

CHAPTER 151: UNIFIED DEVELOPMENT ORDINANCE

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INTRODUCTORY PROVISIONS

§ 151.001 TITLE.

This chapter shall be officially known and cited as the "Unified Development Ordinance of Lake County, Illinois". References herein to "this chapter" shall be interpreted as referring to the "Unified Development Ordinance".

(Ord., § 1.1, passed 10-13-2009)

§ 151.002 AUTHORITY.

This chapter is adopted pursuant to the statutory authority conferred by 55 ILCS 5/5-12001, 55 ILCS 5/5-1041, 55 ILCS 5/5-1062, 605 ILCS 5/6-325, and 615 ILCS 5/4.9 et seq.

(Ord., § 1.2, passed 10-13-2009)

§ 151.003 APPLICABILITY AND JURISDICTION.

This chapter shall apply to all development, public and private, within unincorporated Lake County. All structures and land uses constructed or commenced hereafter and all enlargements of, additions to, changes in, and relocations of existing structures and uses occurring hereafter shall be subject to this chapter, all statutes of this state, the Building Codes of this county, and all other applicable county ordinances, except as specifically provided in this chapter.

(Ord., § 1.3, passed 10-13-2009; Ord. passed - -)

§ 151.004 MINIMUM REQUIREMENTS.

The standards of this chapter are minimum requirements. The issuance of any permit, certificate, or approval in accordance with the standards and requirements of this chapter shall not relieve the recipient of the permit, certificate, or approval from the responsibility for complying with all other applicable requirements of any other county, state, or federal agency having jurisdiction over the structures or land uses for which the permit, certificate, or approval was issued.

(Ord., § 1.4, passed 10-13-2009)

§ 151.005 PURPOSE AND INTENT.

This chapter is intended to protect the health, safety, and general welfare of existing and future residents of the unincorporated area of Lake County by:

- (A) Implementing the Regional Framework Plan;
- (B) Classifying the unincorporated area of the county into zoning districts;
- (C) Regulating and restricting the location and use of buildings, structures, and land for agriculture, natural resource conservation, recreation, trade, industry, residences, and other uses;
- (D) Regulating the intensity of uses and structures through density, intensity, dimensional, and open space standards;
- (E) Protecting landowners from any adverse impacts associated with development that occurs in unincorporated Lake County;
- (F) Implementing land use and open space policies that will preserve agricultural uses of land, including local food production, and the rural, open character of the unincorporated area of the county;
- (G) Controlling development in areas of sensitive natural resources, in order to reduce or eliminate adverse environmental impacts;
- (H) Protecting the integrity of watersheds;
- (I) Promoting sustainable development;

(J) Promoting conservation development;

(K) Managing growth within the unincorporated area of Lake County by concentrating development in areas where adequate sewage and water facilities, roads, and schools now exist or can be provided, and limiting development in areas where these facilities are not adequate;

(L) Protecting the tax base by managing growth within unincorporated Lake County;

(M) Promoting land use patterns that increase efficiency in service provision and prudent use of fiscal resources and local government expenditures;

(N) Providing standards for all types of dwelling units to ensure access to decent, sound, sanitary and affordable housing for renters and buyers in accordance with the goals of the Federal Housing Act of 1949, among which is the provision of adequate zoning to meet a fair share of the region's housing needs;

(O) Encouraging provision of affordable housing opportunities near employment centers and major transportation facilities;

(P) Ensuring the continued usefulness of all elements of the highway system for their planned function by increasing the safety and free flow of traffic by limiting numbers of intersections and driveways on major roads, while requiring greater connectivity of local streets;

(Q) Ensuring protection from fire, flood, and other dangers;

(R) Providing adequate privacy, light, and air; and

(S) Gradually eliminating uses, structures, and situations that do not comply with this chapter.

(Ord., § 1.5, passed 10-13-2009; Ord. passed - -)

§ 151.006 FLOOD WARNING AND DISCLAIMER OF LIABILITY.

(A) The degree of flood protection provided by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Nonetheless, greater floods may occur on occasion and flood heights may be increased by man-made or natural causes.

(B) This chapter does not imply that areas outside floodplain areas or that land uses permitted within those areas will always be totally free from flooding or flood damages. This chapter shall not create any liability on the part of or a cause of action against the County Board or any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that may result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord., § 1.6, passed 10-13-2009)

§ 151.007 NATIONAL FLOOD INSURANCE PROGRAM.

This chapter is intended to repeal the original county ordinance or resolution that was adopted to meet the National Flood Insurance Program regulations, but is not intended to repeal the resolution approved by the County Board to establish initial eligibility for the program.

(Ord., § 1.7, passed 10-13-2009)

§ 151.008 COMMENTARY.

Whenever a provision of this chapter requires additional explanation to clarify its intent, a "Commentary" is included. They have no regulatory effect, but rather are intended solely as a guide for administrative officials and the public to use in understanding and interpreting the ordinance.

(Ord., § 1.8, passed 10-13-2009)

§ 151.009 WORD USAGE AND CONSTRUCTION OF LANGUAGE.

(A) *Meanings and intent.* All provisions, terms, phrases, and expressions contained in this chapter shall be construed according to the purpose and intent set out in § 151.005. See also written interpretations, § 151.057.

(B) *Headings, illustrations, and text.* In case of any difference of meaning or implication between the text of this chapter and any heading, drawing, table, figure, or illustration, the text shall control.

(C) *Lists and examples.* Unless otherwise specifically indicated, lists of items or examples that use terms such as "including", "such as", or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.

(D) *Computation of time.* The time in which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the county, that day shall be excluded.

(E) *References to other regulations, publications and documents.* Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of the resolution, ordinance, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

(F) *Delegation of authority.* Whenever a provision appears requiring the head of a department or another officer or employee of the county to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

(G) *Technical and non-technical terms.* Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to that meaning. (See also §§ 151.270 and 151.271.)

(H) *Public officials and agencies.* All public officials, bodies, and agencies to which references are made are those of the county, unless otherwise expressly provided.

(I) *Mandatory and discretionary terms.* The words "shall", "will", and "must" are mandatory. The words "may" and "should" are advisory and discretionary terms.

(J) *Conjunctions.* Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows: "and" indicates that all connected items, conditions, provisions, or events apply; and "or" indicates that one or more of the connected items, conditions, provisions, or events may apply.

(K) *Tenses and plurals.* Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

(L) *Numerical calculations.* Unless otherwise specifically indicated, for standards involving the use of whole numbers, all calculations shall be rounded to the nearest whole number.

(Ord., § 1.9, passed 10-13-2009; Ord. passed - -)

§ 151.010 CONFLICTING PROVISIONS.

(A) *Conflict with state or federal regulations.* If the provisions of this chapter are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

(B) *Conflict with other county regulations.* If the provisions of this chapter are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the county, the more restrictive provision will control. No text amendment, zoning variance, or condition of approval placed on a conditional use permit or other form of development approval under this chapter shall have the effect of nullifying, abrogating, or diminishing the provisions of any other county ordinance.

(C) *Conflict with private easements, agreements, covenants, or restrictions.* This chapter is not intended to abrogate, annul, or otherwise interfere with any private easement, agreement, covenant, restriction, or other private legal relationship. The county is responsible for enforcing this chapter; it does not enforce private agreements, easements, covenants, or restrictions except those specifically required for the administration and enforcement of this chapter.

(Ord., § 1.10, passed 10-13-2009)

§ 151.011 TRANSITIONAL PROVISIONS.

(A) *Violations continue.* Any violation of the previous zoning, subdivision, mobile home park, recreational vehicle park, or sign regulations of the county shall continue to be a violation under this chapter and shall be subject to penalties and enforcement under §§ 151.250 through 151.258, unless the use, development, construction, or other activity is consistent with the express terms of this chapter, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before April 11, 2000.

(B) *Conditional uses.*

(1) Any use that was legally established before April 11, 2000 without a conditional use permit and which, after April 11, 2000 is located within a zoning district that requires a conditional use permit for the subject use, shall be issued a conditional use permit without following the procedures of § 151.050. The Planning, Building and Development Director shall have the authority to impose reasonable conditions on the use relating to standards prescribed by this and other applicable ordinances. The conditions shall be subject to the appeal provisions of § 151.058. Any use that was legally established prior to the conditional use permit requirement of this chapter for the subject use in the zoning district in question shall similarly be issued a conditional use permit without following the procedures of § 151.050. Expansions and modifications of the uses shall be subject to § 151.050. Even if a conditional use permit is issued pursuant to this section, those uses or structures that do not comply with applicable standards of this chapter, including the use standards of § 151.112, shall be deemed nonconforming and be subject to the regulations of §§ 151.230 through 151.236.

COMMENTARY:

In these cases, the Planning, Building and Development Director retains the limited authority to impose conditions related solely to the regulations in effect at the time the use was established.

(2) Any use that was legally established before April 11, 2000 with a conditional use permit and which after April 11, 2000 is located within a zoning district that requires a conditional use permit for the subject use, may continue to be operated under the terms of the original conditional use permit. The use shall be subject to all applicable standards of this chapter, including the use standards of § 151.112 and the nonconformity regulations of §§ 151.230 through 151.236. Expansions and modifications of the uses shall be subject to §151.050.

(3) Any use that was legally established before April 11, 2000 with a conditional use permit and which after April 11, 2000 is located within a zoning district that does not require a conditional use permit for the subject use, shall continue to be subject to all applicable standards of this chapter, including the use standards of § 151.112 and the nonconformity regulations of §§151.230 through 151.236.

(C) *Temporary administrative deferrals.*

(1) Upon the County Board's adoption of a resolution to conduct hearings relating to any amendments to the text or maps of this chapter, the Planning, Building and Development Director, upon the consent of the Planning, Building and Zoning Committee, shall be empowered to place a temporary administrative deferral on applications that are materially affected by the proposed amendments, if adopted.

(2) This temporary administrative deferral shall be in place for a reasonable period of time not to exceed a maximum of 120 days.

(3) A temporary administrative deferral shall automatically cease upon the expiration of 120 days or upon final action by the County Board relating to the proposed amendment, whichever occurs first. Upon receipt of an application, the Planning, Building and Development Director shall inform the applicant in writing of the temporary administrative deferral and shall inform the applicant that the application shall be processed in accordance with the outcome of the proposed amendment.

(4) The Planning, Building and Development Director shall be similarly empowered to place a temporary administrative deferral on applications that are materially affected by any pending amendments to other county ordinances, subject to the same notice requirements specified above.

(Ord., § 1.11, passed 10-13-2009)

REVIEW AND DECISION-MAKING BODIES

§ 151.025 PLANNING, BUILDING AND ZONING COMMITTEE.

The Planning, Building and Zoning Committee shall have all of the powers and duties specifically assigned in this chapter, including the following:

(A) Overseeing the administration and enforcement of this chapter;

(B) Reviewing proposed text amendments, zoning map amendments (rezonings), and conditional use permit applications and recommending that the County Board approve, approve with conditions, or deny the applications, in accordance with §§ 151.046, 151.047, and 151.050, respectively;

(C) Reviewing proposed PUD preliminary plan applications and recommending that the County Board approve, approve with conditions or deny the applications in accordance with § 151.051;

(D) Reviewing proposed PUD final plan applications and acting to approve, approve with conditions, or deny the applications in accordance with § 151.051;

(E) Reviewing proposed vacation requests and recommending that the County Board approve, approve with conditions, or deny the applications in accordance with § 151.204;

(F) Conducting informational meetings on proposed subdivisions in accordance with §151.191(B);

(G) Reviewing proposed preliminary and final plat applications and acting to approve, approve with conditions or deny the applications in accordance with § 151.191(E)(5) and (F)(7);

(H) Hearing appeals of the Planning, Building and Development Director's decision on minor subdivision modification requests and acting to approve, approve with conditions or deny the appeals in accordance with § 151.192(D)(2);

(I) Reviewing proposed major subdivision modification requests and acting to approve, approve with conditions or deny the requests in accordance with § 151.192(C)(3);

(J) Hearing appeals of the Planning, Building and Development Director's decisions on subdivision assurance reduction, extension and release matters in accordance with § 151.203(F)(1); and

(K) Acting on school and park contribution matters, as set out in §§151.220 and 151.221.

(Ord., § 2.1, passed 10-13-2009; Ord. passed - -)

§ 151.026 RESERVED.

§ 151.027 ZONING BOARD OF APPEALS.

(A) The Zoning Board of Appeals acts in a quasi-judicial, decision-making capacity (appeals of administrative decisions, zoning variances, and delegated conditional use permits) and an advisory capacity (zoning amendments and non-delegated conditional use permits) under this chapter.

(B) The Zoning Board of Appeals shall have all of the powers and duties specifically assigned in this chapter, including the following general duties and responsibilities:

(1) Establish rules of procedure, and any other rules as it deems necessary, not in conflict with Illinois state law;

(2) Compel the attendance of witnesses at hearings and administer oaths;

(3) File minutes of its proceedings and any written recommendations from any county department, State's Attorney, or other official bodies; show the vote of each member on every question or, if a member is absent or fails to vote, indicate that fact; and keep records of its examinations and other official actions;

(4) File immediately in the office of the Zoning Board of Appeals all rules and regulations and amendments or repeals thereof, and every order, requirement, decision, or determination of the Zoning Board of Appeals. These shall become public records;

(5) Hear and decide appeals from any decisions of the Planning, Building and Development Director or any other administrative official made in the performance of his or her duties under the provisions of this chapter;

(6) Hear and decide all petitions for major zoning variances, delegated conditional use permits, and any minor zoning variances referred to it by the Hearing Officer;

(7) Hear all applications for non-delegated conditional use permits, ordinance text amendments, and zoning map amendments and make a report and recommendation to the Lake County Board;

(8) Study and report to the County Board on zoning map amendments and ordinance text amendments; and

(9) Other recommendations to the County Board on matters of regional significance, including transportation, stormwater management, and environmental protection.

(Ord., § 2.3, passed 10-13-2009)

§ 151.028 HEARING OFFICER.

(A) The position of Hearing Officer is hereby established to serve in a decision-making capacity in the minor zoning variance process. The Chair of the Zoning Board of Appeals shall serve as the Hearing Officer. In the absence of the Chair, the Vice-Chair shall serve as the Hearing Officer.

(B) The Hearing Officer shall have all of the powers and duties specifically assigned in this chapter, including the following general duties and responsibilities:

(1) Establish rules of procedure and other rules as deemed necessary, not in conflict with state law;

(2) Compel the attendance of witnesses at hearings on minor zoning variances and administer oaths;

(3) File minutes of all proceedings and any written recommendations from any county department, State's Attorney, or other official bodies and keep records of examinations and other official actions;

(4) File immediately in the office of the Zoning Board of Appeals all rules and regulations and amendments or repeals thereof, and every order, requirement, decision, or determination. These shall become public records; and

(5) Hear and decide applications for minor zoning variances, as provided in §151.056(C); provided, however, that the Hearing Officer may refer any minor zoning variance application to the Zoning Board of Appeals for hearing and decision and shall do so whenever there is reason to

question the Hearing Officer's ability to conduct an unbiased hearing or render an impartial decision.

(Ord., § 2.4, passed 10-13-2009)

§ 151.029 PLAT OFFICER.

(A) The Chair of the Planning, Building and Zoning Committee shall serve as the Plat Officer. In the Plat Officer's absence, the Vice-Chair of the Planning, Building and Zoning Committee shall be considered the acting Plat Officer and may act for, and on behalf of, the Plat Officer.

(B) The Plat Officer shall have all of the powers and duties specifically assigned in this chapter, including the following general duties and responsibilities:

- (1) Sign all final plats of subdivision approved by the Planning, Building and Zoning Committee; and
- (2) Act on any other matter for which this chapter requires action by the Plat Officer.

(Ord., § 2.5, passed 10-13-2009)

§ 151.030 MULTI-DISCIPLINARY TEAM (MDT).

(A) *Composition and general responsibility.* The Multi-Disciplinary Team shall be comprised of members of the Planning, Building and Development Department, the Lake County Division of Transportation, the Lake County Health Department, and the Lake County Public Works Department. The Multi-Disciplinary Team shall have all of the powers and duties specifically assigned in this chapter, including all of the following general duties and responsibilities:

- (1) Process plats of subdivision as set forth in §151.186;
- (2) Oversee all activities related to the completion of subdivision improvements as set forth in §§151.185 through 151.204;
- (3) Consider all requests for modifications from the standards of this chapter as set forth in §151.192; and
- (4) Act on any other matter for which this chapter requires action by the Multi-Disciplinary Team.

(B) *Specific responsibilities.* The responsibilities of the Multi-Disciplinary Team or successor agencies are as follows.

(1) *Planning, Building and Development Department.*

(a) The Planning, Building and Development Department shall have the duties and responsibilities of ensuring that all development proposals comply with the standards of this chapter, including the natural resource protection standards of § 151.071. In fulfilling these responsibilities, the Planning, Building and Development Department shall promote solutions that will achieve the most desirable site design.

(b) The Planning, Building and Development Department shall be responsible for obtaining and disseminating all required documents to the Multi-Disciplinary Team and to all reviewing agencies, and for soliciting all necessary comments and recommendations.

(c) The Planning, Building and Development Department's review shall determine that all development proposals conform with established land use policies and that the best design concepts and principles are employed in the site design. The Planning, Building and Development Department shall have the responsibility for determining the suitability of the overall design concept.

(d) The Planning, Building and Development Department's zoning review shall include but shall not be limited to lot area and width requirements, site capacity and open space requirements and site development regulations contained in this chapter.

(e) The Planning, Building and Development Department staff shall conduct periodic inspections of the site improvements relating to their area of responsibility.

(2) *Division of Transportation.*

(a) The Lake County Division of Transportation shall have the duties and responsibilities of reviewing all development proposals, and making determinations and recommendations concerning design standards and engineering specifications for street and related drainage construction as herein set forth. In accordance with 55 ILCS 5/5-1041 and 605 ILCS 5/6-325, the County Engineer shall have the right to establish reasonable requirements with respect to street drainage and surfacing which shall be deemed to be the minimum requirements in the interest of the health, safety, and convenience of the public of the county. The Division's review shall include but is not limited to proper control of access to local, collector, and arterial streets and the provision of proper access between sites. In fulfilling these responsibilities, the Lake County Division of Transportation shall promote consistent driver expectations, resulting in maximum operational efficiencies and safety, and shall protect the public investment in publicly maintained roadways.

(b) Lake County Division of Transportation staff shall conduct periodic inspections of those site improvements relating to their area of responsibility.

(3) *Lake County Health Department.* The Lake County Health Department shall have the duties and responsibilities of reviewing all developmental proposals, and for making determinations and recommendations as to the proper type of well and individual sewage disposal system to be required in each development. In addition, the Lake County Health Department shall make determinations and recommendations in matters concerning public health and environmental protection, as may be required during the development approval process. In fulfilling these responsibilities, the Lake County Health Department shall promote solutions that will achieve the most suitable site design.

(4) *Lake County Public Works Department.*

(a) The Lake County Public Works Department shall have the duties and responsibilities of reviewing all development proposals concerning sanitary sewer and/or water systems. The Lake County Public Works Department shall make determinations and recommendations concerning design standards and engineering specifications including sizing, location, and points of connection. The Lake County Public Works Department shall advise on the ownership, operation, and possible incorporation of proposed sanitary sewer and/or water systems into the county system. In fulfilling these responsibilities, the Lake County Public Works Department shall promote solutions that will achieve the most suitable site design.

(b) The Lake County Public Works Department staff shall conduct periodic inspections of site improvements relating to their area of responsibility.

(Ord., § 2.6, passed 10-13-2009; Ord. passed 8-14-2012)

§ 151.031 BOARD OF VACATIONS.

(A) *Composition.* The Board of Vacations shall be comprised of two members from the Planning, Building and Development Department and one member from the Lake County Division of Transportation. A representative of the State's Attorney's Office and an additional member of the Planning, Building and Development Department shall be ex officio members.

(B) *Responsibilities.*

(1) The Board of Vacations shall be responsible for conducting public hearings and for making recommendations relative to all requests for the vacation of plat or streets as set forth in this chapter.

(2) The State's Attorney's Office acts as a legal advisor to the Board of Vacations. A designated representative from the Planning, Building and Development Department shall act as the Vacation Officer responsible for administration of all provisions of this section.

(Ord., § 2.7, passed 10-13-2009)

§ 151.032 PLANNING, BUILDING AND DEVELOPMENT DIRECTOR.

The Planning, Building and Development Director shall have all of the powers and duties specifically assigned in this chapter, including the following administration and enforcement duties.

(A) *Administration.*

- (1) Be responsible for the administration of all provisions of this chapter for which administrative responsibilities are not otherwise assigned;
- (2) Make interpretations of the provisions of this chapter, when called upon to do so, in accordance with §151.058;
- (3) Review all applications made pursuant to the requirements of this chapter to ensure compliance with the provisions of this chapter;
- (4) Coordinate the actions of the Multi-Disciplinary Team in fulfilling its duties and responsibilities;
- (5) Prepare reports and submit recommendations to the Planning, Building and Zoning Committee for all matters for which this chapter requires review and approval by the Planning, Building and Zoning Committee;
- (6) Receive and review all site plans required by §151.070;
- (7) Review all proposed ordinance text amendments, zoning map amendments, conditional use permit, planned unit development and variance applications, and prepare reports for the Zoning Board of Appeals and the County Board;
- (8) Classify zoning variance applications per §151.056(B);
- (9) Act as Chair of the Board of Vacations in the vacation of plats and public rights-of-way, in accordance with this chapter;
- (10) Issue all temporary use permits and make and maintain records thereof;
- (11) Issue all conditional use permits granted under the provisions of §151.050, and make and maintain records thereof;
- (12) Determine from public records sufficient information concerning nonconformities to properly perform duties assigned under this chapter;
- (13) Amend the text of this chapter and the Official Zoning Map to reflect any amendments approved by the County Board and maintaining up-to-date originals and copies of these documents. The Planning, Building and Development Director shall assure that sufficient written description is provided to give a precise understanding of amendments;
- (14) Conduct annual reviews of the text of this chapter and propose amendments deemed necessary to implement and ensure consistency with the Framework Plan and other policy objectives of the county;
- (15) Ensure that required reports and consultations with local, state, and federal agencies have been completed, including natural resource information (NRI) reports, when applicable;
- (16) Report to the Planning, Building and Zoning Committee when expressly required by the provisions of this chapter. In these cases, the Planning, Building and Development Director shall report on the action to the Planning, Building and Zoning Committee within 15 days of taking action or at the next regularly scheduled meeting of the Planning, Building and Zoning Committee, whichever occurs first; and
- (17) Issue all site development permits and make and maintain records thereof. In this capacity, the Planning, Building and Development Director shall have the following additional duties and responsibilities. Certain of these duties and responsibilities are required by the Federal Emergency Management Agency or Illinois Department of Natural Resources, Office of Water Resources for the purpose of maintaining county's eligibility for participation in the National Flood Insurance Program and delegation of state permit authority. These duties and responsibilities relate only to the intergovernmental relationship between county and the Federal Emergency Management Agency or Illinois Department of Natural Resources, Office of Water Resources and they do not and are not intended to create any third party beneficial rights in or for applicants, property owners or others:
 - (a) Determine for each development if it is in a Special Flood Hazard Area using the criteria specified in §151.147, before the issuance of a site development permit;
 - (b) Ensure that an Illinois Department of Natural Resources, Office of Water Resources dam safety permit is obtained or a letter stating that no dam safety permit is required if the development includes a dam before the issuance of a site development permit. Additionally, if the Planning, Building and Development Director finds a dam which is believed to be in an unsafe condition, the Planning, Building and Development Director shall immediately notify the owner of the dam and the Illinois Emergency Services and Disaster Agency and the Illinois Department of Natural Resources, Office of Water Resources Dam Safety Section in Springfield;
 - (c) Adopted basin plans and floodplain studies may be the basis for more specific regulations. These additional or more specific regulations will apply only in the specific study area of the basin plan or floodplain study and supersede those of this chapter only upon amendment to the Watershed Development Ordinance and formal adoption of the basin plan or floodplain study by SMC.
 - (d) Review proposed easements, deed restrictions and other restrictive covenants, required by this chapter to ensure proper use and maintenance of proposed stormwater management systems. Administer the acceptance, reduction, and release of performance and maintenance assurances that may be required by this chapter to ensure proper installation and maintenance of proposed stormwater management systems;
 - (e) Oversee the review, by a registered professional engineer, of the plans, calculations or analyses submitted by other registered professional engineers, as required by this chapter as a condition of application for a site development permit;

(f) Ensure that the applicant has obtained and provided any and all required federal, state, and local permits for all development in the regulatory floodplain, before the issuance of a site development permit;

(g) Submit to the Lake County Stormwater Management Commission, the Illinois Department of Natural Resources, Office of Water Resources, and the Federal Emergency Management Agency the data required for proposed revisions to the base flood elevation of a regulatory floodplain study or a relocation of a regulatory floodway boundary, before the issuance of a site development permit. Additionally, the Planning, Building and Development Director also shall submit reports as required for the National Flood Insurance Program;

(h) Maintain records of every site development permit application, permit, hydrologic and hydraulic data and enforcement action and allow periodic inspections of the records by the Lake County Stormwater Management Commission, the Federal Emergency Management Agency or the Illinois Department of Natural Resources, Office of Water Resources;

(i) Maintain an elevation certificate and flood-proofing certificate file to certify the elevation of the lowest floor (including basement), of all buildings constructed in the regulatory floodplain;

(j) Maintain for public inspection and provide copies upon request of base flood data and maps, Conditional Letter of Map Revision, Letter of Map Revision elevation of flood-proofing certificates, other site development permit related materials, available "as-built" elevation and flood-proofing records for all building constructed subject to the provisions of §§ 151.145 through 151.154;

(k) Transfer to the Lake County Stormwater Management Commission, at agreed upon intervals, at no later than the five-year period described above, the portions of stormwater records specified by the Lake County Stormwater Management Commission;

(l) Notify adjacent upstream and downstream communities, the Lake County Stormwater Management Commission, and the Illinois Department of Natural Resources, Office of Water Resources in writing 30 days prior to the issuance of any permit for the alteration or relocation of a channel or linear water body in the regulatory floodplain; and

(m) Shall provide the Lake County Stormwater Management Commission an annual report summarizing the FIL50 fees received, project expenditures and status, categorized by watershed.

