards of § [151.112](#); and

(3) The proposed use in its proposed location will not have a substantial adverse impact on any of the following, either as they exist at the time of application or as they may be developed in the future due to implementation of the Regional Framework Plan:

- (a) Adjacent property;
- (b) The character of the neighborhood;
- (c) Natural resources;
- (d) Infrastructure;
- (e) Public sites; or
- (f) Any other matters affecting the public health, safety, or general welfare.

COMMENTARY:

Conditional use permit applications for commercial solar energy systems and commercial wind energy systems shall be approved if found to be in compliance with the requirements of § [151.112](#)~~(AAA)~~(XX) and ~~(CCC)~~(DDD).

(G) *Findings of fact; written transcripts.*

(1) All decisions on conditional use permits shall be supported by findings of fact specifying the reasons for the decision.

(2) A written transcript of the hearing shall be prepared for all conditional use permits.

(H) *Lapse of approval.*

(1) Unless otherwise expressly stated in the conditional use permit, or by concurrent action by the Planning, Building and Zoning Committee, if an approved conditional use has not been established within two years of the date of approval or if the use that is the subject of the conditional use permit is abandoned for a period of more than one year, the conditional use permit shall lapse and be of no further effect.

(2) For purposes of this section, the term established shall mean the issuance of a permit or permits for the principal use that is the subject of the conditional use permit.

(3) For phased development, the term established shall mean the issuance of a permit or permits for the first phase of development. The timeframes referenced above or as established at the time of conditional use permit approval may be extended by the Director for up to two years.

(4) Extensions beyond two years shall may be approved by the Zoning Board of Appeals for delegated conditional use permits and the Planning, Building and Zoning Committee for non-delegated conditional use permits, if all extension requests shall be filed with the Planning, Building and Development Director prior to expiration of the conditional use permit.

(l) *Amendments to approved conditional use permits.* The establishment of accessory uses and structures that do not exceed 25% of the existing floor area ratio or 30% of the existing impervious surface ratio shall be authorized by the Planning, Building and Development Director, except in those cases that, in the opinion of the Planning, Building and Development Director, may have a potential significant impact on the surrounding properties. If the above percentages are exceeded, the Zoning Board of Appeals shall be authorized to allow the establishment of accessory uses and structures for delegated conditional use permits and the Planning, Building and Zoning Committee shall be authorized to allow the establishment of all other accessory uses and structures for non-delegated conditional use permits. Any other proposed change, amendment, variation, or alteration may be approved only pursuant to the standards and procedures established by this section for the approval. The Planning, Building and Development Director shall record and maintain a record of all authorized changes in approved conditional use permits.

(Ord., § 3.6, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed - -; Ord. 23-0675, passed 5-9-2023)

§ 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.

Zoning Use Table																					
		Residential											Nonresidential								
Use Category (See § 151.270 for Description)	Use Types	AG	RE	E	R1	R2	R3	R4	R4a	R5	R6	RR	GO	LC	RC	GC	LI	II	OS	Use Standard	CUP Decision
Household living (see §151.270(C)(1))	Attached dwelling (attached to nonresidential use)												P	P	P	P				§151.112(I)	
	Atrium house ¹							P	P	P	P										
	Cabin or cottage											P			P					§151.112(J)	
	Caretaker's dwelling unit (accessory use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§151.113(D)	
	Duplex ²							P	P	P	P										
	House, detached	P	P	P	P	P	P	P	P	P	P	P									
	Lot line house ¹					P	P	P	P	P	P										
	Mobile home park									C	C	C								§151.112(MM)(NN)	Co Bd
	Multi-dwelling structure									P	P										
	Multiplex ²							P	P	P	P										
	Patio house ¹							P	P	P	P										
	Townhouse ²							P	P	P	P										
	Twinhouse ²							P	P	P	P										
	Village house ¹					P	P	P	P	P	P										
	Accessory dwelling unit (accessory use)	P	P	P	P															§151.113(D)	
Assisted living (see §151.270(D)(1))		C	C	C	C	C	C	C	P	P	P	P								§151.112(G)	ZBA
College (see §151.270(D)(2))		C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P			Co Bd
Community service (see §151.270(D)(3))	Government use (no assembly space)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Government use (10,000 sq. ft. or less of assembly space)	P	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	§151.112(AA)	ZBA
	Government use (more than 10,000 sq. ft. of assembly space)	P	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	§151.112(AA)	Co Bd
	Community service not otherwise classified			C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	C		ZBA
Day care (see §151.270(D)(4))		P		C	C	C	C	C	C	C	C	C	P	P	P	P	P	P		§151.112(Q)	ZBA
Ecotherapy Facilities (see §151.270(D)(5))		C	C	C															C	§151.112(T)	ZBA
Group living (see §151.270(D)(5))									C	P	P	P								§151.112(BB)	
Hospital (see §151.270(D)(6))													P		P	P	P	P			
Parks and open space (see §151.270(D)(7))	Noncommercial park, public open land, community park, or nature preserve	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Golf course	P	P	P	P	P	P	P	P	P	P	P	P		P				P	§151.112(X)	
	Cemetery, mausoleum	C	C	C	C	C	C	C	C	C	C	C							C	§151.112(L)	ZBA

	Parks and open space not otherwise classified	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Religious institutions (see § 151.270(D)(8))	Religious institutions (no assembly space)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§ 151.112(TT)(UU)	
	Religious institutions (10,000 sq. ft. or less of assembly space)	P	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	§ 151.112(TT)(UU)	ZBA
	Religious institutions (more than 10,000 sq. ft. of assembly space)	P	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	§ 151.112(TT)(UU)	Co Bd
School (see §151.270(D)(9))		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
School, private (see §151.270(D) (10))		C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P			ZBA
Utility, major (see §151.270(D)(11))	Electrical generation plants (all, public or private)															C	C		§151.112(V) §151.112(ZZ)(AAA)	Co Bd
	Major utilities not otherwise classified	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§151.112(ZZ)(AAA)	Co Bd
Wind energy facilities	Accessory Building-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Accessory Tower-mounted	C ³	C ³	C ³	C ³	C ³	C ³	C ³	C ³	C ³	C ³	C ³	P	P	P	P	P	P	§151.113(P)	ZBA
	Commercial	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§151.113(CCC) 112(DDD)	Co Bd
Adult-Use Cannabis Facilities	Adult-use Cannabis Dispensary															C	C	C	§151.112(A)	ZBA
	Adult-use Cannabis Craft Grower															C	P	P	§151.112(A)	ZBA
	Adult-use Cannabis Processing Center															C	P	P	§151.112(A)	ZBA
	Adult-use Cannabis Infuser															C	P	P	§151.112(A)	ZBA
	Adult-use Cannabis Cultivation Center																C	C	§151.112(A)	ZBA
	Adult-use Cannabis Transporter															C	P	P	§151.112(A)	ZBA
Entertainment event, major (see §151.270(E)(1))															C				§151.112(S)	Co Bd
Industrial sales and service (see §151.270(F)(1))	Bus parking															C	P	P	§151.112(CC)	ZBA
	Commercial service-oriented industrial sales and service not otherwise classified															C	P	P	§151.112(CC)	ZBA
	Contractor's equipment sales or storage (indoor)															P	P	P	§151.112(CC)	ZBA
	Contractor's equipment sales or storage (outdoor)															C	P	P	§151.112(CC)	ZBA
	Feed and grain sales	P														P	P	P	§151.112(CC)	
	General industrial sales and service not otherwise classified																P	P	§151.112(CC)	
	Junk yard																	P	§151.112(CC) §151.112(DD)	

	Landscape contractor's storage yard	C														C	P	P		§151.112(FF) §151.112(CC)	ZBA
	Petroleum or chemical refining/production																C	C		§151.112(PP)(QQ)	Co Bd
	Truck/trailer parking															C	P	P		§151.112(CC)	ZBA
Office (see §151.270(E)(2))	Offices for non-retail nurseries	C	C	C									P	P	P	P	P	P	C	§151.112(QQ)(PP)	ZBA
	Offices not otherwise classified												P	P	P	P	P	P			
Parking, commercial (see §151.270(E)(3))															P	P	P	P		§151.112(O)	
Recreation and entertainment, outdoor (see §151.270(E)(4))	Amusement park														C	C			P	§151.112(F)	Co Bd
	Camps	C										C	C		P				P	§151.112(K)	Co Bd
	Golf driving range														P	P	P	P		§151.112(Y)	
	Marina														P						
	Model airplane club	C													C				C	§151.112(NN)(OO)	Co Bd
	Entertainment-oriented Animal Exhibition Facility														C					§151.112(U)	Co Bd
	Racetrack, motor vehicle/moto-cross/BMX/go-cart														C					§151.112(QQ)(RR)	Co Bd
	Shooting range (outdoor)	C													C				C	§151.112(XX)(YY)	Co Bd
	Outdoor recreation and entertainment not otherwise classified	C													P	P	P	P	C		Co Bd
Retail sales and service (see §151.270(E)(5))	Adult entertainment establishment															P	P	P		§151.112(B)	
	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	§151.112(M)	Co Bd
	Consumer vehicle sales/rental (e.g., cars, pickup trucks, SUVs, motorcycles) (outdoor)															C	P	P		§151.112(O)	ZBA
	Consumer vehicle sales/rental (e.g., cars, pickup trucks, SUVs, motorcycles) (indoor)															P	P	P			
	Crematorium															P	P	P		§151.112(P)	
	Drive-in theater														C					§151.112(S)	Co Bd
	Furniture repair, cleaning or refinishing																P	P			
	Garden center															P	P	P			
	Gift shop												C	P	P	P	P	P			ZBA
	Greenhouse/nursery, retail	C														P	P	P		§151.112(Z)	ZBA
	Health club												C	P	P	P	P	P			ZBA

	Hotels and motels												P	C	P	P	P	P			ZBA
	Ice cream shop												P	P	P	P	P	P			
	Kennels, animal shelter/obedience school (without outdoor runs)	P														P	P	P		§151.112(EE)	
	Kennels, animal shelter/obedience school (with outdoor runs)	C														C	C	C		§151.112(EE)	ZBA
	Lumber and building material sales															P	P	P			
	Medical cannabis dispensary															P	P	P		§151.112(KK)(LL)	
	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		§151.112(O)	ZBA
	Restaurant or coffee shop												P	P	P	P	P	P			
	Recreational vehicle park														C					§151.112(RR)(SS)	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 ⁴	P	C ⁴	P	P	P			ZBA
	Recreational-oriented retail sales and service not otherwise classified												C	C	P	P	P	P			ZBA
Rural business (see §151.270(G)(4))	Rural business (on sites of 200,000 sq. ft. or more) ⁵	P ⁵		C	C															§151.112(UU)(VV)	ZBA
Self-service storage (see §151.270(E)(6))																C	P	P			ZBA
Vehicle repair (see §151.270(E)(7))																C	P	P		§151.112(AAA)(BBB)	ZBA
Vehicle service, limited (see §151.270(E)(8))															P	C	P	P		§151.112(VV)(WW)	ZBA
Manufacturing and production (see §151.270(F)(2))	Asphalt, concrete or redi-mix plant																C	C		§151.112(H)	Co Bd
	Boat construction																P	P		§151.112(CC)	
	Manufacturing and production not otherwise classified																P	P		§151.112(CC)	
	Medical cannabis cultivation centers																P	P		§ 151.112(JJ)(KK)	
Warehousing and freight movement	Warehousing and freight movement not otherwise classified																P	P		§ 151.112(CC)	
	Dredging material stockpiling and processing	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	§151.112(R)	ZBA

	Major Fill/Grade Operations																<u>C</u>	<u>C</u>		<u>§151.112(JJ)</u>	<u>Co Bd</u>
	Minor Fill/Grade Operations ¹⁰	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>§151.113(W)</u>	<u>ZBA</u>
Waste-related use (see §151.270(F)(4))	Landscape waste composting facilities	C															C	C	C	§151.112(FF) §151.112(CC)	Co Bd
	Landscape waste transfer station																C	C		§151.112(HH) §151.112(CC)	Co Bd
	Recycling center															C	C	P		§151.112(SS)(TT) §151.112(CC)	Co Bd
	Construction and demolition recycling facilities																C	C		§151.112(N)	ZBA
	Waste-related use not otherwise classified																	C		§151.112(CC)	Co Bd
Wholesale sales (see §151.270(F)(5))																C	P	P		§151.112(CC)	Co Bd
Agriculture (see §151.270(G)(1))	Agricultural supplier's storage and service center	C														C	P	P		§151.112(C)	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	§151.112(D)	
	Apiary (accessory use on lots less than 200,000 sq. ft.)	P	P	P	P	P	P	P											P	§151.112(D)	
	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		
	Forestry	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§151.112(W)	Co Bd
	Local food garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§151.112(II)	
	Stable, private (accessory use)	P	P	P	P															§151.113(G)	
	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		
	Agricultural education ^{6,7} (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		
	Agriculture uses not otherwise classified (on sites of 200,000 sq. ft. or more)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Aviation and surface transportation facility (see §151.270(G)(2))	Airport	C											C		C	C	C	C	C	§151.112(E)	Co Bd
	Bus terminal															C	P	P			Co Bd
	Heliport	C											C		C	C	C	C	C	§151.112(E)	ZBA
Floodplain/wetland development/fill		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§151.148(A) §151.148(B)	
Mining (see §151.270(G)(3))	Mining and resource extraction	C															C	C		§151.112(LL)(MM)	Co Bd
Telecommunication facilities (see §151.270(G)(4))		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§151.112(YY)(ZZ)	
Wildlife rehabilitation	Principal use	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	§151.112(BBB)(CCC)	ZBA

	Accessory residential use	C	C	C	C															§151.113(O)	ZBA
Solar energy systems	Solar energy system, commercial	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§151.112(AAA)(XX)	ZBA
	Solar energy system, accessory large-scale ⁸	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	§151.113(U)	ZBA
	Solar energy system, accessory medium-scale ⁸	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	§151.113(U)	ZBA
	Solar energy system, accessory small-scale ^{8, 9}	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	P	P	P	P	P	P	P	§151.113(U)	ZBA
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.																					
5 A conditional use permit shall be required for outside storage of material or equipment in excess of 10% of the site.																					
6 Agricultural education (accessory use to a principal agricultural use on sites of 200,000 sq. ft).																					
7 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.																					
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 comprise of 5 acres or more.																					
9 Accessory small-scale solar energy systems that meet the exceptions of Section 151.113(U)(1)(c)1) shall not require a conditional use permit.																					
10 Projects involving the importation of up to 500 cubic yards of soil fill per acre, provided total fill volume is 10,000 cubic yards or less, are permitted by right in all zoning districts.																					

(Ord., § 6.2, passed 10-13-2009; Ord. passed - -; Ord. 15-0701, passed 7-14-2015; Ord. 19-1378, passed 9-10-2019; Ord. 21-0744, passed 5-11-2021; Ord. 22-1356, passed 10-11-2022; Ord. 23-0675, passed 5-9-2023)

§ 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-use cannabis facilities.*

Preface. It is the purpose and intent of this section to provide zoning regulations of facilities that dispense, grow, process, infuse, cultivate and transport adult-use cannabis within unincorporated Lake County as allowed by the Cannabis Regulation and Tax Act, 410 ILCS 705 (Act). Certain provisions of the Act are referenced in the section as "Commentary". This section is not intended to occupy any regulatory field over which the State of Illinois was granted jurisdiction under the Act and all facilities shall comply with the regulations provided in the Act. The Act may be amended from time-to-time, and regulations promulgated thereunder, and it is the intent of this section to be read in conjunction with any amendments to the Act and regulations promulgated. Pursuant to § 55-256 of the Act, any conflict between the Act and this section shall be resolved in favor of the Act. Approved business establishments shall not commence operations until an adult use license has been procured from the appropriate state authority per the Act.

(1) *Adult-use cannabis dispensary.*

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

(b) Adult-use cannabis dispensaries proposed within certain zoning districts shall comply with the general development standards as specified within this code. These standards shall include separation from protected uses, setbacks, buffering, parking, signage, outdoor lighting, site layout, access, hours of operation, exterior displays, advertising, and security. Approval of site capacity/site plan review may be obtained concurrently at the time of any required conditional use permit.

(c) Applicant shall install building enhancements, such as security cameras, lighting, or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the dispensary. These improvements shall be determined based on the specific characteristics of the dispensary floor plan and the building site.

COMMENTARY:

All dispensaries shall comply with the Cannabis Regulation and Tax Act (410 ILCS 705) and all rules and regulations adopted in accordance thereto.

(d) *Dimensional standards.*

1. *Minimum distance from protected uses.* No adult-use cannabis dispensary shall be established, maintained, or operated on any lot that has a property line within 250 feet of the property line of a pre-existing forest preserve property or an area zoned for residential use; within 500 feet of the property line of a pre-existing daycare center, day care home, or residential care home, college, hospital, park, or library; or within 1,000 feet of a public or private nursery school, preschool, primary, or secondary school. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section. In all cases, the buffer shall be measured from the closest portion of the buffered property outside of areas considered unbuildable, practically inaccessible or

otherwise unusable by occupants for the “sensitive use” due to the presence of protected natural resources such as wetlands, non-navigable water bodies, or other impassable/unbuildable natural features. For forest preserve property, the determination of applicable properties shall be made after consultation with forest preserve staff to account for current or future plans for improvements of structures within sensitive areas that would allow areas to be accessible or usable.

2. *Measurement.* For the purposes of the minimum distances section, 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.

3. *Setbacks.* Each adult-use cannabis dispensary shall be a minimum of 30 feet from its surrounding property lines.

4. Each dispensary shall be a minimum of 1,500 feet from all other dispensaries, as measured from the applicable property lines.

(e) *Parking.*

1. For purposes of determining required parking, dispensary applicants shall submit a parking plan for review and approval that includes estimates of parking demand based on the following:

A. *Phase 1 Parking Plan.* Denote adequate parking supply based on peak demand during initial opening (minimum three-month period).

B. *Phase 2 Parking Plan.* Denote adequate parking supply based on peak demand during normal operations commencing after the conclusion of Phase 1.

Peak demand shall be determined by analysis of reliable data collected from similar uses. The parking plan shall specifically address the unique operational needs of the business and include a parking narrative and traffic management plan that provides site-specific details addressing traffic circulation, stacking, queuing, etc.

2. *Visibility and security.* 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. 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.

(f) *Exterior display.* No dispensary shall be maintained or operated in a manner that causes, creates, or allows the public viewing of adult-use cannabis, adult-use 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 spotlights or any similar lighting system.

(g) *Signage.*

1. 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.

2. Electronic message boards and temporary signs are not permitted in connection with a dispensary.

COMMENTARY:

Signage and advertising shall comply with the rules and regulations set forth in the Cannabis Regulation and Tax Act (410 ILCS 705), including the following:

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

Advertising: No cannabis dispensary nor any other person or entity shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or a cannabis-infused product in any form or through any medium: Within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a childcare center, a public park or public library, or a game arcade to which admission is not restricted to persons 21 years of age or older; On or in a public transit vehicle or public transit shelter; On or in publicly owned or publicly operated property.

COMMENTARY: AGE AND ACCESS LIMITATIONS:

Each dispensary shall prohibit any person who is not at least twenty-one (21) years of age from entering the dispensary facility, except for cardholders granted medical access under the Compassionate Use of Medical Cannabis Act over 18 years of age. Dispensaries shall not employ anyone under the age of twenty-one (21). Access to the dispensary facility shall be limited exclusively to dispensary staff and those specifically authorized under the Cannabis Regulation and Tax Act (410 ILCS 705).

(h) Operational standards.

1. A dispensary may operate between the hours of 6:00 a.m. to 10:00 p.m. local time.
2. At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall sell food for consumption on the premises. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
3. Dispensaries may not have a drive-through service.

(i) Security and video surveillance.

1. Each dispensary shall be an enclosed locked 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.
2. The dispensary parking area, client entrance, sales area, back room, storage areas, 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.
3. 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".
4. 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.
5. Each dispensary shall report all criminal activities occurring on the property to the applicable law enforcement agency immediately upon discovery.
6. 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.

COMMENTARY:

Adult-use cannabis dispensary facilities shall comply with all applicable security-related standards set in the Cannabis Regulation and Tax Act (410 ILCS 705).

(j) *On-site consumption.* On-site consumption of cannabis products shall be prohibited at retail tobacco stores, adult-use cannabis dispensaries, and on sites occupied by a dispensary or retail tobacco store.

COMMENTARY: A retail tobacco store is a retail establishment engaged in the sale of tobacco and other plants and products as defined in the Smoke Free Illinois Act (410 ILCS 82).

(2) *Adult-use cannabis craft grower, processing center, infuser, cultivation center.*

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

(b) Adult-use cannabis craft growers, processing centers, infusers, or cultivation centers (support organization) proposed within certain zoning districts shall comply with the general development standards as specified within this code. These standards shall include dimensional standards, parking, signage, access, security, and noxious odors. Approval of site capacity/site plan review may be obtained concurrently at the time of any required conditional use permit.

(c) For adult-use craft growers, processing centers, and infusers permitted by right within certain zoning districts:

1. The use shall require a public information meeting noticed in accordance with § [151.045](#)(G)(2)(a).

2. Staff shall be authorized to impose additional reasonable conditions related to the construction, layout, or operation of the proposed use designed to provide additional mitigation of impacts to the surrounding land uses or area. Such conditions shall not be in conflict with state regulations or have the effect of practically preventing the establishment of the use at the proposed location.

COMMENTARY:

Applicants are encouraged but not required to incorporate environmentally sustainable construction and site features including, but not limited to: carbon neutrality and alternative energy use, low impact development site and parking design, bird-safe building design, water savings, sustainable construction materials selection, and other environmentally sustainable features.

COMMENTARY:

Each support organization shall comply with the Cannabis Regulation and Tax Act (410 ILCS 705) and all rules and regulations adopted in accordance thereto.

(d) *Dimensional standards.*

1. *Minimum distance from protected uses.* No support organizations shall be established, maintained, or operated on any lot that has a property line within 250 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home, park (including forest preserve property), hospital, library, or an area zoned for residential use. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section. In all cases, the buffer shall be measured from the closest portion of the buffered property outside of areas considered unbuildable, practically inaccessible

or otherwise unusable by occupants for the “sensitive use” due to the presence of protected natural resources such as wetlands, non-navigable water bodies, or other impassable/unbuildable natural features. For forest preserve property, the determination of applicable properties shall be made after consultation with forest preserve staff to account for current or future plans for improvements of structures within sensitive areas that would allow areas to be accessible or usable.

2. *Measurement.* For the purposes of the minimum distance sections, 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 support organization is located to the nearest point on a property line of any protected use.

3. *Setbacks.* Each support organization shall be a minimum of 30 feet from its surrounding property lines.

(e) *Parking.*

1. *Required spaces.* For purposes of determining required parking, support organizations shall be classified as “manufacturing and production” which requires 2.5 off-street parking spaces per 1,000 square feet of floor area.

2. *Visibility and security.* Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by support organization staff and are continually recorded in a tamper-proof format.

3. 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.

(f) *Signage.*

1. All commercial signage for support organizations 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 support organization address. Such signs shall not be directly illuminated.

2. Electronic message boards and temporary signs are not permitted in connection with a support organization.

COMMENTARY:

All applicable advertising regulations set forth in the Cannabis Regulation and Tax Act (410 ILCS 705) shall apply, including the following: signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.

COMMENTARY: AGE AND ACCESS LIMITATIONS:

Each support organization shall prohibit any person who is not at least twenty-one (21) years of age from entering the support organization property. Support organizations shall not employ anyone under the age twenty-one (21). Access to the support organization site shall be limited exclusively to support organization staff, local, and state officials and those specifically authorized under the Cannabis Regulation and Tax Act (410 ILCS 705).

(g) *Operational standards.*

1. *Infuser.* At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

2. *Processor.* At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(h) *Security and video surveillance.*

1. All manufacturing, production, and related operations at a support organization shall occur in an enclosed locked facility. Each support organization shall provide and maintain adequate security on the entire site on which the support organization 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.