(B) *Enforcement.*

(1) Issue permits only where there is compliance with the provisions of this chapter. Permits for structures or uses requiring a zoning variance shall be issued only subsequent to the Zoning Board of Appeals (or Hearing Officer) approval of an appropriate zoning variance application. Permits requiring approval by the County Board shall be issued only after receipt of a certified copy of approval from the Lake County Clerk;

(2) Issue all certificates of occupancy and make and maintain records thereof;

(3) Conduct inspections as prescribed by this chapter and any other inspections as are necessary to ensure compliance with the various provisions of this chapter;

(4) Enforce the provisions of this chapter in accordance with §§151.250 through 151.258, including stopping, by written order, work being done contrary to issued permits or to this chapter. The written order, posted on the premises involved, shall not be removed except by order of the Planning, Building and Development Director. Removal without this order shall constitute a violation of this chapter;

(5) Institute any appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, filling, dumping, maintenance, or use; restrain, correct, or abate the violation, so as to prevent the occupancy or use of any building, structure, or land; to prevent any illegal act, conduct, business, or use in or about the premises; and

(6) Suspend or revoke, in writing, any permit or approval issued contrary to this chapter or based on a false statement or misrepresentation in the application.

(Ord., § 2.8, passed 10-13-2009; Ord. 22-1060, passed 8-9-2022) Penalty, see § 10.99

DEVELOPMENT REVIEW PROCEDURES

§ 151.045 GENERAL.

The provisions of this § 151.045 apply to all development applications and procedures under this subchapter unless otherwise stated.

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

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

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

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

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

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

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

(C) *Form of application.* Applications required under this subchapter shall be submitted in a format and in numbers as required by the official responsible for accepting the application. Application submittal requirements and format information shall be available to the public in the Planning, Building and Development Department.

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

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

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

(G) *Notices.*

(1) *Content.* All notices required under this chapter shall:

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

(2) *Types.*

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

(b) *Notice to reviewing agencies and interested parties.*

1. When neighbor notice is required, the Planning, Building and Development Director shall also provide written notice to the following reviewing agencies and individuals, as deemed appropriate by the Planning, Building and Development Director in light of the subject matter:

- a. Cable television company;
- b. County Board district member;
- c. Electric company;
- d. Fire Department/protection district;
- e. Gas company;
- f. Illinois Department of Natural Resources;
- g. Illinois Department of Transportation;
- h. J.U.L.I.E.;
- i. Lake County Forest Preserve District;
- j. Lake County Map Services;
- k. Local postmaster;
- l. Mayor/President of all municipalities within a one and one-half-mile radius of the subject property;
- m. METRA and PACE;
- n. Planning Building and Zoning Committee members;
- o. Regional Superintendent of Schools;
- p. Soil and Water Conservation District;
- q. Sanitary District;
- r. Lake County Stormwater Management Commission;
- s. Superintendent, grade school district;
- t. Superintendent, high school district;
- u. Telephone company;
- v. Township Assessor;
- w. Township Highway Commissioner;
- x. Township Supervisor; and
- y. Water District.

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

(c) *Newspaper notice.* When the provisions of this chapter require that notice be published in the newspaper, the official responsible for accepting the application shall ensure that notice is published in a newspaper of general circulation in the township in which the subject property is located. In the case of ordinance text amendments or when there is no newspaper of general circulation in the township, the notice shall be

published in a newspaper of general circulation in the county.

(d) *Posted notice.* When the provisions of this chapter require that notice be posted, the official responsible for accepting the application shall post the notice on the subject property in a manner that makes the notice clearly visible to neighboring residents and passers-by from each adjacent street. Failure to correctly post notice shall not invalidate any action taken.

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

(4) *Constructive notice.* Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure of a party to receive notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the date, time, and place of a hearing and the location of the subject property shall be strictly construed. If questions arise regarding the adequacy of notice, the body conducting the hearing or meeting shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this chapter.

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

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

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

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

(L) *Public hearings.*

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

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

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

§ 151.046 TEXT AMENDMENTS.

(A) *Application filing.*

(1) *Who may file.* Any person may file an application for an ordinance text amendment.

(2) *Application submittal.* Applications for amendments to the text of this chapter shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department. When a text amendment is initiated by the County Board, a resolution approved by the County Board shall be considered an application.

(B) *Public hearing notice.* Newspaper notice and notice to reviewing agencies and interested parties shall be provided for all public hearings in accordance with the requirements of § 151.045(G).

(C) *Staff review and recommendation.* Planning, Building and Development Department staff shall review each proposed text amendment in light of the text amendment approval criteria of subsection (G) below and provide a report to the Zoning Board of Appeals.

(D) *Zoning Board of Appeals review and recommendation.* The Zoning Board of Appeals shall hold a public hearing on the proposed text amendment and make a recommendation to the County Board, based on the text amendment approval criteria of § 151.046(G). In the case of amendments to the text of §§ 151.185 through 151.204 (subdivisions), §§ 151.220 and 151.221 (school and park contributions), or the procedures of § 151.204 (vacations), the Planning, Building and Zoning Committee shall hold the public hearing and make the recommendation to the County Board instead of the Zoning Board of Appeals.

(E) *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 text amendment approval criteria of subsection (G) below.

(F) *County Board review and action.* After receiving required recommendations, the County Board shall review the application and act to approve, approve with conditions or deny the proposed amendment based on the text amendment approval criteria of subsection (G) below.

(G) *Text amendment approval criteria.* Text amendments to this chapter may be approved only upon an affirmative finding that all of the following approval criteria have been met:

- (1) The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;
- (2) The proposed amendment is consistent with the purpose and intent of this chapter (§151.005); and
- (3) The proposed amendment will not adversely affect the health, safety, morals, and general welfare of the public.

(H) *Protest petitions.* If a valid protest petition is filed on a proposed amendment to the text of any provision of this chapter other than those provisions of §§ 151.185 through 151.204 (subdivisions), §§ 151.220 and 151.221 (school and park contributions) or the vacation procedures of this chapter, the amendment shall require an affirmative vote of at least 75% of all the members of the County Board. Protest petitions shall be filed with the County Clerk by 1:00 p.m. on the day before the County Board acts on the proposed text amendment.

COMMENTARY:

Protest petitions are governed by state statutes [55 ILCS 5/5-12014(b)].

(Ord., § 3.2, passed 10-13-2009; Ord. passed - -)

§ 151.047 ZONING MAP AMENDMENTS (REZONINGS).

(A) *Application filing.*

(1) *Who may file.* Zoning map amendments may be initiated by the County Board, by application of all the fee owners of the subject property, or by the owners' authorized agent. When the County Board initiates action under this chapter, it does so without prejudice towards the outcome.

(2) *Application submittal.*

(a) Applications for amendments to the official zoning map shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department. Rezoning applications may be processed concurrently with applications for site capacity/site plan review and subdivision preapplication conferences.

(b) When a zoning map amendment is initiated by the County Board, a resolution approved by the County Board shall be considered an application.

(B) *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).

(C) *Staff review and recommendation.* Planning, Building and Development Department staff shall review each proposed zoning map amendment in light of the map amendment approval criteria of subsection (G) below and provide a report to the Zoning Board of Appeals.

(D) *Zoning Board of Appeals' review and recommendation.* The Zoning Board of Appeals shall hold a public hearing on the proposed amendment and recommend approval, approval with conditions, or denial of the application based on the map amendment approval criteria of subsection (G) below.

(E) *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 map amendment approval criteria of subsection (G) below.

(F) *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 proposed amendment based on the map amendment approval criteria of subsection (G) below.

(G) *Map amendment approval criteria.*

(1) In making its recommendation, the Zoning Board of Appeals shall consider, and make findings of fact in relation to, the following criteria.

(2) The recommendation of the Zoning Board of Appeals shall be based on the preponderance of the evidence related to the following factors and no one factor shall be controlling:

(a) The proposed amendment is consistent with the stated purpose and intent of §151.005;

(b) The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area;

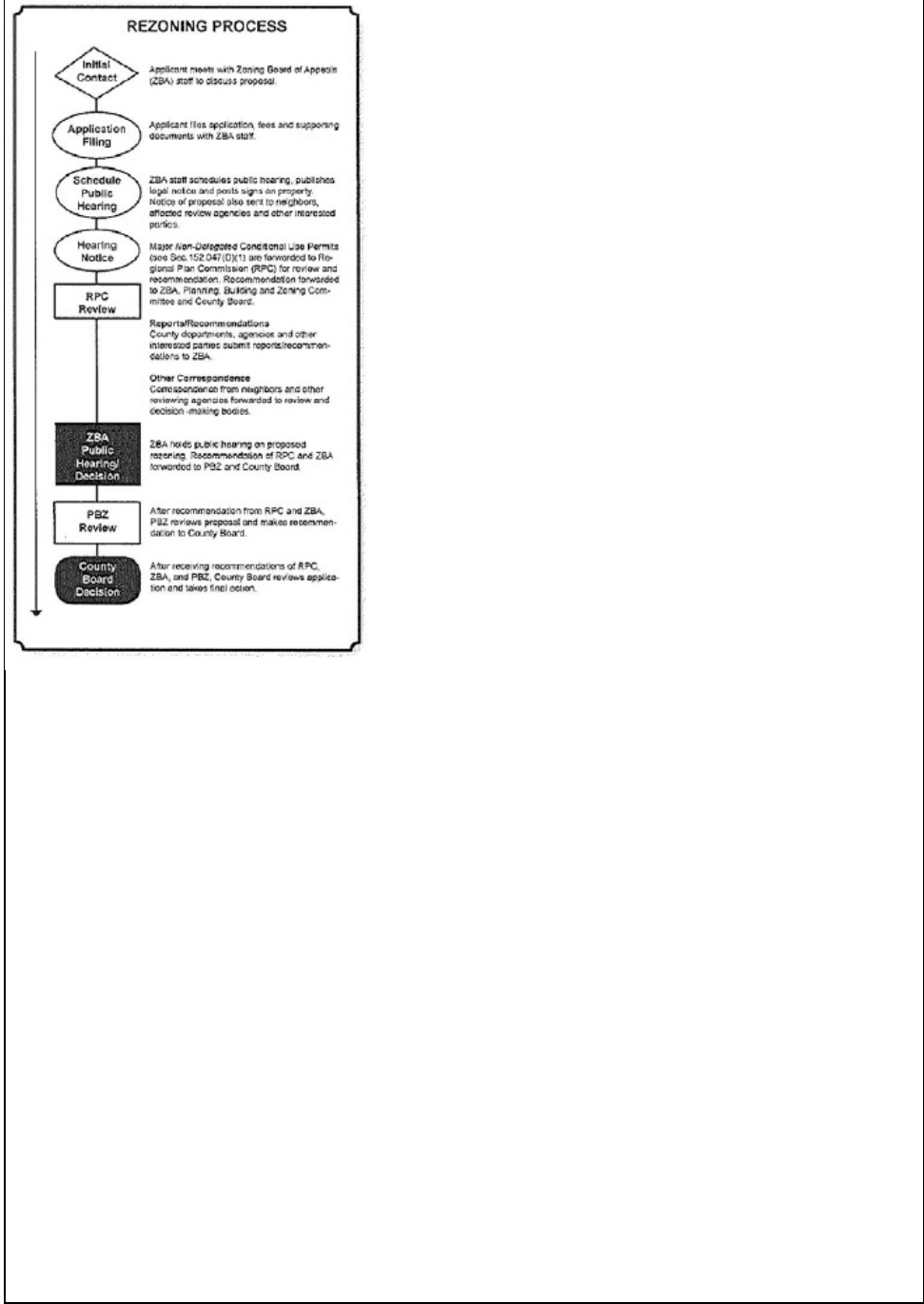
(c) The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;

(d) The county and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development;

(e) The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife, and natural resources; and

(f) The subject property is suitable for proposed zoning classification.

COMMENTARY:



(H) *Protest petitions.* If a valid protest petition is filed, the amendment shall require an affirmative vote of at least 75% of all the members of the County Board. Protest petitions shall be filed with the Lake County Clerk by 1:00 p.m. on the day before the County Board acts on the proposed zoning map amendment.

COMMENTARY:

Protest petitions are governed by state statutes [55 ILCS 5/5-12014(b)].

(Ord., § 3.3, passed 10-13-2009)

§ 151.048 SITE CAPACITY CALCULATIONS/SITE PLAN REVIEW.

Site capacity calculation/site plan review procedures are located in §151.070.

(Ord., § 3.4, passed 10-13-2009)

§ 151.049 SUBDIVISION.

Subdivision review procedures are located in §151.186.

(Ord., § 3.5, passed 10-13-2009)

§ 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).

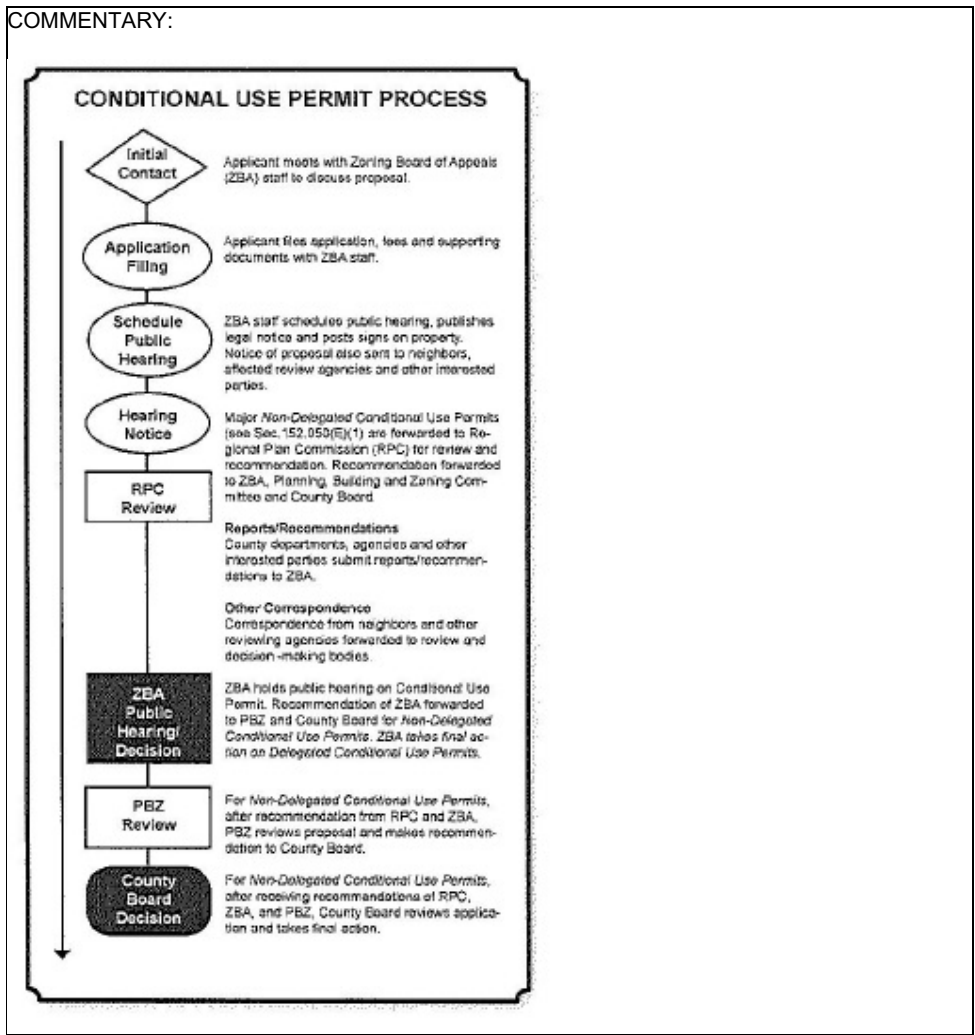
(2) *Non-delegated conditional use permits.* Non-delegated conditional use permits are those conditional use permits for which the County Board has retained the final decision-making authority, as provided in § 151.111.

(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).

(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.

(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.

(I) *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.

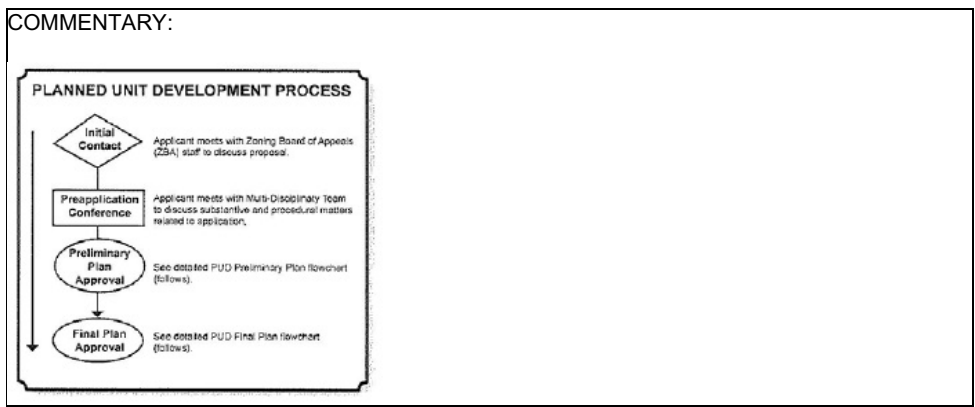
(Ord., § 3.6, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed - -)

§ 151.051 PLANNED UNIT DEVELOPMENTS.

(A) *Overview.* Planned unit developments (PUDs) shall be processed, reviewed and approved in three steps: (1) early assistant meeting; (2) PUD preliminary plan/plat (processed concurrently with the required conditional use permit and any required zoning map amendment); and (3) PUD final plan/plat. A conditional use permit and any zoning change approved for a planned unit development shall not become effective until the final PUD plat/plan is approved in accordance with the procedures of this section and recorded in the office of the Lake County Recorder. The standards that apply to PUDs are set out in § 151.132. Notwithstanding the fact that approved planned unit developments are issued a conditional use permit, the procedures of this section shall govern in the review and approval of planned unit developments.

(B) *Early Assistance Meeting.* The Early Assistance Meeting step of the planned unit development process is intended to familiarize the applicant with applicable procedures, submittal requirements, development standards, and other pertinent matters before the applicant finalizes the development proposal or otherwise spends large sums of money in laying out the proposed development.

(1) *Application filing.* Applications for Early Assistance Meeting shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department.



(2) *Distribution of application; scheduling of Early Assistance Meeting.* Upon receipt of a complete application for an Early Assistance Meeting, the Planning, Building and Development Director shall distribute copies of the application to the Multi-Disciplinary Team members and other affected reviewing agencies and place the matter on the agenda of the Multi-Disciplinary Team following the review period. The Planning,

Building and Development Director shall notify the Multi-Disciplinary Team and the applicant of the date, time, and place of the scheduled Early Assistance Meeting.

(3) *Review of application.* Within ten days of the receipt of a complete application for an Early Assistance Meeting, Multi-Disciplinary Team members shall review the application and provide written comments to the Planning, Building and Development Director. The Planning, Building and Development Director shall compile all comments received by the end of the review period for presentation to the applicant at the Early Assistance Meeting.

(4) *Multi-Disciplinary Team meeting.* Multi-Disciplinary Team comments on the application shall be presented to the applicant at the scheduled Early Assistance Meeting. Each member of the Multi-Disciplinary Team shall be given an opportunity to present their findings and recommendations on the application. Following the Early Assistance meeting, the Planning, Building and Development Director shall provide a written report to the applicant containing the written comments of the Multi-Disciplinary Team and instructions for proceeding with the planned unit development process.

(C) *PUD preliminary plan/plat.* Upon completion of the Early Assistance Meeting stage of the PUD process, applicants shall prepare and submit a preliminary plan/plat for the proposed development. The PUD preliminary plan/plat shall be processed concurrently with any required zoning map amendment. All PUD preliminary plans shall require review and recommendation by the Zoning Board of Appeals and the Planning, Building and Zoning Committee. The County Board shall have final decision-making authority on PUD preliminary plans. The County Board's approval of the preliminary plan constitutes approval of the conceptual use and layout of the proposed PUD.

(1) *Public hearing notice.* Neighbor, newspaper, and posted notice of the Zoning Board of Appeals' public hearing on PUD preliminary plans shall be provided in accordance with the requirements of § 151.045(G).

(2) *Staff review and recommendation.* Planning, Building and Development Department staff shall review each PUD preliminary plan/plat application in light of the PUD preliminary plan/plat criteria of subsection (C)(8) below and provide a report to the Zoning Board of Appeals.

(3) *Zoning Board of Appeals' review and recommendation.* The Zoning Board of Appeals shall hold a public hearing on the PUD preliminary plan/ plat and recommend approval, approval with conditions or denial of the application based on the PUD preliminary plan/plat approval criteria of subsection (C)(7) below.

(4) *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 approval criteria of subsection (C)(7) below.

(5) *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 approval criteria of subsection (C)(7) below. Any zoning map amendments required shall be considered concurrently with the PUD preliminary plan. Approval of a PUD preliminary plan shall constitute approval of a conditional use permit which, together with any zoning change accompanying the conditional use permit, shall not become effective until any final PUD plan/plat for the development is approved in accordance with the procedures of § 151.186 and recorded in the office of the Lake County Recorder.

(6) *Planning, Building and Zoning Committee review and action on preliminary plat (if PUD involves subdivision of land).* Subsequent to the approval of the preliminary plan by the County Board, and upon completion of review of the preliminary plat and preliminary engineering by the Multi-Disciplinary Team, the Planning Building and Development Director shall present the proposed preliminary plat to the Planning, Building and Zoning Committee for its consideration. After considering the matter, the Planning, Building and Zoning Committee shall act to approve, approve with conditions or disapprove the proposed preliminary plat. PUD preliminary plats shall be reviewed and approved in accordance with the preliminary plat procedures of § 151.191(E). The Planning, Building and Zoning Committee shall have final decision-making authority on preliminary PUD plats.

(7) *PUD preliminary plan/plat approval criteria.* Recommendations and decisions on PUD preliminary plans shall be based on consideration of whether:

- (a) The proposed development in its proposed location is consistent with the Regional Framework Plan;
- (b) The proposed development in its proposed location complies with the PUD standards of §151.132; and
- (c) The proposed development in its proposed location will not result in a substantial adverse effect on any of the following, either as they exist at the time of application or as they may in the future be developed as a result of implementation of the Regional Framework Plan:

1. Adjacent property;
2. Natural resources;
3. Infrastructure;
4. Public sites; or
5. Any other matters affecting the public health, safety, or general welfare.

(8) *Effect of approval.* Once a PUD preliminary plan/plat is approved, applicants shall proceed to the final plat stage of the development process for review and approval in accordance with the final plat procedures of § 151.191(F). If no plat is required for the proposed development, a final PUD plan shall be submitted and processed in accordance with the final plat procedures. The Planning, Building and Zoning Committee shall have final decision-making authority on final PUD plans and plats.

(9) *Lapse of approval.* A PUD preliminary plan/plat shall lapse and be of no further effect if a final plat or final PUD plan has not been approved within 24 months of the date of PUD preliminary plan/plat approval. A PUD preliminary plan/plat may be extended in accordance with the provisions of § 151.191(E)(6).

(D) *Modification of approved PUD preliminary plans/plats.* A preliminary PUD plan/plat that has received final approval from the County Board may be modified only in accordance with procedures and standards of this subsection (D).

(1) *Definitions.*

- (a) A major modification to an approved preliminary PUD plan/plat is modification that meets any of the following thresholds:
 1. Increases the number of dwelling units (when compared to the approved preliminary PUD plan/plat);
 2. Increases the floor area devoted to nonresidential uses by more than the following amounts:

Site Area	Maximum Additional Floor Area
5 acres	500 square feet
Each additional full acre over 5 acres	100 square feet

3. Increases nonresidential floor area by more than 5,000 square feet (compared to the approved preliminary PUD plan/plat);
4. Increases the impervious surface devoted to nonresidential uses by more than the following amounts:

Site Area	Maximum Additional Impervious Area
5 acres	1,000 square feet
Each additional full acre over 5 acres	425 square feet

5. Increases impervious surface area by more than 20,000 square feet (compared to the approved preliminary PUD plan/plat);
6. Reduces the amount of open space required by the approved preliminary PUD plan/plat;
7. Increases the height of any building by more than 10% or ten feet, whichever is less;
8. Reduces the amount of landscaping by more than 5%; or
9. Otherwise represents a change to the overall character of the previously approved PUD plan.

(b) A minor modification to an approved preliminary PUD plan/plat is any modification that is not a major modification.

(2) *Minor modification procedure.* Minor modifications shall require review and approval in accordance with the following:

(a) The Multi-Disciplinary Team shall make a recommendation to the Planning, Building and Zoning Committee; and

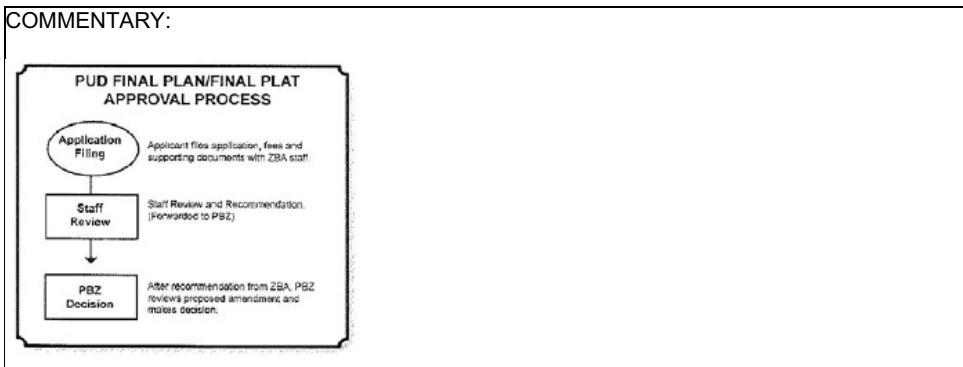
(b) Based upon recommendations from the Multi-Disciplinary Team, the Planning, Building and Zoning Committee shall make a final decision. Neighbor, newspaper, and posted notice of the Planning, Building and Zoning Committee's meeting shall be provided in accordance with the requirements of § 151.045(G).

(3) *Major modification procedure.* All major modifications shall require re-review and approval of PUD preliminary plan/plat in accordance with the procedures of subsection (C) of this section.

(4) *Record.* All approved major and minor modifications shall be recorded as amendments to the recorded copy of the preliminary PUD plan/plat before they have any effect.

(E) *PUD final plans/plats.* PUD final plats shall be reviewed and approved in accordance with the final plat procedures of §151.186. If no plat is required for the proposed development, a final PUD plan shall be submitted and processed in accordance with the final plat procedures of § 151.186. The Planning, Building and Zoning Committee shall have final decision-making authority on final PUD plans and plats.

COMMENTARY:



(F) *Modification of approved PUD final plans/plats.* A final PUD plan/plat that has received final approval from the Planning, Building and Zoning Committee may be modified only in accordance with procedures and standards of this subsection (F).

(1) *Definitions.*

(a) A major modification to an approved final PUD plan/plat is modification that meets any of the following thresholds:

1. Increases the number of dwelling units (when compared to the approved final PUD plan/plat);
2. Increases the floor area devoted to nonresidential uses by more than the following amounts:

Site Area	Maximum Additional Floor Area
5 acres	500 square feet
Each additional full acre over 5 acres	100 square feet

3. Increases nonresidential floor area by more than 5,000 square feet (compared to the approved final PUD plan/plat);
4. Increases the impervious surface devoted to nonresidential uses by more than the following amounts:

Site Area	Maximum Additional Impervious Area
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5 acres	1,000 square feet
Each additional full acre over 5 acres	425 square feet

5. Increases impervious surface area by more than 20,000 square feet (compared to the approved final PUD plan/plat);
 6. Reduces the amount of open space required by the approved final PUD plan/plat;
 7. Increases the height of any building by more than 10% or ten feet, whichever is less;
 8. Reduces the amount of landscaping by more than 5%; or
 9. Otherwise represents a change to the overall character of the previously approved PUD plan.
- (b) A minor modification to an approved final PUD plan/plat is any modification that is not a major modification.

COMMENTARY:

Minor modifications include such activities as adding accessory structures and adding additions to existing primary structures, provided that they do not meet the threshold for classification as a major modification.

(2) *Minor modification procedure.* Minor modifications shall require review and approval in accordance with the following:

(a) The Multi-Disciplinary Team shall make a recommendation to the Planning, Building and Zoning Committee; and

(b) Based upon recommendations from the Multi-Disciplinary Team, the Planning, Building and Zoning Committee shall make a final decision. Neighbor, newspaper and posted notice of the Planning, Building and Zoning Committee's meeting shall be provided in accordance with the requirements of § 151.045(G).

(3) *Major modification procedure.* All major modifications shall require re-review and approval of a PUD final plan/plat in accordance with the procedures of subsection (E) above.

(4) *Record.* All approved major and minor modifications shall be recorded as amendments to the recorded copy of the final PUD plan/plat before they have any effect.

(Ord., § 3.7, passed 10-13-2009; Ord. passed - -)

§ 151.052 SITE DEVELOPMENT PERMITS.

Site development permit review procedures are located in §151.145, with the site development regulations.

(Ord., § 3.8, passed 10-13-2009)

§ 151.053 DESIGN REVIEW.

Design review is the procedure used for determining nonresidential developments' compliance with the general development standards of §§ 151.165 through 151.173, including the architectural standards of §151.171. Design review is not conducted as a separate, stand-alone procedure, but rather is carried out as part of the review of a subdivision.

(A) *Applicability.* All subdivisions and conditional use permit applications for nonresidential uses shall be subject to design review.

(B) *Procedure.* Design review shall be conducted as part of the review of the applicable nonresidential subdivision or conditional use permit application. All applicable subdivision or conditional use permit review procedures shall apply, including any appeal procedures. In their review of developments that are subject to design review, review and decision-making bodies shall consider, in addition to the approval criteria that apply to the subdivision or conditional use permit, whether the application complies with the general development standards of §§ 151.165 through 151.173, including the architectural standards of §151.171.

(Ord., § 3.9, passed 10-13-2009)

§ 151.054 CERTIFICATES OF OCCUPANCY.

(A) No land or building shall be occupied or used in whole or in part for any use whatsoever until a certificate of occupancy has been issued by the Planning, Building and Development Director, indicating that the building or use complies with all requirements of this chapter.

(B) Upon completion of any building or other structure in accordance with applicable building permit requirements and prior to occupancy, a certificate of occupancy is required for the use originally designated.

(C) The building or other structure and its use shall be subject to all relevant requirements of this chapter.

(Ord., § 3.10, passed 10-13-2009)

§ 151.055 SIGN PLANS AND SIGN PERMITS.

This section sets out the procedures for review and approval of sign plans and sign permits for signs requiring permits under §51.173.

(A) *Sign plans.*

(1) *Applicability.* Sign plan approval shall be required for any site containing or proposed to contain more than one sign. No sign permit shall be issued for a site that is subject to sign plan requirements until a sign plan has been approved. Temporary signs shall be exempt from sign plan requirements.

(2) *Application filing.* Sign plan applications shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department.

(3) *Staff review and action.* The Planning, Building and Development Director shall review each proposed sign plan application in accordance with the sign plan review criteria set forth in § 151.055(A)(4) and act to approve, approve with conditions, or deny the sign plan.

(4) *Sign plan approval criteria.* A sign plan may be approved only if the Planning, Building and Development Director determines that all of the following approval criteria have been met:

(a) The sign plan complies with all applicable standards of this chapter, including the sign regulations of §51.173;

(b) The sign plan is consistent with any approved or concurrently proposed PUD, subdivision, or site plan for the site, including the parking and landscaping provisions of the plan; and

(c) All aspects of the sign plan are consistent with any conditions imposed on the site under any applicable approvals.

(5) *Simultaneous review.* An applicant for approval of a planned unit development (§ 151.051), conditional use permit (§ 151.050), site plan, or subdivision plat may submit an application for approval of a sign plan concurrently with the application for approval of the plan or permit and the two shall be reviewed and acted on simultaneously.

(B) *Individual sign permits.*

(1) *Applicability.* Signs identified with a "P" in Table 151.173(G) shall be erected, installed, or created only in accordance with a duly issued and valid sign permit.

(2) *Application filing.* Sign permit applications shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department.

(3) *Staff review and action.* The Planning, Building and Development Director shall review each proposed sign permit application for the purpose of determining whether the proposed sign complies with all applicable sign regulations of § 151.173 and the sign plan, if applicable. Based on that review, the Planning, Building and Development Director shall:

(a) Issue the sign permit, if the sign complies in every respect with the standards of §51.173 and the sign plan, if applicable; or

(b) Deny the sign permit if the sign fails in any way to comply with the standards of §51.173 or the applicable sign plan.

(4) *Lapse of approval/inspections.*

(a) If an approved sign has not been erected or put in place within six months of the issuance of the sign permit, the sign permit shall lapse and be of no further effect.

(b) The applicant shall request that the county inspect the sign at the end of the six-month period following issuance of the sign permit.

(c) If, upon inspection, the construction is substantially incomplete, the Planning, Building and Development Director shall give the property owner or tenant notice that the sign permit has lapsed.

(d) If, upon inspection, the construction is found to be substantially complete but not in full compliance with §51.173 or other applicable codes, the Planning, Building and Development Director shall give the property owner or tenant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected.

(e) If the deficiencies are not corrected by that date, the sign permit shall lapse and the sign shall be removed immediately.

(f) The failure to remove a sign for which a permit has lapsed shall be unlawful.

(Ord., § 3.11, passed 10-13-2009) Penalty, see § 10.99

§ 151.056 ZONING VARIANCES.

(A) *Applicability.* This section provides a procedure for gaining approval of variances from the standards of this chapter, except those of § 151.056, §§ 151.185 through 151.204, §§ 151.220 and 151.221, or § 151.233(D)(1) and (2), in order to relieve hardships and achieve parity among properties similarly located and classified.

(B) *Classification of zoning variances.*

(1) *Administrative variance.*

(a) A request to modify by 10% or less any numeric standard of this chapter, except those related to maximum allowed densities and any standard of §§ 151.070 through 151.072 and 151.145 through 151.154, may be heard and decided by the Director of Planning, Building and Development as an administrative variance, in which case no public hearing is required.

(b) However, before the variance may be granted, a notice of the intent to grant the variance shall be sent by certified mail to all adjoining landowners as well as those located directly across any street from the subject property.

(c) If any landowner files a written request for public hearing with the Director within 15 calendar days of receipt of the notice, the variance shall then be processed as a minor variance.

(d) The decision on an administrative variation shall be based on the approval criteria of subsection (C)(4) below and findings of fact shall be made in accordance with subsection (C)(5) below.

COMMENTARY:

Waivers from the vacation standards of §151.204, subdivision and land dedication standards of §§ 151.185 through 151.204, §§ 151.220 and 151.221, development standards for nonconforming recorded lots of § 151.233(D)(1) and plats of consolidation standards of §151.233(D)(2) shall be processed in accordance with the procedures of § 151.192(A).

(2) *Minor zoning variance.* A modification of 20% or less of any numeric standard (except those of §§ 151.070 through 151.072 and §§ 151.145 through 151.154) and except those that are administrative variance or are related to maximum allowed densities or building height shall be classified and may be processed as minor zoning variances.

(3) *Major zoning variance.* Any request for a variance from the standards of this chapter that does not qualify as an administrative variance or a minor zoning variance shall be processed and classified as a major zoning variance.

(C) *Zoning variance procedure.*

(1) *Application filing.* Applications for zoning variances shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department.

(2) *Public hearing notice.* Neighbor, newspaper and posted notice of the public hearing shall be provided in accordance with the requirements of § 151.045(G).

(3) *Review and action.*

(a) *Minor zoning variances.* The Hearing Officer shall hold a public hearing on minor zoning variance requests and act to approve, approve with conditions or deny the minor zoning variance based on the approval criteria of subsection (C)(4) below.

(b) *Major zoning variances.*

1. The Zoning Board of Appeals shall hold a public hearing on major zoning variance requests and act to approve, approve with conditions, or deny the major zoning variance based on the major zoning variance approval criteria of subsection (C)(4) below.

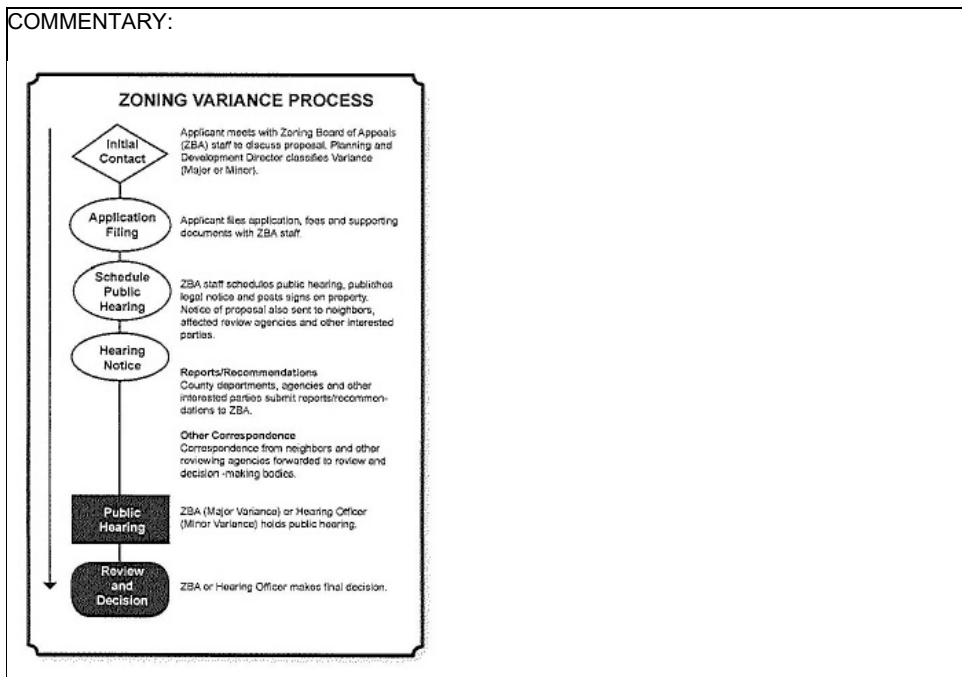
2. At least four affirmative votes shall be required to approve a major zoning variance.

(4) *Approval criteria.* Zoning variances may be approved only upon a finding that all of the following criteria have been met. Use variations are specifically prohibited:

- (a) Exceptional conditions peculiar to the applicant's property;
- (b) Practical difficulties or particular hardships in carrying out the strict letter of the regulation; and
- (c) Harmony with the general purpose and intent of the zoning regulations.

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

- (a) All decisions on zoning variances shall be supported by findings of fact specifying the reasons for the decision.
- (b) A written transcript of the hearing shall be prepared for all major zoning variances.



(D) *Special zoning variance regulations for floodplain property.*

(1) *Notifications and acknowledgments.*

(a) Upon receipt of an application for any variance affecting floodplain lands or affecting any floodplain regulation of this chapter, Planning, Building and Development Department staff shall notify the applicant in writing that:

1. The issuance of a variance to construct a structure below the flood base elevation will result in increased premium rates for flood insurance; and

2. The construction below the flood base elevation increases risks to life and property.

(b) Notice of the proposed variance and public hearing shall be provided to the Lake County Stormwater Management Commission's Chief Engineer at least 15 days prior to the public hearing.

(c) The applicant shall be required to acknowledge in writing that he or she assumes all risks and liabilities connected with the activities. A copy of the notification and the applicant's acknowledgment shall be maintained by the Planning, Building and Development Department.

(2) *Supplementary findings of fact.* In addition to any other findings of fact required for zoning variances, in deciding on variances affecting floodplain lands or any floodplain regulations, findings of fact shall be made by the Zoning Board of Appeals on each of the following matters based on the evidence presented.

(a) A finding that the granting of a variance would not result in increased flood heights, additional threats to public safety or extraordinary public expense, nor create nuisances, cause fraud or victimization of the public, nor conflict with existing local laws or ordinances and that all buildings will be protected by methods that minimize flood damage during the base flood event;

- (b) A finding that the development activity can not be located outside the floodplain; and
- (c) A finding that the development activity is not in a regulatory floodway.

(Ord., § 3.12, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed - -)

§ 151.057 WRITTEN INTERPRETATIONS.

(A) *Application filing.* Applications for written interpretations of this chapter shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department.

(B) *Planning, Building and Development Director's review and decision.* Within 30 days of receipt of a complete application for a written interpretation, the Planning, Building and Development Director shall:

- (1) Review and evaluate the application in light of the text of this chapter, the official zoning maps, the Regional Framework Plan and any other relevant documents, including, if applicable, the similar use interpretation standards of § 151.270(B);
- (2) Consult with other staff; and
- (3) Render a written interpretation.

(C) *Form.* The interpretation shall be provided to the applicant in writing and shall be filed in the official record of interpretations.

(D) *Official record of interpretations.* An official record of interpretations shall be maintained and made available for public inspection in the Planning, Building and Development Department office during normal business hours.

(E) *Appeals.* Appeals of the Planning, Building and Development Director's written interpretation may be taken to the Zoning Board of Appeals in accordance with the procedures of § 151.058.

(Ord., § 3.13, passed 10-13-2009)

§ 151.058 APPEALS OF ADMINISTRATIVE DECISIONS.

(A) *Authority.* The Zoning Board of Appeals shall be authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of this chapter.

(B) *Right to appeal.* Appeals of Administrative Decisions may be filed by any person aggrieved by a decision of an administrative official in the administration or enforcement of this chapter.

(C) *Application filing.* Applications for Appeals of Administrative Decisions shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department. Appeals of Administrative Decisions shall be filed within 35 calendar days of the date of the decision being appealed.

(D) *Effect of filing.* The filing of a complete application for appeal stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Zoning Board of Appeals, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property. In that case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals, or by a court of record.

(E) *Record of administrative decision.* The official whose decision is being appealed shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed is taken.

(F) *Notice.* Newspaper notice of the Zoning Board of Appeals' public hearing shall be provided in accordance with the requirements of § 151.045(G). Neighbor notice shall be provided on matters affecting specific properties.

(G) *Zoning Board of Appeals' review and action.* The Zoning Board of Appeals shall hold a public hearing on the Appeal. The Zoning Board of Appeals shall grant to the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. In exercising the appeal power, the Zoning Board of Appeals shall have all the powers of the official from whom the appeal is taken, and the Zoning Board of Appeals may reverse or affirm wholly or partly or may modify the decision being appealed. If the Zoning Board of Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain evidence and to reconsider the decision in light of the evidence. The Zoning Board of Appeals shall take action on an appeal within a reasonable period of time after application submittal, but in no case more than 30 days after its receipt of the written hearing transcript. A concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of an administrative official.

(H) *Approval criteria; findings of fact.* An appeal shall be sustained only if the Zoning Board of Appeals finds that the administrative official erred. Every decision of the Zoning Board of Appeals shall be accompanied by a written finding of fact specifying the reason for the decision. Those written findings shall be filed in the office of the Zoning Board of Appeals.

(Ord., § 3.14, passed 10-13-2009)

SITE CAPACITY, SITE PLAN REVIEW, AND NATURAL RESOURCE PROTECTION

§ 151.070 SITE CAPACITY CALCULATIONS/SITE PLAN REVIEW PROCEDURES.

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

(A) *Applicability.*

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

- (a) Any conservation development;
- (b) Any mobile home park and any recreational vehicle park;
- (c) Any conventional residential development consisting of three or more dwelling units or lots;
- (d) Any nonresidential development on any parcel that is 40,000 square feet in area or larger; and

(e) Any site development activity on any parcel with an area of 200,000 square feet or more, except when the parcel is being developed with no more than two single family dwellings.

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

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

(B) *Exemptions.*

(1) Approval of site capacity calculations may be obtained (concurrently) at the time of subdivision, rezoning, variance, conditional use permit, or planned unit development approval. Separate site capacity calculation applications shall not be required.

(2) Site plan review approval may be obtained (concurrently) at the time of rezoning, variance, conditional use permit approval, or planned unit development approval. Separate site plan review applications shall not be required.

(3) Developments that are subject to the subdivision platting procedures and that have completed required site capacity calculations shall not be subject to site plan review unless expressly noted on the subdivision plat.

(4) Site capacity calculations and site plan review shall not be required for signs, temporary uses, uses qualifying for an agricultural exemption or any other type of exemption.

(5) Site capacity calculations and site plan review shall not be required for nonresidential accessory uses or structures or for additions to principal nonresidential uses provided that: the accessory use/structure or addition to the principal use does not exceed 1,000 square feet of floor area or 2,000 square feet of impervious surface area; or the Planning, Building and Development Director determines that no protected natural resource protection areas will be adversely affected. Site capacity calculations and site plan review shall not be required, regardless of size, for gazebos and screened or open porches.

(6) Site capacity calculations and site plan review shall not be required for interior or exterior building alterations that do not increase the size of the building or amount of impervious coverage.

(C) *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 site capacity and site plan review procedures of this section.

(2) *Application filing.* Site capacity calculation/site plan applications, which shall include natural resource protection and open space plans, shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department. The application shall be submitted only after a check-in meeting. Site capacity calculation/site plan applications may be processed concurrently with other applications.