2. The support organization parking, cultivation and warehousing areas, shipping bays, and entrance shall be monitored by video surveillance equipment whose live images can be viewed by support organization staff and continually recorded in a tamper-proof format.

3. 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.

4. A sign shall be posted in a prominent location which includes the following language; "THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE".

5. 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.

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

COMMENTARY:

Adult-Use cannabis support facilities shall comply with all applicable security-related standards set in the Cannabis Regulation and Tax Act (410 ILCS 705).

(i) *Noxious odors.* All support organizations 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.

(j) *Conduct on site.*

1. A support organization may not sell or distribute any cannabis to any individual or entity other than a dispensary organization registered under the Cannabis Regulation and Tax Act (410 ILCS 705).

2. It shall be prohibited to consume cannabis products in a support organization or anywhere on the site occupied by the support organization. A sign, at least 8.5 by 11 inches, shall be posted inside a support organization building in a conspicuous place visible to staff and shall include the following language: "Smoking, eating, drinking, or other forms of consumption of cannabis products is prohibited on support organization property".

(3) *Adult-use cannabis transporter.*

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

(b) Adult-use cannabis transporters proposed within certain zoning districts shall comply with the general development standards as specified within this code. These standards shall include dimensional

standards, parking, signage, access, security, and noxious odors. Approval of site capacity/site plan review may be obtained concurrently at the time of any required conditional use permit.

COMMENTARY:

Each transporter organization shall comply with the Cannabis Regulation and Tax Act (410 ILCS 705) and all rules and regulations adopted in accordance thereto.

(c) *Dimensional standards.* Setbacks: Each transporter organization shall be a minimum of 30 feet from its surrounding property lines.

(d) *Parking.*

1. For purposes of determining required parking, transporter organizations shall be classified as “warehousing and freight movement” which requires one off-street parking space per employee.

2. *Visibility and security.* Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by support organization staff and are continually recorded in a tamper-proof format.

3. 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.

(e) *Signage.*

1. All commercial signage for transporter organizations 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 support organization address. Such signs shall not be directly illuminated.

2. Electronic message boards and temporary signs are not permitted in connection with a transporter organization.

COMMENTARY:

All applicable advertising regulations set forth in the Cannabis Regulation and Tax Act (410 ILCS 705) shall apply, including the following: signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.

COMMENTARY: AGE AND ACCESS LIMITATIONS:

Each transporter organization shall prohibit any person who is not at least twenty-one (21) years of age from entering the support organization property. Transporter organizations shall not employ anyone under the age twenty-one (21). Access to the transporter organization site shall be limited exclusively to support organization staff, local, and state officials and those specifically authorized under the Cannabis Regulation and Tax Act (410 ILCS 705).

(f) *Security and video surveillance.*

1. All operations at a transporter organization shall occur in an enclosed locked facility. Each transporter organization shall provide and maintain adequate security on the entire site on which the support organization 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.

2. The transporter organization parking and warehousing areas and shipping bays and entrance shall be monitored by video surveillance equipment whose live images can be viewed by support organization staff and continually recorded in a tamper-proof format.

3. 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.

4. A sign shall be posted in a prominent location which includes the following language: "THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE".

5. 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.

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

COMMENTARY:

Adult-Use cannabis transporter facilities shall comply with all applicable security-related standards set in the Cannabis Regulation and Tax Act (410 ILCS 705).

(g) *Noxious odors.* All transporter organizations 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.

(h) *Conduct on site.*

1. A transporter organization may not sell or distribute any cannabis to any individual or entity other than a dispensary organization registered under the Cannabis Regulation and Tax Act (410 ILCS 705).

2. It shall be prohibited to consume cannabis products in a transporter organization or anywhere on the site occupied by the support organization. A sign, at least 8.5 by 11 inches, shall be posted inside a support organization building in a conspicuous place visible to staff and shall include the following language: "Smoking, eating, drinking, or other forms of consumption of cannabis products is prohibited on support organization property".

(B) *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 (B), 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 (B) 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 (B)(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.

(C) *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 trailered 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.

(D) *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 (D).

(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 (D)(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 (D)(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 (D)(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\(R\)](#).

(E) *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.

(F) *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.

(G) *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.

(H) *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.

(I) *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.

(J) *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

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

(K) *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.

(L) *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 (L), 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.

(M) *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.

(N) *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 (N)(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.

(O) *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.

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

(Q) *Day care facilities (day care use category).* The standards of this subsection (Q) 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.

(R) *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.
- (S) *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.

(T) *Ecotherapy Facilities.*

(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 petitioner shall submit a detailed written narrative describing the proposed use. This narrative shall, at a minimum, describe the types of facilities and services proposed and the days and 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) A caretaker's residence may be allowed as an accessory use.

(U) *Entertainment-oriented animal exhibition facility (recreation and entertainment, outdoor use category).*

(1) This use category shall not include temporary animal shows for wildlife education or agricultural purposes, which are separately addressed in § [151.114](#) of this Code.

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

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

(5) If night exhibitions are to be conducted, all parking areas and access ways shall be adequately lighted; provided that this lighting, as well as lighting for the exhibition area, shall be shielded to prevent light and glare spillover to adjacent residential properties.

(6) All facilities for housing and maintaining animals shall comply with the following requirements:

(a) Applicable Lake County Health Department, state, and federal regulations. State and federal wildlife permits shall be also be obtained as required by law.

(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.

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

(8) 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) Restaurants or lounges;
- (d) Playgrounds and day care facilities; and

(e) Any other customary and incidental uses which may be deemed appropriate by the County Board.

(V) *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.

(W) *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.

(X) *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.

(Y) *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.

(Z) *Greenhouse/nursery center, retail (retail sales/service, sales-oriented use category).* The standards of this subsection (Z) 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.

(AA) *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.

(BB) *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.

(CC) *Industrial uses (industrial use category).* The use standards of this subsection (CC) 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.

(DD) *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.

(EE) *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.

(FF) *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 200,000 square feet.

(c) Reserved.

(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.

(GG) *Landscape waste composting facilities (waste-related use category)*. The standards of this subsection (GG) 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.

(HH) *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.

(II) *Local food garden (agriculture use category).* The standards of this subsection (II) 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 ten 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 ten 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 four 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 § [151.113\(J\)](#).

(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, nonresidential 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.

(JJ) *Major Fill/Grade Operations (warehousing and freight movement).* The following standards shall apply to fill/grade operations.

COMMENTARY: Contaminated soil is regulated by state and federal environmental protection regulations, and fill/grade operations and activities should independently comply with all such rules and regulations adopted in accordance thereto.

(1) *Total Volume.* The importation of fill over 2,000 cubic yards per acre, or over a total volume of 60,000 cubic yards, to a site shall be regulated as a major fill/grade operation and subject to a non-delegated conditional use permit in the LI and II zoning districts.

(2) *Site Specifications.*

(a) *Setbacks.* Fill areas must be placed at least 30 feet from any street or public right-of-way and the fill area shall be located at least 1,000 feet from any residential zoning district. Both setback requirements may be increased by the conditional use permit.

(b) *Height.* Fill material height maximum shall be established as part of the conditional use permit.

(c) *Fencing.* The fill area shall be equipped with a fence of no less than one hundred percent opacity and no less than eight feet in height, located to secure the operating areas of the site until fill/grade operations have ceased.

(3) *Site Plan Review.* The use shall be subject to the site capacity calculations/site plan review procedures of § 151.070. Site capacity/site plan review may be conducted concurrently with the required conditional use permit review. The site plan shall include, at a minimum:

(a) a legal description of the subject property

(b) a plat of survey of the site at a scale no greater than one-inch equals 100 feet that shows the existing topography at one-foot contour intervals.

(c) an outline of the area to be filled.

(d) ingress/egress point(s) and parking areas.

(e) locations of any buildings, structures, fixed equipment, and equipment storage areas.

(f) the extent of paved or impervious surfaces.

(g) locations of material tipping/receiving areas, material processing areas; proposed fill/grade operational areas; and material loading areas.

(h) screening features such as fencing, berms or landscaping.

(i) final grading and site stabilization plan and performance assurances as noted in Section 151.262.

<p><u>COMMENTARY: If in consultation with Stormwater Management Commission (SMC), the Director concludes that regional stormwater impacts may occur or be exacerbated by the project, the Director may request concurrent review by SMC.</u></p>
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(4) *Application.* The application for a conditional use permit shall be accompanied by:

(a) Plans depicting any building profiles, site elevations and descriptions of such buildings and site elevations necessary to convey the appearance and scale of the proposed operation

(b) A narrative description of the activities proposed to be conducted within the site boundaries.

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

(d) Written approvals from both the operator and the landowner, to allow the county or its contractor to enter onto the site to remediate a discontinued operation, which shall run with the land.

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

(a) Number of employees anticipated at the site.

(b) Proposed hours of operations for receipt of fill material and for processing/grading of fill material.

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

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

(e) Description of any processing and/or grading equipment proposed to be utilized to prepare the fill material for stockpiling or grading 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 overflow, run-off, and dust.

(g) Description of the method and equipment utilized to unload and spread fill material.

(h) Specification of typical and maximum anticipated heights of imported fill material.

(i) Identification of the buffering and/or screening measures employed to minimize the visual impact of the proposed fill on surrounding properties.

(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.

(d) Interim screening requirements to mitigate the visual impact of the proposed fill operation on surrounding properties.

(e) Erosion control measures to mitigate impact to neighboring properties associated with the additional import/export of fill beyond that of a typical site development permit, as provided in Section 151.146(J).

(f) Methods employed to prevent the tracking of dirt/mud onto the main road from which access is taken.

(g) Methods employed to clean and repair the main road from which access is taken.

~~(JJ)~~ (KK) *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 ~~(JJ)~~ (KK)(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 ~~(JJ)~~ (KK)(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 8.5 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".

~~(KK)~~(LL) *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 ~~(KK)~~(LL)(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 ~~(KK)~~(LL)(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 spotlights 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 8.5 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".

~~(LL)~~ (MM) *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.

~~(MM)~~ (NN) *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:

Table 151.112(MM)(NN)		
	Setback/Separation	Minimum Distance (Feet)
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 §§ 151.145 through 151.154

(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~~(MM)~~(NN) 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~~(MM)~~(NN), 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~~(MM)~~(NN), 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.

~~(NN)~~ [\(OO\)](#) *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.

~~(OO)~~ **(PP)** *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.

~~(PP)~~ **(QQ)** *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.

~~(QQ)~~ **(RR)** *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.

~~(RR)~~(SS) *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 ~~(RR)~~(SS)(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 subsection ~~(RR)~~(SS)(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.

Table 151.112(RR)(SS)(8)	
<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 §§ 151.145 through 151.154
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 one and one-quarter 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~~(MM)~~(NN).

(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 ~~(RR)~~(SS)(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 ~~(RR)~~(SS)(19). All existing parks or portions of existing parks that are subject to the provisions of this subsection ~~(RR)~~(SS)(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:

Table 151.112(RR)(SS)(19)	
Required Plant Material/100 Feet	
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.

~~(SS)~~ (TT) *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.

~~(TT)~~ (UU) *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 ~~(TT)~~(UU)(1) 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 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.

~~(UU)~~ (VV) *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% 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% 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 ten feet in height or a height established by the conditional use permit.

~~(AA)~~ (WW) *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.

~~(WWW)~~ (XX) *Commercial solar energy systems.* Commercial solar energy systems shall require a conditional use permit in all zoning districts. The following standards shall apply to all commercial solar energy systems:

(1) *Approval.* Commercial 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 the conditional use permit review.

(2) *Fencing.* Commercial 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\(L\)\(1\)](#).

(3) *Height.* The total height of the panels shall not exceed 20 feet, as measured from grade to the highest point of the solar arrays when the solar energy facility's arrays are at full tilt.

(4) *Lot coverage.* Ground-mounted solar panels are not subject to impervious surface ratio (ISR) calculations of §§ [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 § [151.145\(B\)](#), depending on proposed foundation, footings, and/or site disturbance.

(6) *Location and setbacks.*

(a) Commercial solar energy systems must meet the setback requirements for a principal structure in the underlying zoning district.

(b) The setback requirements may be waived by the written consent of the owner(s) of each affected nonparticipating property. The applicant does not need to obtain a variance from the county upon waiver by the property owner of any of the above setback requirements. Any waiver agreement of the above setback requirements shall be in the form of a covenant or deed restriction and require approval from the Director of Planning, Building and Development. Once approved, the agreement shall be recorded with the Recording Division of the Lake County Clerk's Office and shall run with the land.

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

~~(XX)~~ (YY) *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.

~~(YY)~~ (ZZ) *Telecommunications facilities (telecommunications 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 section (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 telecommunications 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.

~~(ZZ)~~ [\(AAA\)](#) *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](#).

~~(AAA)~~ [\(BBB\)](#) *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.

COMMENTARY:

The turbine height may not exceed FAA height limits under 14 CFR Part 77 pursuant to a Determination of No Hazard to Air Navigation.

~~(BBB)~~ (CCC) *Wildlife rehabilitation facilities.* This use shall be allowed only by a 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 use shall be subject to the site capacity/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 a minimum of 80,000 square feet.
- (3) All structures containing rehabilitation activities shall be set back a minimum of 30 feet from all property lines.
- (4) 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 linear feet. Additional site-specific screening may be required by the Zoning Board of Appeals as a condition of approval.
- (5) Wildlife education shall be allowed as an accessory use to a wildlife rehabilitation facility that is classified as a principal use only if expressly approved as part of the conditional use permit application. Limits on attendance, hours and days of operation, and frequency of programming shall be addressed as part of the conditional use permit.
- (6) State and federal wildlife permits shall be obtained as required by law.

COMMENTARY:

Rehabilitation shall be limited to wildlife species allowed under the permit holder's applicable state and federal wildlife permits and shall not include species that are not naturally found living in the wild within the United States or that may be considered to be an exotic species.

~~—(CCC)~~ (DDD) *Wind energy systems, commercial.* Commercial wind energy systems shall require a conditional use permit in all zoning districts. Except as expressly provided for in this section, the following standards shall apply to all principal use commercial wind energy systems:

- (1) *Approval.* Commercial wind energy systems (WECS) 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.* All WECS towers must be unclimbable by design or protected by anti-climbing devices such as:
 - (a) Fences with locking portals at least six feet high; or
 - (b) Anti-climbing devices 12 feet vertically from the base of the WECS tower.
- (3) *Height.* Height is measured as the distance from the rotor blade at its highest point to the top surface of the WECS foundation.
- (4) *Site development permits.* A site development permit may be required, per regulations set forth in § 151.145(B), depending on proposed foundation, footings, and/or site disturbance.

(5) *Location and setbacks.* WECS towers shall be sited as follows, with setback distances measured from the center of the base of the WECS tower:

(a) Occupied community buildings: 2.1 times the maximum blade tip height of the WECS tower to the nearest point on the outside wall of the structure;

(b) Participating residences: 1.1 times the maximum blade tip height of the WECS tower to the nearest point on the outside wall of the structure;

(c) Nonparticipating residences: 2.1 times the maximum blade tip height of the WECS tower to the nearest point on the outside wall of the structure;

(d) Boundary lines of participating property: no setback required;

(e) Boundary lines of nonparticipating property: 1.1 times the maximum blade tip height of the WECS tower to the nearest point on the property line of the nonparticipating property;

(f) Public road rights-of-way: 1.1 times the maximum blade tip height of the WECS tower to the center point of the public road right-of-way;

(g) Overhead communication and electric transmission and distribution facilities (not including overhead utility service lines to individual houses or outbuildings): 1.1 times the maximum blade tip height of the WECS tower to the nearest edge of the property line, easement, or right-of-way containing the overhead line;

(h) Overhead utility service lines to individual houses or outbuildings: no setback required; and

(i) Fish and wildlife areas and Illinois Nature Preserve Commission protected lands: 2.1 times the maximum blade tip height of the WECS tower to the nearest point on the property line of the fish and wildlife area or protected land.

(6) *Operating requirements.* The following are requirements for the operation of WECS. Additional requirements and standards for WECS shall apply as identified in Appendix Q. Provisions for violations, penalties and enforcement shall apply as identified under §§ [151.250](#) through [151.261](#).

(a) Sound level limitation for commercial wind energy facilities. Noise levels from each WECS or WECS Project shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations. The applicant shall submit manufacturer's wind turbine sound power level characteristics and other relevant data regarding wind turbine noise characteristics necessary for a competent noise analysis. The applicant, through the use of a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements in its conditional use permit application. Any waiver of any of the above sound level requirements shall be set forth in a written waiver executed by the occupied community building owner(s) or non-participating residence owner(s) and be recorded with the Recording Division of the Lake County Clerk's Office.

(b) *Shadow flicker.* The applicant shall appropriately demonstrate through industry standard modeling that no occupied community building or non-participating residence will experience 30 hours or more per year of shadow flicker under planned operating conditions.

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

(d) *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.

(7) *Waivers.* Wind energy facility requirements for setbacks, sound level limitations or shadow flicker may be waived by impacted occupied community building owner(s) or non-participating residence owner(s). The written waiver shall notify non-participating property owner(s) of the requirements established by this chapter and how the proposed wind energy facility is not in compliance. The applicant does not need obtain a variance from the county upon waiver by the property owner of the setback requirement. The waiver shall be signed by the non-participating property owner(s) giving consent to exceed the limits for setback, sound level limitations, or shadow flicker on his or her property. Waivers shall be recorded with the Recording Division of the Lake County Clerk's Office against title to the affected real property.

(8) *Signage.*

(a) A reasonably visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations, and at all entrances to wind towers.

(b) Visible, reflective, colored objects, such as flags, plastic sleeves, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.

(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; Ord. 19-1378, passed 9-10-2019; Ord. 21-0744, passed 5-11-2021; Ord. 22-1356, passed 10-11-2022; Ord. 23-0675, passed 5-9-2023) 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 hoophouses 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](#).

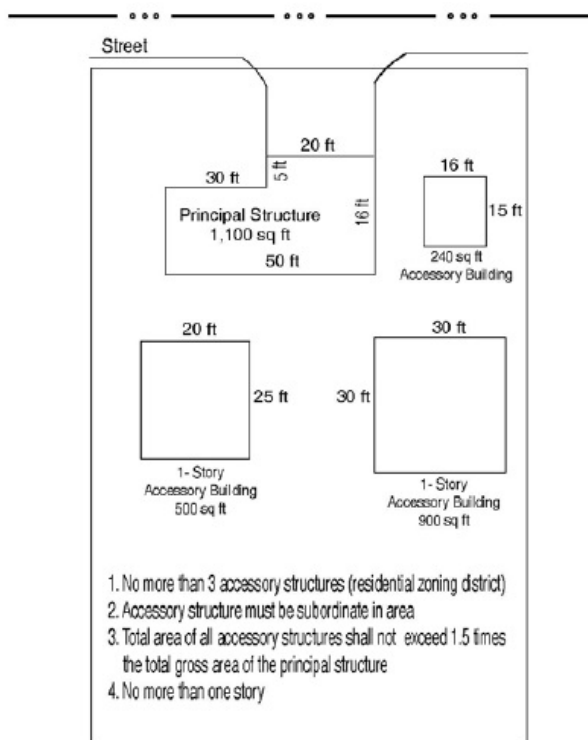
(7) (a) No more than three accessory buildings associated with a principal residential use shall be located on a single parcel in a residential district.

(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 (N) 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:

Zoning District	Maximum Height (§ 151.131(E))
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

(2) *Setbacks.*

(a) *Residential development.* In residential zoning districts, accessory uses and structures shall meet the 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 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 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 farmer's 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 (N) 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 (N) 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 625/4, provides additional standards for the preparation and sale of food under a cottage food operation, including compliance with applicable health regulations.

(G) *Rural home occupation.*

(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 (G) establish performance standards rather than detailed lists of allowed rural home occupations. Uses that comply with all of the standards of this subsection (G) 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 8:00 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 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](#)(N). 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.

(H) *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.

(I) *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.

(J) *Hoophouses.*

(1) Hoophouses and greenhouses on residentially zoned properties shall be used for the primary exclusive purpose of growing ornamental plants or plants for local food production. Hoophouses shall not exceed, in the aggregate, 100 square feet in area for lots 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.

(3) 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.

(K) *Private swimming pools and tennis courts.*

(1) *Setbacks.* Pools and tennis courts, including but not limited to 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.

(L) *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; however, 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. The maximum height of fences surrounding commercial solar energy systems shall be eight feet. 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.

(M) *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.

(N) *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.

(O) *Wildlife rehabilitation facilities.* Wildlife rehabilitation shall be considered an accessory use to an existing residential use in AG, RE, E and R-1 Zoning Districts. This use shall be allowed only by a 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. Additional site-specific screening may be required by the Zoning Board of Appeals as a condition of approval.

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

COMMENTARY:

Rehabilitation shall be limited to wildlife species allowed under the permit holder's applicable state and federal wildlife permits and shall not include species that are not naturally found living in the wild within the United States or that may be considered to be an exotic species.

(P) *Wind energy facilities, accessory.* 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, accessory 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. Accessory 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, accessory 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 an accessory tower-mounted turbine (as measured at its highest point) shall be less than 200 feet in a nonresidential zoning district. Accessory 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 an accessory 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) Accessory 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) Accessory 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) Accessory 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 accessory 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 [151.261](#).

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

1. The sound level limits identified below shall apply. Measurement procedures are outlined in [Appendix Q](#). 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.

(Q) *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.

(R) *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.

(d) *Signage.* In lieu of the fencing requirement in subsection (R)(2)(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 Illinois Department of Agriculture and actively maintained in accordance with 510 ILCS 20/1 et seq., the Illinois Bees and Apiaries Act.

(S) *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 10,000 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>
None	4
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 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 that meet the definitions of accessory solar energy systems in § [151.271](#) shall be regulated as follows:

1. *Residential districts.* Accessory use medium- and large-scale solar energy systems shall require a conditional use permit in all residential zoning districts. Accessory use small-scale solar energy systems in all residential zoning districts shall require a conditional use permit unless exempted as follows:

a. Accessory small-scale solar energy systems that are accessory to a nonresidential use shall be permitted by right.

b. Accessory small-scale solar energy systems that are accessory to a residential use that do not exceed 5% of the net buildable area of a lot, or 500 square feet, whichever is less, shall be permitted by right.

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 by right 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 by right in all zoning districts for those institutional, commercial, or industrial uses with campuses comprised of five 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.*

(a) *Residential.* The total height of any ground-mounted solar energy system accessory to a residential use shall not exceed ten 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.

(b) *Nonresidential.* The total height of any ground-mounted solar energy system accessory to a nonresidential use shall not exceed 15 feet, as measured from grade to the highest point of the solar arrays.

(6) *Lot coverage.* Ground-mounted solar panels are not subject to impervious surface ratio (ISR) calculations of §§ [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 § [151.145\(B\)](#), depending on proposed foundation, footings, and/or site disturbance.

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

(V) *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 (V)(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 be subject to the standards of § [151.168\(A\)\(3\)](#) and the hours of operations of subsection (V)(5) above.

(W) Minor Fill/Grade Operations.

(1) Total Volume. Projects 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.

(a) Development projects necessitating the accessory importation of fill material between 500 and 2,000 cubic yards per acre, provided total fill volume is 60,000 cubic yards or less, shall require a delegated conditional use permit in all zoning districts.

1. In addition to seeking a delegated conditional use permit, minor projects that meet the criteria of subsection (1)a must follow all site specifications, site plan review requirements, application requirements, operating standards and other conditions listed in Section 151.112(JJ) Major Fill/Grade Operations, with the exception of the fill area setback requirements which shall be established by the conditional use permit.

(b) All projects consisting of the importation of fill as a principal use at a scale less than a major fill/grade operation, shall require a delegated conditional use permit in all zoning districts.