(3) *Application submittal requirements and standards.* The Planning, Building and Development Director shall determine the type and extent of information necessary to provide for an adequate site capacity/site plan review and may require the submission of specific information. This information may include but is not limited to one or more of the following items:

(a) A completed application for site capacity and site plan review approval (application form available from the Planning, Building and Development Director);

(b) A map or plat of survey of the subject property, which may include one or more of the following items:

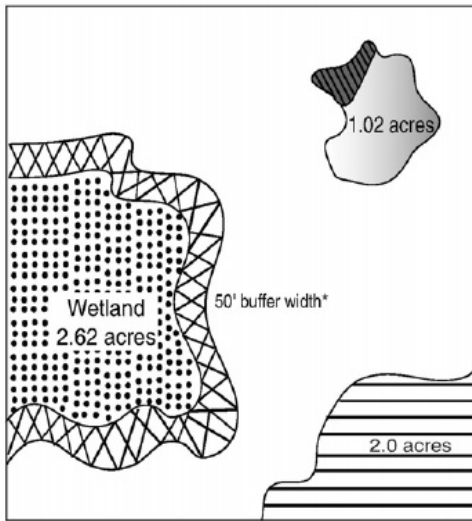
- 1. A legal description of the property;
- 2. The boundaries of the property;
- 3. The total area of the property;
- 4. Topographic contours at one-foot intervals;
- 5. The location, width, and name of all existing or previously platted street, railroad, and utility easements and rights-of-way; and
- 6. The location of existing sewers, drainage tiles, water mains, culverts, and other underground facilities within the tract, indicating pipe sizes, grades, manholes, and location.

(c) A site plan of the proposed development showing the following information:

- 1. The types of uses proposed. Residential developments shall be identified by type of development (i.e., conventional or conservation) and by type of dwelling unit (e.g., single family, multiplex, and the like);
- 2. The location, size, height, and arrangement of all existing and proposed buildings and structures;
- 3. The location, dimension, and surface material of all existing and proposed pedestrian entrances, exits, and walkways;
- 4. The location, size, and surface material of all proposed vehicular access points and driveways; and the location, size, surface material, arrangement, and capacity of all areas to be used for off-street parking and off-street loading;
- 5. The location, size, height, illumination, and orientation of all signs and lighting;

6. The location, size, and type of all existing and proposed rights-of-way, easements and landscaping;
 7. Zoning and land use of adjacent properties; and
 8. If the application relates to property scheduled for phased development, the proposed layout of the total projected development shall be indicated and each phase's projected scope and time period indicated to the extent possible.
- (d) A natural resource plan (see Figure 151.070(C)).

Figure 151.070(C): Natural Resource Plan (example)



*The wetland buffer width is determined based on the size of the total on-site and off-site portions wetland area.

Legend	
	Floodplain
	Wetland Buffer
	Wetland
	Mature Woodland
	Impacted Resource

Table of Natural Resources Protection Areas				
Resource	Existing Acreage	Proposed Impact	Amount Protected	% Protected
Wetlands	2.62	0	2.62	100%
Wetland Buffer	1.50	0	1.50	100%
Mature Woodland	1.02	.31	.71	70%
Floodplain	2.00	0	2.00	100%

- (e) An open space plan;
- (f) A landscape plan;
- (g) Any covenants, conditions, or other restrictions related to the parcel or use thereof;
- (h) Evidence that adequate sewer and water facilities exist or can be provided to serve the proposed use;

COMMENTARY:

For developments utilizing individual sewage disposal systems and/or private wells, evidence that adequate sewer and water facilities exist or can be provided to serve the proposed use may be provided in the form of a letter or permit from the Lake County Health Department approving the proposed facilities. For developments utilizing public or community sewer and/or water facilities, evidence that adequate sewer and water facilities exist or can be provided to serve the proposed use may be provided in the form of a letter or permit from the agency controlling the facilities (e.g., the Lake County Department of Public Works) stating that sufficient capacity exists to serve the proposed use and that the proposed connection points and preliminary design of the improvements have been approved, and that the applicant is in the process of completing that agency's permitting and approval process.

- (i) 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.

COMMENTARY:

Evidence that an access permit can be obtained may be provided in the form of a letter from the highway authority having jurisdiction stating that the access location and preliminary design has been approved and that the applicant is in the process of completing that jurisdiction's permitting and approval process.

(4) *Distribution of application.* Upon receipt of a complete site capacity calculation/site plan application, the Planning, Building and Development Director shall distribute copies of the application to Multi-Disciplinary Team members and other affected agencies for their review

and comment. A copy of the application shall also be provided to the County Board member in whose district the property is located.

COMMENTARY:
Reviews conducted as part of site capacity calculation/site plan review process do not take the place of other required reviews, such as those conducted at time of site development permit.

(5) *Notice.*

(a) Neighbor notice shall be provided in accordance with §151.045(G) for proposals that consist of any of the following:

1. Residential developments containing more than 24 multi-dwelling units (apartments) on a single parcel;
2. Nonresidential developments containing more than 10,000 square feet of gross floor area; or
3. Additions to nonresidential developments that have the effect of increasing the gross floor area on the subject parcel by more than 50%.

(b) No public information meeting or neighbor notice shall be required if a public hearing has already been held on the same matter.

(6) *Review and action.* Within ten days of the receipt of a complete site capacity calculation/site plan application, Multi-Disciplinary Team members shall review the site capacity calculation/site plan application and provide comments to the Planning, Building and Development Director. Upon receipt of Multi-Disciplinary Team comments, the Planning, Building and Development Director shall schedule the site plan proposal for discussion at the Multi-Disciplinary Team. Comments shall include a determination by the appropriate highway authority relating to access to a public road. The applicant shall be notified of the date, time, and location of the meeting. When proposals require neighbor notice, neighbors may attend the Multi-Disciplinary Team meeting. Following the staff discussion with the applicant, neighbors may provide comments to the Multi-Disciplinary Team. Following the Multi-Disciplinary Team meeting, the Planning, Building and Development Director shall compile all comments received, and act to approve, approve with conditions, or deny the application based on its compliance with the site capacity calculation/site plan application submittal requirements and the applicable standards of this chapter. In the event of denial, the Planning, Building and Development Director shall provide the applicant with a written description of the reasons for denial and the procedure for continuing the site capacity calculation/site plan review process.

(7) *Lapse of approval.* The site capacity/site plan approval shall lapse and be of no further effect if a site development permit or building permit has not been obtained within one year from the date of approval. If changes are made to the site plan after the site capacity is approved, the site capacity and site plan shall be reexamined.

(D) *Site capacity calculations.*

(1) *Calculation of base site area.* The first step of the site capacity calculation process involves the calculation of “base site area”, in accordance with the following methodology:

Calculation of Base Site Area		
Calculation of Base Site Area		
Step 1	Determine gross area of site based on an on-site survey.	—
Step 2	Subtract land area of existing roads and land within existing utility and drainage easements and existing access easements.	—
Step 3	Subtract land that is not contiguous. A. A separate parcel that has access to a road and is of sufficient size to support independent development but that does not abut, adjoin, or share common boundaries with the rest of the development or is rendered physically inaccessible to the main parcel by the presence of a railroad, existing land use, major stream, or other natural or man-made barrier, such that common or integrated use of the two parcels is not physically possible. (Site capacity for these parcels shall be calculated separately.)	—
	B. A separate parcel that does not have access to a road or is not of sufficient size to support independent development and that does not abut, adjoin, or share common boundaries with the rest of the development or is rendered physically inaccessible to the main parcel by the presence of a railroad, existing land use, major stream, or other natural or man-made barrier, such that common or integrated use of the two parcels is not physically possible, thus rendering the land unavailable for development purposes.	—
Step 4	Subtract land that was reserved for resource purposes in a previously approved subdivision plat (e.g., floodplain or recreation area)	—
Step 5	Subtract land used or proposed for residential uses, whenever a mix of nonresidential and residential uses are proposed. (In the case of the site capacity calculation for the proposed residential use, subtract the land proposed for nonresidential use.)	—
Equals “Base Site Area”		

(2) *Calculating Net Site Area.* After determining “base site area”, calculate “net site area” in accordance with the following methodology:

Calculation of Net Site Area		
Step 1	Determine base site area (see § 151.070(D)(1))	—
Step 2	Subtract regulatory floodplains [and flood-prone areas with 100+ acres of tributary drainage area (see § 151.071(B))]	—
Step 3	Subtract wetlands (1/4 Ac. +) (see § 151.071(C))	—

Step 4	Subtract nonlinear water bodies (see § 151.071(E))	—
Step 5	Subtract linear water bodies (see § 151.071(G))	—
	Equals “Net Site Area”	

(3) *Site capacity calculation (residential).* Residential site capacity shall be calculated in accordance with the following methodology:

(a) *Maximum number of dwelling units allowed.* The first step of the residential site capacity calculation process involves calculating the maximum number of dwelling units permitted on the parcel. The following steps are required to make this calculation:

Calculation of Maximum Dwelling Unit Count		
Step 1	Take Net Site Area (see § 151.070(D)(2))	
Step 2	Multiply by zoning district maximum density (see § 151.125)	x
	Equals Maximum Allowed Dwelling Units (round to nearest whole number)	=

(b) *Open space requirements.* The second step of the residential site capacity calculation process involves calculating the amount of “open space” that must be set aside. The minimum amount of open space required in a residential development is a function of the amount of Resource-Protected Land that exists on a parcel; the land area that must be set aside to meet the county’s recreation land area requirements [ten acres per 1,000 residents]; and the minimum zoning district open space requirement (applies to conservation developments only).

1. *Resource-protected land area.* The provisions of this subchapter identify several natural resources that must be protected, in whole or in part. The area occupied by these identified resources are referred to as “Resource-Protected Lands.” The total Resource-Protected Land area of a site shall be calculated in accordance with the following methodology:

Calculation of Resource-Protected Land Area						
	Resource Type [1]	Land Area of Resource (Acres)		Protection Ratio		Resource-Protected Land Area
Calculation of Resource-Protected Land Area						
	Resource Type [1]	Land Area of Resource (Acres)		Protection Ratio		Resource-Protected Land Area
1	Regulatory floodplains [and flood-prone areas with 100+ acres of tributary drainage area (see § 151.071(B)) [2]]	(_ [3])	x	1.00)	=	—
2	Wetlands (1/4 Ac. +) (see § 151.071(C))	(_ [3])	x	1.00)	=	—
3	Nonlinear water bodies (see § 151.071(E))	(_ [3])	x	1.00)	=	—
4	Linear water bodies (see § 151.071(G))	(_	x	1.00)	=	—
	Wetland and water body buffers [wetland, linear water body and nonlinear water body buffers (see §§ 151.071(D), (F), and (H))]	(_		0.80)	=	—
6	Mature woodlands/groves (see § 151.071(I))	(_	x	0.70[4])	=	—
7	Young woodlands (see § 151.071(I))	(_	x	0.50[4])	=	—
Equals total Resource-Protected Land area						
[1] If two or more resources overlap, only the resource with the higher protected ratio shall be calculated.						
[2] Uses/developments allowed within floodplains are not required to include floodplains in calculations.						
[3] Land Area of Resource may be reduced pursuant to §151.146(M)(9) and § 151.148(B).						
[4] Woodland resources may be reduced pursuant to §151.071(I)(6)(e), replacement of woodland credit.						

2. *Recreation land area.* All residential developments located in R1, R2, R3, R4, R5, and R6 Zoning Districts are required to provide recreation land area to meet the county’s minimum recreation area requirements of 19.5 acres per 1,000 residents, in accordance with the following methodology.

Calculation of Recreation Land Area (Residential)		
Step 1	Take maximum number of dwelling units proposed	—
Step 2	Multiply by 0.055 (based on county average household size)	x _
	Equals total recreation land area required (acres)	0
* No recreation land area is required if the calculation yields a requirements of less than 0.5 acre.		

3. Total open space area.

a. *Conventional development.* Calculating the open space required in a conventional development involves adding the Resource-Protected Land area calculated under subsection (D)(3)(b)1. above and the recreation land area calculated under subsection (D)(3)(b)2. above.

Calculating Required Open Space (Conventional Development)		
Step 1	Take total Resource-Protected Land area (from § 151.070(D)(3)(b)1., above)	
Step 2	Add total "Recreation Land Area" (from § 151.070(D)(3)(b)2., above)	+
	Equals Minimum Conventional Development Open Space requirement	=

b. *Conservation development.* The amount of open space required to be set aside in a conservation development is equal to the zoning district minimum open space requirement (see § 151.125) or the sum of the Resource-Protected Land area calculated under subsection (D)(3)(b)1. above and the recreation area calculated under subsection (D)(3)(b)2. above, whichever results in the greater area.

Calculating Required Open Space		
Calculating Required Open Space		
Step 1	Take total Resource-Protected Land area (from subsection (D)(3)(b)1., above)	
Step 2	Add total Recreation Land Area (from subsection (D)(3)(b)2., above)	+
???	Equals Capacity-Based Open Space Requirement	=
Step 3	Take Base Site Area (subsection (D)(1))	
Step 4	Multiply by zoning district (minimum) open space ratio (see §151.125)	x
???	Equals District-Based Open Space requirement	=
Step 5	Take higher of Capacity-Based or District-Based Open Space Requirement; equals minimum Open Space Requirement	=

(4) *Site capacity calculation (nonresidential).* Site capacity for nonresidential development shall be calculated in accordance with the following methodology:

(a) *Maximum floor area allowed.* The first step of the nonresidential site capacity calculation process involves calculating the maximum amount of floor area permitted on the parcel, in accordance with the underlying zoning district regulations. The following steps are required:

Calculation of Maximum Floor Area		
Step 1	Take Net Site Area (see subsection (D)(2) above)	
Step 2	Multiply by zoning district maximum floor area factor (see §151.125)	x
	Equals "Maximum Floor Area"	

(b) *Maximum impervious area allowed.*

1. The second step of the nonresidential site capacity calculation process involves calculating the maximum amount of impervious area permitted on the parcel, in accordance with the underlying zoning district regulations.

2. The following steps are required:

Calculation of Maximum Impervious Area		
Step 1	Take Net Site Area (see subsection (D)(2))	
Step 2	Multiply by zoning district maximum impervious surface ratio (ISR) (see § 151.125)	x
	Equals "Maximum Impervious Surface"	

(c) *Open space requirements.* The final step of the nonresidential site capacity calculation process involves calculating the amount of "open space" that must be preserved and set aside. In the case of nonresidential development, only Resource-Protected Lands must be set aside. The provisions of this subchapter identify several natural resources that must be protected, in whole or in part. The areas occupied by these identified resources are referred to as "Resource-Protected Lands". The total Resource-Protected Land area of a site shall be calculated in accordance with the following methodology:

Calculation of Resource-Protected Land Area			
<i>Resource Type</i> [1]	<i>Land Area of Resource (Acres)</i>	<i>Protection Ratio</i>	<i>Resource-Protected Land Area</i>
Calculation of Resource-Protected Land Area			
<i>Resource Type</i> [1]	<i>Land Area of Resource (Acres)</i>	<i>Protection Ratio</i>	<i>Resource-Protected Land Area</i>

1	Regulatory floodplains [and flood-prone areas with 100+ acres of tributary drainage area (see § 151.071(B))[2]]	(_[3]	x	1.00)	0	
2	Wetlands (1/4 Ac. +) (see § 151.071(C))	(_[3]	x	1.00)	=	
3	Nonlinear water bodies (see § 151.071(E))	(_[3]	x	1.00)	=	
4	Linear water bodies (see § 151.071(G))	(_	x	1.00)	=	
5	Wetland, linear water body and nonlinear water body buffers (see § 151.071(D), (F), and (H))	(_	x	0.80)	0	
6	Mature woodlands/groves (see § 151.071(I))	(_	x	0.70[4])	=	
7	Young woodlands (see § 151.071(I))	(_	x	0.50[4])	=	
Equals total "Resource-Protected Land Area"						
[1] If two or more resources overlap, only the resource with the higher protected ratio shall be calculated.						
[2] Uses/developments allowed within floodplains are not required to include floodplains in calculations.						
[3] Land area of resource may be reduced pursuant to §§ 151.146(M)(1) and 151.148(B).						
[4] Woodland resources may be reduced pursuant to §151.071(I)(6)(e), replacement of woodland credit.						

(Ord., § 4.1, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed 10-9-2012; Ord. 19-1378, passed 9-10-2019)

§ 151.071 NATURAL RESOURCE PROTECTION STANDARDS.

(A) *General.*

(1) *Applicability.*

(a) *Floodplains, wetlands, linear and nonlinear water bodies.* All development shall comply with the natural resource protection standards for regulatory floodplains (subsection (B) below), wetlands (subsection (C)), and nonlinear and linear water bodies (subsections (E) and (G)) regardless of whether they are subject to the site capacity calculation and site plan procedures of § 151.070.

(b) *Buffers, woodlands, and significant trees.* All development that is subject to the site capacity calculation and site plan procedures of § 151.070 shall comply with the natural resource protection standards for water body buffers (subsections (D), (F), and (H) of this section) woodlands, and significant trees (§ 151.071(I)).

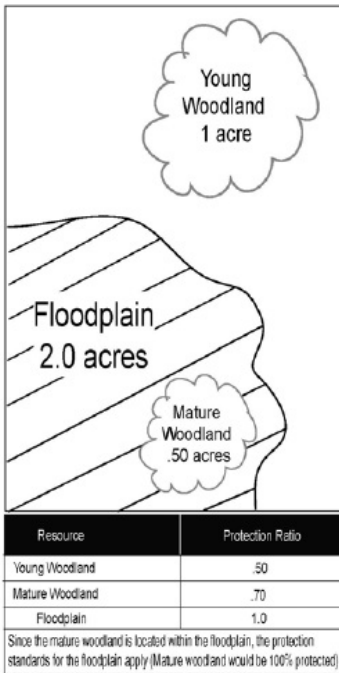
(2) *Open space.* The natural resource protection areas requiring protection in accordance with subsections (B) through (I) below shall be designated "open space for natural resource protection" and shall be permanently maintained as open space. Those areas lying within existing nonlinear water bodies and those wetlands that are determined by the Army Corps of Engineers or the Planning, Building and Development Director to be non-mitigatable shall not be counted toward meeting minimum open space requirements.

COMMENTARY:
 Unified Development Ordinance, Appendix N entitled "High-Quality Aquatic Resources" provides guidance in determining non-mitigatable wetlands.

(3) *Responsibility for protection.* The land owner shall be responsible for protection of all required natural resource protection areas.

(4) *Overlapping resource protection areas.* When two or more natural resource protection areas overlap, the stricter standards shall control. Only the natural resource that has the higher protection ratio shall be counted. (See Figure 151.071(A).)

Figure 151.071(A): Overlapping Resources



(5) *Natural resource protection plan.* Where applicable, a plan labeled “Natural Resource Protection Plan” shall be submitted and shall be prepared as an overlay of the grading and drainage plan. The natural resource protection plan shall include the following information:

(a) The location and extent of all natural resource protection areas and location, type and nature of all temporary and permanent measures and practices to be utilized to protect natural resource protection areas from development activities, as required by this chapter; and

(b) A table indicating the gross area (predevelopment area) of each identified natural resource, the net area (post-development area) of each identified natural resource and the percentage protection of each identified natural resource.

(B) *Regulatory floodplains.*

(1) *Calculation of natural resource area.* The location and extent of floodplain boundaries shall be determined in accordance with the standards of § 151.147(B)(1). Flood-prone areas with 100 acres or more tributary drainage area shall be considered regulatory floodplains for purposes of this section.

(2) *Protection ratio.* All regulatory floodplain areas (100%) shall be protected and maintained as permanent open space unless otherwise expressly provided in this chapter.

(3) *Protected areas.* Top-dressing and shallow-filling uses and other uses that are expressly permitted by § 151.148 shall be permitted within regulatory floodplains only when they comply with all applicable floodplain development performance standards of § 151.149. Deep-filling and other uses allowed by the underlying zoning district shall be allowed in regulatory floodplains only if reviewed and approved in accordance with the regulatory floodplain development standards of § 151.148(B).

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

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

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

COMMENTARY:

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

(c) *Restricted activities within protected areas.* The storage of trash and the dumping of liquids shall be prohibited within protected areas. Unless otherwise expressly allowed by the provisions of this chapter, all grading and filling shall be prohibited within protected areas. The Planning, Building and Development Director shall be authorized to prohibit other activities within protected areas (such as construction material/equipment storage and vehicle parking) as a condition of site development permit/site plan approval if the Planning, Building and Development Director determines that other reasonably feasible storage alternatives exist on the subject site.

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

(C) *Wetlands.*

(1) *Calculation of natural resource area.* Wetland areas include any area that meets the definition of a “wetland” as defined in § 151.271. If

the Planning, Building and Development Director determines that site conditions warrant, a wetland delineation shall be required. Furthermore, if wetlands are determined to be present, provisions of § 151.146(M) shall apply. Wetland delineations shall be conducted in accordance with the methodology adopted by the U.S. Army Corps of Engineers, the Lake County Stormwater Management Commission, and the USDA Natural Resource Conservation Service.

(2) *Protection ratio.* All wetlands (100%) with a surface area of one-fourth acre or more, situated wholly or partially on-site, shall be protected and maintained as permanent open space unless otherwise expressly provided in this chapter. This provision applies to all wetland areas that are a part of one-fourth acre or larger wetland areas, regardless of the size of the wetland area located on the development site.

(3) *Protected areas.* Mitigation shall be allowed in accordance with § 151.146(M), provided there is no net loss of protected wetlands and the mitigation occurs in the county. Existing isolated protected wetlands on or adjacent to a development site shall not be excavated, unless the activity is part of an approved U.S. Army Corps of Engineers or watershed development permit. Development or disturbance of a cumulative total of more than one acre of wetlands shall be allowed only if reviewed and approved in accordance with the wetland development standards of § 151.146(M).

(4) *Resource protection measures.* All required protection measures for wetlands located on the development site shall be installed prior to the commencement of any site development activity and shall remain in place and in working, functional order until all site development activities have ceased and the surrounding area has been permanently stabilized. All required resource protection measures for wetlands shall be installed around the outer limits of all wetland buffers, unless any development activity is proposed within the buffers, in which case the resource protection measures shall be installed around the outer limits of the wetland.

COMMENTARY:

The Lake County Wetland Inventory maps and the aerial photographs available on the Lake County web page or in the Department of Planning, Building and Development may be referenced to determine if the wetland present on the property extends beyond the limits of the property boundary.

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

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

COMMENTARY:

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

(c) *Restricted activities within protected areas.* The storage of trash and the dumping of liquids shall be prohibited within protected areas. Unless otherwise expressly allowed by this chapter, all grading and filling shall be prohibited within protected areas. The Planning, Building and Development Director shall be authorized to prohibit other activities within protected areas (such as construction material/equipment storage and vehicle parking) as a condition of site development permit/site plan approval if the Planning, Building and Development Director determines that other reasonably feasible storage alternatives exist on the subject site.

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

(D) *Wetland buffers.*

(1) *Calculation of natural resource area.* A wetland buffer shall extend from the edge of the delineated wetland. A property may contain a wetland buffer that originates from wetlands on adjacent property. The natural resource protection area shall be calculated in the following manner.

(a) For wetlands with a total surface area of one-third acre or greater but less than one acre, a minimum wetland buffer width of 30 feet shall be required.

(b) For wetlands with a total surface area of one acre or greater, but less than two and one-half acres, a minimum wetland buffer width of 40 feet shall be required.

(c) For wetlands with a total surface area of two and one-half acres or greater, a minimum wetland buffer width of 50 feet shall be required.

(d) High-quality aquatic resources shall have a minimum wetland buffer width of 100 feet.

(2) *Protection ratio.* A minimum of 80% of all wetland buffer areas shall be protected and maintained as permanent open space unless otherwise expressly provided in this chapter.

(3) *Buffer averaging.* The wetland buffer width for a development site may be reduced to a minimum of one-half of the wetland buffer width required, upon approval of the Planning, Building and Development Director, provided that the total wetland buffer area required is achieved adjacent to the wetland 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 wetland buffer areas upon approval of the Planning, Building and Development Director.

(4) *Protected areas.*

(a) Areas having state or federal threatened and endangered species present or for Illinois Natural Area Inventory sites, wetland 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 U.S. Fish and Wildlife Service pursuant to state and federal laws and regulations. However, any additional wetland buffer required pursuant to this provision shall not affect the site capacity calculation. The Planning, Building and Development Director shall support efforts to protect threatened and endangered species whenever the efforts are consistent with the stated purposes of this chapter.

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

(c) All existing native vegetation within protected wetland buffer areas shall be left undisturbed. Protected wetland buffer areas may be regraded if the Planning, Building and Development Director determines that the regrading is necessary to stabilize the area, prevent soil erosion or otherwise protect or enhance the protected wetland buffer area. The protected wetland buffer area may also be regraded to allow storm-water basins. Access through protected wetland buffer areas shall be provided, when necessary, for maintenance purposes. The protected wetland buffer areas shall be restabilized and re-vegetated with native vegetation immediately after any disturbance or modification. All runoff will be directed to enter protected wetland buffer areas as unconcentrated flow or will be treated to remove all silt and sediment prior to entering the adjacent wetland. In those very limited and unique circumstances when no other reasonable alternative exists, the Planning, Building and Development Director shall be authorized to allow direct runoff into the adjacent wetland with the design and implementation of acceptable best management practices (BMPs). The Planning, Building and Development Director shall report that action to the Planning, Building and Zoning Committee within 15 days of the decision or at the next regularly scheduled meeting of the Planning, Building and Zoning Committee.

COMMENTARY:

Stormwater basins may be allowed within the protected wetland buffer areas pursuant to § 151.146 of this chapter. These basins, when properly designed, act as sediment basins and improve the quality of water entering the adjacent wetland. For guidance in designing stormwater facilities that meet this intent, refer to the following sources: Illinois Environmental Protection Agency/Natural Resources Conservation Services, *Technical Reference Manual* (Lake County Stormwater Management Commission), *Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois* (USDA Natural Resources Conservation Service in cooperation with U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers), *Urban Stormwater Best Management Practices for Northeastern Illinois Course Notebook* (Northeastern Illinois Planning Commission), *Reducing the Impact of Urban Run-Off: Advantages of Alternative Site Design Approaches* (Northeastern Illinois Planning Commission for Illinois Environmental Protection Agency).

(5) *Non-protected areas.* Wetland buffer areas that are not protected (the remaining 20%) may be developed with structures and impervious surfaces including trails and paths.

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

(a) *Construction fences.*

1. Construction fencing (fluorescent polyethylene laminar safety netting or approved equivalent) with a minimum height of three feet shall be installed around the outer limits of all wetland buffer areas.

2. The fencing shall be secured to ground-mounted metal or wood posts spaced a maximum of ten feet apart and maintained to prevent clearing, grading, and development activities from encroaching into wetland buffer areas.

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

(c) *Restricted activities within protected areas.* The storage of trash and the dumping of liquids shall be prohibited within protected areas. Unless otherwise expressly allowed by this chapter, all grading and filling shall be prohibited within protected areas. The Planning, Building and Development Director shall be authorized to prohibit other activities within protected areas (such as construction material/equipment storage and vehicle parking) as a condition of site development permit/site plan approval if the Planning, Building and Development Director determines that other reasonably feasible storage alternatives exist on the subject site according to BMPs.

COMMENTARY:

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

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

(E) *Nonlinear water bodies.*

(1) *Calculation of natural resource area.* The extent of a nonlinear water body (not delineated as wetlands) shall be determined based on the ordinary high water mark.

(2) *Protection ratio.* The entire area of nonlinear water bodies (100%) shall be protected and maintained as permanent open space unless otherwise expressly provided in this chapter.

(3) *Protected areas.* The Planning, Building and Development Director shall be authorized to allow only minimal development or disturbance of nonlinear water bodies, provided that the development or disturbance complies with the regulatory floodplain development standards of § 151.148(B) and all applicable U.S. Army Corps of Engineers standards.

(4) *Resource protection measures.* All required protection measures for nonlinear water bodies located on the development site shall be installed prior to the commencement of any site development activity and shall remain in place and in working, functional order until all site development activities have ceased and the surrounding area has been permanently stabilized. All required resource protection measures for nonlinear water bodies shall be installed around the outer limits of all buffer areas, unless any development activity is proposed within the buffer area, in which case the resource protection measures shall be installed around the outer limits of a nonlinear water body.

(a) *Construction fences.* Construction fencing (fluorescent polyethylene laminar safety netting or approved equivalent) with a minimum height of three feet shall be installed around the outer limits of all nonlinear water bodies. The fencing shall be entrenched, secured to ground-mounted metal or wood posts spaced a maximum of ten feet apart and maintained to prevent clearing, grading, and development activities from encroaching into nonlinear water bodies.

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

COMMENTARY:

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

(c) *Restricted activities within protected areas.* The storage of trash and the dumping of liquids shall be prohibited within protected areas. Unless otherwise expressly allowed by this chapter, all grading and filling shall be prohibited within protected areas. The Planning, Building and Development Director shall be authorized to prohibit other activities within protected areas (such as construction material/equipment storage and vehicle parking) as a condition of site development permit/site plan approval if the Planning, Building and Development Director determines that other reasonably feasible storage alternatives exist on the subject site. The Planning, Building and Development Director shall report the action to the Planning, Building and Zoning Committee within 15 days of the decision or at the next regularly scheduled meeting of the Planning, Building and Zoning Committee.

(d) *Designation, use, maintenance, and ownership of protected areas.* Protected nonlinear water bodies areas shall be designated, owned, and maintained in accordance with the provisions of § 151.072. Only those passive uses permitted by § 151.072(C)(1) shall be allowed within protected nonlinear water body areas.

(F) *Nonlinear water body buffers.*

(1) *Calculation of natural resource area.* Nonlinear water body buffers (that are not delineated as wetlands) shall extend from the ordinary high water mark. A property may contain a buffer that originates from a water body on an adjacent property. The natural resource protection area for nonlinear water body buffers shall be calculated in the following manner.

(a) For nonlinear water bodies with a total surface area of one-third acre or greater but less than one acre, a minimum buffer width of 30 feet shall be required.

(b) For nonlinear water bodies with a total surface area of one acre or greater but less than two and one-half, a minimum buffer width of 40 feet shall be required.

(c) For nonlinear water bodies with a total surface area of two and one-half acres or greater, a minimum buffer width of 50 feet shall be required.

(2) *Protection ratio.* A minimum of 80% of all nonlinear water body buffer areas shall be protected and maintained as permanent open space unless otherwise expressly provided in this chapter.

(3) *Buffer averaging.* The nonlinear water body buffer width for a development site may be reduced to a minimum of one-half of the buffer width otherwise required, upon approval of the Planning, Building and Development Director, provided that the total buffer area required is achieved adjacent to the resource 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.

(4) *Protected areas.*

(a) Areas having state or federal threatened and endangered species present or for Illinois Natural Area Inventory sites, nonlinear water body 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 U.S. Fish and Wildlife Service pursuant to state and federal laws and regulations. However, any additional nonlinear water body buffer required pursuant to this provision shall not affect the site capacity calculation.

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

(c) All existing native vegetation within protected nonlinear water body buffer areas shall be left undisturbed. Protected nonlinear water body buffer areas may be re-graded if the Planning, Building and Development Director determines that the regrading is necessary to stabilize the area, prevent soil erosion, or otherwise protect or enhance the protected nonlinear water body buffer areas. The protected nonlinear water body buffer areas may also be regraded to allow stormwater basins. Access through protected nonlinear water body buffer areas shall be provided, when necessary, for maintenance purposes. The protected nonlinear water body buffer areas shall be re-stabilized and re-vegetated with native vegetation immediately after any disturbance or modification. All runoff will be directed to enter protected nonlinear water body buffer areas as unconcentrated flow or will be treated to remove all silt and sediment prior to entering the adjacent water body. Only in those very limited and unique circumstances where no other reasonable alternative exists, the Planning, Building and Development Director may allow a direct runoff into the adjacent water body with the design and implementation of acceptable best management practices (BMPs). The Planning,

Building and Development Director shall report that action to the Planning, Building and Zoning Committee within 15 days of the decision or at the next regularly scheduled meeting of the Planning, Building and Zoning Committee.

COMMENTARY:

Stormwater basins are allowed within protected nonlinear water body buffer areas. These basins, when properly designed, act as sediment basins and improve the quality of water entering the adjacent water body. For guidance in designing stormwater facilities that meet this intent, please refer to the following sources: Illinois Environmental Protection Agency/Natural Resources Conservation Service *Illinois Urban Manual, Technical Reference Manual* developed by the Lake County Stormwater Management Commission, *Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois* prepared by USDA Natural Resources Conservation Service in cooperation with U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers, *Urban Stormwater Best Management Practices for Northeastern Illinois Course Notebook* prepared by the Northeastern Illinois Planning Commission, *Reducing the Impact of Urban Run-Off: Advantages of Alternative Site Design Approaches*, prepared by Northeastern Illinois Planning Commission for Illinois Environmental Protection Agency.

(5) *Non-protected areas.* Nonlinear water body buffer areas that are not protected (the remaining 20%) may be developed with structures and impervious surfaces including trails and paths. This provision is intended to allow boat ramps, walkways, and other similar features.

(6) *Resource protection measures.* All required protection measures for nonlinear water body buffer areas located on the development site shall be installed prior to the commencement of any site development activity and shall remain in place and in working, functional order until all site development activities have ceased or the surrounding area has been stabilized.

(a) *Construction fences.* Construction fencing (fluorescent polyethylene laminar safety netting or approved equivalent) with a minimum height of three feet shall be installed around the outer limits of all nonlinear water body buffer areas. The fencing shall be secured to ground-mounted metal or wood posts spaced a maximum of ten feet apart and maintained to prevent clearing, grading, and development activities from encroaching into nonlinear water body buffer areas.

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

COMMENTARY:

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

(c) *Restricted activities within protected areas.* The storage of trash and the dumping of liquids shall be prohibited within protected areas. Unless otherwise expressly allowed by this chapter, all grading and filling shall be prohibited within protected areas. The Planning, Building and Development Director shall be authorized to prohibit other activities within protected areas (such as construction material/equipment storage and vehicle parking) as a condition of site development permit/site plan approval if the Planning, Building and Development Director determines that other reasonably feasible storage alternatives exist on the subject site. The Planning, Building and Development Director shall report that action to the Planning, Building and Zoning Committee within 15 days of the decision or at the next regularly scheduled meeting of the Planning, Building and Zoning Committee.

(d) *Designation, use, maintenance, and ownership of protected areas.* Protected nonlinear water body buffer areas shall be designated, owned, and maintained in accordance with the provisions of § 151.072. Only those passive uses permitted by § 151.072(C)(1) shall be allowed within protected nonlinear water body buffer areas.

(G) *Linear water bodies.*

(1) *Calculation of natural resource area.* The extent of a linear water body (not delineated as wetlands) shall be determined based on the ordinary high water mark.

(2) *Protection ratio.* The entire area (100%) of linear water bodies shall be protected and maintained as permanent open space unless otherwise expressly provided in this chapter.

(3) *Protected areas.* Protected linear water bodies may be modified for stormwater conveyance or detention purposes only in accordance with the site development regulations of §§ 151.145 through 151.154 and all other applicable regulations of this chapter. Protected linear water bodies may be modified for restoration purposes, provided that a restoration plan has been prepared, submitted, and approved by all of the appropriate federal, state, and county regulatory agencies (IDNR/OWR, ACOE, LCSMC) and is consistent with the site development regulations of §§ 151.145 through 151.154. Restoration of protected linear water bodies may include but is not limited to regrading and re-vegetating banks with native plant species, placement of appropriate in-stream habitat structures (subject to consultation with IDNR), or re-meandering a straightened linear water body to increase habitat diversity.

(4) *Resource protection measures.* All required protection measures for linear water bodies located on the development site shall be installed prior to the commencement of any site development activity and shall remain in place and in working, functional order until all site development activities have ceased or the surrounding area has been stabilized. All required resource protection measures for linear water bodies shall be installed around the outer limits of all buffer areas, unless any development activity is proposed within the buffer areas, in which case the resource protection measures shall be installed around the outer limits of a water body.

(a) *Construction fences.* Construction fencing (fluorescent polyethylene laminar safety netting or approved equivalent) with a minimum height of three feet shall be installed around the outer limits of all linear water bodies. The fencing shall be secured to ground-mounted metal or wood posts spaced a maximum of ten feet apart and maintained to prevent clearing, grading, and development activities from encroaching into linear water body areas.

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

COMMENTARY:

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

(c) *Restricted activities within protected areas.* The storage of trash and the dumping of liquids shall be prohibited within protected areas. Unless otherwise expressly allowed by this chapter, all grading and filling shall be prohibited within protected areas. The Planning, Building and Development Director shall be authorized to prohibit other activities within protected areas (such as construction material/equipment storage and vehicle parking) as a condition of site development permit/site plan approval if the Planning, Building and Development Director determines that other reasonably feasible storage alternatives exist on the subject site. The Planning, Building and Development Director shall notify the Planning, Building and Zoning Committee of all these decisions within 15 days of action or at the next regularly scheduled meeting of the Planning, Building and Zoning Committee.

(d) *Designation, use, maintenance, and ownership of protected areas.* Protected linear water body areas shall be designated, owned, and maintained in accordance with the provisions of § 151.072. Only those passive uses permitted by § 151.072(C)(1) shall be allowed within protected linear water body areas.

(H) *Linear water body buffers.*

(1) *Calculation of natural resource area.* Linear water body buffers (that are not delineated as wetlands) shall extend from the ordinary high water mark. A property may contain a linear water body buffer that originates from a linear water body on an adjacent property. The natural resource protection area shall be calculated in the following manner.

(a) Linear water bodies with a watershed of more than 20 acres, but less one square mile, shall have a water body buffer of at least 50 feet on each side of the water body.

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

(c) Linear water bodies with an index of biotic integrity (IBI) greater than 40 shall have a minimum linear water body buffer width of 100 feet on each side. (Initial IBI based on Illinois Environmental Protection Agency *Illinois Water Quality Report*, biannual. A site-specific IBI assessment may override this report.)

(d) Linear water body buffers shall not be required for water bodies enclosed in an underground conduit or culvert.

(2) *Protection ratio.* A minimum of 80% of all linear water body buffer areas shall be protected and maintained as permanent open space unless otherwise expressly provided in this chapter.

(3) *Buffer averaging.* The linear water body buffer width for a development site may be reduced to a minimum of one-half of the linear water body buffer width required, upon approval of the Planning, Building and Development Director, provided that the total linear water body buffer area required is achieved adjacent to the resource 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 linear water body buffer areas upon approval of the Planning, Building and Development Director.

(4) *Protected areas.*

(a) Areas having state or federal threatened and endangered species present or for Illinois Natural Area Inventory sites, linear water body 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 U.S. Fish and Wildlife Service pursuant to state and federal laws and regulations. However, any additional linear water body buffer required pursuant to this provision shall not affect the site capacity calculation.

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

(c) All existing native vegetation within protected linear water body buffer areas shall be left undisturbed. Protected linear water body buffer areas may be re-graded if the Planning, Building and Development Director determines that the regrading is necessary to stabilize the area, prevent soil erosion, or otherwise protect or enhance the protected linear water body buffer areas. The protected linear water body buffer areas may also be regraded to allow stormwater basins. Access through protected linear water body buffer areas shall be provided, when necessary, for maintenance purposes. The linear water body buffer areas shall be re-stabilized and re-vegetated with native vegetation immediately after any disturbance or modification. All runoff will be directed to enter protected linear water body buffer areas as unconcentrated flow or will be treated to remove all silt and sediment prior to entering the adjacent water body. Only in those very limited and unique circumstances where no other reasonable alternative exists, the Planning, Building and Development Director may allow a direct runoff into the adjacent water body with the design and implementation of acceptable best management practices (BMPs). The Planning, Building and Development Director shall report that action to the Planning, Building and Zoning Committee within 15 days of the decision or at the next regularly scheduled meeting of the Planning, Building and Zoning Committee.

(5) *Non-protected areas.*

(a) Linear water body buffer areas that are not protected (the remaining 20%) may be developed with structures and impervious surfaces including paths and trails.

(b) This provision is intended to allow boat ramps, walkways and other similar features.

COMMENTARY:

Stormwater basins are allowed within protected linear water body buffer areas. These basins, when properly designed, act as sediment basins and improve the quality of water entering the adjacent water body. For guidance in designing stormwater facilities that meet this intent, please refer to the following sources: Illinois Environmental Protection Agency/Natural Resources Conservation Service *Illinois Urban Manual*, *Technical Reference Manual* developed by the Lake County Stormwater Management Commission, *Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois* prepared by USDA Natural Resources Conservation Service in cooperation with U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers, *Urban Stormwater Best Management Practices for Northeastern Illinois Course Notebook* prepared by the Northeastern Illinois Planning Commission, *Reducing the Impact of Urban Run-Off: Advantages of Alternative Site Design Approaches*, prepared by Northeastern Illinois Planning Commission for Illinois Environmental Protection Agency.

(6) *Resource protection measures.* All required protection measures for linear water body buffers located on the development site shall be installed prior to the commencement of any site development activity and shall remain in place and in working functional order until all site development activities have ceased or the surrounding area has been stabilized.

(a) *Construction fences.* Construction fencing (fluorescent polyethylene laminar safety netting or approved equivalent) with a minimum height of three feet shall be installed around the outer limits of all linear water body buffer areas. The fencing shall be secured to ground-mounted metal or wood posts spaced a maximum of ten feet apart and maintained to clearing, grading, and development activities from encroaching into buffer areas.

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

COMMENTARY:

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

(c) *Restricted activities within protected areas.* The storage of trash and the dumping of liquids shall be prohibited within protected areas. Unless otherwise expressly allowed by this chapter, all grading and filling shall be prohibited within protected areas. The Planning, Building and Development Director shall be authorized to prohibit other activities within protected areas (such as construction material/equipment storage and vehicle parking) as a condition of site development permit/site plan approval if the Planning, Building and Development Director determines that other reasonably feasible storage alternatives exist on the subject site.

(d) *Designation, use, maintenance, and ownership of protected areas.* Protected linear water body areas shall be designated, owned, and maintained in accordance with the provisions of § 151.072. Only those passive uses permitted by § 151.072(C)(1) shall be allowed within protected linear water body areas.

(l) *Woodlands and significant trees.*

(1) *Calculation of natural resource area.*

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

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

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

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

(e) *Trees planted for commercial purposes.*

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

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

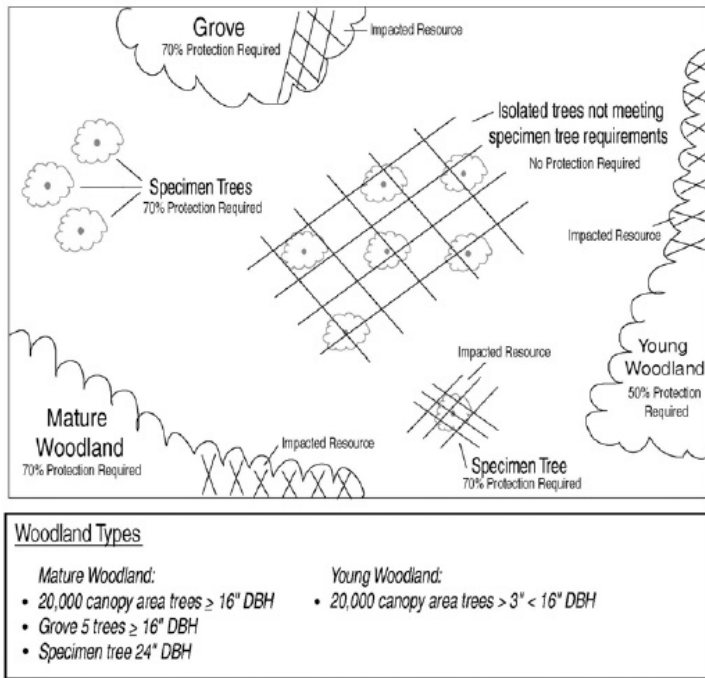
(f) *Noxious species.* Undesirable or non-native tree species such as *Acer negundo* (box elder), *Robinia pseudoacacia* (black locust), *Rhamnus cathartica* (common buckthorn), *Rhamnus frangula* (smooth buckthorn), *Ailanthus altissima* (tree of heaven), *Morus alba* (white or common mulberry), *Eleagnus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

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

The Planning, Building and Development Director may authorize removal of trees identified as “fair” or “poor” by a certified arborist or professional forester.

(3) *Protection ratios.* See Figure 151.071(I).

Figure 151.071(I): Woodland Protection



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

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

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

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

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

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

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

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

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

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

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

COMMENTARY:

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

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

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

(e) *Replacement of woodland credit.*

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

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

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

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

b. The new woodland area shall consist of one and one-half times the surface acreage of the woodland area disturbed pursuant to this subsection (1)(6) (the new woodland area shall be subtracted from the net buildable site area calculated under § 151.070).

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

Plant Material Required Per Acre	Minimum Size of Plant Material	
Option 1	10 Canopy trees	3-inch caliper size
	20 Canopy trees	2-inch caliper size
	30 Understory trees	2-inch caliper size
Option 2	10 Canopy trees	3-inch caliper size
	50 Understory trees	1-1/2-inch caliper size

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

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

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

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

(c) *Replacement.*

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

2. The combined total caliper of the replacement trees shall equal at least the combined caliper of the trees to be removed, and all replacement trees shall have a minimum caliper size of three inches.

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

(Ord., § 4.2, passed 10-13-2009; Ord. passed 8-14-2012; Ord. 19-1378, passed 9-10-2019)

§ 151.072 OPEN SPACE REQUIREMENTS.

(A) *General.*

(1) *Use.*

(a) Land designated as open space shall be used and maintained as open space and may not be separately subdivided or developed except as provided herein.

(b) The Planning, Building and Development Director shall be authorized to allow development within designated open space areas for the maintenance or enhancement of the protected open space.

(c) When open space areas are designated for specific uses that require the construction of improvement, the improvements shall be appropriately sized and designed to meet the needs of the development.

(d) The Planning, Building and Development Director shall specifically be authorized to allow fences, walls, signs, and other structures within open space areas, if necessary to protect or enhance the function of the open space areas, or when the Planning, Building and Development Director determines that the improvements or structures will not be detrimental to the function of the open space area being preserved.

(e) Fences at least 90% open shall also be allowed in designated open space provided at least one of the following circumstances are present:

1. Where the designated open space abuts designated open space or a protected natural resource in an adjacent development;
2. Where the fence is proposed within an S-1 bufferyard in a subdivision platted prior to April 11, 2000; and
3. Where the fence is proposed within deed-restricted open space.

(2) *Design and layout.* In designing subdivisions and laying out developments, efforts shall be taken to maximize the use and enjoyment of open spaces for the purposes designated. Small strips or spots of open space shall be avoided; they may be used only when no other practical means exists for providing required open space.

(3) *Landscaping.* Landscaping within open space areas shall be designed so that open space areas are aesthetically pleasing and functionally usable for the purpose specified. Native plant materials shall be used unless otherwise approved by the Planning, Building and Development Director.

(4) *Management plan.* A management plan covering a minimum period of five years following release of the maintenance assurance shall be prepared and submitted for all natural resource protection areas.

(5) *Review.* Open space plans shall be submitted and reviewed as part of the site capacity calculation/site plan review process of § 151.070 or the subdivision process of § 151.191, whichever occurs first.

(6) *Performance and maintenance assurances.*

(a) The Planning, Building and Development Director may require a performance assurance in order to ensure the proper installation of landscaping, recreational, or other improvements within open space areas and to ensure maintenance of natural resource protection areas.

(b) The performance assurance may be required in an amount up to 130% of the design engineer's estimate of cost for maintenance of open space areas, required improvements, and landscaping, and shall be filed at the time of county approval of the subject development for a time period of one, two, or three years.

(c) If deemed necessary, the Planning, Building and Development Director may also require a maintenance assurance equal to at least 10% of the original performance assurance to be filed at the time of the release of the performance assurance for a time period of one, two, or three years to ensure maintenance of the open space areas and improvements located within open space areas.

(B) *Designation of open space.* The location and total area of all common or deed-restricted open space shall be clearly identified on all required plans (see Figure 151.072, below). Open space shall be designated in one of the following ways.

(1) *Natural resource protection areas.* Natural resource protection areas are open space areas required for the protection of those natural resource areas identified in § 151.071.

(2) *Restoration areas.* Restoration areas are open space areas designated for the creation, enhancement or restoration of natural habitats, such as natural or restored wetlands, woodlands, prairies, or savannas.

COMMENTARY:

Native prairies present on the site should be identified and restored after consultation with representatives of the Illinois Department of Natural Resources.