COMMENTARY: Development projects necessitating the accessory importation of fill material up to 500 cubic yards per acre are allowed in all zoning districts, provided total fill volume is 10,000 cubic yards or less (but see Section (1)b above for standards governing Minor principal Fill/Grade Operations).

COMMENTARY: Any projects importing over 2000 cubic yards per acre of fill or a total fill volume of greater than 60,000 cubic yards are considered a major fill/grade operation and are subject to the standards set forth in Section 151.112(JJ) Major Fill/Grade Operations.

(Ord., § 6.4, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed - - ; Ord. 19-1378, passed 9-10-2019; Ord. 22-1356, passed 10-11-2022; Ord. 23-0675, passed 5-9-2023)

§ 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																		
Use Types	A G	RE	E	R1	R2	R3	R4	R4a	R5	R6	RR	GO	LC	RC	GC	LI	II	OS
Animal show (see § 151.114(E))	P	P	P									P	P	P	P	P	P	P
Batch plant for road construction (see § 151.114(G))	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Carnival or circus (see § 151.114(H))	P											P	P	P	P	P	P	P
Contractor's model home (see § 151.114(J))	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 § 151.114(I))	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Events of public interest (see § 151.114(K))	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Material staging, stockpiling, and processing of dredged materials (see § 151.114(L))	Material staging	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Material stockpiling and processing of dredged materials (on residential lots 200,000 sq. ft. or more) ¹	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public safety training structure (see § 151.114(M))	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Real estate sales office (see § 151.114(N))	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Rodeo (see § 151.114(F))	P	P	P									P	P	P	P	P	P	P
Shelters, temporary (see § 151.114(P))	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary sales (see § 151.114 (O))	Christmas tree sales lots	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
	Farmers' market	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Food sales														P			
	Garage sales	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= permitted subject to all other applicable standards of this chapter.																		

¹200,000 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\(l\)](#).

(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.* Animal shows shall be allowed for special events for agricultural and wildlife education purposes, 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.

COMMENTARY:

Private, non-public events on the sponsor's property such as private educational activities are not considered animal shows.

(F) *Rodeo.*

(1) Rodeos shall be allowed when accessory to an approved agricultural exempt use and 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.

(3) Carnival or circus events may not use live animals in any manner.

(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 homeowners' 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 [of dredged materials](#)*. 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 subsection (L)(4)(a).

(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 one 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 (O) 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 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](#)(W).

(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.

(P) *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.

(Q) *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.

(R) *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.

(S) *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.

(T) *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.

(Ord., § 6.5, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed - -; Ord. 15-0701, passed 7-14-2015; Ord. 19-1378, passed 9-10-2019; Ord. 22-1356, passed 10-11-2022)

§ 151.145 SITE DEVELOPMENT PERMITS.

(A) *Purpose.* The regulations of this subchapter are intended to accomplish the following purposes:

(1) Meet the requirements of The Rivers, Lakes and Streams Act, 615 ILCS 5/18g;

(2) Prevent additional harm due to periodic flooding including loss of life and property and threats and inconveniences to public health, safety, and welfare;

(3) Assure that new development does not increase flood and drainage hazards to others, or create unstable conditions susceptible to erosion;

(4) Create no new financial burden on the taxpayer for flood control projects, repairs to flood damaged public facilities and utilities, and for flood rescue and relief operations;

(5) Protect, conserve, and promote the orderly development of land and water resources;

(6) Protect buildings and improvements to buildings from flood damage to the greatest extent possible;

(7) Conserve the natural hydrologic, hydraulic, water quality and other beneficial functions of flood-prone areas, regulatory floodplains;

(8) Prevent additional disruption of the economy and governmental services due to stormwater and flood drainage;

(9) Maintain eligibility for the county in the National Flood Insurance Program by meeting or exceeding its requirements and thus make federally subsidized flood insurance available at reduced rates. Comply with the rules and regulations of the National Flood Insurance Program codified as 44 C.F.R. parts 59 through 79, as amended; and

(10) Conserve the natural hydrologic, hydraulic, water quality and other beneficial functions of wetlands by having, at a minimum, no net loss of wetlands in the county, and further these beneficial functions wetlands by having an objective of a net gain of wetland functions as specified in the Wetland Preservation and Restoration Plan component of the Lake County Comprehensive Stormwater Management Plan.

(B) *Applicability.* A site development permit is required for any development that meets any one of the following criteria:

COMMENTARY:

In order to prevent “phasing” of development to circumvent the intent of these regulations, when a proposed development activity will occur on a lot or parcel of land that has contiguous lots or parcels of lands owned in whole or in part by the same property owner, then the criteria as defined in the “Applicability” section will be applied to the total land area compiled from aggregate ownership parcels. If this aggregate ownership land area is greater than the minimum area requirements defined in the “Applicability” section, then a site development permit will be required.

(1) Is located on a property containing a regulatory floodplain;

(2) Is located in a flood-prone area with 100 acres of tributary drainage area or more;

(3) Is located in a depressional storage area with a surface area of one-fourth acre or more, or with a storage volume of 0.75 acre-feet or more for the base flood;

(4) Creates a wetland impact within an area defined as waters of the United States or isolated waters of Lake County;

(5) Modifies the flood-prone area of a water body where the tributary drainage area is 20 or more acres;

(6) Includes the total land area of an ownership parcel that results in:

(a) More than one acre of new impervious area; or

(b) More than three acres of hydrologically disturbed area, unless the total new impervious surface area is less than one-half acre; or

(c) An impervious surface area ratio of 50% or greater, unless the total new impervious surface area is less than one-half acre. The term “new”, as used in this subsection (B)(6), refers to impervious or hydrologically disturbed area created after the original effective date of the Watershed Development Ordinance (October 13, 1992). Redevelopment of previously developed sites shall maintain existing storage volume and shall not increase the rate of runoff from the site. The applicant shall provide supporting data and calculations to the satisfaction of the Planning, Building and Development Director to ensure the site design either provides a watershed benefit or meets the requirements of

§ [151.146](#)(C)(2). New development on partially developed sites shall meet the release rate criteria in § [151.146](#)(C) for the new development, if the new development exceeds the thresholds in subsections (B)(6)(a), (B)(6)(b), or (B)(6)(c) above.

(7) Any site disturbance on any undeveloped parcel, or the undeveloped portion of any parcel that consists of any of the following:

- (a) Any excavation, filling, or combination of excavation or filling that will exceed 500 cubic yards;
- (b) Any excavation, filling, or combination of excavation or filling that will exceed three feet in vertical depth or height at its deepest point measured from the natural ground surface; any excavation, filling, or combination of excavation or filling that will exceed an area of 1,000 square feet;
- (c) Removal of plant cover from an area exceeding 1,000 square feet; or
- (d) Any development within an area previously identified by the county as posing a unique drainage concern. For proposed developments within those areas, an inspection of the site shall be conducted and the Planning, Building and Development Director shall determine whether a site development permit is required based on the site conditions.

(8) For all nonresidential development, with the exception of interior alterations, a site development permit shall be required unless, following an inspection of the site, the Planning, Building and Development Director determines that, based on the site conditions, no permit is warranted.

(9) Any activity to a building in a special flood hazard area (SFHA) as described in FEMA publication 480 National Flood Insurance Program Flood Management Requirements.

(C) *Exempted development.*

(1) All development shall comply with minimum federal, state, and local regulations. No development is exempt from the floodplain, floodway, wetland, and soil erosion and sediment control provisions of this chapter. An exemption request under subsection (C)(2) below shall be submitted in writing by the applicant to the Planning, Building and Development Director for an exemption from specific performance standards of this chapter. The applicant's exemption request shall itemize each chapter provision that is requested for exemption. After review and verification by the Planning, Building and Development Director that subsection (C)(2) below is met, the specific chapter provision exemptions may be granted.

(a) Final plats, site development permits, or current building permits approved prior to October 18, 1992 if the stormwater management facilities are installed and functioning and in compliance with all applicable stormwater regulations then in effect. This item is applicable to § [151.146](#)(H)(5) (buffer areas) only.

(b) Final plats, planned unit developments, site development permits or current building permits approved between October 18, 1992 and April 13, 2021, if the approved plans and designs are in conformance with the pre-October 13, 2020, ordinance provisions. That portion of any final plat, planned unit development, site development permit, or current building permit which is amended after the effective date of this chapter and which affects the stormwater management system is not exempt from the provisions of this chapter.

(c) Re-subdivision of commercial or industrial subdivisions identified under subsection (C)(1)(a) above, provided that the stormwater management facilities are installed and functioning and there is no increase in impervious surface area permitted. Re-subdivision of commercial or industrial subdivisions identified under subsection (C)(1)(b) above, provided there is no increase in impervious surface area beyond that which was originally approved.

(d) Public road development on county highways and township roads, provided that plans will be submitted to the Lake County Stormwater Management Commission to ensure compliance with applicable stormwater management, soil erosion and sediment control and floodplain and wetland requirements.

(e) The maintenance of existing buildings and facilities such as resurfacing of roadways when the road elevation is not increased.

(2) If eligible under subsections (C)(1)(a), (C)(1)(b), or (C)(1)(c) above, the applicant may submit a written request to the Planning, Building and Development Director for an exemption from specific performance standards of this chapter. The applicant's exemption request shall itemize each ordinance provision that is requested for exemption.

(3) A site development permit shall not be required for any of the following:

(a) The maintenance of existing buildings and facilities such as resurfacing of roadways when the road elevation is not increased;

(b) Practices associated with [local food](#) gardens ~~plowing, and similar agricultural~~ that do not involve filling, [or](#) grading, ~~or construction of levees~~;

~~—— (c) Agricultural practices outside of the regulatory floodplain that involve filling or grading, including but not limited to the construction of levees, terraces, and surface water diversions that are a part of a Natural Resource Conservation Service designed and approved conservation project; or~~

~~(d)~~ Fence installation, pole placement, drilling, or other minor auxiliary construction as long as the development activity is not located in a regulatory floodway, wetland, or water body.

(D) *Classification of development.* All activities requiring a site development permit shall be classified as “major” or “minor” developments, in accordance with the following definitions.

(1) *Major development.* A “major” development is any development subject to site development permit requirements that meets any one of the following criteria:

(a) Is located in any portion of a regulatory floodway or floodplain, with compensatory storage requirement, is located in any depressional storage area that has a surface area of one-fourth acre or more, or that has a volume larger than 0.75 acre-feet;

(b) Creates a wetland impact to waters of the United States or isolated waters of Lake County exceeding the isolated wetland impact mitigation thresholds in § [151.146](#)(M)(4);

(c) Modifies a water body where the tributary drainage area is greater than 100 acres, with compensatory storage requirement; or

(d) Requires detention per § [151.146](#)(C).

(2) *Minor development.* A “minor” development is any development subject to site development permit requirements that is not a “major” development, provided that the Planning, Building and Development Director may classify any development as a “major” development if that the Planning, Building and Development Director determines that the nature of the proposed work warrants the “major” development classification.

(E) *Review and approval procedure.*

(1) *Relationship to development review procedures of §§ [151.045](#) through [151.058](#).* The “general” procedural requirements and standards of § [151.045](#) shall apply to the review and approval procedures of this section.

(2) *Application.* Applications for site development permits shall be made in person in the Planning, Building and Development Department.

(3) *Staff review and action.* Planning, Building and Development Department staff shall review each site development permit application and, within 30 days of receipt of a complete application, act to approve, approve with conditions, or deny the application. Failure of the Planning, Building and Development Director to act within the 30-day period shall constitute a denial of the application, unless the applicant agrees to an extension of time. If the applicant fails to provide information requested by the Planning, Building and Development Director within three months of the request, the application shall be void, unless the time is extended by the Planning, Building and Development Director.

(4) *Other approvals required; permit issuance before final approval.*

(a) No site development permit shall be issued by the Planning, Building and Development Director unless the development, including but not limited to subdivisions and planned unit developments, has been approved by all applicable county agencies. However, in the following instances, a site development permit may be issued prior to final approval provided that:

1. The final engineering plans are approved by the appropriate county agencies, and the development demonstrates compliance with applicable application requirements and performance standards; and

2. All applicable application requirements and performance standards have been met, except for obtaining any required state and federal approvals.

(b) A request for commencement of grading activities may be made for a development site prior to the issuance of a site development permit. The proposed grading activity may commence with written approval from the Planning, Building and Development Director of the earth change approval plan that delineates the activities specifically allowed including appropriate soil erosion and sediment control measures. The written approval will be in the form of a permit. The permit application will state the conditions and limitations of the proposed grading activities. No permit may be issued and no development activity may occur in a regulatory floodplain, except for excavations outside of the regulatory floodway and which do not require an Illinois Department of Natural Resources, Office of Water Resources permit, wetland, or in those portions of the site for which this chapter requires that state and federal permits be issued, except for Illinois Environmental Protection Agency sewer and water extension permits. (See [Appendix G](#) for a partial list of agencies from which permits may be required.)

(5) *Financial assurances.*

(a) For nonresidential development that meets the criteria of § [151.145\(B\)\(6\)](#) and for any development where the Planning, Building and Development Director requires, the applicant shall file with the county a performance assurance satisfactory to the Lake County State's Attorney for an amount equal to one 130% of the total cost of improvements including the cost of landscaping, soil erosion and sediment control measures, and all engineering costs and inspection fees, based upon the consulting engineer's estimate of cost. Government entities such as townships, schools, park districts, and the like are exempt from this requirement.

(b) A maintenance assurance if required by the county, shall be deposited with the county prior to the release of any performance assurance held by the county for the time period and in the amount specified by the Planning, Building and Development Director to cover the cost of failure or repair of improvements installed on the site, including landscaping, wetland restoration/mitigation, and soil erosion and sediment control measures.

(c) A letter certifying the as-built conditions shall be submitted by the consulting engineer prior to the release of any performance assurance. In addition, the Planning, Building and Development Director may require deed restrictions, covenants, easements, or any other documents to ensure proper enforcement of the site development regulations.

(d) The assurance may be drawn at any time the permittee fails to comply with the requirements of this or any other county ordinance or with the approved site development plans or with the approved timeframe for site development activities.

(6) *As-built drawings.* As-built drawings, signed and sealed by a Licensed Professional Engineer, shall be required for all major developments, public road developments, and other types of development as determined by the Planning, Building and Development Director (such as those developments that affect stormwater runoff rates or volume, impact wetlands or wetland buffers, or are adjacent to floodplains). As-built drawings and supporting information shall clearly show all as-built conditions, including, but not limited to:

(a) Topographic spot elevations and contours for overland flow paths, detention ponds, storage facilities, and building pads;

(b) Detention pond restrictor size, invert elevation, emergency overflow size, and elevation;

(c) Verification of required native vegetation planted (seed tags, invoices);

(d) Storm sewer sizes, inverts;

(e) Drain tile information provided from the Subsurface Drainage Inventory, or identified during construction as follows: location, connection, size, material, and inverts for those drain tiles that are part of the stormwater management system;

(f) Other information required under this chapter;

(g) Applicable calculations or other information verifying conformance with the permitted plan set;

(h) Low floor and low opening elevations of structures. Low opening sizes where vents are required; and

(i) Benchmark information.

(j) Elevation of the bottom of the lowest horizontal structural member of a lowest floor, and whether the structure has a basement, for structures located in a coastal high hazard area.

(7) *Inspections.* The Planning, Building and Development Director may inspect site development at any stage in the construction process. For major developments, the Planning, Building and Development Director shall conduct site inspections, at a minimum, at the end of the construction stages (E)(7)(a)1. through 7. listed below. Construction plans approved by the Planning, Building and Development Director shall be maintained at the site during progress of the work. In order to obtain inspections in accordance with the following schedule, the permittee shall notify the Planning, Building and Development Director at least two full working days before the inspection is to be made. The Designated Erosion Control Inspector shall conduct inspections and document as described below, at a minimum, at the intervals in subsections (E)(7)(a)1. and (E)(7)(a)6. listed below, for those developments that require a Designated Erosion Control Inspector, until permanent stabilization and Planning, Building and Development Director approval of appropriate as-built documentation and drawings.

(a) Recommended inspection intervals are listed below:

1. Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading;

2. After every seven calendar days or storm event with greater than one-half inch of rainfall or liquid equivalent precipitation;

3. After final stabilization and landscaping, prior to removal of sediment and erosion controls;

4. After removal of erosion and sediment controls;

5. Designated Erosion Control Inspector inspections may be performed at a reduced frequency, at the discretion of the Planning, Building and Development Director, for projects with a valid Site Development Permit, that are permanently stabilized, and are entering a prolonged period of inactivity. Designated Erosion Control inspections shall only be required after storm events with greater than 0.5 inch of rainfall or liquid equivalent precipitation.

6. If a wetland mitigation area is constructed as part of the site development permit, the Lake County Stormwater Management Commission or Isolated Water of Lake County-Certified Community's Certified Wetland Specialist shall, at a minimum, perform the following inspections:

a. Inspection by a certified wetland specialist after mitigation areas have been final graded and before seeding or plant installation;

b. Inspection by a certified wetland specialist after seeding or plant installation; and

c. At a minimum, annual inspections by a certified wetland specialist during the five-year monitoring and maintenance period for wetland mitigation areas.

(b) Minimum inspection documentation shall include: site observations and a sufficient number of photos depicting the conditions of the entire site, inspector's name, date and time of the inspection, status of perimeter control, and site outlet observations.

(8) *Special precautions.*

(a) If at any stage of the grading of any development site the Planning, Building and Development Director determines that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the Planning, Building and Development Director may require, as a condition of allowing the work to be done, that reasonable special precautions be taken as is considered advisable to avoid the likelihood of the peril. "Special precautions" may include but shall not be limited to a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, cribbing, installation of plant materials for erosion control, and recommendations of a Licensed Geotechnical Engineer and/or Licensed Professional Geologist which may be made requirements for further work.

(b) Where the Planning, Building and Development Director determines that storm damage may result or has resulted because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take any other measures as may be required to protect adjoining property or the public safety. On large developments or where unusual site conditions prevail, the Planning, Building and Development Director may require that the operations be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.

(c) In the event that a stormwater detention or conveyance facility fails to function as designed because of improper or inadequate maintenance, the Planning, Building and Development Director shall inspect the facility and compel corrective action. To compel corrective action, the Planning, Building and Development Director shall provide written notification to the property owner indicating: (1) corrective

actions required to return the facility to functional order; or (2) additional engineering plans, reports or calculations required to identify the problem or engineer a solution, and that the plans, reports, or calculations shall be submitted for review and approval.

(9) *Permit expiration.*

(a) A site development permit shall be issued for a time period of not more than two years and shall expire by limitation. The Planning, Building and Development Director may grant an extension of time, not to exceed one year, if the Planning, Building and Development Director determines, based on information provided by the permit holder, that unusual difficulties have prevented work being started or completed within the specified time limits. A written extension request and permit extension fee (revised May 9, 2006) must be filed by a permit holder before expiration of the permit. If the work authorized by such permit has not been commenced within six months of permit issuance, the permit shall lapse and be of no further effect unless a start work extension request has been filed within six months of permit issuance (revised May 9, 2006). If the permit expires, a new permit application review and fees shall be required for the completion of the project and the applicant shall comply with the current ordinance requirements.

(b) A permit that includes a structure located within the regulatory floodplain, or will be located within the regulatory floodplain, shall be terminated without the possibility of an extension, if the start of construction is not commenced within 180 days of the permit issuance date unless the structure is compliant with the following:

1. Any modification to National Flood Insurance Program regulations after permit issuance; or
2. Any modification to a Federal Emergency Management Agency Flood Insurance Rate Map or Flood Insurance Study after permit issuance.

(c) For the purposes of this subsection, "start of construction" means the commencement of any repair, reconstruction, rehabilitation, addition, or improvement of a structure; or the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(10) *Revocation of permit.* In the event any person holding a site development permit violates the terms of the permit, or conducts or carries on the site development in a manner that adversely affects the health, welfare, or safety of persons residing or working in the vicinity of the subject property, or conducts or carries on the site development in a manner that is materially detrimental to the public welfare or injurious to property or improvements in the vicinity, the Planning, Building and Development Director shall revoke or suspend the site development permit in accordance with the provisions of § [151.253](#).

(11) *Refunds.* Refunds of site development application and permit fees are granted in accordance with the Planning, Building and Development Department fee refund policy. (County Board approved.)

(12) *Retention of plans.* Plans, specifications, and reports for all site development permits shall be retained by the Planning, Building and Development Department.

(F) *Application requirements.* The site development permit application requirements of this section establish different application requirements for major and minor developments.

(1) *Applications for minor developments.* The Planning, Building and Development Director shall determine what information is required to ensure compliance with the purpose and intent of this chapter. This information may include but shall not be limited to the following:

(a) A completed site development permit application signed by the property owner or owner's agent and, when required a licensed professional engineer and certified wetland specialist.

(b) A topographic survey and/or grading plan showing proposed (min. 1% grade) and existing contours, and the limits of grading prepared, signed and sealed by an Illinois Licensed Land Surveyor or Licensed Professional Engineer.

(c) A brief drainage report describing the characteristics of the existing and proposed drainage systems including all discharge points, collection, conveyance, and storage facilities, and any calculations used to determine stormwater quantities, flow rates and/or storage volumes.

(d) A site drainage plan, which depicts drainage features, overland flow paths, stormwater management system components, flood-prone areas, regulatory floodplains, wetland boundaries, buffer areas, existing and proposed septic systems and wells. A capacity analysis of the above stormwater system components may be required by the Planning, Building and Development Director.

(e) An area drainage plan locating the proposed development in the watershed.

(f) A description and depiction of measures to be taken to control erosion (sedimentation and erosion control plan).

(g) Existing and proposed typical cross-sections and profiles of all components of the stormwater management system including, but not limited to swales, berms, and detention ponds.

(h) For all proposed temporary soil stockpiles, the location, dimensions, and a schedule for removal.

(i) All plans and calculations that are prepared by a licensed professional engineer pursuant to this section shall be signed and sealed by the engineer.

(j) A description of the anticipated dates of initiation and completion of activity.

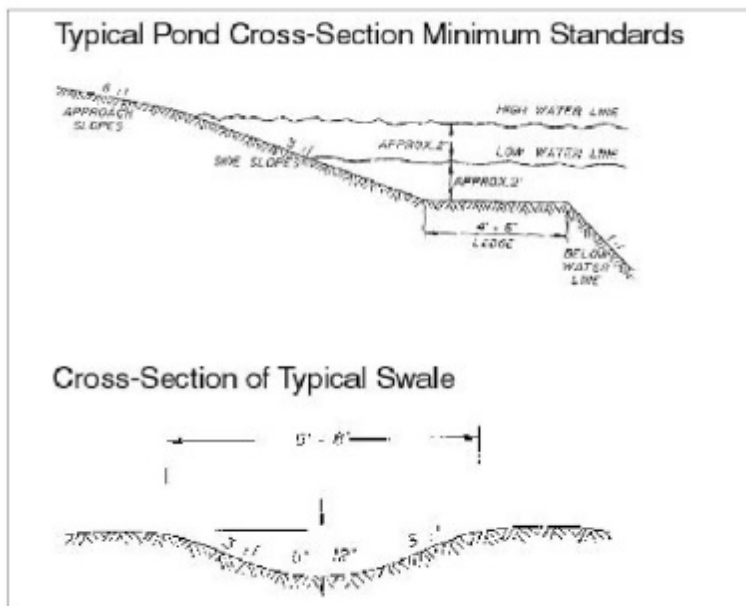
(k) An exhibit for review that displays all deed or plat restrictions of record or to be recorded for the stormwater management system.

(l) The federal, state, and local permit requirements of subsections (F)(2)(h) and (F)(2)(i) are required when applicable to the development site and subsections (F)(2)(f)3. and (F)(2)(g) shall be required when requested by the Planning, Building and Development Director.

(m) A wetland submittal, if required, under § [151.146](#)(M).

(n) For permits required only in accordance with subsection (B)(9) above documentation shall be submitted towards the determination of a substantial improvement. Other submittal requirements may be waived.