(3) *Recreational areas.*

(a) Recreational areas are open space areas designated for specific recreational uses.

(b) The uses may include tot lots, tennis courts, swimming pools, ballfields, and similar active recreational uses.

(4) *Greenway areas.* Greenway areas are open space areas established as linear green belts linking open space areas with residential areas, nonresidential areas, or other open space areas.

(5) *Landscape areas.*

(a) Landscape areas are open space areas that are typically landscaped and serve to ameliorate adverse impacts and nuisances between adjacent land uses or between a land use and a road.

(b) The areas designated as landscape areas shall not be counted toward meeting the open space requirement.

(6) *Agricultural areas.*

(a) Agricultural areas are open space areas designated for agricultural uses and the production of agricultural products.

(b) Agricultural areas may also be used as community garden plots within a development.

(7) *Stormwater detention areas.*

(a) Stormwater detention areas are open space areas designed or used for the detention or retention of stormwater runoff within a

development.

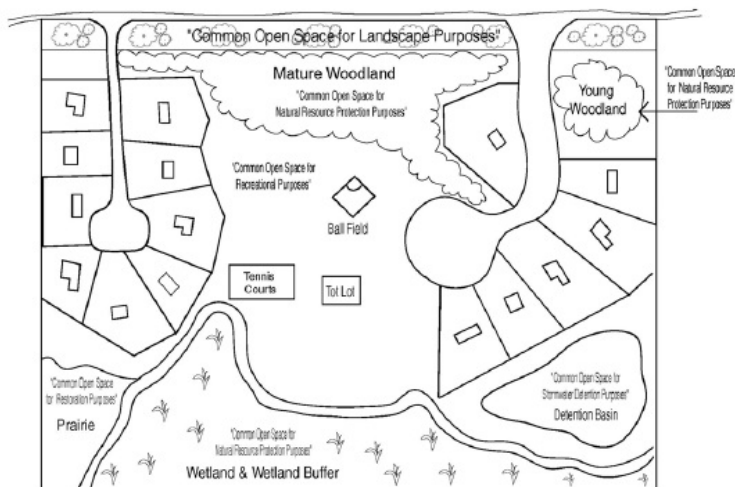
(b) Only those stormwater detention basins that are designed as wetlands or wet bottom basins with native vegetation along wetland and water body buffer areas and side slopes shall be counted toward meeting the open space requirement.

COMMENTARY:

For guidance on designing wet bottom stormwater detention basins or basins that function as wetlands, applicants should consult the following sources: Illinois Environmental Protection Agency/Natural Resources Conservation Services *Illinois Urban Manual, Technical Reference Manual* developed by the Lake County Stormwater Management Commission, *Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois* prepared by USDA Natural Resources Conservation Service in cooperation with U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers, *Urban Stormwater Best Management Practices for Northeastern Illinois Course Notebook* prepared by the Northeastern Illinois Planning Commission, *Reducing the Impact of Urban Run-Off: Advantages of Alternative Site Design Approaches*, prepared by Northeastern Illinois Planning Commission for the Illinois Environmental Protection Agency.

(8) *Sewage disposal areas.* Sewage disposal areas are open space areas designed or used for the location of community sewage collection and disposal systems or individual sewage disposal systems.

Figure 151.072: Open Space Plan (example)



(C) *Use of open space.* The use of open space areas shall be restricted to those activities that permit the use and enjoyment of the open space without compromising designated purpose of the open space area.

(1) *Natural resource protection areas.* The use of natural resource protection areas shall be limited to non-vehicular, passive recreational activities. The activities may include nature studies, hiking, cross-country skiing, picnicking, and other similar passive recreational activities. This provision shall not be interpreted as prohibiting the use and enjoyment of lakes and ponds for recreational uses normally associated with the bodies of water. Improvements such as trails or boardwalks are permitted in natural resource protection areas, provided that the improvements have no negative impact on the resource being protected and the improvements comply with all other applicable standards of this chapter. Access to sensitive natural resource protection areas may be restricted in order to ensure the preservation of the areas.

(2) *Restoration areas.* The use of restoration areas shall be limited to passive recreational activities that do not hinder preservation of the environmental feature being protected. The activities may include hiking, biking, cross-country skiing, picnicking, horseback riding and other similar passive recreational activities.

(3) *Recreational areas.* The use of recreational areas shall be limited to recreational activities, which may include golf courses, tennis courts, swimming pools, ballfields, playgrounds, tot lots, and other similar active recreational uses. The specific uses shall be identified for each designated recreational area. Roads, parking areas, and structures (such as gazebos, club houses, and shelter houses) that are ancillary to specific recreational activities shall be permitted within recreational areas, provided that they comply with all applicable standards of this chapter and do not exceed the floor area or impervious surface standards. Recreational areas shall be accessible to all residents of a development.

(4) *Greenway areas.* The use of greenway areas shall be limited to non-motorized, passive recreational activities. Greenways shall contain multi-modal path systems that may be used for walking, jogging, biking, cross-country skiing, horseback riding, and other similar passive recreational activities. In golf course communities, golf carts may also be operated within greenways. The use of greenway areas may be restricted to specific passive recreational activities. All greenway areas shall remain accessible to all residents of a development.

(5) *Landscape areas.* Landscape areas shall be subject to the standards of § 151.167. Access to landscape areas may be restricted in order to preserve their function.

(6) *Agricultural areas.* The use of agricultural areas shall be limited to those activities involved in the cultivation of soil, the production of crops, or the raising of livestock. Access between agricultural areas and non-agricultural areas may be restricted, provided that when agricultural areas are designated for garden plots, they shall be accessible to all residents of the subject development. Uses and structures ancillary to the agricultural use of the open space area shall be permitted, provided that they comply with all applicable standards of this chapter and do not exceed the floor area and impervious surface standards.

(7) *Stormwater detention areas.* The use of stormwater detention/retention areas shall be limited to those activities that do not interfere with the area's function as a stormwater detention area. Access to stormwater detention areas may be restricted to ensure public safety.

(8) *Sewage disposal areas.* The use of sewage disposal areas shall be limited to community sewage collection and disposal systems or individual sewage disposal systems that are designed and approved in accordance with all applicable county, state, and federal standards.

(D) *Maintenance of open space.*

(1) *Natural resource protection areas.* Maintenance of natural resource protection areas shall consist of the removal of litter, junk, and debris. Maintenance shall also include the removal of dead or diseased vegetation and such species as *Lonicera tatarica* (honeysuckle), *Rhamnus cathartica* (common buckthorn), *Phalaris arundinacea* (reed canary grass), *Lythrum salicaria* (purple loosestrife), *Alliaria officinalis* (garlic mustard), *Rhamnus frangula* (smooth buckthorn), *Robinia pseudoacacia* (black locust) or other invasive species that the Planning, Building and Development Director has determined are or may be detrimental to the health of the resource being protected. Natural watercourses shall be maintained free-flowing and devoid of debris. Streams and nonlinear waterbodies shall be maintained so as not to alter floodplain levels.

(2) *Restoration areas.* Maintenance of restoration areas shall consist of the removal of litter, junk, and debris. Maintenance may also include the removal of dead or diseased vegetation, those species identified in the preceding subsection (D)(1), or other invasive species that the Planning, Building and Development Director has determined are or may be detrimental to the health of the resource being protected. Natural watercourses shall be maintained free-flowing and devoid of debris. Stream channels and linear water bodies shall be maintained so as not to alter floodplain levels.

(3) *Recreational areas.* Recreational areas shall be maintained to ensure that they remain in usable condition and that no hazards, nuisances, or unhealthy conditions exist.

(4) *Greenway areas.* Greenway areas shall be maintained to ensure that they remain aesthetically and functionally usable, as originally designed, and that no hazards, nuisances, or unhealthy conditions exist.

(5) *Landscape areas.* Landscape areas shall be maintained to ensure that they remain functionally usable, as originally designed, and that no hazards, nuisances, or unhealthy conditions exist. This shall include the removal of litter, junk, and debris and the replacement of dead or diseased vegetation.

(6) *Agricultural areas.* Agricultural areas shall be maintained as necessary to ensure the productivity of the land for the designated agricultural use.

(7) *Stormwater detention areas.* Stormwater detention/retention areas shall be maintained to comply with the site development regulations of §§ 151.145 through 151.154.

(8) *Sewage disposal areas.* Sewage disposal areas shall be maintained in accordance with all applicable county, state, and federal standards, including those of the Lake County Health Department. Financial assurances or maintenance bonds may be required to ensure ongoing maintenance.

(E) *Ownership of open space.* The form of ownership of all required open space areas shall be designated on all plans. Open space areas may be owned by any one of the following mechanisms, or combinations thereof:

(1) *Dedication.* Open space may be dedicated to the county, township, an appropriate public agency, or not-for-profit open space organization that is willing to accept the dedication, provided the terms of the conveyance have been reviewed and approved by the Planning, Building and Development Director.

(2) *Common ownership.* Open space may be held in common ownership by a property owners' association who shall assume full responsibility for its maintenance and who shall prevent development and subsequent subdivision of the open space land for other than open space purposes. In the event that open space is to be owned and maintained by a property owners' association, documents establishing the association, detailing its obligation and otherwise providing for the maintenance and preservation of open space areas shall be prepared and submitted with all required plans. Covenants shall provide for the mandatory inclusion of all property owners for the purpose of being responsible for continuing maintenance of the open space.

(3) *Deed restriction.*

(a) Open space may be held in deed-restricted ownership which ensures that no development and subsequent subdivision of the open space land for other than open space uses shall be permitted. The maintenance responsibility of all open space areas shall be specified and provision shall be made for guaranteeing this responsibility.

(b) Within residential developments, open space designated as recreational areas, greenway areas or stormwater detention areas shall not be held in deed-restricted ownership, except when otherwise approved by the Planning, Building and Development Director. Moreover, in residential subdivisions wherein each lot contains at least 80,000 square feet, required open space may be held in deed-restricted ownership. The Planning, Building and Development Director may approve deed-restricted open space on lots less than 80,000 square feet only when: the subdivision consists of five lots or fewer and each lot within the subdivision contains at least 40,000 square feet of lot area; or the resultant open space is contiguous to other open space in the subdivision or on an adjacent property. Within 15 days of approving deed-restricted open space in accordance with this section, the Planning, Building and Development Director shall provide a report to the Planning, Building and Zoning Committee. The report shall describe the action taken and the basis for the decision. Deed-restricted open space shall not be allowed in conservation developments.

(Ord., § 4.3, passed 10-13-2009; Ord. passed 8-14-2012)

ZONING DISTRICTS

§ 151.085 GENERALLY.

(A) *Establishment of zoning districts.*

(1) *Base zoning districts.* The following base zoning districts are hereby established:

- (a) AG, Agricultural;
- (b) RE, Rural Estate;
- (c) E, Estate;
- (d) R-1, Residential;
- (e) R-2, Residential;
- (f) R-3, Residential;
- (g) R-4, Residential;

- (h) R-4A, Residential;
- (i) R-5, Residential;
- (j) R-6, Residential;
- (k) RR, Resort Residential;
- (l) GO, General Office;
- (m) LC, Limited Commercial;
- (n) RC, Recreational Commercial;
- (o) GC, General Commercial;
- (p) LI, Limited Industrial;
- (q) II, Intensive Industrial;
- (r) OS, Open Space; and
- (s) GW, Gateway.

(2) *Zoning district hierarchy.* References in this chapter to less restrictive or more restrictive zoning districts refer to the base zoning districts established in this section and represent a progression from the AG District, the most restrictive base zoning district, to the II District, the least restrictive base zoning district. The OS District and the GW District are not included within the hierarchy.

(B) *Zoning map.* The boundaries of the zoning districts established by this chapter are shown on the "Official Zoning Map of Lake County, Illinois" which is a part of this chapter as fully as if it were set out in this chapter in detail. Original zoning district maps are maintained in the office of the Planning, Building and Development Director. In case of any dispute regarding the zoning classification of property subject to this chapter, the original maps maintained by the Planning, Building and Development Director shall control.

(1) *Omitted land.* It is the intent of this chapter that every part of unincorporated Lake County be included in one of the zoning districts established by this chapter. Any land located now or in the future outside of municipalities not shown to be included in a zoning district shall be deemed to be classified in the AG District.

(2) *Additional land areas.* Any land area that comes under the jurisdiction of this chapter shall automatically be classified in the AG District.

(3) *District boundaries.* The following rules govern interpretations regarding the location of zoning district boundaries.

(a) *Municipal boundaries.* Boundaries shown as following or approximately following the limits of any incorporated municipality shall be construed as following those limits.

(b) *Streets.* Unless otherwise indicated on the map, boundaries shown as following or approximately following streets shall be construed to follow the centerlines of those streets, except in the case of interstate highways. In the case of interstate highways, boundaries shall be construed as following rights-of-way lines.

(c) *Property lines.* Boundary lines shown as following or approximately following platted lot lines or other property lines shall be construed as following those lines, as shown on the county tax maps.

(d) *Section lines.* Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following those lines.

(e) *Railroads.* Unless otherwise indicated on the map, boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of those railroad lines.

(f) *Shorelines.* Boundaries shown as following or approximately following shorelines of any body of water shall be construed to follow the mean high waterlines of that body of water and, in the event of change in the mean high waterline, shall be construed as moving with the actual mean high waterline.

(g) *Watercourses.* Boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerline of those watercourses taken at mean low water, and, in the event of a natural change in the location of those streams, rivers, or other watercourses, the zone boundary shall be construed as moving with the channel centerline.

(h) *Map scale and distances.* Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in this subsection (B)(3) shall be construed to be parallel to those features and at the distances as are shown on the zoning district map. Distances not specifically indicated on the map shall be determined by the scale of the map.

(Ord., § 5.1, passed 10-13-2009)

§ 151.086 AG, AGRICULTURAL DISTRICT.

(A) *Description.* The AG, Agricultural District is intended to promote and protect agricultural land uses. The standards of the AG District are designed to permit development that is compatible with existing rural character and agricultural uses such as cropland, pasture land, orchards, vineyards, and nurseries, confined feeding operations, and equestrian facilities. The AG District is intended to implement and correspond to the Regional Framework Plan's "Agricultural" future land use designation.

(B) *Uses.* Uses are allowed in the AG District in accordance with the use table of § 151.111.

(C) *Dimensional standards.* All development in the AG District is subject to the density and dimensional standards of §§ 151.125 through 151.132.

(Ord., § 5.2, passed 10-13-2009)

§ 151.087 RE, RURAL ESTATE DISTRICT.

(A) *Description.* The RE, Rural Estate District is intended to accommodate very low-density, very large-lot residential development and to provide permanent protection for areas that develop in such a manner. The district is intended to accommodate only a very small amount of the

county's future housing needs, generally serving the housing needs of those who desire to live in a very rural, very low-density estate areas and are willing to assume the costs of doing so. Because of the relatively sparse population in RE-zoned areas, the county will not give high priority to the provision of public services in those areas. Instead, public service provision by the county will be concentrated in areas where more intense future development is called for by the Regional Framework Plan. The very low densities permitted in the RE District generally permit (in accordance with applicable Lake County Health Department rules) on-site, individual sewage disposal systems and wells, thereby reducing the need for inefficient public expenditures. The RE Zoning District is intended to implement and correspond to the Regional Framework Plan's "Residential - Large Lot" future land use designation. Development in this district should follow the character description in the Regional Framework Plan's "Rural Large Lot Subdivisions" or the conservation development section of the "Community Character" chapter.

(B) *Uses.* Uses are allowed in the RE District in accordance with the use table of § 151.111.

(C) *Dimensional standards.* All development in the RE District is subject to the density and dimensional standards of §§ 151.125 through 151.132.

(Ord., § 5.3, passed 10-13-2009)

§ 151.088 E, ESTATE AND R-1 RESIDENTIAL DISTRICTS.

(A) *Description.* The E, Estate and R-1 Districts are intended to accommodate low-density, large-lot residential development and to ensure the protection of areas that develop in such a manner. These districts are a higher density version of the very-low density RE District. Like the RE District, the E and R-1 Districts are expected to accommodate only a very small amount of the county's overall housing needs. These districts primarily serve those households who desire to live in low-density estate areas and are willing to assume the costs of doing so. Because of the relatively sparse population in E-zoned and R-1-zoned areas, the county will not give high priority to the provision of public services in the areas. Instead, public service provision by the county will be concentrated in areas where more intense future development is called for by the Regional Framework Plan. The low densities permitted in the E and R-1 Districts generally permit (in accordance with applicable Lake County Health Department rules; see Chapter 171) on-site, individual sewage disposal systems and wells, thereby reducing the need for inefficient public expenditures. The E and R-1 Districts are intended to implement and correspond to the Regional Framework Plan's "Residential-Medium Lot" future land use designation.

(B) *Uses.* Uses are allowed in the E and R-1 Districts in accordance with the use table of § 151.111.

(C) *Dimensional standards.* All development in the E and R-1 Districts is subject to the density and dimensional standards of §§ 151.125 through 151.132.

(Ord., § 5.4, passed 10-13-2009)

§ 151.089 R-2, R-3, AND R-4 RESIDENTIAL DISTRICTS.

(A) *Description.* The R-2, R-3, and R-4 Zoning Districts are expected to accommodate a large percentage of the residential growth projected in unincorporated Lake County over the 20-year planning horizon covered by the Regional Framework Plan. The districts are primarily intended to accommodate moderate density residential development that can be served by the full range of infrastructure. The districts are generally intended to be applied in areas with existing infrastructure. The uses and densities allowed in the R-2, R-3, and R-4 Districts (1.33 to 2.5 units per acre) offer county residents a variety of housing choices in the moderate density range. The R-2, R-3, and R-4 Districts are intended to implement the Regional Framework Plan's "Residential" future land use designations.

(B) *Uses.* Uses are allowed in R-2, R-3, and R-4 Districts in accordance with the use table of § 151.111.

(C) *Dimensional standards.* All development in the R-2, R-3, and R-4 Districts is subject to the density and dimensional standards of §§ 151.125 through 151.132.

(Ord., § 5.5, passed 10-13-2009)

§ 151.090 R-4A, R-5, AND R-6 RESIDENTIAL DISTRICTS.

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

(B) *Uses.* Uses are allowed in R-4A, R-5, and R-6 Districts in accordance with the use table of § 151.111.

(C) *Dimensional standards.* All development in the R-4A, R-5, and R-6 Districts is subject to the density and dimensional standards of §§ 151.125 through 151.132.

(Ord., § 5.6, passed 10-13-2009)

§ 151.091 RR, RESORT RESIDENTIAL.

(A) *Description.* The RR, Resort Residential District is intended to be applied in developed areas near lakes and other recreational resources to preserve the existing resort residential character of the areas. The regulations of the RR District are intended to encourage maintenance and upkeep of existing resort residential neighborhoods, while ensuring that any new development is of a similar character and scale. It is not generally intended to be applied to large, undeveloped parcels. The RR District is intended to implement the Regional Framework Plan's "Retail/Commercial" future land use designation.

(B) *Uses.* Uses are allowed in the RR District in accordance with the use table of § 151.111.

(C) *Dimensional standards.* All development in the RR District is subject to the density and dimensional standards of §§ 151.125 through 151.132.

(Ord., § 5.7, passed 10-13-2009)

§ 151.092 GO, GENERAL OFFICE.

(A) *Description.* The GO, General Office District is primarily intended to accommodate office, office park, and research park development generally adjacent to primary highways. Standards that apply to development in the GO District ensure that development is visually attractive and well-buffered from abutting roadways and residential areas. The GO District is appropriate for application to areas that have been developed with office and research park uses. It may also be used to accommodate new development proposals that are or can be served by infrastructure. The GO District is intended to implement the Regional Framework Plan's "Office/Research" future land use designation.

(B) *Uses.* Uses are allowed in the GO District in accordance with the use table of § 151.111.

(C) *Dimensional standards.* All development in the GO District is subject to the density and dimensional standards of §§ 151.125 through 151.132.

(Ord., § 5.8, passed 10-13-2009)

§ 151.093 LC, LIMITED COMMERCIAL.

(A) *Description.* The LC, Limited Commercial District is primarily intended to accommodate neighborhood-oriented, low-intensity retail sales and service uses. It is appropriate for application in areas that have been developed with uses allowed in the district, and it may also be used to accommodate new development proposals that should be served by all infrastructure and are compatible with nearby residential uses. The LC District is intended to implement the Regional Framework Plan's "Retail/Commercial" land use designation.

(B) *Uses.* Uses are allowed in the LC District in accordance with the use table of § 151.111.

(C) *Dimensional standards.* All development in the LC District is subject to the density and dimensional standards of §§ 151.125 through 151.132.

(Ord., § 5.9, passed 10-13-2009)

§ 151.094 RC, RECREATIONAL COMMERCIAL.

(A) *Description.* The RC, Recreational Commercial District is primarily intended to accommodate commercial activities that are dependent upon locations near recreational resources, such as lakes. The district also accommodates retail sales and service and other convenience uses that customarily provide service near recreational areas. The regulations of the RC District are intended to encourage maintenance and upkeep of existing commercial recreation neighborhoods, while ensuring that any new development is of a similar character and scale. It is not generally intended to be applied to large, undeveloped parcels. The RC District is intended to implement the Regional Framework Plan's "Retail/Commercial" future land use designation.

(B) *Uses.* Uses are allowed in the RC District in accordance with the use table of § 151.111.

(C) *Dimensional standards.* All development in the RC District is subject to the density and dimensional standards of §§ 151.125 through 151.132.

(Ord., § 5.10, passed 10-13-2009)

§ 151.095 GC, GENERAL COMMERCIAL.

(A) *Description.* The GC, General Commercial District is intended to accommodate commercial uses. The GC District is not a neighborhood-oriented district and is not generally appropriate for application within residential areas. It is intended to be used to accommodate existing commercial uses. It may also be used to accommodate new development proposals. In all cases, new development in the GC District should be adequately served by infrastructure. The GC District is intended to implement the Regional Framework Plan's "Retail/Commercial" future land use designation.

(B) *Uses.* Uses are allowed in the GC District in accordance with the use table of § 151.111.

(C) *Dimensional standards.* All development in the GC District is subject to the density and dimensional standards of §§ 151.125 through 151.132.

(Ord., § 5.11, passed 10-13-2009)

§ 151.096 LI, LIMITED INDUSTRIAL.

(A) *Description.* The LI, Limited Industrial District is primarily intended to accommodate low-intensity industrial uses. It is intended to be used to accommodate existing low-intensity industrial uses. It may, however, also be used to accommodate new development proposals in areas that are or can be adequately served by infrastructure. The LI District is intended to implement the Regional Framework Plan's "Industrial" future land use designation.

(B) *Uses.* Uses are allowed in the LI District in accordance with the use table of § 151.111.

(C) *Dimensional standards.* All development in the LI District is subject to the density and dimensional standards of §§ 151.125 through 151.132.

(Ord., § 5.12, passed 10-13-2009)

§ 151.097 II, INTENSIVE INDUSTRIAL.

(A) *Description.* The II, Intensive Industrial District is primarily intended to accommodate existing heavy industrial uses. It may, however, also be used to accommodate new development proposals in areas that are adequately served by infrastructure. The II District is intended to implement the Regional Framework Plan's "Industrial" future land use designation.

(B) *Uses.* Uses are allowed in the II District in accordance with the use table of § 151.111.

(C) *Dimensional standards.* All development in the II District is subject to the density and dimensional standards of §§ 151.125 through 151.132.

(Ord., § 5.13, passed 10-13-2009)

§ 151.098 OS, OPEN SPACE.

(A) *Description.*

(1) The OS, Open Space District is primarily intended to accommodate and protect those lands designated in the Framework Plan as fulfilling local and regional public open space needs in the county.

(2) As such, only those uses that are compatible with or otherwise support public recreational, resource conservation or other open space purposes are permitted within the district.

(3) The OS District is not intended to accommodate new development but rather to respond to the regional open space needs generated by a growing population, as well as to accommodate those uses that by their very nature are of an open space character, with very low development intensity.

(4) The OS District is intended to implement the Regional Framework Plan's "Open Space" future land use designation.

(B) *Uses.* Uses are allowed in the OS District in accordance with the use table of § 151.111.

(C) *Dimensional standards.* All development in the OS District is subject to the density and dimensional standards of §§ 151.125 through 151.132.

(Ord., § 5.14, passed 10-13-2009)

§ 151.099 GW, GATEWAY.

(A) *Description.* The GW, Gateway Zoning District is intended to implement Chapter 12 of the Lake County Regional Framework Plan, entitled "Gateway Economic Development Plan". The Gateway Economic Development Plan establishes a long-term vision for high quality economic development that will provide desirable jobs, a strong tax base, convenient community services, and preserve the area's natural resources. The GW, Gateway Zoning District regulations establish land uses and standards for development of land within the defined Gateway Economic Development Area as shown on the Future Land Use Map, adopted by the Lake County Board on February 13, 2007. Applications for rezoning to the GW, Gateway Zoning District may only be made by landowners within this area; the GW, Gateway Zoning District is not available elsewhere.

(B) *Uses.* Uses are allowed in the GW, Gateway Zoning District in accordance with the provisions of § 151.285.

(C) *Dimensional standards.* All development in the GW, Gateway Zoning District is subject to the standards contained in § 151.285.

(Ord., § 5.15, passed 10-13-2009)

USE REGULATIONS

§ 151.110 USE PERMIT.

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

(Ord., § 6.1, passed 10-13-2009; Ord. 19-1378, passed 9-10-2019)

§ 151.111 USE TABLE.

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

COMMENTARY:

The Use Table is organized into five major use groups:

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

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

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

(1) *Permitted uses.*

(a) A "P" indicates that a use is allowed by right in the respective zoning district.

(b) Permitted uses are subject to all other applicable regulations of this chapter.

(2) *Conditional uses.*

(a) A "C" indicates that a use is allowed only if reviewed and approved as a conditional use, in accordance with the conditional use review procedures of § 151.050.

(b) Conditional uses are subject to all other applicable regulations of this chapter.

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

(4) *Use standards.*

(a) The final "standards" column of the following table contains references to use standards that apply to the listed use type.

(b) The use standards are presented in alphabetical order in §151.112.

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

(6) *Use categories.*

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

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

Zoning Use Table																					
Use Category (See § 151.270 for Description)	Use Types	Residential											Nonresidential						Use Standard	CUP Decision	
		AG	RE	E	R1	R2	R3	R4	R4a	R5	R6	RR	GO	LC	RC	GC	LI	II			OS
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(KK)	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			
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	§ 151.112(Y)	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		§ 151.112(Q)	ZBA	
Group living (see § 151.270(D)(5))									C	P	P	P							§ 151.112(Z)		
Hospital (see § 151.270(D)(6))													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			
	Golf course	P	P	P	P	P	P	P	P	P	P	P			P				P	§ 151.112(V)	
	Cemetery, mausoleum	C	C	C	C	C	C	C	C	C	C	C							C	§ 151.112(L)	
	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(SS)	
	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(SS)	
	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(SS)	
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	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(T) § 151.112(Y)	Co Bd		
	Major utilities not otherwise classified	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		§ 151.112(Y)	Co Bd	
Wind energy facilities	Building-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Co Bd		
	Tower-mounted	C ³	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	P		§ 151.113(P)	ZBA	
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(AA)	ZBA	
	Commercial service-oriented industrial sales and service not otherwise classified																C	P	P			§ 151.112(AA)	ZBA	
	Contractor's equipment sales or storage (indoor)																P	P	P			§ 151.112(AA)	ZBA	
	Contractor's equipment sales or storage (outdoor)																C	P	P			§ 151.112(AA)	ZBA	
	Feed and grain sales	P															P	P	P			§ 151.112(AA)		
	General industrial sales and service not otherwise classified																	P	P				§ 151.112(AA)	
	Junk yard																			P			§ 151.112(AA) § 151.112(BB)	
	Landscape contractor's storage yard	C																C	P	P			§ 151.112(DD) § 151.112(AA)	ZBA
	Petroleum or chemical refining/production																		C	C			§ 151.112(NN)	Co Bd
	Truck/trailer parking																	C	P	P			§ 151.112(AA)	ZBA
Office (see § 151.270(S)(2))	Offices for non-retail nurseries	C	C	C										P	P	P	P	P	P	C		§ 151.112(MM)	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(W)		
	Marina																	P						
	Model airplane club	C																C			C		§ 151.112(LL)	Co Bd
	Racetrack, animal																	C					§ 151.112(OO)	Co Bd
	Racetrack, motor vehicle/moto-cross/BMX/go-cart																	C					§ 151.112(PP)	Co Bd
	Shooting range (outdoor)	C																C			C		§ 151.112(WW)	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

Warehousing and freight movement	Warehousing and freight movement not otherwise classified																	P	P		§ 151.112(AA)		
	Dredging material stockpiling and processing	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	§ 151.112(R)	ZBA	
Waste-related use (see § 151.270(F)(4))	Landscape waste composting facilities	C																C	C	C	§ 151.112(EE) § 151.112(AA)	Co Bd	
	Landscape waste transfer station																	C	C		§ 151.112(FF) § 151.112(AA)	Co Bd	
	Recycling center																	C	C	P	§ 151.112(RR) § 151.112(AA)	Co Bd	
	Construction and demolition recycling facilities																		C	C		§ 151.112(N)	ZBA
	Waste-related use not otherwise classified																			C		§ 151.112(AA)	Co Bd
Wholesale sales (see § 151.270(F)(5))																		C	P	P	§ 151.112(AA)	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	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	P			
	Forestry	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	§ 151.112(U)	Co Bd	
	Local food garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§ 151.112(GG)		
	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	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	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	P			
Aviation and surface transportation facility (see § 151.270(G)(2))	Airport	C																C	C	C	§ 151.112(E)	Co Bd	
	Bus terminal																		C	P	P		Co Bd
	Helipoint	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	P	§ 151.148(A) § 151.148(B)		
Mining (see § 151.270(G)(3))	Mining and resource extraction	C																	C	C	§ 151.112(JJ)	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	P	§ 151.112(XX)		
Wildlife rehabilitation	Principal use	C																		C		Co Bd	
	Accessory residential use	C	C	C	C	C	C	C													§ 151.113(O)	Co Bd	
Solar energy systems	Solar energy system, large-scale ⁸	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	§ 151.112(VV) § 151.113(U)	ZBA		
	Solar energy system, medium-scale ⁸	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	§ 151.112(VV) § 151.113(U)	ZBA		
	Solar energy system, small-scale ^{8, 9}	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	§ 151.112(VV) § 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 education⁶ (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.

(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)

§ 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 trailored or motorized agricultural implements shall be screened from view of adjacent streets and residential zoning districts.

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

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

(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:

Cabin or Cottage	Minimum Lot Area (Sq. Ft.)
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) *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 1) 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.

(U) *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.

(V) *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.

(W) *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.

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

(Y) *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.

(Z) *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.

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

(BB) *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.

(CC) *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.

(DD) *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.

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

(FF) *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.

(GG) *Local food garden (agriculture use category)*. The standards of this subsection (GG) 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.

(HH) *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 (HH)(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 (HH)(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".

(II) *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 (II)(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 (II)(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".

(JJ) *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.

(KK) *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 §

(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(KK)		
	Setback/Separation	Minimum Distance (Feet)
Table 151.112(KK)		
	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(KK-) 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(KK), 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(KK), 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.

(LL) *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.

(MM) *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.

(NN) *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.

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

- (1) The use shall be subject to the site capacity calculation/site plan review procedures of §151.070. Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.
- (2) The site shall have a minimum area of at least 20 acres.
- (3) The racetrack and all building, viewing areas, seating areas, and structures for housing animals shall be located no closer than 250 feet from any ultimate public road right-of-way or site boundary line.
- (4) If night racing is to be conducted, all parking areas and access ways shall be adequately lighted; provided that this lighting, as well as lighting for the racetrack, shall be shielded to prevent light and glare spillover to adjacent residential properties.
- (5) All facilities for housing and maintaining equine shall comply with the following requirements:
 - (a) An approval for the facilities from the Lake County Health Department must accompany an application for a conditional use permit; and
 - (b) A 100-foot wide area of vegetation cover, exclusive of pasture area, shall be maintained between any corral, unvegetated exercise area, manure pile, or application area and any surface water or well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.
- (6) All facilities for housing and maintaining other animals shall meet the conditions specified in the conditional use permit.
- (7) The following accessory uses may be permitted as incidental to and limited to patrons of the principal use:

- (a) Refreshment stands or booths;
- (b) Souvenir stands or booths;
- (c) Wagering facilities;
- (d) Restaurants or lounges;
- (e) Playgrounds and day care facilities; and
- (f) any other customary and incidental uses which may be deemed appropriate by the Zoning Board of Appeals or the County Board.

(PP) *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.

(QQ) *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 (QQ)(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 (QQ)(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(QQ)(8)

Setback/Separation	Minimum Distance (Feet)
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(JJ).

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

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.

(RR) *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.

(SS) *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 (SS)(1) shall require review and approval in accordance with the delegated conditional use permit procedures of § 151.070. This operational requirement shall not apply to the following activities: ancillary activities unrelated to the core congregational/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.

(TT) *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.

(UU) *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.

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

(1) *Approval.* Medium and large-scale solar energy systems in all zoning districts shall be subject to the site capacity calculation/site plan review procedures of § 151.070. Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.

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

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

(4) *Lot coverage.* Ground-mounted solar panels are not subject to impervious surface ratio (ISR) calculations of §§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.* Principal use solar energy systems must meet the setback requirements for a principal structure in the underlying zoning district.

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

(WW) *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.

(XX) *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.

(YY) *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.

(ZZ) *Vehicle repair (vehicle repair use category).*

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

(2) *Operational requirements.* All vehicle repair uses shall comply with the following operational requirements: no vehicles shall be parked outdoors on the site of a vehicle repair use for over 14 consecutive days except in the II Zoning District. For purposes of this provision, outdoor storage of vehicles will be deemed to have occurred if a vehicle remains outdoors for over 14 consecutive days or if a vehicle does not have current license tags and remains outdoors for any length of time. Regardless of the above, a vehicle repair use may have 15% of the site area, excluding area in floodplain and wetland, designated for long-term parking of vehicles that are either in the process of repair or title acquisition. This area shall be fenced-in with an eight-foot high solid fence. No vehicles shall be stored in this area for more than three months. No vehicle, without current license tags or missing body panels (e.g., hoods, trunks, fenders, doors, and the like), shall be stored outside of this fenced-in area for any length of time.

(Ord., § 6.3, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed 10-9-2012; Ord. passed - -; Ord. passed - -; Ord. 15-0701, passed 7-14-2015; Ord. 19-1378, passed 9-10-2019; Ord. 21-0744, passed 5-11-2021) 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 maybe located within four feet of any other structure except fences, any at-grade improvements, or any other structures that do not unreasonably impede access for emergency and/or maintenance purposes or otherwise create a fire or safety hazard.

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

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

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

(6) Signs shall be subject to § 151.173.

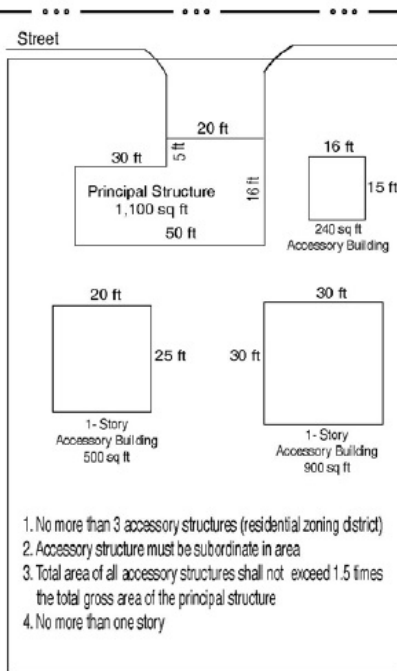
(7) (a) No more than three accessory buildings associated with a principal residential use shall be located on a single parcel in a residential district.

(b) 1. There shall be no limit on the number accessory buildings that may be located on a parcel in a nonresidential zoning district or on a parcel in a residential zoning district containing a principal nonresidential use, provided that they comply with all other general accessory use standards of this section (subsection (B)).

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

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

Figure 151.113: Accessory Structures



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

(9) Uses prohibited as accessory uses:

(a) Uses specifically prohibited by subsections (E)(5) and (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(C))
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, 41 ILCS 625, provides additional standards for the preparation and sale of food under a cottage food operation, including compliance with applicable health regulations.

(G) *Rural home 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. 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 and Residential Zoning Districts. This use shall be allowed only by a non-delegated conditional use permit. Setbacks, screening, and noise abatement requirements shall be addressed as part of the conditional use permit. The following standards shall apply:

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

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

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

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

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

(1) *Height.*

(a) *Residential Zoning Districts.*

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

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

125 feet in height if located within 500 feet of a nonparticipating residentially zoned property.

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

(b) *Nonresidential Zoning Districts.*

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

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

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

(2) *Setbacks.*

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

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

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

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

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

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

Receiving Property	Hours of Operation	Sound Level Limits
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 gallus 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.

Minimum Lot Size	Maximum Number of Hens Allowed
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)(l).

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

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

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

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

(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.

Retail nursery stock sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
P= permitted subject to all other applicable standards of this chapter.																		

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 or animal exhibition.* Animal shows or animal exhibitions shall be allowed for special events, including but not limited to shows, exhibitions, and contests. The maximum length of such a permit shall be ten days, with no more than three permits for a total of no more than 20 days issued per zoning lot in any calendar year.

- (F) *Rodeo.*
- (1) Rodeos shall be limited to specified hours and a maximum of seven days per calendar year per zoning lot.
 - (2) Rodeos shall be limited to the dates and hours of operation specified in the permit.
 - (3) The minimum setbacks for the Agricultural (AG) Zoning District shall apply for any structure or activity associated with the rodeo.
 - (4) Rodeos shall be permitted only on parcels greater than ten acres in size. A parcel containing a rodeo shall be located at least 500 feet away from any property zoned and used for residential purposes.
 - (5) Noise levels associated with rodeos shall not exceed 70 dB(A) (SLOW meter response) at the property line of any property zoned and used for residential purposes.
 - (6) If liquor will be sold on the property, a liquor permit shall be obtained from the Chair of the Liquor Control Commission, as required by the Liquor Control Ordinance (see Chapter 111).

(7) The Planning, Building and Development Director shall be authorized to require proof of insurance to ensure public safety and protection.

(8) (a) It shall be the responsibility of the applicant to see that the area used for the event is maintained in a condition that provides for the public health, safety, and welfare for event attendees and neighbors alike.

(b) In the event that authorized personnel from the Lake County Sheriff's Office determine that the activity is a threat to the public health, safety, or general welfare, the Lake County Sheriff's Office shall have the right to close the event to ensure the health, safety, or general welfare of attendees or neighbors.

(G) *Batch plant for road construction.*

(1) Batch plants shall be located a minimum of 1,000 feet from any building used for residential purposes.

(2) The period for which the permit shall be valid shall be stated on the permit and shall not exceed the duration of the construction contract by more than 14 days.

(3) All facilities placed or located on the site shall be removed and the site restored to a clean and vegetated condition within the timeframe of the permit.

(H) *Carnival or circus.*

(1) The maximum length of the permit shall be ten days and no more than one permit shall be issued per zoning lot in any calendar year.

(2) No structure or equipment shall be located within 200 feet of any (off-site) building used for residential purposes.

(I) *Contractor's office and construction equipment sheds.*

(1) (a) Contractor's office and construction equipment sheds shall be allowed in any zoning district when accessory to an allowed construction project.

(b) Contractor's office and construction equipment sheds must be located on the same site as the construction project unless approved by the Planning, Building and Development Director.

(2) No contractor's office or shed shall contain sleeping or cooking accommodations, except as necessary to accommodate security personnel.

(3) The maximum length of the permit shall be one year. The permit may be renewed throughout the duration of the construction period.

(4) Any office or shed shall be removed within 14 days of completion of the construction project.

(J) *Contractor's model homes.*

(1) Temporary use permits for one or more contractor's model homes may be issued for any subdivision that has received final plat approval.

(2) Temporary use permits for one or more model homes may be issued prior to final plat approval, subject to the following standards:

(a) Final engineering plans must be approved by all applicable county reviewing agencies and a site development permit must be issued prior to building permit approval.

(b) Model homes shall comply with minimum setback standards of the underlying zoning district. Setbacks from existing property lines and proposed lot lines shall be shown on the required site plan.

(c) The maximum number of contractor's model homes that may be established prior to final plat approval shall not exceed 20% of the total number of dwelling units proposed in the development, or five dwelling units, whichever is less.

(d) Temporary occupancy permits for the model homes shall not be issued until:

1. Final plat approval is obtained; and

2. Roads, appropriate means of sewage disposal, storm sewers, stormwater management, and other required public improvements are substantially completed in that area of the development where the model homes have been constructed.

(e) A temporary use permit shall be valid for one year and may be renewed.

(K) *Events of public interest.* Events of public interest, including but not limited to picnics, races for motorized vehicles, water craft or air craft races, fishing derbies, dinner dances, fundraisers, survival games, haunted houses, outdoor concerts, auctions, tent meetings, farm-to-table events, and supervised public display of fireworks shall be subject to the following standards.

COMMENTARY:

Private, non-commercial events on the sponsor's property such as home owners' associations picnics at the subdivision park, corporate picnics on the corporate campus, private weddings at a private residence or subdivision clubhouse, and the like, are not considered events of public interest.

(1) Unless otherwise expressly approved, all uses and activities shall be limited to specified hours and a maximum of 15 days per calendar year (per zoning lot).

(2) All activities and uses shall be limited to the dates and hours of operation specified in the permit.

(3) Events of public interest shall be permitted in residential districts only when located on the site of a permitted nonresidential use. Any temporary event of public interest in a residential zoning district must be directly related to an approved nonresidential, institutional, or agricultural use.

(4) Traffic control shall be arranged by the operators of the event with the Lake County Sheriff's Office.

(5) Water-based events of public interest shall require 60-day advanced notification to and coordination with all applicable governmental

agencies having jurisdiction, the approval of any applicable agency permits, and the payment of any applicable agency fees prior to the issuance of a temporary use permit.

(6) Public parking for the exclusive use of the facility/event shall be provided and a stabilized drive to the parking area shall be maintained. It is the responsibility of the operators to guide traffic to these areas. No parking shall be permitted on any road or public right-of-way.

(7) Noise levels associated with events of public interest, except for supervised display of fireworks, shall not exceed 60 dB(A) (SLOW meter response) at the property line of any abutting property zoned and used for residential purposes.

(8) The site shall be cleared of all debris within 24 hours of the end of the event and cleared of all temporary structures within seven days after closing of the event. A cash bond or other assurance may be required by the Planning, Building and Development Director to ensure cleanup. Bond amounts shall be based on the estimated costs of cleanup and site restoration.

(9) If liquor will be used, sold, or consumed on the property, a liquor permit shall be obtained from the Chair of the Liquor Control Commission, as required by the Liquor Control Ordinance (see Chapter 111).

(10) The Planning, Building and Development Director shall be authorized to require proof of insurance to ensure public safety and protection.

(11) It shall be the responsibility of the applicant to see that the area used for the event is maintained in a condition that provides for the public health, safety, and welfare for event attendees and neighbors alike. In the event that authorized personnel from the Lake County Sheriff's Office determine that the activity is a threat to the public health, safety, and welfare, the Lake County Sheriff's Office shall have the right to close the event to ensure the health, safety, or general welfare of attendees or neighbors.

(12) In addition to the conditions listed above, a temporary use permit for supervised public displays of fireworks shall only be issued subject to the terms and conditions of the Fireworks Ordinance of the county (see Chapter 92).

(13) In addition to the conditions listed above, a temporary food service permit for farm-to-table events must be obtained from the Lake County Health Department prior to issuance of a temporary use permit.

(L) *Material stockpiling and processing.* Temporary material stockpiling and processing shall be subject to the following standards:

(1) *Permitting and public outreach.* The use shall be subject to both site development and temporary use permit processes. Following application submittal, staff will determine whether public information meeting would be required. A staff administered meeting may be held to gather information and feedback, as well as offer an opportunity for the public to learn about the use.

(2) *Director approval.* Approval of the temporary use permit is contingent on the Planning, Building, and Development Department Director's approval. If a specific proposed site requiring a temporary use permit presents an unreasonable risk to public health, safety or welfare, the Director shall have the authority to deny the request.

(3) *Maximum length of permit.* Temporary use permits shall be limited to a maximum two-year period of time. However, the permit may be renewed in increments of up to two years in the absence of a pattern of credible complaints. In consideration of any such permit renewal, the Director may require a public information meeting to obtain additional input, as appropriate.

(4) *Access.*

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

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

DENSITY AND DIMENSIONAL STANDARDS

§ 151.125 DENSITY AND DIMENSIONAL STANDARDS TABLES.

The following tables (151.125(1) through 151.125(5)) establish standards for development in all base zoning districts.

COMMENTARY:

The residential and non-residential density and dimensional standards of this section are not a “guarantee” of development intensities. Other factors such as public facility availability, infrastructure capacity, building layout, and parking configuration may have the effect of limiting development intensity more than the stated standards. The inability to attain allowed development intensities shall not serve as justification for adjusting other standards.

Table 151.125(1): Agricultural and Residential District Density and Dimensional Standards, Conventional Residential Development								
Zoning District	Maximum Density (Units per Acre) (§ 151.131 (F))	Min. Lot Size		Minimum Setbacks ^{[3][4]} (Ft.) (§ 151.131(C))			Max. ISR (§ 151.131 (D))	Max. Height (Ft.) (§ 151.131 (E))
		Area (Sq. Ft.) (§ 151.131 (A))	Width (Ft.) (§ 151.131 (B))	Street	Side (Min/Total)	Rear		
Table 151.125(1): Agricultural and Residential District Density and Dimensional Standards, Conventional Residential Development								
Zoning District	Maximum Density (Units per Acre) (§ 151.131 (F))	Min. Lot Size		Minimum Setbacks ^{[3][4]} (Ft.) (§ 151.131(C))			Max. ISR (§ 151.131 (D))	Max. Height (Ft.) (§ 151.131 (E))
		Area (Sq. Ft.) (§ 151.131 (A))	Width (Ft.) (§ 151.131 (B))	Street	Side (Min/Total)	Rear		
AG	0.20	200,000	300	30	30/60	50	0.10 ^[2]	40 ^[1]
RE	0.20	200,000	300	30	30/60	50	0.10 ^[2]	40 ^[1]
E	0.45	80,000	190	30	19/48	30	0.15 ^[2]	40 ^[1]
R1	0.80	40,000	130	30	13/33	30	0.20 ^[2]	40
R2	1.33	20,000	90	30	9/23	15	0.30 ^[2]	40
R3	2.00	12,000	60	30	7/17	15	0.30 ^[2]	40
R4	2.50	8,500	60	30	6/15	15	0.40 ^[2]	40
R-4A	5.00	See Table 151.125(2)				15	0.50 ^[2]	40
R5	8.00	See Table 151.125(2)				15	0.50 ^[2]	40
R6	12.00	See Table 151.125(2)				15	0.50 ^[2]	45
RR	12.00	8,500	50	30	6/15	15	0.50 ^[2]	40
Notes: Setbacks from alleys shall be the same as otherwise applicable side or rear setbacks								
[1] Single-family dwellings in the AG, RE, and E Zoning Districts may exceed the 40-foot building height limit by providing additional setbacks, as follows: for each 1 foot of additional height above 40 feet, structures shall be set back from all front, side, and rear property lines by two feet more than the otherwise required minimum setback. Structures in the AG, RE, or E Districts shall not exceed 50 feet in height.								
[2] ISR shall be calculated by dividing the total area of all impervious surfaces on the site by the site's base site area.								
[3] A transition yard may also be required, which may increase the minimum setback shown in this table. See § 151.167(J).								
[4] Any setback from a railroad right-of-way need not exceed 5 feet. A transition yard shall not be required in this instance.								