Figure 151.145(F): Typical Pond and Swale Cross-sections



(2) *Applications for major developments.* The following application requirements shall be met unless the Planning, Building and Development Director determines that an item is unnecessary to ensure compliance with the purpose and intent of this chapter:

- (a) Name and legal address of the applicant. Common address, legal description, and/or the parcel identification numbers for the property where the development will take place. Mailing address of the property owner;
- (b) The name, company name, title, address, phone and fax numbers of all consultants involved in the design and engineering of the proposed development;
- (c) A vicinity map depicting the location of the subject development in relation to major roads, natural features, municipalities, and the like along with the parcel identification numbers of all parcels comprising the proposed development;
- (d) A map showing the location of the subject development in its watershed as depicted on U.S. Geologic Survey maps. The extent and area of each watershed affecting the design of stormwater detention and conveyance facilities within the subject development;
- (e) Site development plans: the information required by this subsection (F)(2) shall be presented at any normal scale up to and including one inch equals 100 feet (1:100) that is convenient to portray the required information on a sheet size not to exceed 24 by 36 inches and shall be bound into a package that includes the following sheets:
 1. A topographic survey of the existing conditions of the development site which includes the following information:
 - a. Existing contour lines at not greater than one-foot intervals. The reference benchmark shall be cited on the plan. Spot elevations shall be provided at all breaks in grade and where necessary to indicate grade changes in areas of shallow topography. The source and/or preparer of the topographic survey shall be recognized on the plan. All elevations shall be referenced to North American Vertical Datum of 1988 (NAVD 88), which supersedes the NGVD 29 datum used prior to September 18, 2013;
 - b. The existing layout of all lots, parcels, road rights-of-way, and easements, including lot numbers and street names, on the subject site and on all adjoining parcels;

c. The location of streams, drainageways, and other floodwater runoff channels, their normal channels, and extent of the floodplains at the established high-water elevation, and the limits of the floodway, all properly identified;

d. The normal shoreline of lakes, ponds, and detention basins, their easements, floodplains, and lines of inflow and outflow, if any;

e. The location, size, and flowline elevation of all existing storm and sanitary sewers, and water mains, if any, of record;

f. The location of field tiles and their sizes which are on file with the Soil and Water Conservation District of Lake County or are known by the developer;

g. The location of all existing individual sewage disposal systems, if any, of record;

h. The location of all existing wells, if any, of record;

i. Natural and other groundwater sources such as seeps, springs, flowing, and other artesian wells, that are visible or are of record;

j. The soil conditions as indicated in the Soil Survey, Lake County, Illinois, or as determined by an on-site soil survey. The soil boundaries shall be drawn on the plan and the soil designation numbers shall be shown in the area where each soil mapping unit exists; and

k. The location, boundaries and type of predominate vegetation on the development site.

2. A drainage plan prepared as an overlay of the topographic survey described above, and including the following information:

a. Proposed contour lines at not greater than one-foot intervals. Proposed spot elevations shall be provided at all breaks in grade and where necessary to indicate grade changes in areas of low relief;

b. The limits of all watershed boundaries, drainage areas, points of discharge, velocity of flow, and flow quantities;

c. An indication of the direction of water flow in all proposed and existing swales and drainageways, including the slope of channel and existing and proposed typical cross-sections and profiles;

d. The location of all existing streams and floodplains to be maintained, and proposed channels to be constructed, including specification and dimensions of proposed channel modifications, locations and orientation or cross-sections and profiles;

e. (i) Typical cross-sections of all existing detention basins to be maintained, enlarged, or otherwise altered and proposed basins and their design, showing the following:

(I) Length, width, dimension;

(II) Berm elevation;

(III) Water elevation - normal and high;

(IV) Bottom slope elevation; and

(V) Control structure details (outlets, restrictors, spillways, and the like).

(ii) The typical cross-sections also shall show the elevation of the existing land surface and the proposed changes thereto, together with the calculated high water elevations expected from stormwater overland flow depth and path, and the relationship of structures, streets, and other utilities.

f. Plans and profiles of all proposed street storm sewers and other storm drains including their slope, type, size, outfall and outlet locations, and elevations, receiving streams or channels and their high water elevations;

g. Proposed culverts and bridges to be built, their materials, elevations, waterway openings; and

h. Cross-sections of all existing and proposed channels or other open drainage facilities, showing the elevation of the existing land and the proposed changes thereto, together with the calculated high water elevations expected from stormwater overland flow depth and path, and the relationship of structures, streets, and other utilities. The elevations of lowest floor or lowest adjacent grade for structures shall be included on the development plan as applicable. Refer to the UDO sections on overland flow paths (§ [151.146\(H\)\(3\)](#)), floodplain building protection requirements (§ [151.149\(H\)](#)) and flood table land development (§ [151.153](#)), for elevation requirements of structures within or adjacent to floodprone areas.

3. A soil erosion and sediment control plan showing all measures appropriate for the development as approved by the Planning, Building and Development Director, to meet the objectives of this chapter throughout all phases of construction and permanently after completion of development of the site, including:

a. Location and description, including standard details, of all sediment control measures and design specifics of sediment basins and traps, including outlet details. The drainage area tributary to each sediment control measure shall be delineated on the soil erosion and sediment control plan;

b. Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures;

c. Location and description of all runoff control measures, including diversions, waterways, and outlets;

d. Location and description of methods to prevent tracking of sediment off-site, including construction entrance details, as appropriate;

e. Description of dust and traffic control measures;

f. Locations of stockpiles and description of stabilization methods;

g. Description of off-site fill or borrow volumes, locations, and methods of stabilization;

h. Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance;

i. Identification (name, address, and telephone) of the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures during development and after development is completed; and

j. A written narrative description of the proposed phasing (construction sequencing) of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the

estimated duration of exposure of cleared areas, and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of temporary soil stabilization measures, installation of storm drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the Planning, Building and Development Director of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved.

(f) Site development report: the information required by this subsection (F)(2) shall be presented on eight and one-half by 11-inch paper and shall be bound into a report which includes the following:

1. A drainage report describing the hydrologic and hydraulic analyses performed for the subject development, which includes the following information:

a. A brief description of the proposed development including the purpose of the proposed development activities and the anticipated initiation and completion dates of proposed activities;

b. A brief description of the methodology, assumptions, and sources used in the hydrologic and hydraulic analyses of site drainage;

c. The extent and area of each tributary watershed to the drainage channels in the development, and the names of all streams and other bodies of water affected by the development;

d. A section in the hydrologic and hydraulic analysis report describing how the Runoff Volume Reduction requirements (as described in § [151.146\(D\)](#)) are incorporated into the development site plan. The section shall include the rationale for not selecting approaches with higher preference. The section shall also provide supporting calculations for meeting the runoff volume reduction requirements;

e. The percentages of existing and proposed areas of impervious surface, the existing and proposed amount of runoff, and the existing rate of stormwater release. This shall include documentation of the design volumes and rates of the proposed runoff for each portion of the tributary watershed to the drainage system and the effects the improvements will have upon the receiving channel and high water elevations. Runoff calculations shall include all discharges entering the site from upstream areas;

f. For detention facilities, a section that includes a plot or tabulation of storage volumes and water surface areas with corresponding water surface elevations, stage-discharge or outlet rating curves, and design hydrographs of inflow and outflow for the two-year, 24-hour and the 100-year, 24-hour storm events under existing and developed conditions; and

g. If the soil mapping submitted for the development indicates the soils classified as a hydric soil (USDA/NRCS Soil Classification), then the applicant shall provide site- specific soil mapping performed by a certified soil classifier or geotechnical investigation for the development. No buildings or parking lots shall be constructed on these soils unless appropriate building methods, such as pilings, caissons or removal and replacement of unsuitable soils, as approved by the Planning, Building and Development Director, are used to provide and protect a suitable building foundation.

Development that is exempted from this requirement is any development activity not resulting in the construction of a building or parking lots.

2. A soil erosion and sediment control report which includes the following information:

a. A statement which names the party legally responsible for maintenance of erosion control measures during and after construction. The statement shall include the responsible party's name, address and telephone number;

b. A narrative description of the sequencing of grading and soil disturbance and construction activities, the temporary and permanent sediment and erosion control measures to be implemented to mitigate any negative effects of grading including: supporting calculations; estimated schedule for installing, maintaining and removing both temporary and permanent structures; and the final stabilization and re-vegetation measures;

c. A construction schedule which indicates the start and finish dates for:

(i) Installation and maintenance of erosion control measures;

(ii) The clearing of vegetation and stripping and stockpiling of topsoil;

(iii) Rough grading and construction of stormwater detention and conveyance facilities;

(iv) Topsoil respreading, final grading and site restoration; and

(v) Maintenance of improvements.

d. A schedule for the removal of all proposed temporary soil stockpiles.

3. A maintenance plan for the ongoing maintenance of all stormwater management system components, including wetlands, is required prior to plan approval. The plan shall be referenced in the recorded deed or plat restriction document associated with the stormwater management system. The plan shall include:

a. Maintenance tasks and the type and frequency of maintenance of all components of the stormwater management system, including existing and replaced drain tiles within the ownership parcel which are part of the stormwater management system;

b. The party responsible for performing the maintenance tasks;

c. A description of all permanent public or private access deed- or plat-restricted areas for all stormwater management system components for the development;

d. A description of dedicated sources of funding for the required maintenance; and

e. Measures to prohibit the dumping, depositing, dropping, throwing, discarding, or leaving of construction material debris and all other illicit discharges into the stormwater management system and measures to be in continued compliance with IEPA NPDES Permit No. ILR40.

(g) The application form, development plans, and stormwater reports shall meet the requirements of this section. All plans, calculations and other documentation shall be signed and sealed by a licensed professional engineer. Additionally, the engineer shall provide a letter, bearing his or her seal and signature, which certifies that all plans, calculations and other documentation submitted by him or her have been prepared and are in full compliance with all applicable county ordinances. However, public trail and park facility projects that do not involve the placement of structures or fill can be submitted without the certification or seal of a licensed professional engineer;

(h) A copy of a Natural Resource Inventory (NRI) shall be submitted by the applicant to the Planning, Building and Development Director for development that is required to obtain a NRI performed by the McHenry-Lake County Soil and Water Conservation District pursuant to state statute 70 ILCS 405/22.02a;

(i) For all development sites requiring a National Pollutant Discharge Elimination System permit, the applicant shall submit a notice of intent (NOI) to the Illinois Environmental Protection Agency to comply with the National Pollutant Discharge Elimination System Stormwater Permit. The approved erosion control plan created pursuant to the requirements of this chapter and the Watershed

Development Ordinance shall fulfill the plan requirements in the National Pollutant Discharge Elimination System permit;

(j) A copy of the consultation application to the Illinois Department of Natural Resources shall be submitted by the applicant to the Planning, Building and Development Director for development that is required to comply with the consultant process of the Illinois Endangered Species Protection Act (520 ILCS 10/11) and the Illinois Natural Areas Preservation Act (525 ILCS 30/17);

(k) A wetland submittal, if required, under § [151.146](#)(M); and

(l) A copy of the building plans and cost estimates in accordance with Federal Emergency Management Agency National Flood Insurance Program standards shall be submitted for modifications to existing structures in the Regulatory Floodplain.

1. A copy of building plans shall be submitted for modifications to existing structures in the Regulatory Floodplain: the building plans shall include a comprehensive materials list of all items directly associated with the structure. At the discretion of the Planning, Building and Development Director, the building plans and comprehensive materials list shall be signed and sealed by an Illinois Licensed Architect or Licensed Professional Engineer.

2. A minimum of two cost estimates shall be submitted for modifications to existing structures in the regulatory floodplain. The cost estimates shall reflect the fair market value of all materials and labor directly associated with the structure, including construction management, overhead, and profit costs: the estimates shall correlate with the comprehensive materials list and building plans. At the discretion of the Planning, Building and Development Director, additional supporting cost estimate information shall be submitted.

(3) *Dam safety permits.* The applicant shall obtain and provide, when applicable to the proposed development, a copy of an Illinois Department of Natural Resources (IDNR), Office of Water Resources (OWR), dam safety permit or a letter stating that a dam safety permit is not required before the applicant requests or obtains a site development permit (see [Appendix H](#) for dam safety permit requirements).

(4) *Federal, state, and local permits and approvals.*

(a) The applicant shall obtain and provide copies of any and all required federal, state, and local permits for development in the regulatory floodplain before the applicant requests or obtains a site development permit. (See [Appendix G](#) for a partial list of agencies from which permits may be required.)

(b) Lake County Division of Transportation approval is required prior to the issuance of a site development permit when the property's access is proposed or existing from a collector or arterial road. (See [Appendix B](#) for collector and arterial roads.)

(5) *Proposed revisions to base flood elevation or regulatory floodplain boundary.* The applicant shall submit, to the Planning, Building and Development Department, the Lake County Stormwater Management Commission, and the Federal Emergency Management Agency, the data required for proposed revisions to the base flood elevation of a regulatory floodplain study or relocation of a regulatory floodway boundary. The applicant shall also submit this data to Illinois Department of Natural Resources, Office of Water Resources, when the tributary area is greater than one square mile.

(6) *Ground elevations.* The applicant shall provide, when applicable to the development an affidavit or documentation to prove the location of the development relative to the base flood elevation prior to the effective date of the first regulatory floodplain map; and certification that the current ground elevation existed prior to the effective date of the first regulatory floodplain map.

(7) *Subsurface drainage tiles.* The applicant shall submit a subsurface drainage inventory. The inventory shall include locations of existing farm and storm drainage tiles by means of silt trenching and other appropriate methods performed by a qualified subsurface drainage consultant. All existing drain tile lines damaged during the investigation shall be repaired to their previous working status.

(a) The applicant shall provide a topographical map of the development site showing:

1. Location and depth of each trench and identified to correspond with the tile investigation report and surveyed points where the tile was field staked at approximately 50-foot intervals;

2. Location of each drain tile with a flow direction arrow, tile size, and any connection to adjoining properties;

3. A summary of the tile investigation report showing trench identification number, tile size, material and quality, percentage of the tile filled with water, percentage of restrictions caused by silting, depth of groundwater, and working status; and

4. Name, address, and phone number of person or firm conducting tile location investigation.

(b) Information collected during the Subsurface Drainage Inventory shall be used as part of the design and construction of a stormwater management system that meets the requirements of this chapter.

COMMENTARY:

The *Technical Reference Manual* prepared by the Lake County Stormwater Management Commission and the "Procedures and Standards for Urban Soil Erosion and Sedimentation Control" prepared by the Northeastern Illinois Soil Erosion and Sedimentation Control Steering Committee are references to be used in the preparation of the documents required for submission.

(Ord., § 8.1, passed 10-13-2009; Ord. passed 10-9-2012; Ord. passed - - ; Ord. 22-1060, passed 8-9-2022; Ord. 23-1056, passed 8-8-2023)

§ 151.146 PERFORMANCE STANDARDS FOR ALL DEVELOPMENT.

Development subject to the site development regulations shall comply with all applicable performance standards of this section. The performance standards for all development shall be considered in site planning and appropriately addressed in the drainage plan component of subdivisions, annexation agreements, preliminary plats, final plats, re-plats, manufactured home parks and planned unit developments. All plans, reports, and calculations required pursuant to these regulations shall fully demonstrate a proposed development's compliance with the following performance standards.

(A) *Plat and site plans.*

(1) To address the runoff volume reduction requirements of subsection (D), all streets, blocks, lots, deed- or plat-restricted areas, parks, and other public grounds shall be located and designed in such a manner as to preserve and utilize natural wetlands, flood-prone areas, channels, and best management practices and undisturbed native soil/plant areas utilized to meet the runoff volume reduction requirements.

(2) All plats and engineering plans shall show the base flood elevation and regulatory floodway limits, if applicable. They shall also include a signed statement by a licensed professional engineer that accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

(3) All plats and site plans that border on or include public bodies of water as defined by the Illinois Department of Natural Resources, Office of Water Resources and listed in [Appendix I](#) shall be submitted by the applicant to the Illinois Department of Natural Resources, Office of Water Resources for review and approval.

(4) Soil erosion and sediment control measures and stormwater management facilities shall be functional before general construction begins. Where development of a site is to proceed in phases, the soil erosion and sediment control measures needed for each phase shall be functional before the construction of that phase begins.

(5) All stormwater management systems within the ownership parcel shall be contained within an appropriately sized and located deed restriction or plat restriction. Stormwater management systems that service a single parcel or two parcels of property may be exempted from this requirement upon approval of the Planning, Building and Development Director.

(6) Modifications to a deed or plat restriction for the stormwater management system shall be approved by the Planning, Building and Development Director. Lot line modifications shall require Plat Committee approval.

(7) Pursuant to state law, a property owner of a parcel being subdivided adjacent to a state or county road right-of-way shall notify the proper highway authority in writing of the proposed subdivision, and request that the proper highway authority provide the amount of additional capacity in any stormwater detention facility to be constructed in the subdivision for the future availability of the highway authority for meeting stormwater detention requirements of any future public construction on the highway.

(B) *Runoff calculations.*

(1) For tributary drainage areas of 100 acres or more in area and for the determination of detention and depressional storage requirements, a Lake County Stormwater Management Commission-approved hydrograph-producing runoff calculation method shall be used. [Appendix J](#) also may be used, when appropriate and upon approval of the Planning, Building and Development Director, for determination of detention storage volumes.

(2) The Rational Method may be used to calculate discharges for areas of less than 100 acres. The Rational Method shall not be used to determine detention or depressional storage requirements.

(3) Rainfall data obtained from the Lake County Stormwater Management Commission (presented in [Appendix K](#)) shall be used for rainfall volume, storm distribution, return frequency, and event duration.

(4) Runoff calculations for all off-site drainage areas shall be based on anticipated future land use conditions or existing land use conditions, whichever yields the greater runoff. Anticipated future land use conditions will be based on future land use and existing storage facilities. Future detention facilities may be used for anticipated future land use conditions if approved by the Lake County Stormwater Management Commission Chief Engineer or, for tributary drainage areas less than 100 acres if approved by the Planning, Building and Development Director. Existing land use conditions will be based on existing land use and existing storage facilities. For each frequency storm event, runoff calculations will be based on the critical duration, for all durations presented in [Appendix K](#).

(5) Existing depressional storage volume shall be maintained and the volume of detention storage provided to meet the requirements of this chapter shall be in addition to the existing storage.

(6) For determination of soil runoff characteristics, areas of the development that are hydrologically disturbed and compacted shall be changed to the next higher hydrologic soil classification e.g., B to C, C

to D, or as approved by the Planning, Building and Development Director. Soil groups that are not hydrologically disturbed will retain their current runoff characteristics.

(7) Areas that are deed or plat restricted for native planting areas may be determined to have lower runoff characteristics, and may be taken into account when meeting the runoff volume reduction requirements of this chapter. The Planning, Building and Development Director may determine these areas can be excluded from the required detention volume calculation.

(C) *Release rates and discharges.*

(1) Unless otherwise specified in a county-adopted basin plan, floodplain study, or [Appendix L](#), the detention volume required shall be calculated using a rating curve based on maximum release rates of 0.04 cubic feet per second, per acre for the two-year, 24-hour storm event, nor 0.15 cubic feet per second, per acre for the 100-year, 24-hour storm event. The release rate requirements shall apply to the hydrologically disturbed area of the ownership parcel unless the Planning, Building and Development Director determines that specific locations of the ownership parcel have unique circumstances such that the release rate shall apply to a broader or smaller area. The release rate requirements shall only apply to the developments listed in § [151.145](#)(B)(6).

(2) All concentrated stormwater discharges must be conveyed into a maintainable outlet with adequate downstream stormwater capacity (as defined in § [151.271](#)) and will not result in increased flood and drainage hazard. An existing channel, storm sewer or overland flow path is said to have adequate downstream capacity when it can be shown to accommodate up to and including the 100-year stormwater runoff without increasing property damage to the adjacent property or to a point downstream known to be a restriction causing significant backwater.

(3) The design of stormwater drainage systems shall not result in the interbasin transfer of drainage, unless no reasonably feasible alternative exists. The Planning, Building and Development Director may also allow interbasin transfer if the transfer relieves a known drainage hazard and there is adequate downstream stormwater capacity.

(4) There shall be a minimum of one foot of freeboard above the base flood elevation on all detention/retention basins.

(5) Watershed-specific release rates are tabulated in [Appendix L](#).

(6) The combined release from the detention facility outlet and the outlet designed to meet wetland hydrology requirements of subsection (M)(7) shall not exceed either the two- or 100-year allowable release rates, respectively. The wetland hydrology requirement or minimum outlet restrictor size may take precedence over the allowed release rate, provided there is adequate downstream capacity as determined by the Planning, Building and Development Director.

(7) The applicant shall prohibit illicit discharges generated during the development process from entering into the stormwater management system. Discharges of stormwater from a development site shall be in conformance with the soil erosion and sediment control practices contained in §§ [151.145](#) through [151.154](#) of this chapter.

(D) *Runoff volume reduction (RVR).*

(1) Applicants shall choose a strategies that minimize stormwater runoff volumes and addresses water quality impairments. The site development plan shall incorporate stormwater infiltration, evapotranspiration, reuse, or other methods, into the project. The applicant shall use appropriate green infrastructure techniques and best management practices to reduce runoff volume, according to the following hierarchy, in order of preference, in preparing a stormwater management plan:

(a) Preservation and enforcement of the stormwater management benefits of the natural resource features of the development site (e.g., areas of Hydrologic Soil Groups A and B, floodplains, waters of the United States, isolated waters of Lake County, channels, drainageways, prairies, savannas, and woodlands);

(b) Minimization or disconnection of impervious surfaces;

(c) Enhancement of the infiltration and storage characteristics of the development site using appropriate best management practices;

(d) The use of open channels with native vegetation to convey stormwater runoff;

(e) Structural measures that provide water quality and volume reduction;

(f) Structural measures that provide only volume reduction or other rainwater harvesting practices;

(g) Measures that provide water quality and quantity control; and

(h) Measures that provide only quantity control.

(2) (a) Runoff volume reduction (RVR), Quantitative Standard. The minimum RVR quantitative standard shall be the volume achieved utilizing applicable RVR Credits, as determined by the applicant and approved by the Planning, Building and Development Director, based on the maximum extent practicable, for the following development. The term "new" for the RVR Quantitative Standard refers to impervious surface created after April 1, 2009.

(b) Minor and Major Development that result in at least one acre hydrologic disturbance and more than 0.5 acre of new impervious surface area; Redevelopment of previously developed sites that result in at least one acre hydrologic disturbance:

1. *RVR implementation criteria.*

a. Runoff volume reduction quantity shall be implemented with appropriate methods, as approved by the Planning, Building and Development Director, which may include the following: best management practices: green infrastructure: detention facilities: and preservation or enhancement of natural streams, wetlands, and areas with deed restricted native vegetation.

b. Best management practices, and the portion of the detention facility designed to meet this provision, shall be designed to dewater the RVR quantity in no greater than 96 hours. The applicant shall provide infiltration rate information for each RVR practice. The use of an under drain system may be incorporated into the design in order to achieve the required draw down time. Under drain systems shall be designed to dewater the RVR quantity in not less than 48 hours.

2. *RVR credits.* The following credits may be used alone or in combination to meet the RVR quantity requirement:

a. *Detention facility credit.* Up to 50% of the RVR quantity may be provided within the portion of the detention facilities that have been designed to meet this standard. The volume provided to meet this provision shall be below the elevation of the primary outlet for the RVR portion of the facility.

b. *Native vegetation cover credit.* Up to 100% of the reduced two-year, 24-hour runoff volume achieved with native vegetation in deed or plat restricted areas (e.g., compensatory storage and buffer areas) as described in Soil Runoff Characteristics (subsection (B)(6) above) and Linear Water Bodies (subsection (H)(6) below).

c. *Isolated wetland hydrology credit.* A maximum of 100% of the existing two-year, 24-hour runoff volume to a preserved IWLC if the Wetland Hydrology (subsection (M)(7) below) and Water Quality Treatment (subsection (H)(4) below) requirements are met.

d. *Water quality treatment credit.* Up to 100% of the volume utilized to meet the Water Quality Treatment Volume (subsection (H)(4) below).

e. *Off-site RVR credit.* RVR practices may be provided on off-site, localized properties that are within the same basin. Deed or plat restrictions shall be obtained and recorded on off-site properties to assure perpetual operation and maintenance of RVR facilities.

f. *Best management practice and green infrastructure credits.* Up to 100% of the volume within the practices designed to meet this standard.

(E) *New stormwater facilities.* The design of all new stormwater facilities shall comply with the following standards:

(1) All new stormwater infiltration, retention and detention basins shall be provided with an emergency overflow structure capable of passing the critical duration base flood inflow rate without damages to downstream structures or property;

(2) (a) New stormwater infiltration, retention and detention basins required to meet a development's discharge requirements shall be designed to bypass off-site tributary flow from channels unless approved by the Planning, Building and Development Director;

(b) All parcels within the established flood table land's elevation criteria of a detention facility design high water level shall be protected from flooding as follows:

1. For detention facilities with less than 100 acres of tributary area, all structures in parcels containing or adjoining the facility shall have a lowest adjacent grade a minimum of one foot above the design high water elevation within the emergency overflow structure.

2. For detention facilities with greater than or equal to 100 acres of tributary area, all structures in parcels containing or adjoining the facility shall meet the requirements of § [151.149\(H\)](#) at an elevation two feet above the design high water elevation within the emergency overflow structure. New residential structures may have the lowest floor below this elevation if structurally dry flood-proofed to at least two feet above the design high-water elevation within the emergency overflow structure.

(3) Single pipe outlets shall have a minimum inside diameter of 12 inches. If design release rates call for smaller outlets, a design that minimizes the possibility of clogging shall be used. Minimum outlet restrictor size shall be four inches, provided there is adequate downstream capacity. Detention volumes and corresponding high water level required for a development shall be determined by using the appropriate release rates specified in subsection (C) regardless of a minimum outlet restrictor size;

(4) Outlet control structures shall be designed as simply as possible and shall operate automatically. They will be designed to limit discharges into existing or planned downstream channels or conduits so as not to exceed predetermined safe capacities and not in excess of flows which would have occurred with the land in its natural, undeveloped condition.

(5) The approach slopes of the basin shall conform as closely as possible to natural land contours. Regrading is preferable if necessary to keep the slopes under 10%. Erosion control measures shall be provided as well as devices or measures to ensure public safety;

(6) Any work involving the construction, modification or removal of a dam as defined in 17 Ill. Adm. Code 3702 (Rules for Construction of Dams) shall obtain an Illinois Department of Natural Resources,

Office of Water Resources Dam Safety permit, or a letter stating that a permit is not required, prior to the start of the activity;

(7) With the approval of the Planning, Building and Development Director, stormwater retention and detention basins may be constructed in the regulatory floodplain. Lost floodplain storage volume due to fill, structures, and detention storage shall be replaced with compensatory storage in accordance with § [151.149](#). No credit may be taken for storage volume below the base flood elevation. (See also § [151.147](#).);

(8) No new stormwater detention or retention basin shall be located closer than ten feet plus one and one-half times the depth of the basin to the ultimate right-of-way of any public road, without the written permission of the highway authority having jurisdiction over the right-of-way. Likewise, the toe of any berm used to create a basin shall be a minimum of ten feet from the ultimate right-of-way;

COMMENTARY:

Best management practices are presented in the Lake County Stormwater Management Commission's *Technical Reference Manual*.

(9) For basins designed without permanent pools (dry bottom type), provisions must be incorporated to facilitate interior drainage, to include positive grades to outlet structures (bottom of basins must be a minimum of 2% grade), longitudinal and transverse grades to perimeter drainage facilities, or the installation of sub-surface drains. Wherever practical the interior drainage shall be provided over non-erosive vegetative surfaces. When vegetation cannot be established, a rip-rap or concrete swale or underdrain shall be provided from the inlet structure to the outlet structure. Multi-purpose features may be designed as part of dry bottom detention facilities; however, the features must be designed to serve only secondary purposes for recreation, open space, or other uses which will not be adversely affected by occasional or intermittent flooding;

(10) For basins designed with permanent pools (wet bottom type):

(a) The minimum normal depth of water before the introduction of excess stormwater shall be four feet;

(b) If fish are stocked, at least one-fourth of the area of the permanent pool must have a minimum depth of 12 feet;

(c) For emergency purposes, cleaning or shoreline/buffer maintenance, facilities shall be provided or plans prepared for the use of auxiliary equipment to permit emptying and drainage;

(d) Approach slopes shall be at least 6:1 but not more than 3:1 and shall be at least four feet wide and shall slope towards the basin. A minimum eight-foot wide safety shelf with a maximum depth of three feet below normal water level sloped back towards the shoreline. The side slopes shall be of non-eroding material with a slope of 1:1 or less. Alternate designs for side slopes may be considered under special circumstances and when approved by the Planning, Building and Development Director; and

(e) Sediment storage shall be provided in all detention/retention basins. The amount of sediment storage capacity shall be determined by the Planning, Building and Development Director based on size of the development, soil types, construction methods, basin design, and other relevant factors.

(11) For basins designed as a wetland type basin, provisions must be incorporated to facilitate interior drainage, to include positive grades to outlet structures, longitudinal and transverse grades to perimeter drainage facilities, or the installation of sub-surface drains. A basin plan shall be prepared for the establishment and maintenance of the wetland vegetation. Multi-purpose features may be designed as part of dry bottom detention facilities; however, the features must be designed to serve only

secondary purposes for recreation, open space, or other uses which will not be adversely affected by occasional or intermittent flooding;

(12) Detention storage may be met in total or in part by detention on flat roofs. Details of designs to be included in the building permit application shall include the depth and volume of storage, details of outlet devices and downdrains, elevation of overflow scuppers, design loadings for the roof structure and emergency overflow provisions. Direct connection of roof drains to sanitary sewers is prohibited;

(13) Paved parking lots may be designed to provide temporary detention storage of stormwater on all or a portion of their surfaces. Outlets will be designed so as to slowly empty the stored waters, and the depth of storage must be limited to not greater than six inches so as to prevent damage to parked vehicles;

(14) All or a portion of the required detention storage may be provided in underground facilities with the approval of the Planning, Building and Development Director. No detention storage may be provided in or under the ultimate right-of-way of any public road;

(15) On-stream detention.

(a) All on-stream detention shall provide a Detention Volume Safety Factor as follows:

1. The Detention Volume Safety Factor is applied to the volume of on-stream detention necessary to meet the Watershed Development Ordinance site requirements.

2. The Detention Volume Safety Factor is equal to one plus 0.05 times the ratio of off-site tributary area to on-site tributary area.

3. The maximum Detention Volume Safety Factor shall be 1.5.

(b) No on-stream detention shall be allowed with an off-site to on-site tributary area greater than 10:1 except for development providing a watershed benefit.

(c) On-stream detention shall not be permissible if the tributary drainage area is greater than 640 acres except for detention that provides a watershed benefit.

(d) The release rate shall be 0.04 cubic feet per second per acre of the total tributary (on-site and off-site) at the elevation created by impoundment of the on-site two-year storm volume plus the Detention Volume Safety Factor, and 0.15 cubic feet per second per acre of the total tributary area (on-site and off-site) at the elevation created by impoundment of the on-site 100-year storm volume plus the Detention Volume Safety Factor. The release rate shall be calculated using the 24-hour storm event. This release rate calculation shall be used unless other site conditions warrant further analysis and modification from this standard or unless watershed specific release rates have been adopted as listed in [Appendix L](#).

(e) On-stream detention shall provide water quality treatment. One of the following two methods shall be used:

1. A wet detention facility with a minimum permanent pool volume equal to the calculated sediment volume accumulated over a one-year period for the entire upstream watershed and an average normal water depth of at least four feet. The facility shall also have a live storage volume that, at a minimum, equals the water quality treatment standards of subsection (H)(4) for the development site; or

2. A separate off-line siltation basin with a volume meeting the water quality treatment standards of subsection (H)(4) for the tributary drainage area to the sediment basin.

(f) Impoundment of the stream as part of on-stream detention shall be designed to allow the migration and movement of present or potentially present indigenous species, which require access to

upstream areas as part of their life cycle. The impoundment shall not cause or contribute to the degradation of water quality or stream aquatic habitat.

(g) Compensatory storage requirements shall be satisfied.

(h) No on-stream detention shall be allowed in areas designated as an exceptional functional value wetland.

(16) Fee-in-lieu of on-site stormwater storage.

(a) The Planning, Building and Development Department may require, as part of an adopted basin plan or floodplain study, the payment of a fee-in-lieu of on-site stormwater storage to fulfill all or part of the on-site stormwater storage requirement for development. The adoption of a floodplain study or basin plan is per § [151.032](#)(A)(17)(c) of this chapter.

(b) The following fee-in-lieu of on-site stormwater storage procedures apply:

1. The Planning, Building and Development Director may require, or the applicant may submit, a written request for the payment of a fee-in-lieu of on-site stormwater storage to fulfill all or part of the on-site detention requirement below the detention threshold minimum limit set by this chapter in division (B)(6) of this section and for compensatory storage requirements for streambank and shoreline restoration fills of less than 200 cubic yards. A request for fee-in-lieu of on-site stormwater storage shall be either rejected or approved within 45 days of the written request unless additional engineering studies are required.

2. Approval of a request for fee-in-lieu of on-site stormwater storage on a development site below the detention threshold in division (B)(6) of this section and for compensatory storage requirements for streambank and shoreline restoration fills of less than 200 cubic yards shall be determined by the Planning, Building and Development Director.

3. Fee-in-lieu of on-site stormwater storage shall be the lesser of:

A. The fee computed for each acre-foot or cubic yard or part thereof of stormwater storage; or

B. The estimated construction cost of the applicant's proposed and approved on-site stormwater storage, including land costs.

4. A fund will be maintained for each of the four major Lake County watersheds for the purpose of identifying and controlling all revenues and expenditures resulting from fee-in-lieu of on-site stormwater storage approvals. All fee-in-lieu of on-site stormwater storage revenues received from each watershed shall be deposited in these funds for use within that watershed.

5. The following requirements must be met before a fee-in-lieu of on-site stormwater storage will be approved:

A. The downstream stormwater management system has adequate downstream stormwater capacity (see § [151.271](#) Terms Defined); and

B. The Planning, Building and Development Department has an adopted fee-in-lieu of on-site stormwater storage program.

6. Fee-in-lieu of on-site stormwater storage revenues may be used to plan, design, or construct an upgrade to existing or future stormwater management systems if the upgrade is consistent with a basin plan, floodplain study, or stormwater system improvement.

(c) The following fee-in-lieu of on-site stormwater storage procedures shall be authorized for all developments permitted after October 13, 2020:

1. The Planning, Building and Development Director may require, or the applicant may submit, a written request for the payment of a fee-in-lieu of on-site stormwater storage to fulfill all or part of the on-site detention requirement above the 50-year, 24-hour detention volume using Appendix K: Rainfall Depth Duration Frequency Tables for Lake County. A request for fee-in-lieu of on-site stormwater storage shall be either rejected or approved within 45 days of the written request unless additional engineering studies are required.

2. Approval of a request for fee-in-lieu of on-site stormwater storage on a development site above the 50-year, 24-hour detention volume shall be determined by the Lake County Planning, Building and Development Director.

3. Fee-in-lieu of on-site stormwater storage shall be the fee computed for each acre-foot or part thereof of stormwater storage.

4. A fund will be maintained for each of the four major Lake County watersheds for the purpose of identifying and controlling all revenues and expenditures resulting from fee-in-lieu of on-site stormwater storage approvals. All fee-in-lieu of on-site stormwater storage revenues received from each watershed shall be deposited in these funds for use within that watershed.

5. The following requirements must be met before a fee-in-lieu of on-site stormwater storage will be approved:

A. The downstream stormwater management system has adequate downstream stormwater capacity (see § [151.271](#) Terms Defined); and

B. The Planning, Building and Development Department has an adopted fee-in-lieu of on-site stormwater storage program.

6. Fee-in-lieu of on-site stormwater storage revenues shall be used to design, maintain, or construct an upgrade to existing or future stormwater management systems if the upgrade is consistent with a basin plan, floodplain study, or stormwater system improvement.

(17) An access easement wide enough to allow the passage of construction traffic must be provided to any detention basin not adjacent to a public right-of-way;

(18) Impounding berms or walls for stormwater retention and detention facilities shall be designed and constructed to withstand all expected forces, including but not limited to erosion, pressure and uplift. The applicant shall submit material and compaction design specifications for earthen impoundments and provide as-built information verifying that the construction condition meets the design requirements. Impounding berms or walls shall be represented on the design plans and signed and sealed by a licensed professional or structural engineer;

(19) The top of the impounding structure shall be a minimum of one foot above the design high water level within the emergency overflow structure based on subsection (E)(1) above; and

(20) All stormwater facilities, when determined applicable by the Planning, Building and Development Director, shall be provided with features for maintenance and emergency ingress and egress capability.

(F) *Existing stormwater facilities.*

(1) Existing lakes, ponds or stormwater basins may be utilized to provide for the stormwater detention required by this section, provided that the storage capacity of the existing basin and its ability to function to provide for the intent of the regulations of this section shall be verified to the satisfaction of the Planning, Building and Development Director. In these cases, the existing basin shall comply with all of the design and engineering standards for new stormwater basins, as established in subsection (E),

except when the Planning, Building and Development Director finds that the modification of the existing basin to comply with the standards of this section would not be practical nor desirable, and provided that the deviation from the standards of this section will not serve to compromise the overall intent of this section.

(2) Wetlands may be utilized to provide for the stormwater detention required by this section, provided that the existing depressional storage volume of the wetland is maintained and that the volume of detention storage provided to meet the requirements of this section is in addition to the existing storage volume. The use of wetlands for stormwater detention purposes is subject to the following standards.

(a) If the wetland will be excavated or if the proposed outlet structure elevation is set above the existing normal water elevation of the wetland, the proposed basin shall comply with all of the design and engineering standards for new stormwater basins established in subsection (E) (except when the Planning, Building and Development Director finds that the modification of the wetland to comply with the standards of this section would not be practical nor desirable, and provided that the deviation from the standards of this section will not serve to compromise the overall intent of this section). The use of wetlands for stormwater detention purposes may require U.S. Army Corps of Engineers approval (see subsection (M)(1) below).

(b) If the wetland will not be excavated and if the proposed outlet structure elevation is set at the existing normal water elevation of the wetland, the proposed basin shall not be required to comply with the design and engineering standards for new stormwater basins, as established in subsection (E) above. The use of wetlands in this manner may require U.S. Army Corps of Engineers approval.

(c) A management plan for maintaining the existing storage volume shall be prepared.

(G) *Joint development/use of stormwater management facilities.*

(1) Stormwater management facilities may be planned in coordination by two or more developments or land owners as long as flood and/or stormwater hazards are not increased at intervening locations, and shall be encouraged by the county wherever feasible. In these cases, a maintenance agreement, approved by the Planning, Building and Development Director, shall be established between the developments or land owners and recorded with the Lake County Recorder (see subsection (I) below).

(2) In the event that an existing stormwater management facility is, in whole or in part, under the sole and exclusive control of a separate individual or governmental agency, the Planning, Building and Development Director shall not permit the use of the existing facility unless the individual or governmental agency having the sole and exclusive control grants its permission for the use of the existing facility. Permission granting the use of the stormwater management facility shall be in writing and must be presented to the Planning, Building and Development Director.

(H) *Stormwater conveyance systems.*

(1) *Storm sewers and swales.*

(a) The ten-year design storm shall be used as a minimum for the design of storm sewers, swales, and appurtenances. Storm sewers shall have a minimum diameter of 12 inches, with the exception that storm sewers servicing a single parcel may be excused from this requirement upon approval of the Planning, Building and Development Director. Storm sewer design analysis shall be calculated under full flow conditions, unless prior approval from the Planning, Building and Development Director is received for an alternate flow condition (e.g., pressure flow).

(b) The development shall not connect to sanitary sewers or to existing agricultural stormwater management systems (tiles) as an outflow for the stormwater management system. Field tile systems

disturbed during the process of land development must be reconnected by those responsible for their disturbance unless the approved drainage plan includes provisions for their relocation.

(c) All storm sewers shall be located in a public road right-of-way or drainage easement of sufficient size to maintain or reconstruct the sewer. A covenant, running with the land, shall be recorded with the easements describing the maintenance responsibilities in the easements (see subsection (l) below). Prior to the construction of any storm sewer within an existing public road right-of-way, written permission must be obtained from the highway authority having jurisdiction over the right-of-way.

(d) All on-site stormwater management systems shall be designed and constructed to withstand the expected velocity of flow from all events up to the base flood without erosion. Stabilization adequate to prevent erosion shall be provided at the inlets and outlets of all pipe transitions and paved channels.

(e) All swales utilized as part of the stormwater management system for a development shall be located within a deed-restricted or plat-restricted area of sufficient size to maintain or reconstruct the swale.

(f) All swales must be a minimum 2% grade unless the Planning, Building and Development Director determines that the existing site conditions will prohibit that grade.

(g) Surface outflows onto adjoining properties shall be designed to release as sheet flow using level spreader trenches unless alternative designs are approved by the Planning, Building and Development Director.

(h) For agricultural drain tiles (tiles) the following provisions shall apply.

1. Field tile systems disturbed during the process of development shall be reconnected by those responsible for their disturbance unless the approved drainage plan includes provisions for these.

2. Observation structures, or similar maintenance and inspection access structures, shall be installed within the development at the suitable points of ingress and egress.

3. The applicant shall notify adjoining downstream property owners in writing of any proposed stormwater facility outlet location and design. The development design shall utilize, where practical and approved by the Planning, Building and Development Director, outflow locations that have an existing tile leaving the development site. A subsurface connection to the tile shall be constructed as a low flow outlet. A surface outlet shall be designed for the development site outflows based on the assumption the downstream tile will cease to function.

4. Drain tiles within the disturbed portions of the ownership parcel shall be replaced or intercepted and connected into the proposed stormwater management system or a bypass. The system or bypass shall be of an equivalent size.

5. Drain tiles located within an ownership parcel may be removed or disabled provided that a maintainable outlet exists or is installed to prevent flood damages to off-site properties.

6. If the development stormwater management system depends on existing drain tiles for stormwater conveyance or water surface elevation control, a maintainable outlet is required.

7. The locations for existing drain tiles within the ownership parcel shall be defined using the Subsurface Drainage Inventory. Recorded deed or plat restrictions shall be provided for all existing and replaced drain tiles within the ownership parcel which are part of the stormwater management system. Drain tiles that service a single parcel of property may be excused from this requirement upon approval of the Planning, Building and Development Director.

8. The maintenance plan per § [151.145](#)(F)(2)(f)3. shall include the type and frequency of maintenance for all existing and replaced drain tiles within the ownership parcel which are part of the stormwater management system.

(2) *Sump pump and drain tile discharges.*

(a) The connection of sump pumps, roof drain tile systems or any other new drain tile line, or the discharge of groundwater or stormwater into sanitary sewers shall not be permitted.

(b) Sump pumps, roof drain tile systems or any other new drain tile line shall discharge into any channel that has adequate downstream capacity, other than the open drainage system (e.g., a roadside ditch) of a public road right-of-way. When there exists no channel with adequate downstream capacity, other than the open drainage system of a public road right-of-way, sump pumps, roof drain tile systems, or any other new drain tile line may discharge into the open drainage system of a public road right-of-way. When existing conditions permit, however, the discharge point shall be no closer than 20 feet from the road right-of-way and water from the discharge point shall flow to the right-of-way via a non-channelized, non-erosive, non-impervious surface (i.e., sheet flow over grass). The discharge from a sump pump, roof drain tile system, or any other new drain tile line shall be conveyed in a manner which does not impact adjoining property owners.

(c) The direct connection of sump pumps, roof drain tile systems, or any other new drain tile line into a closed drainage system (e.g., a storm sewer), designed to accommodate the stormwater or groundwater discharges, is encouraged within new developments. The connection of sump pumps, roof drain tile systems, or any other new drain tile line into an existing closed drainage system shall only be permitted when the ability of the existing drainage system to accommodate the stormwater or groundwater discharges is verified by the applicant.

(3) *Overland flow paths.*

(a) *Generally.* All areas of development must provide an overland flow path that will pass the base flood flow without damage to structures or property. If the upstream drainage area is less than 20 acres, a storm sewer pipe and inlet systems sized for the base flood can be constructed in lieu of providing an overland flow path.

(b) *Flow rate.* The flow rate for the base flood shall establish overland flow path limits, and it shall include all on-site and off-site tributary areas in accordance with subsection (B) above.

(c) *Deed of plat - restricted area.* All proposed overland flow paths shall be located within a deed-restricted or plat-restricted area of sufficient size to maintain or reconstruct the overland flow path. The overland flow path shall be protected from any activity, such as fencing, landscaping, or storage shed placement, which could impair its function. This protection shall be established through a properly recorded deed or plat restriction.

(d) *Less than 20 acres.* For overland flow paths with less than 20 acres tributary area, all structures on a parcel containing or adjoining to an overland flow path or other high water level designation shall have a lowest adjacent grade a minimum of one-half foot above the design high water.

(e) *Over 20 acres.* For overland flow paths with greater than or equal to 20 acres tributary drainage area but less than 100 acres, all structures on parcels containing or adjoining to an overland flow path or other high water level designation shall have a lowest adjacent grade a minimum of one foot above the design high water elevation.

(f) *Public health protection.*

1. No development in or adjacent to an overland flow path shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below one foot above the design high water elevation of the overland flow path.

2. New and replacement water supply systems, wells, and sanitary sewer lines may be permitted providing all manholes or other above-ground openings located below the design high water elevation of the overland flow path are watertight.

3. On-site individual sewage disposal systems in or adjacent to an overland flow path shall be designed to avoid inundation by the base flood.

(4) *Water quality treatment.* Water quality treatment standards can be achieved by combining the Runoff Volume Reduction requirements in subsection (D) above and the following requirements. The following water quality requirements apply to developments that result in at least 0.5 acre of new impervious surface area, where “new” is defined in § [151.145\(B\)\(6\)](#). The volume of runoff kept on-site to meet the Runoff Volume Reduction requirements of this chapter (subsection (D)(1) above) may be deducted from the required water quality treatment volume.

COMMENTARY:

Best management practices are presented in the Lake County Stormwater Management Commission’s *Technical Reference Manual*.

(a) Prior to discharging to waters of the United States, isolated waters of Lake County or adjoining property, development shall divert and detain at least the first 0.01 inch of runoff for every 1% of impervious surface for the “development with a minimum volume equal to 0.2 inches of runoff (e.g., 20% or less impervious = 0.2, 50% impervious = 0.5, 90% impervious = 0.9); or provide a similar level of treatment of runoff as approved by the Planning, Building and Development Director and consistent with best management practices.

(b) Where practical, stormwater shall discharge into the buffer area of a wetland, or water body rather than directly into the wetland, lake, or pond. The discharges shall enter the buffer as unconcentrated flow with appropriate energy dissipation measures to prevent erosion.

(c) A buffer shall be established between design normal and high water levels around stormwater management facilities constructed for water quality treatment to enhance treatment effectiveness. The buffer area planting plan shall use the *Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois*, NRCS, et al., (as amended) as a minimum standard.

(d) Hydrocarbon (e.g., oil and grease) removal technology shall be required using a volume of one-half inch of runoff for the new impervious surface tributary area to each treatment device and meeting a minimum 70% removal rate for all development classified as follows:

1. Vehicle fueling and servicing facilities; and
2. Parking lots with more than 25 new stalls.

(5) *Buffer areas.*

(a) Buffer areas shall be required for all areas defined as either “waters of the United States” or “isolated waters of Lake County”. Buffer areas are divided into two types, linear buffers and water body buffers.

1. Linear buffers shall be designated along both sides of all linear water bodies meeting the definition of “waters of the United States”.

a. When the linear water body has a watershed greater than 20 acres but less than one square mile, the minimum buffer width shall be 50 feet on each side of the linear water body.

b. When the linear water body has a watershed greater than one square mile, the minimum buffer width shall be 30 feet on each side of the linear water body.

c. Linear exceptional functional value wetlands and streams with an Index of Biotic Integrity greater than 40 shall have a minimum buffer width of 100 feet on each side of the linear water body. (Initial IBI based on the Illinois Environmental Protection Agency's *Illinois Water Quality Report*, biannual. A site specific IBI assessment may override this report.)

2. Water body buffers shall encompass all nonlinear bodies of water meeting the definition of either waters of the United States or isolated waters of Lake County. The buffer width shall be determined as follows:

a. For all water bodies or wetlands with a total surface area greater than one-third acre but less than one acre, a minimum buffer width of 30 feet shall be established;

b. For all water bodies or wetlands with a total surface area greater than or equal to one acre but less than two and one-half acres, a minimum buffer width of 40 feet shall be established; and

c. For all water bodies or wetlands with a total surface area greater than or equal to two and one-half acres, a minimum buffer width of 50 feet shall be established.

3. A buffer shall be established between design normal and high water levels around stormwater management facilities constructed for water quality treatment to enhance treatment effectiveness. The buffer area planting plan shall use the *Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois*, NRCS, et al. (as amended) as a minimum standard.

(b) Nonlinear high-quality aquatic resources shall have a minimum buffer width of 100 feet.

(c) Areas having state or federal threatened and endangered species present or for Illinois Natural Area Inventory Sites, buffer widths may be modified upon approval of the Planning, Building and Development Director, to meet the terms and conditions specified during consultation with the Illinois Department of Natural Resources or United States Fish and Wildlife Service pursuant to state and federal laws and regulations.

(d) The buffer area for all water bodies meeting the definition of waters of the United States or isolated waters of Lake County shall extend from the ordinary high water mark. The buffer area for wetlands shall extend from the edge of the delineated wetland. A property may contain a buffer area that originates from waters of the United States or isolated waters of Lake County on another property.

(e) Features of the stormwater management system approved by the Planning, Building and Development Director may be within the buffer area of a development.

(f) Access through buffer areas shall be provided, when necessary, for maintenance purposes.

(g) All roadside drainage ditches, and excavated detention facilities in existence on August 10, 1999, borrow pits, quarries, and improvements to existing public road developments or alignments are exempt from buffer requirements.

(h) Stormwater discharges that enter a buffer shall have appropriate energy dissipation measure to prevent erosion and scour.

(i) All buffer areas shall be maintained free from development including disturbance of the soil, dumping or filling, erection of structures and placement of impervious surfaces except as follows.

1. A buffer area may be used for passive recreation (e.g., birdwatching, walking, jogging, bicycling, horseback riding and picnicking) and it may contain pedestrian, bicycle, or equestrian trails.

2. Structures and impervious surfaces (including trails, paths) may occupy a maximum of 20% of the buffer area, provided the runoff from the facilities is diverted away from the waters of the United States or Isolated Waters of Lake county or the runoff is directed to enter the buffer area as unconcentrated flow.

3. Utility maintenance, construction of stormwater facilities, and maintenance of stormwater facilities shall be allowed.

4. Boat docks, boathouses, and piers may be allowed and the provisions of subsection (H)(5)(i)2. above shall not apply.

5. Buffer areas hydrologically disturbed by allowed construction or as part of a re-vegetation plan shall be re-vegetated using the *Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois*, NRCS et al. (as amended), as a minimum standard.

(j) A minimum of a one-foot temporary construction buffer from the limits of the waters of the United States or isolated waters of Lake County shall be required unless the adjacent wetland is considered impacted or enhanced. The one-foot temporary construction buffer shall be marked by construction fencing (Illinois Department of Transportation Standard) and installed prior to the start of all other construction activities. All other construction activities, including soil erosion and sediment control features, shall take place on the non-wetland side of the construction fencing.

(k) Buffer averaging: the buffer width for a development site may be varied to a minimum of one-half of the buffer width required, upon approval of the Planning, Building and Development Director, provided that the total buffer area required is achieved adjacent to the waters of the United States or isolated waters of Lake County being buffered. The consultation process of the Illinois Department of Natural Resources or U.S. Fish and Wildlife Service may override the ability to average buffer areas upon approval of the Planning, Building and Development Director.

(l) Preservation of buffer areas shall be provided by deed or plat restriction.

(m) The buffer area of a development site may be subtracted from the water quality volume required.

(6) *Linear water bodies.*

(a) Linear water bodies are to be conserved (see § [151.071](#)(G)).

(b) Appropriate uses:

1. For linear water bodies with a tributary drainage area of less than 20 acres, the establishment of any use permitted by the underlying zoning district is permitted in the linear water body, provided that provisions are made to pass the base flood flow without damage to structures or property.

2. For linear water bodies with a tributary drainage area of 20 acres or more, only the construction, modification, repair, or replacement of the uses listed below will be allowed in the linear water body, and provided that the uses will not cause an increase in flood heights for all flood events up to and including the base flood. The placement of any new structures, fill, building additions, fencing (including landscaping or plantings designed to act as a fence), and storage of materials is not permitted in the linear water body except as specifically permitted for the following uses:

a. Public flood control structures and private improvements relating to the control of drainage and flooding of existing buildings, erosion, water quality, or habitat for fish and wildlife;

b. Structures or facilities relating to functionally water dependent uses such as facilities and improvements relating to recreational boating, and as modifications or additions to existing wastewater treatment facilities;

c. Storm and sanitary sewer outfalls;

d. Underground and overhead utilities if sufficiently flood-proofed;

e. Bridges, culverts, and associated roadways, sidewalks, and railways, necessary for crossing over the linear water body; and

f. Linear water body regrading, without fill, to create a positive non-erosive slope toward a linear water body.

(c) Linear water body modification:

1. All development or modification of a linear water body with a tributary drainage area of 640 acres or more is subject to compliance with the standards for regulatory floodway development contained in § [151.147](#). All development or modification of a linear water body with a tributary drainage area of 100 acres or more is subject to compliance with the standards for flood-prone area development contained in § [151.147](#).

2. All linear water body modification is subject to compliance with the following standards.

a. Stormwater velocities at the discharge point of a modified linear water body shall not exceed those of the existing linear water body at the same point.

b. If a stream or linear water body meeting the definition of waters of the United States or isolated waters of Lake County is modified, a stream or linear water body mitigation plan shall be submitted for review and approval to the Planning, Building and Development Director. The plan shall show how the physical characteristics of the modified linear water body shall, at a minimum, meet the existing linear water body in length, cross-section, slope, sinuosity, and carrying capacity of the original linear water body. The plan shall also reestablish vegetation within the stream and overbanks using the *Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois*, NRCS, et al. (as amended), as a minimum standard for the re-vegetation plan.

c. All disturbed areas associated with a linear water body modification, including the buffer or setback area, shall be seeded or otherwise stabilized in accordance with subsection (J) below.

d. Prior to the commencement of linear water body modification, an approved and effective means to reduce sedimentation and degradation of downstream water quality shall be installed. The measures and practices utilized to reduce sedimentation and degradation of downstream water quality shall be maintained throughout the construction period.

e. New or relocated linear water bodies shall be built in the dry. All items of construction, including vegetation, shall be completed prior to diversion of water into the new linear water body.

f. New or relocated linear water bodies with a tributary drainage area of 20 acres or more shall be built no closer than 30 feet to the ultimate rights-of-way of any public collectors, arterials, or freeways; buildings; structures or other impervious surface areas (e.g., driveways and parking areas) except when the Planning, Building and Development Director finds that existing conditions, such as the exceptional narrowness of a platted lot, will prohibit the reasonable use of a property if the 30-foot setback is imposed. The buffer requirements of subsection (H)(5) above shall also be met. In no event shall relocated water bodies be located closer than ten feet to the ultimate right-of-way of public roads.

g. Linear water bodies shall be expected to withstand all flood events up to the base flood without increased erosion. The use of armoring of banks using bulkheads, rip-rap and other materials shall be avoided. Armoring shall only be used where erosion cannot be prevented in any other way such as use of vegetation or gradual slopes. The armoring shall have minimal impact on other properties, linear water bodies, and the existing land configuration.

h. All new or relocated linear water bodies shall be located within a drainage easement. For new or relocated linear water bodies draining 20 or more acres, the drainage easement shall extend at least 12 feet from top of bank along at least one side of the linear water body. All drainage easements shall be accessible to vehicular equipment. No drainage easement shall be on or within the ultimate right-of-way of any public road.

i. Construction vehicles shall cross linear water bodies by means of existing bridges or culverts. Where an existing crossing is not available, a temporary crossing shall be constructed that complies with all of the following standards:

(i) The approach roads will be six inches or less above natural grade;

(ii) The crossing will allow linear water body flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall;

(iii) The top of the roadway fill in the linear water body will be at least two feet below the top of the lowest bank. Any fill in the linear water body shall be non-erosive material, such as rip-rap or gravel;

(iv) All disturbed linear water body banks will be seeded or otherwise stabilized as soon as possible, in accordance with subsection (J), upon installation and again upon removal of construction; and

(v) The access road and temporary crossings will be removed within one year after installation, unless an extension of time is granted by the Planning, Building and Development Director.

(d) 1. All proposed public road rights-of-way, buildings, structures, driveways, and parking areas shall be set back at least 30 feet from the ordinary high water mark with a tributary drainage area of 20 acres or more except for the following:

a. Fences that are a maximum of four feet in height and that are at least 50% open (e.g., chain link, split rail, picket, and the like) in subdivisions approved prior to October 12, 1992, are exempt from setback requirements. (Note: fences may begin at the shoreline.);

b. The setback for decks shall not be less than 20 feet in subdivisions approved prior to October 12, 1992; and

c. The Planning, Building and Development Director shall be authorized to reduce these required setbacks when it is determined that existing conditions, such as the exceptional narrowness of a platted lot, will prohibit the reasonable use of the property if the setback is imposed. The determinations shall be reported to the Planning, Building and Zoning Committee in accordance with the provisions of [§ 151.032\(A\)\(16\)](#).

2. The buffer requirements of subsection (H)(5) above shall also be met for all subdivisions approved after August 1999.

(e) Public health protection standards:

1. No development in a linear water body shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation.

2. New and replacement water supply systems, wells, and sanitary sewer lines may be permitted, providing all manholes or other above-ground openings located below the flood protection elevation are watertight.

3. On-site individual sewage disposal systems shall be designed to avoid inundation by the base flood.

(I) *Maintenance of stormwater management systems.* All improvements required by this section shall be maintained in perpetuity and cannot be developed for any other use which would limit or cause to limit the intended function and/or use of the improvements. To ensure continued maintenance of all stormwater management systems all development shall comply with the following standards.

(1) For new developments not involving a plat of subdivision or plat of condominium, but for which the provisions of this section are applicable, maintenance responsibilities assigned by this section shall be those of the property owner. In these cases, a covenant approved by the Planning, Building and Development Director providing for perpetual maintenance of required facilities shall be recorded with the Lake County Recorder prior to issuance of any certificate of occupancy for the development.

(2) For new developments that involve a plat of subdivision or plat of condominium, a property owners' association or condominium association shall be formed in perpetuity for the maintenance of the improvements required by this section. Membership in the association shall be mandatory for all owners. Articles of agreement of and providing for the association must be approved by the Planning, Building and Development Director before recording of a plat. Furthermore, the association shall be chartered by this state prior to the release of any final maintenance guarantee held by the county for the relevant development.

(3) Improvements required by this section shall be maintained by the association of the development and each owner shall bear his or her proportionate responsibility for continued maintenance. A special note shall appear on any final plat of subdivision or any plat of condominium and their declarations.

(4) However, the developer shall be responsible for the maintenance of all improvements until the time that 80% of the lots or units in the development have been sold. The developer shall not transfer these improvements for the purpose of maintenance until all maintenance assurances held for required improvements have been released by the county.

(5) In new residential developments consisting of five or fewer dwelling units, the provision of an association may be waived, provided that other parts of this section have been met, and that covenants providing for shared maintenance responsibilities have been approved by the Planning, Building and Development Director and recorded with the Lake County Recorder.

(J) *Soil erosion and sediment control.* Soil erosion and sediment control related measures are required to be constructed and maintained for any regulated land disturbance activity, in accordance with the standards of this section. All temporary measures and permanent erosion and sediment control shall be maintained continuously in an effective, working condition.

(1) Soil disturbance shall be conducted in such a manner as to minimize erosion. Areas of the development site that are not to be graded shall be protected from construction traffic or other disturbance until final seeding is performed. Soil stabilization shall consider the time of year, site conditions, and the use of temporary or permanent measures.

(2) Properties and linear and nonlinear water bodies adjoining development sites shall be protected from erosion and sedimentation. At points where concentrated flow leaves a development site, energy dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the structure to the watercourse so that the natural physical and biological characteristics and functions are maintained and protected.

(3) Sediment control measures shall be constructed prior to the commencement of hydrologic disturbance of upland areas.

(4) Disturbed areas shall be stabilized with temporary or permanent measures within seven calendar days following the end of active hydrologic disturbance, or redisturbance, consistent with the following criteria or using an appropriate measure as approved by the Planning, Building and Development Director:

(a) Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding, and/or non-vegetative measures.

(b) Disturbance to areas or embankments having slopes equal to or steeper than 3H:1V shall be minimized; disturbed slopes shall be stabilized with staked-in-place sod, appropriately specified mat, or blanket, or other appropriate measure(s) in combination with seeding.

(c) Erosion control blanket shall be required on all interior detention basin side slopes between normal water level and high water level. The seven calendar day stabilization requirement may be precluded by snow cover or where land disturbing activities will resume within 14 calendar days from when the active hydrologic disturbance ceased, provided that the disturbed portion of the development site has appropriate erosion and sediment controls.

(5) Land disturbance activities in streams shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:

(a) Where stream construction crossings are necessary, temporary crossings shall be constructed of non-erosive material; and

(b) The time and area of disturbance of a stream shall be kept to a minimum. The stream, including bed and banks, shall be restabilized within 48 hours after channel disturbance is completed or interrupted.

(6) Soil erosion and sediment control measures shall be appropriate with regard to the amount of tributary area to the measure as follows.

(a) Disturbed areas draining greater than 1,000 square feet but less than one acre shall, at a minimum, be protected by a filter barrier (including filter fences, which at a minimum, meet the applicable sections of the AASHTO *Standard Specification* to 288-00, or equivalent control measures) to control all off-site runoff. Vegetated filter strips, with a minimum width of 25 feet, in the direction of flow, may be used as an alternative only where runoff in sheet flow is expected.

(b) Disturbed areas draining more than one but fewer than five acres shall, at a minimum, be protected by a sediment trap or equivalent control measure at a point downslope of the disturbed area.

(c) Disturbed areas draining more than five acres, shall, at a minimum, be protected by a sediment basin with a perforated filtered riser pipe or equivalent control measure at a point downslope of the disturbed area.

(d) Sediment basins shall have both a permanent pool (dead storage) and additional volume (active storage) with each volume equal to the runoff amount of a two-year, 24-hour event over the on-

site hydrologically disturbed tributary area to the sediment basin. Two-year storm runoff volumes vs. site runoff curve numbers are shown in [Appendix J](#). The available sediment volume below normal water level, in addition to the dead storage, shall be sized to store the estimated sediment load generated from the site over the duration of the construction period. For construction periods exceeding one year, the one-year sediment load and a sediment removal schedule may be substituted. If the detention basin for the proposed developed condition of the site is used for sediment basin, the above volume requirements will be explicitly met. Until the site is finally stabilized, the basin permanent pool of water shall meet the above volume requirements and have a filtered perforated riser protecting the outflow pipe.

(7) All storm sewers that are or will be functioning during construction shall be protected by an appropriate sediment control measure.

(8) If dewatering services are used, adjoining properties and discharge locations shall be protected from erosion and sedimentation. Discharges shall be routed through an approved anionic polymer dewatering system or similar measure as approved by the Planning, Building and Development Director. The Planning, Building and Development Director, or approved representative, must be present at the commencement of dewatering activities.

(9) All temporary erosion and sediment control measures shall be removed within 30 days after final site stabilization is achieved or after the temporary measures are no longer needed. Trapped sediment and other disturbed soil areas shall be permanently stabilized with a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a minimum density of 70% or higher, at the discretion of the Planning, Building and Development Director, on all unpaved areas and areas not covered by permanent structures or equivalent permanent stabilization measures.

(10) A stabilized mat of crushed stone meeting Illinois Department of Transportation gradation CA-1 underlain with filter fabric and in accordance with the Illinois Urban Manual, or other measure(s) as approved by the Planning, Building and Development Director shall be located at any point where traffic will be entering or leaving a development site to or from a public right-of-way, street, alley, or parking area. Pollutants from equipment and vehicle washing, wheel wash water, and other wash waters shall be treated in a sediment basin or other appropriate measure(s) designed to minimize the discharge of pollutants, as approved by the Planning, Building and Development Director. Any sediment or soil reaching an improved public right-of-way, street, alley, or parking area shall be removed by scraping or street cleaning as accumulations warrant and transported to a controlled sediment disposal area. The Planning, Building and Development Director may require additional stabilized construction entrance methods.

(11) The applicant shall minimize the discharge of pollutants from the exposure of building materials, building products, landscape materials (e.g. fertilizers, pesticides, herbicides), detergents, sanitary waste, and other on-site materials to precipitation and stormwater runoff.

(12) If the installed soil erosion and sediment controls do not minimize sediment leaving the development site, additional measures such as anionic polymers or filtration systems may be required by the Planning, Building and Development Director.

(13) If stripping, clearing, grading, or landscaping are to be done in phases, the permittee shall plan for appropriate erosion control measures to be in place after each stage listed in § [151.145\(E\)\(7\)](#).

(14) Earthen embankments shall be constructed with side slopes no steeper than 3H:1V. Steeper slopes may be constructed with appropriate stabilization as approved by the Planning, Building and Development Director.

(15) Stormwater conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from

the ten-year frequency storm without erosion. All constructed or modified channels shall be stabilized within 48 hours.

(16) Temporary diversions shall be constructed as necessary to direct all runoff from hydrologically disturbed areas to the appropriate sediment trap or basin.

(17) Soil stockpiles shall not be located in a flood-prone area or designated buffer protecting waters of the United States or isolated waters of Lake County. Soil stockpiles are defined as having greater than 100 cubic yards of soil and will remain in place for more than seven days. Soil stockpile locations shall be shown on the soil erosion and sediment control plan and shall have the appropriate measures to prevent erosion of the stockpile.

(18) Standards and specifications contained in the *Illinois Urban Manual*, as amended, and the planning and procedures sections of the *Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control*, as amended, provide guidance for presenting soil erosion and sediment control plan specifications and delineating procedures and methods of operation under site development for sediment and erosion control. In the event of conflict between provisions of the manuals and of this chapter, this chapter shall govern.

(19) The applicant shall provide adequate receptacles for the deposition of all construction material debris generated during the development process. The applicant shall not cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of construction material debris upon or into any development site, channel, waters of the United States, or isolated waters of Lake County. The applicant shall maintain the development site free of construction material debris.

(20) Designated Erosion Control Program standards and Inspector requirements.

(a) *Standards.*

1. A Designated Erosion Control Inspector, hired or employed by the applicant, shall be required for development in (a) and (b), and may be required by the Planning, Building and Development Director for (c):

a. Exceeds ten acres of hydrologic disturbance; or

b. Exceeds one acre of hydrologic disturbance and has a regulatory floodplain, isolated waters of Lake County or waters of the United States on-site or on a downstream adjoining property; or

c. Is less than or equal to one acre of hydrologic disturbance and has a regulatory floodplain, isolated waters of Lake County, or waters of the United States on-site or on a downstream adjoining property.

2. Subsection (J)(20)(b) and § [151.145](#)(E)(7) contains inspection requirements for development meeting the above thresholds for program inclusion and Designated Erosion Control Inspector requirements.

3. Subsection (J)(17)(b) below contains inspection requirements for development meeting the above threshold for program inclusion and Designated Erosion Control Inspector requirements.

4. The applicant shall submit the name of the Designated Erosion Control Inspector to the Planning, Building and Development Director before issuance of site development permit.

(b) *Designated Erosion Control Inspector requirements.* The Designated Erosion Control Inspector shall inspect the development site as specified below and, at a minimum, perform the following:

1. Keep a copy of the Planning, Building and Development Director-approved soil erosion and sediment control plans at the development site at all times;

2. Keep a written log of all inspections that shall contain, at a minimum, conditions of the soil erosion and sediment control measures and any corrective actions that need to be taken. The Designated Erosion Control Inspector log shall be kept at the development site at all times and shall be made available for inspection upon request of the Planning, Building and Development Director;

3. Notify the Planning, Building and Development Director within 24 hours when the development site is determined to be not in compliance with this chapter or the approved soil erosion and sediment control plans and the proposed corrective measures to be taken; and

4. Recommend to the applicant additional soil erosion and sediment control prevention measures, if necessary, to reduce sediment leaving a development.

(K) *Landscape features.* All [permanent](#) landscape features including, berms, planters, walls, fences and the like shall be placed or constructed in such a manner as not to interfere with the natural drainage pattern, so as not to obstruct a clear view at street intersections (see § [151.172](#)), and so that the features do not cause a drainage nuisance. In addition, the placement and construction of all [permanent](#) landscape berms shall conform to all of the following standards:

(1) The slope of any berm embankment shall not exceed, at its steepest point, a slope of 3:1;

(2) The height of any berm embankment, measured from the toe to the top, shall not exceed 20 feet;

COMMENTARY: For purposes of measuring the height of a berm in instances involving grade changes on both sides of a berm, the berm height shall be measured on the side of the berm whose toe is located at a higher elevation.

(3) The toe of any berm embankment shall be no closer than ten feet from any property line or ultimate right-of-way line;

(4) The top of all berms shall be graded to be smoothly convex and the toe of all berms shall be graded to be smoothly concave;

(5) All erosive surfaces on any berm shall be permanently stabilized in accordance with subsection (J) above;

(6) In addition to meeting the erosion control standards contained in subsection (J) above, all berms not required in a perimeter landscape transition area shall comply with the berm landscaping requirements of § [151.167](#)(E)(2)(f); and

(7) A conceptual land use plan shall be submitted in conjunction with an application for any berm in excess of ten feet in height.

[\(8\) Berms involving imported fill material shall also comply with the standards of §151.112\(JJ\) and §151.113\(W\). The more restrictive standards shall control.](#)

(L) *Temporary soil stockpiles.*

(1) Temporary soil stockpiles shall be placed no closer than ten feet from any property line, road right-of-way and no closer than 30 feet from natural resource protection areas (e.g., buffers, woodlands). Temporary soil stockpiles shall not be located within the regulatory floodplain, regulatory floodway, flood-prone area, linear water body, overland flow path, or any other natural resource protection area.

(2) The location and size of a temporary soil stockpile shall not interfere with the natural drainage pattern or obstruct a clear view at street intersections (see § [151.172](#)).

(3) Temporary soil stockpiles shall be removed completely and the soil surface permanently stabilized within two years of establishment, except when otherwise approved by the Planning, Building and Development Director.

(4) Adequate measures and practices shall be utilized to control erosion of the stockpile (see subsection (J) above).

(5) Temporary soil stockpiles shall not exceed a maximum height of 20 feet.

(M) *Wetlands.*

(1) *Applicability.* The standards of this subsection (M) apply when waters of the United States or isolated waters of Lake County are located wholly or partially within the development site.

(2) *Wetland submittal requirements.* In addition to all other Watershed Development Ordinance provisions of this chapter, wetland permit submittal requirements depend upon whether the development site contains waters of the United States or isolated waters of Lake County as provided below.

(a) The applicant shall provide a valid written jurisdictional determination from the U.S. Army Corps of Engineers or a Corps-approved agency as to which wetlands on the development site are isolated waters of Lake County or waters of the United States. A copy of the jurisdictional determination shall be included with the wetland submittal.

(b) For development containing waters of the United States or isolated waters of Lake County, but with no proposed impacts, the following information is required for a Letter of No Impact (LONI):

1. A cover letter describing the proposed activity;

2. Development plan(s) as specified in § [151.145\(F\)](#);

3. A wetland hydrology analysis meeting the requirements of subsection (M)(7) when there is a modification of tributary drainage area or surface runoff volume to isolated waters of Lake County;

4. A letter from the U.S. Army Corps stating that the proposed development will not impact waters of the United States, if required by the Lake County Stormwater Management Commission or the isolated wetland certified community.

(c) For wetland impacts to waters of the United States, the following information is required:

1. Wetland delineation and wetland determination report as specified in subsection (M)(3) of this section;

2. A U.S. Army Corps permit for the proposed development or a letter from the Corps stating that the proposed development does not require Corps authorization;

3. Buffer area requirements as specified in subsection (H)(5) of this section; and

4. All wetland impacts occurring in county that exceed the mitigation threshold of the Corps regulatory program shall be mitigated for in county at the mitigation ratio specified by the Corps for that development impact.

(d) For wetland impacts to isolated waters of Lake County, the following information is required:

1. A cover letter signed by a certified wetland specialist, that provides a clear project purpose and need statement, a description of the proposed activity, area (in acres) of wetland impact and a statement on the category to be used as follows:

- a. Category I: Wetland impacts less than or equal to one acre and does not impact high-quality aquatic resources;
 - b. Category II: Wetland impacts greater than one acre and less than two acres and does not impact high-quality aquatic resources;
 - c. Category III: Wetland impacts greater than or equal to two acres or impacts high-quality aquatic resources; and
 - d. Category IV: Wetland impacts for the restoration, creation, and enhancement of wetlands, provided that there are net gains in aquatic resource function. Category IV activities include shoreline and streambank erosion restoration described in § [151.149\(E\)\(3\)](#).
2. A completed watershed development permit application form signed by a certified wetland specialist;
 3. A delineation of the wetlands consistent with the requirements provided in subsection (M)(3) of this chapter;
 4. Development site plan(s) meeting the requirements of § [151.145\(F\)](#) showing the boundaries of all existing wetlands or water bodies on the ownership parcel, including the development site and the areas of proposed wetland impacts.
 5. Current documentation on the occurrence of any high-quality aquatic resource on or adjoining the development;
 6. For developments involving state funding or pass-through funding, documentation that the development is in compliance with the intra-agency Wetland Policy Act of 1989 [20 ILCS 830] as administered by the Illinois Department of Natural Resources;
 7. Documentation that the development is in compliance with the U.S. Fish and Wildlife Service's consultation program under the Endangered Species Act;
 8. A mitigation plan meeting the requirements of subsection (M)(4);
 9. A copy of the natural resources information report (NRI) for development that is required to obtain a NRI performed by the McHenry-Lake County Soil and Water Conservation District pursuant to state statute 70 ILCS 405/22.02a;
 10. A narrative of the alternative measures taken to avoid, minimize, or mitigate for wetland impacts to isolated waters of Lake County (Category II requirement only);
 11. Category III wetland impacts:
 - a. A narrative of the measures taken, in sequence, to avoid and minimize wetland impacts to isolated waters of Lake County before mitigation is considered;
 - b. Upon concurrence of the Planning, Building and Development Director, and the Lake County Stormwater Management Commission or the Isolated Waters of Lake County-Certified Community's Certified Wetland Specialist that a site development permit application meets all other wetland submittal requirements of this chapter, the Lake County Stormwater Management Commission or the Isolated Waters of Lake County-Certified Community's Certified Wetland Specialist shall issue a technical notification to the U.S. Army Corps of Engineers, Illinois Department of Natural Resources, Illinois Environmental Protection Agency, U.S. Fish and Wildlife Service, and the Lake County Stormwater Management Commission requesting comments with respect to the proposed wetland impacts within 15 working days. The Lake County Stormwater Management Commission or the Isolated

Waters of Lake County-Certified Community's Certified Wetland Specialist shall receive the comments and copies of the comments shall be forwarded to the applicant for response. Full consideration of the comments and applicant's response shall be evaluated by the Lake County Stormwater Management Commission or the Isolated Waters of Lake County-Certified Community's Certified Wetland Specialist for compliance with § [151.145](#)(A)(10) prior to approval of wetland provisions and permit issuance; and

c. The Lake County Stormwater Management Commission shall review and issue Category III wetland authorizations for development sites occurring in more than one local unit of government jurisdiction.

12. Category IV wetland impacts:

a. A narrative on the benefits to the aquatic environment of the proposed development.

b. Shoreline and streambank erosion restoration that meet the requirements contained in § [151.149](#)(E)(3) are exempt from submittal requirements contained in this section.

c. isolated waters of Lake County that are used for detention and not for mitigation credit per subsection (M)(6) shall be exempt from the submittal requirements of subsection (M)(2)(d)8. above.

(3) *Requirements for wetland delineation.*

(a) The applicant shall identify the boundaries, extent, function, and quality of all wetland areas on the development site and prepare a wetland determination report. The presence and extent of wetland areas shall be determined by, or under the supervision of, a certified wetland specialist using an on-site wetland procedure within three years of the initial permit application date in accordance with the methodology contained in the 1987 Corps of Engineers Wetland Delineation Manual (as amended, including applicable supplements) or as otherwise noted below.

(b) *Wetland determination report.* The following are minimum requirements for the wetland determination report:

1. A plan showing the location of wetlands within the development site and the approximate boundaries of offsite wetlands per subsection (M)(3)(b)6 below. The wetland boundary within the development site shall be flagged in the field and surveyed;

2. An aerial photograph delineating the wetland and the development boundary;

3. A copy of the following maps (most recent) delineating the development boundary;

a. U.S. Geological Survey quadrangle map;

b. Lake County wetland inventory map (including ADID sites);

c. Federal Emergency Management Agency floodplain map;

d. Lake County soil survey; and

e. Hydrologic atlas (U.S.G.S. Flood of Record map).

4. U.S. Army Corps of Engineers data sheets (Midwest Region, most recent version) with color photographs provided for representative upland and wetland data points;

5. A written description of the wetland(s) that includes a floristic quality assessment as determined using the Chicago Region Floristic Quality Assessment Calculator (U.S. Army Corps of Engineers, Chicago District, most recent version). Floristic quality assessments shall generally be conducted between May 15 and October 1 which approximates the growing season. Non-growing

season assessments may require additional sampling during the growing season to satisfy this requirement;

6. The approximate location, extent, and relative quality of off-site wetlands on properties within the maximum buffer requirements adjoining the development shall be identified by using the first of the following documents or procedures pertaining at the time of development:

a. Site-specific delineation according to the 1987 federal wetland delineation manual. If this delineation is not available, use subsection (M)(3)(b)6.b. below; or

b. Wetlands identified in county wetland inventory maps (most current Lake County Wetland Inventory map).

7. A farmed wetland determination for development sites in accordance with the current U.S. Natural Resources Conservation Service methodology. The farmed wetland boundaries shall be shown on the plan and aerial photograph in subsections (M)(3)(b)1. and (M)(3)(b)2. above. A report for the development site indicating the presence of cropland wetlands as defined by the *National Food Security Act Manual* (most recent edition).

(4) *Isolated Waters of Lake County mitigation requirements.*

(a) Mitigation is required within the county for:

1. Wetland impacts greater than one-tenth acre of isolated waters of Lake County including those that are high-quality aquatic resources.

2. For single-lot, single-family residences provided the activity is a single and complete project: wetland impacts greater than 0.25 acre of isolated waters of Lake County or 0.10 acre of isolated waters of Lake County that are high-quality aquatic resources.

(b) Mitigation shall provide for the replacement of the wetland environment lost to development at the following proportional rates (i.e., creation acreage to wetland impact acreage):

1. For wetland impacts to areas that are not high quality aquatic resources under Categories I, II, and III, a minimum of 1.5:1 mitigation ratio shall be required or a minimum 1:1 mitigation ratio for fully certified wetland mitigation bank credits;

2. A minimum of 3:1 for wetland impacts that are high-quality aquatic resources;

3. A minimum of 6:1 for wetland impacts that are high-quality forested wetlands as defined in [Appendix N](#); and

4. For wetland impacts to open waters that are not high-quality aquatic resources under Categories I, II, and III, a minimum of 1:1 mitigation ratio shall be required.

(c) Mitigated isolated waters of Lake County shall be designed to duplicate or improve the hydrologic and biologic features of the original wetland impact area.

(d) A project mitigation document (PMD) shall be submitted for all mitigation projects in conformance with [Appendix S](#). [Appendix S](#) contains requirements for performance standards, monitoring, and completion standards.

(e) Creation of wetlands for the mitigation of wetland impacts shall not take place within detention facilities. Enhancement of farmed wetlands meeting the size criterion in subsection (M)(5)(a) may be used for up to 80% of the mitigation requirement.

(f) Enhancement of existing non-farmed wetlands may be credited at up to 25% of the enhanced wetland acreage completed, provided that the wetland impact acreage created is at a minimum 1:1 ratio and the mitigation hierarchy in §§ [151.145](#) through [151.154](#) is followed.

(g) A five-year wetland mitigation surety for 110% of mitigation cost shall be submitted prior to obtaining a permit. The mitigation surety shall include the costs for construction, monitoring, and management activities during the five-year performance period.

(h) A wetland mitigation management and monitoring plan indicating the legally responsible parties for long-term operation and maintenance and dedicated funding sources.

(i) The developer shall provide annual monitoring reports on the status of the constructed mitigation measures. The developer shall undertake all necessary remedial action to bring the area into compliance with the wetland mitigation plan.

(j) Wetland impacts occurring prior to issuance of a Watershed Development Ordinance permit shall presume the wetland disturbed was a high-quality aquatic resource requiring mitigation at a minimum rate of 3:1, except 6:1 for wetland impacts that are forested wetlands as defined in [Appendix N](#).

(k) Mitigation areas shall have the same buffer area requirements and mitigation credit for established buffer areas as described in [Appendix S](#) for Lake County Stormwater Management Commission-approved wetland mitigation banks.

(l) Mitigation areas shall be protected by a deed or plat restriction for that purpose.

(5) *Mitigation hierarchy.*

(a) *Size requirements.* If the required mitigation acreage is less than one and one-half acres, mitigation requirements shall follow the mitigation hierarchy (b)1. through 4. below. If on-site mitigation increases an existing on-site wetland size to greater than or equal to one and one-half acres, the applicant may use mitigation hierarchy (b)1. If the required mitigation acreage is one and one-half acres or greater, mitigation requirements shall follow mitigation hierarchy (b)1. through 4.

(b) *Hierarchy.* All mitigation shall occur in the county. Mitigation shall use the following hierarchy. Allowance to the next lower step is permitted only when justified through sequencing specified in subsections (M)(2)(d)10. and (M)(2)(d)11. or when the higher step is not available or as specified in subsection (M)(5)(b)4. below:

1. On-site wetland mitigation meeting the requirements of the project mitigation document;
2. In the same watershed as wetland impact: a U.S. Army Corps approved wetland mitigation bank; or a Lake County Stormwater Management Commission approved wetland mitigation bank; or off-site wetland mitigation meeting the requirements of the project mitigation document;
3. Outside of the watershed (at double the required mitigation acreage): a U.S. Army Corps approved wetland mitigation bank; or a Lake County Stormwater Management Commission approved wetland mitigation bank; or off-site wetland mitigation meeting the requirements of the project mitigation document; or
4. Lake County Stormwater Management Commission Wetland Restoration Fund. This mitigation option may only be used for wetland impacts where there are no available mitigation credits within the watershed and the corresponding fees and mitigation ratios shall be charged at the in-watershed rate.

(6) *Detention in isolated waters of Lake County.*

(a) Detention shall only be allowed in the following isolated waters of Lake County and may not be considered a wetland impact, subject to provisions of subsections (M)(6)(b) and (M)(6)(c):

1. Farmed wetlands;
2. Non-farmed wetlands that are not high quality aquatic resources when the existing vegetated wetland acreage (not including open water area) is either:
 - a. Covered by a minimum of 85% of one or more of the following species:
 - i. Reed canary grass (*Phalaris arundinacea*);
 - ii. Purple loosestrife (*Lythrum salicaria*);
 - iii. Common reed (*Phragmites australis*); or
 - iv. Buckthorn (*Rhamnus* spp.).
 - b. Has an FQI of seven or less.
3. An isolated waters of Lake County comprised of open water that is not a high quality aquatic resources;
4. Non-farmed wetlands not meeting subsection (M)(6)(a)2. that are not high quality aquatic resources and wholly located within a deed or plat restriction may be utilized for detention greater than the required two-year, 24-hour volume. The outlet design shall maintain or replicate the existing hydrologic condition of the wetland, unless changes are proposed to enhance the wetland function. Excavation or grading shall be considered an impact under the appropriate impact Category I, II, or III.

(b) The following shall apply when using isolated waters of Lake County for detention and not for wetland enhancement mitigation credit:

1. The applicant shall use a “wetland detention basin” design, and shall reestablish vegetation within the detention basin using the Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois, NRCS, et al. (as amended) as a minimum standard for the re-vegetation plan.
2. Reduction of wetland area within the existing delineated wetland boundary from existing to proposed conditions shall be reviewed as an impact under the appropriate impact Category I, II, or III.
3. Excavation of existing wetland as part of the proposed wetland detention basin design shall be reviewed under Category IV meeting the criteria of subsections (M)(6)(a)1., (M)(6)(a)2., and (M)(6)(a)3.
4. The wetland hydrology thresholds of subsection (M)(7) shall apply for isolated waters of Lake County meeting the criteria of subsections (M)(6)(a)1. and (M)(6)(a)4.
5. The requirements for water quality treatment of subsection (H)(4) shall apply upstream of the isolated waters of Lake County.
6. The maintainable outlet requirements of subsection (C)(2) shall apply.

(c) The following shall apply when using isolated waters of Lake County for detention and for wetland enhancement mitigation credit:

1. Isolated waters of Lake County meeting the criteria of subsection (M)(6)(a) may be used for wetland enhancement mitigation credit.

2. Wetland enhancement within the proposed detention basin shall be reviewed under Category IV requirements, and the performance standards listed in [Appendix S](#), Section H, shall apply.

3. Reduction of wetland area within the existing delineated wetland boundary from existing to proposed conditions shall be reviewed as an impact under the appropriate impact Category I, II, or III.

4. The mitigation requirements of subsection (M)(4) shall apply.

5. The wetland hydrology thresholds of subsection (M)(7) shall apply.

6. The requirements for water quality treatment of subsection (H)(4) shall apply upstream of the isolated waters of Lake County.

(7) *Wetland hydrology requirement.* The following hydrology requirement applies to isolated waters of Lake County located wholly or partially within the ownership parcel, including the development site. The runoff volume reduction requirements (subsection (D)(2)) may be modified to satisfy the wetland hydrology requirement for the portion of the development site tributary to the wetland.

(a) The development design shall maintain between 80% and 150% of the existing condition, two-year, 24-hour storm event runoff volumes from the on-site tributary drainage area to the preserved isolated water of Lake County. The following minimum information shall be submitted to address this provision:

1. An exhibit illustrating the existing condition and with-project drainage areas;

2. Existing condition and with-project runoff volume calculations (including land use and soil type documentation);

3. Existing condition and with-project runoff volume determination. For proposed development that will change the size of an isolated waters of Lake County, the proposed to existing conditions runoff volume ratio shall be adjusted according to the change in wetland size, to determine if the hydrology threshold has been met; and

4. The development shall include a design for the stormwater management system that maintains or replicates the existing hydrologic condition of the wetland, unless changes are proposed to enhance the wetland function.

(b) A wetland impact to isolated waters of Lake County shall be assumed and the mitigation requirements of subsection (M)(4) shall apply if the development does not meet provisions of subsection (M)(7)(a) above. The hydrologic wetland impact shall be in addition to other wetland impacts to isolated waters of Lake County (e.g., filling, excavation, drainage, and the like). The amount of wetland impact shall be determined as follows:

1. For isolated waters of Lake County wholly on-site: the total area of the impacted isolated waters of Lake County not meeting the above provisions; and

2. For isolated waters of Lake County located partially on-site: the ratio of on-site tributary drainage area to total tributary drainage area multiplied by the with project area of the impacted isolated waters of Lake County.

(8) *Resource protected area.* Wetlands shall be protected and set aside as open space in accordance with § [151.072](#).

(9) *Wetland development or disturbance.* Development or disturbance of wetlands shall be allowed only if reviewed and approved in accordance with the wetland development standards of division (M) above and with the following standards:

(a) A permit approving the proposed wetland development shall be received from the U.S. Army Corps of Engineers;

(b) The establishment of any permitted use, construction of any permitted structure, excavation or filling of any wetland may be permitted only if:

1. The parcel, use, and/or structure would conform to all other standards of this chapter if the wetland were not present; and

2. The location, amount, or configuration of a site's buildable area precludes the construction of any permitted principal structure or establishment of any reasonable permitted use of land.

(c) In addition to the above standards, all applications for the development of exceptional functional value wetlands shall demonstrate that the proposed use is so location dependent that it can not practically be established outside of the wetland.

(Ord., § 8.2, passed 10-13-2009; Ord. passed 10-9-2012; Ord. 22-1060, passed 8-9-2022; Ord. 23-1056, passed 8-8-2023)

§ 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.*

(1) The standards of this section shall apply to the following development types (see also § [151.167](#)(J) 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.

(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 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:

<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
Shrubs	
Broadleaf/deciduous	3 feet height
Needleleaf/evergreen	2 feet height
Columnar evergreen	3 feet height

(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 trees,” “understory trees,” or “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 all 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 Horticulture Industry Association. Plants shall be nursery-grown and balled 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 not required by this section but otherwise required by a county condition of development approval, containing 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 landowners.

(F) *Landscape standards for parking lots.*

(1) *Applicability.* The parking lot landscaping standards of this subsection (F) 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 (F) 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 native perennial plants or native grasses shall equal one shrub.

(e) 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.

(f) The minimum area for a corner island shall be 200 square feet.

(g) 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.

(h) 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.

(i) 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.

(j) All landscaped areas that are not planted in grass shall be mulched with a three-inch layer of shredded hardwood bark mulch or stone.

(k) 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:

<i>BEST MANAGEMENT PRACTICE</i>	<i>INCENTIVES</i>
Permeable pavement	Additional impervious surface Can be used for parking/drive aisle Reduced curb & gutter Wheel stops in lieu of curb & gutter Alteration of plant species/quantity
Structural soil	Additional impervious surface Alteration of plant species/quantity
Vegetated swale or buffer bio-retention cell/rain garden	Additional impervious surface Reduced curb & gutter Wheel stops in lieu of curb & gutter Alteration of plant species/quantity

(3) Provide both a short-term and long-term maintenance and management plan of BMP areas.

(H) *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.

(I) *Landscape standards for common open space.*

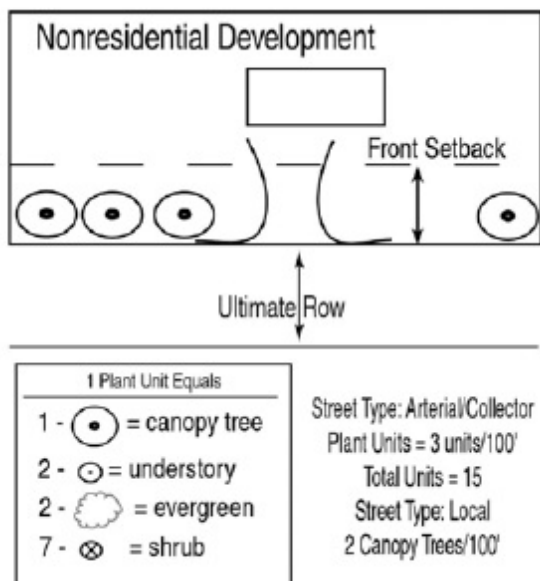
(1) *Applicability and standards.* Residential subdivisions or residential developments containing common open space shall provide one-half plant unit of landscaping for each residential dwelling unit within the common open space.

(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.

Figure 151.167(H): Landscape Standards for Streets



(J) *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\(J\)](#):

**Table 151.167(J): Perimeter Transition Landscape Requirements
(Plant Units Per 100 Linear Feet, Based on a 30-foot Transition Area)**

[illegible]

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; not required for commercial solar or wind facilities

E = Earthen berm, 5-foot minimum height; not required for commercial solar or wind facilities

Plant units: one plant unit is comprised of all of the following: 1 canopy tree; 2 understory trees; 2 evergreen trees; and 7 shrubs.

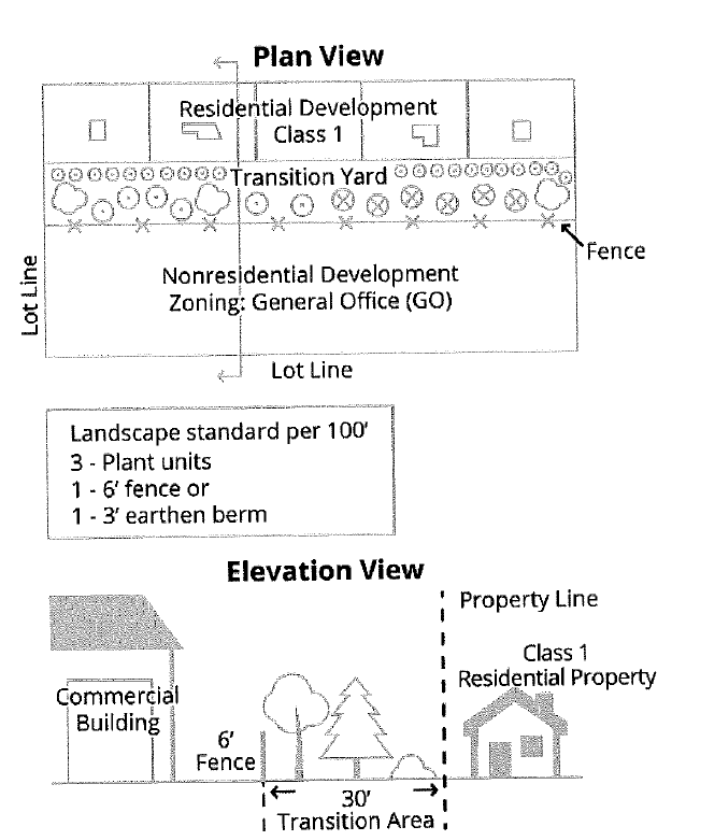
* Fence permitted at the property line and no transition yard required, provided that no parking lot, active recreational area, or other structure is currently located within 30 feet of the adjoining property line on the OS-Zoned parcel.

(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(J): Transition Area Landscaping



(4) *Calculation of plant units.* In calculating the number of plant units required, measurements shall be measured along the external dimensions of the property.

(K) *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.

(L) *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(J), 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.

(M) *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.

(N) *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 (N)(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.

(O) *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 (F)(2)(j) 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 a minimum two times the width of the root ball of the plants.

(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 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 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 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 § [151.203](#) of this chapter.

(Ord., § 9.3, passed 10-13-2009; Ord. passed 8-14-2012; Ord. 19-1378, passed 9-10-2019 ; Ord. 23-0675, passed 5-9-2023)

§ 151.260 SOLAR ENERGY SYSTEMS, COMMERCIAL.

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(WWW)~~(XX) and additional requirements and standards for solar energy systems as identified in [Appendix T](#).

(A) *Decommissioning plan and assurances.* The applicant (or owner, if different from applicant) must submit a decommissioning plan with cost estimation to the county as part of the siting application and provide testimony supporting the calculation of costs provided in said plan during the public hearing on the application. Prior to receiving any building permit for the commercial solar energy facility, the applicant or owner shall provide a decommissioning agreement and post the required financial assurances for the benefit of the county. Periodically, and as required by the Agricultural Impact Mitigation Agreement, the owner must update the decommissioning plan, cost estimations, and provide updated financial assurances to the benefit of the county.

COMMENTARY:

The Decommissioning Agreement and financial assurances shall comply with 55 ILCS 5/5-12020 and the Agricultural Impact Mitigation Agreement.

(B) Removal requirements.

(1) 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:

(a) Physical removal of all solar energy systems, structures, equipment, security barriers and electrical wiring lines from the site; and

(b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and

(c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The county may allow the owner or operator to leave landscaping in order to minimize erosion and disruption to vegetation.

(2) Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a commercial 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.

(Ord. 23-0675, passed 5-9-2023)

§ 151.261 WIND ENERGY FACILITIES, COMMERCIAL.

(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 and operating requirements for commercial wind facilities in § [151.112\(CCC\)\(DDD\)](#), and additional requirements and standards for wind energy facilities as identified in [Appendix Q](#).

(B) *Violation, cessation and remedy.*

(1) Should a commercial wind energy facility, or any part of the facility, violate the operating requirements of this section, or become inoperable, the owner shall cease operations immediately.

(2) Upon receipt of a complaint or the notice of a complaint from the owner, the Director of Planning, Building and Development shall make a determination as to whether there is a violation of the permit or operating requirements requiring immediate cessation of operation.

(3) Once violations have been remedied, as determined by the Director of Planning, Building and Development, the facility may resume operations.

(C) *Finding of default and abandonment.*

(1) The owner must remedy any condition in which the commercial wind energy facility has become inoperable, or otherwise violated the operating requirements defined under § [151.112\(CCC\)\(DDD\)](#) for commercial wind energy facilities within 180 days of the issue date on written notice from Lake County or be considered to be in default and the facility considered to be abandoned.

(2) The Planning, Building and Development Director may authorize an extension based on extenuating circumstances. All requests for extension must be made in writing, prior to the expiration of the 180-day remedy period and provide the basis for the request and the amount of additional time requested.

(D) *Decommissioning of wind facilities.* The applicant (or the owner, if different from the applicant) must submit a decommissioning plan with cost estimation to the county as part of the siting application and provide testimony supporting the calculation of costs provided in said plan during the public hearing on the application. Prior to receiving any building permit for the commercial wind energy facility, the applicant or owner shall provide a decommissioning agreement and post the required financial assurances for the benefit of the county. Periodically, and as required by the Agricultural Impact Mitigation Agreement, the owner must update the decommissioning plan, cost estimations and provide updated financial assurances to the benefit of the county.

COMMENTARY:

The Decommissioning Agreement and Financial Assurances shall comply with 55 ILCS 5/5-12020 and the AIMA.

(Ord. 23-0675, passed 5-9-2023)

§ 151.262 MAJOR FILL/GRADE OPERATIONS.

(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 and operating requirements for major fill/grade operations in §151.112(JJ).

(B) *Final stabilization plan and assurances.*

(1) Final stabilization shall consist of stabilization or re-vegetation of the site as necessary to minimize erosion. A layer of soil capable of supporting vegetation (to a depth sufficient to provide permanent stabilization, as determined by staff) shall be spread over the premises and shall be seeded with grass or other groundcover or by using an appropriate measure as approved by the Planning, Building and Development Director. Final stabilization shall also include the removal of all access equipment, roads, fencing and other onsite equipment and related temporary materials.

(2) Prior to site development permit issuance, a final stabilization plan shall be submitted which shows the final site conditions after fill/grade operation has been completed.

(3) Prior to site development permit issuance, an engineer's opinion of probable construction cost (EOPCC) shall be submitted for final stabilization of the fill/grade operation and finalizing the site in accordance with the approved final stabilization plan. The exact amount of the EOPCC and a termination date for the completion of operations and the finalization of the site shall be established as part of the permit review process and imposed at the time of permit approval, based upon the estimated costs of finalizing the site and the estimated length of time the operation will be conducted. Upon review and approval of the EOPCC by the Planning, Building, and Development Director, the operator shall obtain a bond, letter of credit, or other form of surety that meets the requirements of § 151.203(A) in the amount of 130% of the EOPCC.

COMMENTARY: A separate performance assurance may be required by the highway authority for maintenance and repair of the main road from which access is taken, including asphalt patching and shoulder maintenance, as needed either during operation or finalization of the site.

(C) Final stabilization requirements.

(1) Any fill/grade operation which has reached the limits of fill or has otherwise discontinued operations shall be stabilized as provided for in the final stabilization plan. The owner or operator shall physically stabilize the site 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 stabilization.

(2) A fill/grade operation shall be considered discontinued when it fails to operate for more than 150 days. This timeframe can be extended with written consent of the county upon notice of a proposed date of final stabilization or written notice of extenuating circumstances.

(3) If the owner or operator of the fill/grade operation fails to execute the stabilization plan in accordance with the requirements of this section within 150 days of discontinued operations or the proposed date of final stabilization, the county may seek a court order to require the property owner to stabilize the site and/or remove all remaining equipment and structures associated with the active operation. The county also retains the right, after the receipt of an appropriate court order, to enter and stabilize the site. The county will draw on the performance assurance and/or lien the property for all stabilization costs it incurs.

(D) Violations, cessation, and remedy.

(1) Upon receipt of a complaint, the Director of Planning, Building and Development shall make a determination as to whether there is a violation of the permit or Operating Requirements requiring immediate cessation of operation.

(2) Once violations have been remedied, as determined by the Director of Planning, Building and Development, the facility may resume operations.

§ 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-USE CANNABIS CULTIVATION CENTER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Illinois Cannabis Regulation and Tax Act, (410 ILCS 705).

ADULT-USE CANNABIS CRAFT GROWER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Illinois Cannabis Regulation and Tax Act, (410 ILCS 705). Licensees may share premises with a processing organization or dispensing organization, or both. May contain up to 5,000 square feet on its premises for plants in the flowering stage (increases available by Department of Agriculture in increments of 3,000—max 14,000 square feet).

ADULT-USE CANNABIS INFUSER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Illinois Cannabis Regulation and Tax Act, (410 ILCS 705). Licensees may share premises with a craft grower, or dispensing organization or both.

ADULT-USE CANNABIS PROCESSOR. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Illinois Cannabis Regulation and Tax Act, (410 ILCS 705).

ADULT-USE CANNABIS DISPENSARY. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (410 ILCS 705).

ADULT-USE CANNABIS TRANSPORTER. An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (410 ILCS 705).

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 chapter, the **AMBIENT SOUND LEVEL** shall mean the quietest of ten ten-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 licensed 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, Manitou 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.

BREAKAWAY WALL. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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-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 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 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. A **CEMETERY** 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) Licensed 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.

COASTAL HIGH HAZARD AREA. An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms or seismic other sources. A **COASTAL HIGH HAZARD AREA** is identified on a community's FIRM by the designation of Zone VE or a moderate wave action area (MoWA).

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. Continuing education requirements shall be as follows:

(a) Attendance at each annual DECI training seminars shall be sufficient for the three-year listing period.

(b) Alternatively, DECIs must attend 24 hours of work-related professional development hours within the three-year period for relisting.

(3) 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 licensed 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.

FEE-IN-LIEU OF ON-SITE STORMWATER STORAGE. A fee assessed to a permit applicant used to contribute to the cost of a basin plan or floodplain study components; or other stormwater system improvements, "in-lieu-of" constructing on-site detention or for compensatory storage requirements for streambank and shoreline restoration fills of less than 200 cubic yards.

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.

FILL/GRADE OPERATION. The acceptance, collection, accumulation, or aggregation of fill from off-site sources. It includes any property used for the permanent storage or stockpiling of such material on-site, or temporary storage or stockpiling of such material for use at any other 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. Except for coastal flooding effects of Lake Michigan, 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.

The need to preserve storage when defining the regulatory floodway will be waived by the SMC if the applicant receives approval from IDNR/OWR 3708.60.d Floodway Construction in Northeastern Illinois.

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 § 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 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 wetlands, ponds, 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, other than areas meeting exclusions (1)(a) or (1)(d);

(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.

LIMIT OF MODERATE WAVE ACTION (LiMWA). A line shown on a Flood Insurance Rate Map to indicate the inland limit of the 1.5-ft breaking wave height during the base flood.

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 drainageway, 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 or 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.

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 2018 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.

MODERATE WAVE ACTION AREA (MoWA). A special flood hazard area subject to the potential for breaking wave heights of greater than or equal to one and one-half feet, but less than three feet, where the primary source of flooding is astronomical tides, storm surges, seiches, and/or tsunamis. A **MoWA** is an area within zone AE on a FIRM that is between the inland limit of zone VE and a Limit of Moderate Wave Action, where identified. (Also known as "Coastal A zone.")

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. A **NIGHTCLUB** 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.

NON-PARTICIPATING RESIDENCE. A residence that is located on non-participating property and that is existing and occupied on the date that an application for a conditional use permit application to develop the commercial solar energy system is filed with the county.

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.

OCCUPIED COMMUNITY BUILDING. Any one or more of the following buildings that is existing and occupied on the date that the application for a conditional use permit to develop the commercial solar energy system is filed with the county: a school, place of worship, day care facility, public library, or community center.

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.

PARTICIPATING RESIDENCE. A residence that is located on participating property and that is existing and occupied on the date that a conditional use permit for a building permit to develop the commercial solar energy system is filed with the county.

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 vehicle 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, CLASS “A” (i.e., “FAST FOOD”). A restaurant which exhibits any three 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 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 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 carryout 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 Superintendent of Schools;
- (16) Soil and Water Conservation District;
- (17) Sanitary District;
- (18) Lake County Stormwater Management Commission;
- (19) Superintendent, grade school district;
- (20) Superintendent, high school district;
- (21) Telephone company;
- (22) Township Assessor;
- (23) Township Highway Commissioner;
- (24) Township Supervisor; and
- (25) 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 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, ACCESSORY LARGE-SCALE. A ground-mounted solar energy system that occupies at least 40,000 square feet of surface area and whose power generation is primarily for consumption on the property. An accessory large-scale solar energy system is considered accessory regardless of its size in relation to the principal use and/or buildings on the property.

SOLAR ENERGY SYSTEM, ACCESSORY 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 and whose power generation is primarily for consumption on the property. An accessory medium-scale solar energy system is considered accessory regardless of its size in relation to the principal use and/or buildings on the property.

SOLAR ENERGY SYSTEM, ACCESSORY SMALL-SCALE. A ground-mounted solar energy system that occupies 1,750 square feet of surface area or less and whose power generation is primarily for consumption on the property. An accessory small-scale solar energy system is considered accessory regardless of its size in relation to the principal use and/or buildings on the property.

SOLAR ENERGY SYSTEM, COMMERCIAL. A ground-mounted solar energy system for the primary purpose of wholesale or retail sale and not primarily for consumption on the property.

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 one to two 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.

SUPPORTING FACILITIES. The transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the WECS.

SURVEYOR. A licensed 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, nacelle and blades are mounted. Also referred to as "wind tower" or "WECS tower".

TOWNHOUSE. A dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units. A **TOWNHOUSE** 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, or any piece of electrical generating equipment that converts the kinetic energy of moving wind into electrical energy through the use of airfoils or similar devices to capture the wind.

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.

WILDLIFE. Any animal that is normally born in the wild and able to live on its own without human assistance, excluding livestock or animals considered to be domesticated.

WILDLIFE EDUCATION. The process of influencing people's attitudes, emotions, knowledge, and behaviors about wildlife and wild places with the purpose of introducing people to wildlife, promoting awareness of biodiversity, and developing conservation-minded and sustainable behavior. This is done through the efforts of trained/skilled educators and interpreters, who use a variety of techniques, methods and assessments to impart information. **WILDLIFE EDUCATION** is distinct from entertainment-oriented exhibitions in that its primary purpose is not to entertain but rather to provide a deeper understanding of and connection to wildlife. **WILDLIFE EDUCATION** does not include the use of wildlife in performances that: (a) are foreign to their natural behavior (or otherwise not designed to simulate their natural interactions within their environment); (b) introduce painful physical restraint or deprivation inconsistent with practices employed by wildlife biologists, veterinarians or other licensed or trained wildlife caretakers; (c) force interactions with other wildlife contrary to normal conditions in the wild; or (d)

otherwise unnecessarily induce significant stress, injury or illness to wildlife as a reasonably foreseeable consequence of the performance. **WILDLIFE EDUCATION** includes, but is not limited to, events to provide the public with opportunities to experience wildlife directly and vicariously through outreach programs, on-site tours, demonstrations, and community events. Wildlife educational programming is typically, but not exclusively, provided by local government agencies, non-profit organizations that provide rehabilitation and release or sanctuary of animals, or trained professionals who are actively engaged in conservation and educational programs and possess the proper permits from the Illinois Department of Natural Resources, U.S. Fish and Wildlife Service, or the U.S. Department of Agriculture.

WIND ENERGY FACILITY, ACCESSORY. A wind energy conversion facility less than 500 kilowatts in total nameplate generating capacity. Can be either building mounted or tower mounted.

WIND ENERGY FACILITY, COMMERCIAL. A wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. Also referred to as "wind energy conversion system" or "WECS" or "WECS project".

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; Ord. 19-1378, passed 9-10-2019; Ord. 21-0744, passed 5-11-2021; Ord. 22-1060, passed 8-9-2022; Ord. 22-1356, passed 10-11-2022; Ord. 23-0675, passed 5-9-2023; Ord. 23-1056, passed 8-8-2023)

APPENDIX Q: WIND ENERGY FACILITIES

§ 1.0 APPLICATION REQUIREMENTS FOR WIND ENERGY FACILITIES.

See §§ [151.112\(CCC\)\(DDD\)](#) and [151.113\(P\)](#) Wind Energy Facilities for information on Height and Setbacks and Operating Requirements. See §§ [151.250](#) through [151.261](#) for Violations, Penalties and Enforcement. See below for Additional Standards for Wind Energy Facilities. Other local and state regulations shall apply.

A. *Project proposal.*

- 1) Owner name, address and phone number.
- 2) Photos of existing conditions for proposed facility.
- 3) Project summary including the manufacturer information, number of proposed turbines, and proposed height to the top of the turbine, including tower height and length of the blades.

B. *Site plan (drawn to scale).*

For tower-mounted wind energy facilities:

- 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 floodplains, sanitary sewers, field drain tiles, storm sewer systems, and water distribution systems.

For both tower and building-mounted facilities:

- 4) Location of any overhead or underground power lines and utility easements.
- 5) The locations and the expected duration of shadow flicker caused by the facility.

C. *Waivers.*

- 1) Any waiver for setbacks, sound level limitations or shadow flicker signed by nonparticipating property owners shall be recorded against the impacted property with the Recording Division of the Lake County Clerk's Office.
- 2) All waivers shall be submitted with the application for the wind energy facility.

D. *Engineering plans, drawings, and schematics.*

- 1) Manufacturer's engineering specifications of the tower, turbine and foundation, detailed drawing of electrical components and installation details, and expected sound level production (see Sound Level standards below).
- 2) For turbines greater than 20 kW of nameplate capacity, an Illinois licensed structural engineer's seal shall be required.
- 3) All facilities shall be designed to withstand a minimum wind velocity of 100 miles per hour.
- 4) Each facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment (inverter) manufacturers have obtained from Underwriters Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.
- 5) All electrical wires and lines connecting each facility shall be installed underground.
- 6) To reduce potential bird perching and nesting, towers shall be a monopole rather than a lattice structure. External platforms/landings and ladders shall not be permitted on towers, unless mitigation strategies to avoid bird roosting or nesting are employed.

E. *Soil studies.* Tower-mounted facilities greater than 75 feet total height OR greater than 5,000 lbs. structural weight shall require a stamped drawing by an Illinois licensed Structural Engineer and may require, as determined by relevant building officials, a soil analysis at the base of the tower, demonstrating that the soils are able to support the structural weight of the facility. Structural weight shall include the tower, wind turbine generator, and any other component(s) otherwise supported by the base foundation. An Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture may be required by the county for a commercial wind energy facility as a part of the conditional use permit application.

COMMENTARY REGARDING WIND AND WILDLIFE IMPACTS:

Lake County will consult with the Illinois Department of Natural Resources and U.S. Fish and Wildlife Service on proposals for tower-mounted wind facilities over 75 feet in height, in accordance with applicable statutes. Applicants for wind energy are encouraged to work with the Lake County Soil and Water Conservation District, the Illinois Department of Natural Resources and U.S. Fish and Wildlife Service to initiate natural resource reviews in order to identify potential environmental issues before submitting the application. The Illinois Department of Natural Resources and U.S. Fish and Wildlife Service may request a wildlife study evaluating the potential impact of the proposed construction and operation of a wind energy facility on any species of concern or high quality wildlife habitat on or near the subject property. For turbines proposed with a height of over 75 feet, within 1.5 miles of Lake County Forest Preserve District, Illinois State Park, Illinois Nature Preserve, or Illinois Natural Area Inventory lands, Lake County will provide notice to and solicit comments from those appropriate agency(ies).

F. *Wildlife impacts.* Lake County may require the applicant to develop and implement an environmental plan that adequately mitigates or eliminates any potentially adverse impacts, identified through consultations, comments from noticed parties, and environmental studies. The applicant, at its expense, shall have a third party, qualified professional (after submission of resume and relevant work experience) conduct an avian and wildlife impact study and submit said study to the county as part of the conditional use permit application or building permit application if no conditional use permit is required. Each WECS or WECS project shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife.

G. *Installation.* Facilities must be installed according to manufacturer specifications and permitting requirements. Electrical connections must be made by a licensed electrician.

H. *Climb prevention.* The base of any facility tower shall not be climbable for a vertical distance of 15 feet from the base, unless enclosed with an 8-foot tall locked fence.

I. *Braking systems.* All WECSs shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, tilt, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection. The owner shall immediately cease operations as deemed necessary by Lake County.

J. *Signage.*

1) Facilities shall have no advertising material, writing, picture, or signage other than warning, turbine tower identification, or manufacturer or ownership information.

2) This prohibition shall include the attachment of any flag, streamers, ribbons, spinners or waving, fluttering or revolving devices, but not including meteorological/weather devices or bird flight diverters on guy wires.

3) Tower-mounted facilities shall have one warning sign that shall include a notice of no trespassing, a warning of high voltage, and the phone number of the owner to call in case of emergency.

K. *Lighting.*

1) The facility shall not be artificially lighted, except as required by the Federal Aviation Administration (FAA) or necessary for workers involved in maintenance or repairs. Any required lighting shall be shielded so that no glare extends beyond the property line of the facility.

2) Security lighting and any emergency lighting should be kept to the minimum required.

3) To reduce potential wildlife impacts, the facility should employ only red, or dual red and white strobe, strobe-like, or flashing lights, not steady burning lights to meet FAA requirements for visibility lighting of wind turbines, permanent meteorological towers, and communication towers.

L. *Historic districts and landmarks.* Wind facilities within 500 feet of the local historic district or landmark or a National Historic District or Landmark must receive a recommendation from the Historical and Architectural Sites Commission prior to submitting an application to the Plan Commission and County Board.

(Ord. passed - -; Ord. 23-0675, passed 5-9-2023)

APPENDIX T: SOLAR ENERGY SYSTEMS

§ 1.0 APPLICATION REQUIREMENTS FOR SOLAR ENERGY SYSTEMS

See § [151.112](#)~~(WW)~~(XX) Solar Energy Systems and § [151.113](#)(U) Accessory Solar Energy Systems for information on height, setbacks and lot coverage requirements. See §§ [151.250](#) through [151.261](#) 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, 100-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. All power lines used to collect power and all communication lines shall be buried underground at a depth in accordance with the Agricultural Impact Mitigation Agreement and the current adoption of the NFPA 70 National Electrical Code, whichever is more restrictive, until

C. *Waivers.*

1) All setback or landscape transition yard waiver agreements shall be submitted with the application for the solar energy system.

2) Any setback or landscape transition waiver agreement between the property owner and adjacent property owner shall be recorded against the impacted properties with the Recording Division of the Lake County Clerk's Office.

D. Engineering plans, drawings, and schematics.

1) Manufacturer'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 commercial and accessory medium and large-scale 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, commercial and accessory 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 § [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 § [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.

I. Agriculture Impact Mitigation Agreement.

1) For commercial solar energy system projects, applicants shall provide an Agricultural Impact Mitigation Agreement (AIMA) executed between the applicant and the Illinois Department of Agriculture.

J. Natural resource protection.

1) For commercial and large-scale solar energy system projects, applicants shall provide a copy of the consultation application to the Illinois Department of Natural Resources pursuant to the Illinois Endangered Species Protection Act (520 ILCS 10/11) and the Illinois Natural Areas Preservation Act (525 ILCS 30/17).

(Ord. 19-1378, passed 9-10-2019; Ord. 23-0675, passed 5-9-2023)

APPENDIX U: FILL/GRADE OPERATIONS

§ 1.0 APPLICATION REQUIREMENTS FOR FILL/GRADE OPERATIONS

See § 151.112(JJ) Major Fill/Grade Operations and § 151.113(W) Minor Fill/Grade Operations for information on height, setbacks, and lot coverage requirements. See §§ 151.250 through 151.262 for violations, penalties, and enforcement. Other local and state regulations shall apply.

A. Roads and Access.

1) A transportation plan shall be submitted which:

(a) Identifies proposed haul route(s) with a map and clearly specifies type of signage, signposts, and locations along roadway identifying the haul route to the satisfaction of the county;

(b) Ensures that the temporary access drive within 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. Beyond the 50-foot entrance, temporary access drives within the site shall be comprised of a stone base and crushed asphalt top layer.

(c) Includes provisions to maintain this haul road and replace the stone base and asphalt as needed.

(d) Includes provisions to remove dust, dirt, mud, and other debris from vehicles exiting the site and to keep the main road from which access is taken free of dust, dirt, mud, and other debris at all times.

(e) Includes provisions to clean and repair the main road from which access is taken as needed.

(d) Includes measures to ensure minimal disruption of normal traffic due to the fill/grade operation.

2) Operation will not be allowed to begin until all required improvements have been constructed, in accordance with the approved transportation plan.

3) The operator and contractors shall abide by all posted weight limits unless a permit is obtained, or permission is granted to do otherwise.

4) The operator shall be responsible for the maintenance of roads, including asphalt patching and shoulder maintenance during operation. The operator shall work in conjunction with the highway authorities and obtain any necessary permits.

5) Access Routes

(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 is required. 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 is required. If the existing access is insufficient to manage 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 is required.

(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 is required. Operators 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.

(c) If the operator does not repair hauler damage to the designated access route in a reasonable period of time (based on the degree to which it poses a hazard to the motoring public) the appropriate highway authority may make the necessary repairs and the operator is expected to reimburse a highway authority for any costs it incurs for repairing damage to any road in its jurisdiction arising from the construction, operation, or maintenance of the project. Should the operator not make such reimbursement upon request of the highway authority, a stop work order may be issued by Lake County until such reimbursement is received by the highway authority.

COMMENTARY: General Transportation Guidelines: For the purpose of transporting fill, the operator shall comply with all applicable requirements of the appropriate highway authority(ies), be it the Illinois Department of Transportation, Lake County Division of Transportation, township, or municipality.

The operator must improve the designated access route to satisfy the design requirements of the appropriate highway authority(ies)

Local highway authorities may require a performance assurance to ensure the required improvements or interim repairs to the damaged portions of the roads will be completed and to ensure that post-project road improvements are made to the satisfaction of the appropriate highway authority. The amount and form of the performance assurance for this project shall be determined by the appropriate highway authorities.