Table 151.125(2): R-4A, R5, and R6 District Lot Size and Setback Standards (Conventional Residential Development)					
Structure Type	Min. Lot Size		Minimum Setbacks ^{[1][2]} (Ft.) (§ 151.131(C))		
	Area (Sq. Ft.) (§ 151.131(A))	Width (Ft.) (§ 151.131(B))	Street	Side (Min/total)	Rear

Table 151.125(2): R-4A, R5, and R6 District Lot Size and Setback Standards (Conventional Residential Development)

Structure Type	Min. Lot Size	Minimum Setbacks ^{[1][2]} (Ft.) (§ 151.131(C))				
	Area (Sq. Ft.) (§ 151.131(A))	Width (Ft.) (§ 151.131(B))	Street	Side (Min/total)	Rear	
Detached house	8,500	60	30	6/15	15	
Duplex	12,500	85	30	10/23	15	
Lot line	8,500	60	30	0/15	15	
Multi-dwelling [3], multiplex, townhouse	First dwelling unit	8,500	60	30	6/15	15
	Second dwelling unit	+5,000	+25	00	+4/08	0
	each add'l unit	+3,000	+5	00	+1/02	0
Twinhouse	6,250	42.5	30	0/12	15	

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

[1] A transition yard may also be required, which may increase the minimum setback shown in this table. See § 151.167(J).

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

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

Table 151.125(3): Agricultural and Residential District Density and Dimensional Standards (Conservation Residential Development)

Zoning District	Maximum Density (Units per Acre) (§ 151.131(F))	Minimum Open Space Ratio (§ 151.131(G))	Cluster Bonus [1] (% over max. density)		
			Min. Open Space		
			50%	60%	70%

Table 151.125(3): Agricultural and Residential District Density and Dimensional Standards (Conservation Residential Development)

Zoning District	Maximum Density (Units per Acre) (§ 151.131(F))	Minimum Open Space Ratio (§ 151.131(G))	Cluster Bonus [1] (% over max. density)		
			Min. Open Space		
			50%	60%	70%
AG	0.20	0.40	5	10	15
RE	NA	N/A	NA	NA	NA
E	0.45	0.40	5	10	15
R1	0.80	0.30	5	10	15
R2	1.33	0.30	5	10	15
R3	2.00	0.30	5	10	15
R4	2.50	0.30	NA	NA	NA
R-4A	5.00	0.30	NA	NA	NA
R5	8.00	0.30	NA	NA	NA
R6	12.00	0.30	NA	NA	NA
RR	12.00	0.30	NA	NA	NA

[1] Cluster bonuses shall be given to developments in the AG, E, R-1, R-2, and R-3 Districts that set aside open space above the minimum requirements. A 5% density bonus (above the maximum number of units permitted by applicable density standards) is given to developments that provide at least 50% open space; a 10% density bonus is given to projects with a minimum of 60% open space; and 15% density bonus is given to projects with at least 70% open space.

COMMENTARY:

Sample Density Calculations under Conservation Residential Development Option

Zoning District	Gross Land Area	Floodplains, Wetlands, Water Bodies and ROW	Net Site Area (Acres)	Maximum Density	Maximum Number of Dwelling Units By Open Space Amount
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	(Acres)	(Acres)			30% O.S.	40% O.S.	50% O.S.	60% O.S.	70% O.S.
Sample Density Calculations under Conservation Residential Development Option									
Zoning District	Gross Land Area (Acres)	Floodplains, Wetlands, Water Bodies and ROW (Acres)	Net Site Area (Acres)	Maximum Density	Maximum Number of Dwelling Units By Open Space Amount				
					30% O.S.	40% O.S.	50% O.S.	60% O.S.	70% O.S.
AG	100	16	84	0.2	NA	16.8	17.64	18.48	19.32
AG	100	28.5	71.5	0.2	NA	14.3	15.02	15.73	16.45
E	100	16	84	0.45	NA	37.8	39.69	41.58	43.47
E	100	28.5	71.5	0.45	NA	32.18	33.78	35.39	37
R-1	100	16	84	0.8	67.2	67.2	70.56	73.92	77.28
R-1	100	28.5	71.5	0.8	57.2	57.2	60.06	62.92	65.78
R-2	100	16	84	1.33	111.7	111.7	117.3	122.9	128.5
R-2	100	28.5	71.5	1.33	95.1	95.1	99.85	104.6	109.4
R-3	100	16	84	2	168	168	176.4	184.8	193.2
R-3	100	28.5	71.5	2	143	143	150.2	157.3	164.5

Table 151.125(4): Residential District Density and Dimensional Standards								
Non-Residential Development Allowed in Agricultural and Residential Districts								
Zoning District	Floor Area Factor	Minimum Size		Setbacks ^{[2][3]} (Ft.) (§ 151.131(C))			ISR (Each Lot) (§ 151.131 (D))	Height (§ 151.131 (E))
		Area (Sq. Ft.) (§ 151.131 (A))	Width (Ft.) (§ 151.131 (B))	Street	Side (Min/Total)	Rear		
Table 151.125(4): Residential District Density and Dimensional Standards								
Non-Residential Development Allowed in Agricultural and Residential Districts								
Zoning District	Floor Area Factor	Minimum Size		Setbacks ^{[2][3]} (Ft.) (§ 151.131(C))			ISR (Each Lot) (§ 151.131 (D))	Height (§ 151.131 (E))
		Area (Sq. Ft.) (§ 151.131 (A))	Width (Ft.) (§ 151.131 (B))	Street	Side (Min/Total)	Rear		
AG	0.10	200,000	300	30	30/60	50	0.20	40 ^[1]
RE	0.10	200,000	300	30	30/60	50	0.20	40 ^[1]
E	0.15	80,000	190	30	19/48	19	0.30	40 ^[1]
R1	0.20	80,000	190	30	19/48	19	0.35	40
R2	0.30	80,000	190	30	19/48	19	0.45	40
R3	0.30	80,000	190	30	19/48	19	0.50	40
R4	0.30	80,000	190	30	19/48	19	0.50	40
R-4A	0.30	80,000	190	30	19/48	19	0.50	40
R5	0.30	80,000	190	30	19/48	19	0.50	40
R6	0.30	80,000	190	30	19/48	19	0.50	45
RR	0.30	80,000	190	30	19/48	19	0.50	40
Setbacks from alleys shall be the same as otherwise applicable side or rear setbacks								
[1] Structures in the AG, RE, and E Zoning Districts may exceed the 40-foot building height limit by providing additional setbacks, as follows: for each 1 foot of additional height above 40 feet, structures shall be set back from all front, side, and rear property lines by 2 feet more than the otherwise required minimum setback. Structures in the AG, RE, or E Districts shall not exceed 50 feet in height.								
[2] A transition yard may also be required, which may increase the minimum setback shown in this table. See § 151.167(J).								
[3] Any setback from a railroad right-of-way need not exceed 5 feet. A transition yard shall not be required in this instance.								

Table 151.125(5): Non-Residential District Density and Dimensional Standards

Zoning District	Floor Area Factor	Minimum Size		Minimum Setbacks ^{[4][5]} (Ft.) (§ 151.131(C))			Max. ISR (Each Lot) (§ 151.131 (D))	Max Height (Ft.) (§ 151.131 (E))
		Area (Sq. Ft.) (§ 151.131 (A))	Width (Ft.) (§ 151.131 (B))	Street	Side (Min/ Total)	Rear		

Table 151.125(5): Non-Residential District Density and Dimensional Standards

Zoning District	Floor Area Factor	Minimum Size		Minimum Setbacks ^{[4][5]} (Ft.) (§ 151.131(C))			Max. ISR (Each Lot) (§ 151.131 (D))	Max Height (Ft.) (§ 151.131 (E))
		Area (Sq. Ft.) (§ 151.131 (A))	Width (Ft.) (§ 151.131 (B))	Street	Side (Min/ Total)	Rear		
GO	0.45	40,000	130	50	12	12	0.50	50 [1]
LC [3]	0.50	10,000	50	30	12 [2]	12	0.75	35
RC	0.20	20,000	100	50	10 [2]	10	0.75	35
GC	0.30	10,000	50	30	12 [2]	12	0.70 [6]	35
LI	0.45	40,000	130	50	20	20	0.60 [6]	50 [1]
II	0.45	40,000	130	50	20	20	0.60 [6]	50 [1]
OS	0.07	200,000	300	30	30	30	0.15	35

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

[1] Structures in the GO, LI, and II Zoning Districts may exceed the 50-foot building height limit by providing additional setbacks, as follows: for each 1 foot of additional height above 50 feet, structures shall be set back from all front, side, and rear property lines by 2 feet more than the otherwise required minimum setback. Structures in the GO, LI, and II Districts shall not exceed 95 feet in height.

[2] Any one interior side setback may be waived if: (a) the development complies with all applicable fire codes; (b) adjacent to LC or less restrictive district; and (c) adequate access is provided to the rear of the property.

[3] The maximum gross floor area for any single use shall be 5,000 square feet. The maximum gross floor area for any single building shall be 10,000 square feet.

[4] A transition yard may also be required, which may increase the minimum setback shown in this table. See § 151.167(J).

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

[6] Consumer vehicle sales, truck sales, recreational vehicle sales, boat sales and other similar vehicle sales uses containing outdoor display, due to the need for increased parking, shall be permitted a maximum impervious surface ratio of 0.80.

(Ord., § 7.1, passed 10-13-2009; Ord. passed 8-14-2012; Ord. 19-1378, passed 9-10-2019)

§ 151.126 CONVENTIONAL RESIDENTIAL DEVELOPMENT.

(A) A conventional residential development consists of attached or detached dwelling units developed in accordance with the density and dimensional standards of § 151.125 (Table 151.125(1)).

(B) Conventional residential developments shall be permitted by right within subdivisions or on unsubdivided parcels.

(C) Conventional residential development shall be subject to the density and dimensional standards of §151.125 and all other applicable standards of this chapter.

(D) No more than one principal structure shall be located on a single lot. However, this provision shall not preclude the development of a permitted nonresidential use (provided it meets all applicable standards of Table 151.125(4)) on a lot containing an existing principal residential structure.

(Ord., § 7.2, passed 10-13-2009)

§ 151.127 CONSERVATION RESIDENTIAL DEVELOPMENT.

(A) A conservation residential development consists of residential uses and structures established pursuant to the maximum density standard and minimum open space ratio established for those uses in § 151.125 (Table 151.125(3)).

(B) Conservation residential developments shall be allowed in all residential zoning districts, but cluster density bonuses (for providing open space in excess of minimum district standards) shall be allowed only in the AG, E, R-1, R-2, and R-3 Districts.

(C) The minimum required area for a conservation residential development shall be five acres.

(D) Conservation residential developments are subject to the maximum density and minimum open space standards of §151.125, the conservation residential housing standards of § 151.130 and all other applicable standards of this chapter.

(E) When abutting a conventional development, a perimeter buffer of at least 30 feet in width shall be provided.

(F) All landscaping shall meet the landscaping standards of §151.199.

(Ord., § 7.3, passed 10-13-2009)

§ 151.128 NONRESIDENTIAL DEVELOPMENT.

A nonresidential development consists of nonresidential uses developed in accordance with the density and dimensional standards of § 151.125 (Table 151.125(4) or Table 151.125(5)). Nonresidential development shall be allowed within subdivisions or on unsubdivided parcels and shall be subject to the density and dimensional standards of § 151.125 and all other applicable standards of this chapter. Where a parcel contains an existing nonconforming residential structure, a new nonresidential use may be established, provided both uses, in the aggregate, comply with all density and dimensional standards, and other applicable regulations, of this chapter.

(Ord., § 7.4, passed 10-13-2009)

§ 151.129 AFFORDABLE HOUSING.

COMMENTARY:
The County Board supports affordable housing where infrastructure, including water, sewer, roads, and schools can support it.

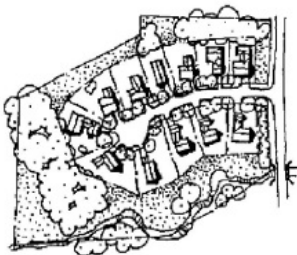
(Ord., § 7.5, passed 10-13-2009)

§ 151.130 CONSERVATION RESIDENTIAL STRUCTURE TYPES.

(A) *Detached house.* A detached house is a single family detached dwelling unit located on its own lot with private yards on all sides of the house. The following standards apply to detached houses in a conservation residential development:

Table 151.130(A): Detached House Conservation Residential Development Standards	
Table 151.130(A): Detached House Conservation Residential Development Standards	
Minimum Lot Size per Dwelling Unit	
Area (sq. ft.)	6,500 square feet
Width (ft.)	50 feet
Minimum Setbacks (Feet)	
Street	25
Interior side	8
Rear	25
Maximum height	35 feet*
*Structures in the AG, RE, and E Zoning Districts may exceed the 35-foot building height limit by providing additional setbacks, as follows: for each one foot of additional height above 35 feet, structures shall be set back from all property lines by two feet more than the otherwise required minimum setback. Structures in the AG, RE, or E Districts shall not exceed 45 feet in height.	
Notwithstanding the method prescribed by this chapter for calculating building height, in no case shall the roof peak of any single family dwelling exceed 40 feet above the mean elevation at finished grade along the front of the structure.	

Detached House Site Plan (Typical)



(B) *Lot-line (detached) house.*

- (1) A lot-line house is a single family detached dwelling unit located on its own lot and set on or within five feet of the interior side lot line.
- (2) Windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed.
- (3) Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed. A maintenance easement shall be required when the eaves or side walls of lot line houses are within five feet of the adjacent property line. The width of the easements shall be adequate to provide at least five feet of unobstructed space between the furthestmost projection of the structure and the edge of the easement.
- (4) The following standards apply to lot-line houses in a conservation residential development:

Table 151.130(B): Lot-Line House Conservation Residential Development Standards	
Table 151.130(B): Lot-Line House Conservation Residential Development Standards	
Minimum Lot Size per Dwelling Unit	
Area (sq. ft.)	5,500 square feet

Width (ft.)	45 feet
Minimum Setbacks (Feet)	
Street	20 [1]
Interior side	15
Rear	20
Maximum height	35 feet*
[1] 30 feet from all collector streets and freeways	

Lot Line House Site Plan (Typical)



(C) Village (detached) house.

- (1) (a) A village house is a single family detached dwelling unit located on an individual lot and characterized by very shallow front and side yards.
- (b) The placement of dwelling units close to streets and side lot lines requires special landscaping or architectural treatment.
- (c) The required landscaping is a defining element of a village house.
- (2) *Dimensional standards.* The following standards apply to village houses in a conservation residential development:

Table 151.130(C): Village House Conservation Residential Development Standards	
Table 151.130(C): Village House Conservation Residential Development Standards	
Minimum Lot Size per Dwelling Unit	
Area (sq. ft.)	4,500 square feet
Width (ft.)	45 feet
Minimum Setbacks (Feet)	
Street	15[1][2]
Interior side	5
Rear	20
Maximum height	35 feet
[1] 30 feet from all collector streets, arterial streets and freeways	
[2] Front-entry garages shall be set back at least 20 feet from all streets.	

Village House Site Plan (Typical)



- (2) *Landscaping.* In addition to the landscaping requirements of § 151.167, the required street setback area on each village house lot shall be landscaped with:

1 canopy tree, one understory tree, and ten shrubs;	OR	1 evergreen tree, two understory trees, and ten shrubs;
1 canopy tree, one understory tree, and ten shrubs;	OR	1 evergreen tree, two understory trees, and ten shrubs;
AND		
A porch that is roofed but not enclosed and extends at least 75% of the width of the front of the house and is at least seven feet in depth, and two understory trees;		

OR
Ornamental fence/wall, 24-36 inches in height extending at least 75% of lot width + two understory trees;
OR
A hedge (shrubs 18 inches on center) extending at least 75% of the lot width + two understory trees;
OR
A berm or raised area averaging 18 inches above the average grade of the rest of the yard and covering at least 40% of the yard, and ten shrubs.

(D) *Twinhouse*. A twinhouse is a type of structure consisting of two dwelling units that are attached to one another, with each unit having a completely separate entrance. Each unit within a twinhouse structure is located on its own individual lot, and the common wall between attached units creates the plane of the common property line between adjoining lots. The following standards apply to twinhouses in a conservation residential development:

Table 151.130(D): Twinhouse Conservation Residential Development Standards	
Table 151.130(D): Twinhouse Conservation Residential Development Standards	
Minimum Lot Size Per Dwelling Unit	
Area (sq. ft.)	3,200 square feet
Width (ft.)	35 feet
Minimum Setbacks (Feet)	
Street	20 [1]
Interior side ("non-attached" side)	10
Rear	20
Maximum height	35 feet
[1] 30 feet from all collector streets, arterial streets, and freeways	

Twinhouse Site Plan (Typical)



(E) *Duplex*. A duplex is a type of structure consisting of two dwelling units that are attached to one another, with each unit having a completely separate entrance. Both dwelling units within a duplex structure are located on the same lot. The following standards apply to duplexes in a conservation residential development:

Table 151.130(E): Duplex Conservation Residential Development Standards	
Table 151.130(E): Duplex Conservation Residential Development Standards	
Minimum Lot Size	
Area (sq. ft.)	6,400 square feet
Width (ft.)	70 feet
Minimum Setbacks (Feet)	
Street	20 [1]
Interior side ("non-attached" side)	10
Rear	20
Maximum height	35 feet
[1] 30 feet from all collector streets, arterial streets, and freeways	

Duplex Site Plan



(F) *Patio house.*

(1) A patio house is a single family dwelling unit located on its own lot. It may be attached or detached. The lot on which a patio house sits shall be fully enclosed by a solid masonry 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. All the walls shall be at least six feet in height. When a patio house is located on a lot line, that portion of the house located on the lot line may be considered as part of the required patio wall. No more than eight patio houses shall be allowed within any single attached structure.

(2) The following table sets out the dimensional standards for patio houses within a conservation residential development:

<i>Table 151.130(F): Patio House Conservation Residential Development Standards</i>	
<i>Table 151.130(F): Patio House Conservation Residential Development Standards</i>	
Minimum Lot Size per Dwelling Unit	
Area (sq. ft.)	2,700 square feet
Width (ft.)	38 feet
Minimum Patio Size	
Area (sq. ft.)	750 square feet
Width (Ft.)	25 feet
Minimum setback (streets and lot lines)	25 feet [1]
Maximum height	25 feet
[1] 30 feet from all collector streets, arterial streets, and freeways	

Patio House Site



(G) *Atrium house.*

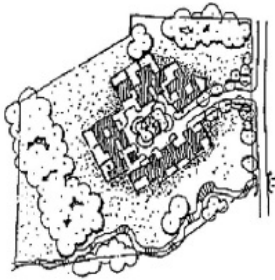
(1) An atrium house is a single family attached, one-story dwelling unit, located on its own lot, with private individual access. Each dwelling unit shall have a private yard or atrium. The entire atrium area of the house shall be enclosed by the house or a wall. Walls shall be at least seven feet in height along the rear and sides of the lot and at least six feet in height along the front. No more than eight atrium houses may be attached in any single structure.

(2) The following standards apply to atrium houses within a conservation residential development:

<i>Table 151.130(G): Atrium House Conservation Residential Development Standards</i>	
<i>Table 151.130(G): Atrium House Conservation Residential Development Standards</i>	
Minimum Lot Size per Dwelling Unit	
Area (sq. ft.)	2,400 square feet
Width (ft.)	40 feet
Minimum Patio Size	
Area (sq. ft.)	500 square feet
Width (ft.)	20 feet
Minimum street setback	10 feet [1]

Maximum height	25 feet
[1] 30 feet from all collector streets, arterial streets, and freeways	

Atrium House Site Plan

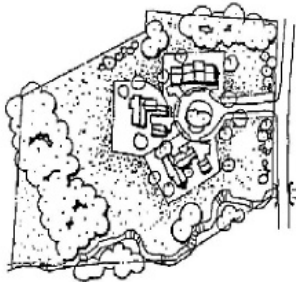


(H) *Townhouse.*

- (1) A townhouse is a single family dwelling unit, attached from ground to roof, with each unit having an individual outside access.
- (2) Each unit within a townhouse development is located on an individual lot, and the common wall between attached units creates the plane of the common property line between adjoining lots.
- (3) Rows of attached townhouses shall contain no less than three and no more than eight dwelling units.
- (4) The following table sets out the dimensional standards for townhouses within a conservation residential development.

Table 151.130(H): Townhouse Conservation Residential Development Standards	
Table 151.130(H): Townhouse Conservation Residential Development Standards	
Minimum Lot Size per Dwelling Unit	
Area (sq. ft.)	1,800 square feet
Width (ft.)	20 feet
Minimum Setbacks (Feet)	
Street	20 [1]
Rear	15
Minimum exterior side setback	10 feet
Maximum height	35 feet
[1] 30 feet from all collector streets, arterial streets, and freeways	

Townhouse Site Plan



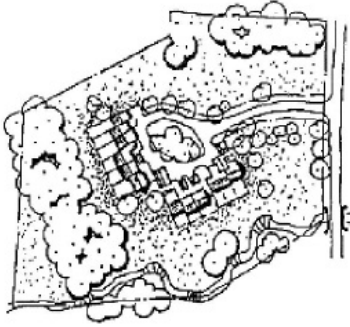
(I) *Multiplex.*

- (1) A multiplex is a structure containing at least three and no more than eight attached dwelling units.
- (2) Each unit may take direct access to a private yard or access point, or units may share yards and access.
- (3) The units may be arranged in a variety of configurations, including back-to-back, side-to-side, or vertically.
- (4) Each multiplex structure shall be located on an individual lot, which shall be owned and maintained by the building or unit owners.
- (5) The following standards apply to multiplexes in a conservation residential development:

Table 151.130(I): Multiplex Conservation Residential Development Standards	
Table 151.130(I): Multiplex Conservation Residential Development Standards	
Minimum Lot Size per Dwelling Unit	
Area (sq. ft.)	1,700 square feet
Width (ft.)	70 feet (per structure)
Minimum Setbacks (Feet) (Per Structure)	

Street	20 [1]
Interior side	5
Rear	15
Maximum height	35 feet
[1] 30 feet from all collector streets, arterial streets, and freeways	

Multiplex Site Plan (Typical)

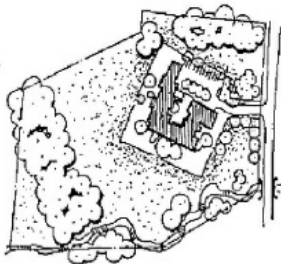


(J) *Multi-dwelling structures.*

- (1) A multi-dwelling structure is a structure containing more than eight and no more than 48 individual dwelling units that share common access and yards.
- (2) Each multi-dwelling structure shall be located on an individual lot that is owned and maintained by the building or unit owners.
- (3) The following standards apply to multi-dwelling structures within a conservation residential development:

Table 151.130(J): Multi-Dwelling Conservation Residential Development Standards	
Table 151.130(J): Multi-Dwelling Conservation Residential Development Standards	
Minimum Lot Size per Dwelling Unit	
Area (sq. ft.)	1,400 square feet
Width (ft.)	100 feet (per structure)
Minimum Setbacks (Feet) (per structure)	
Street	25 [1]
Interior side	25
Rear	25
Maximum height	35 feet
[1] 30 feet from all collector streets, arterial streets, and freeways	

Multi-Dwelling Site Plan (Typical)



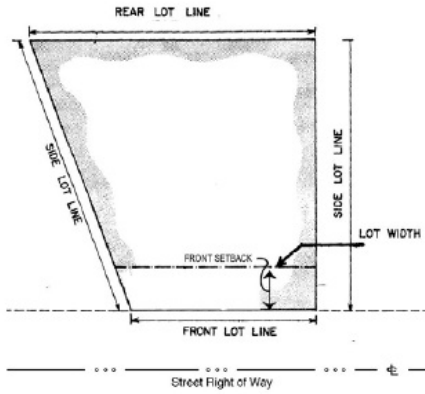
(Ord., § 7.6, passed 10-13-2009)

§ 151.131 MEASUREMENTS AND EXCEPTIONS.

(A) *Lot size.* Lot size refers to the amount of horizontal land area contained within lot lines of a lot, excluding streets, easements for street purposes, and street rights-of-way.

(B) *Lot width.* Lot width refers to the horizontal distance between side lot lines. Lot width shall be measured between side lot lines at the minimum required front setback line (see Figure 151.131(B)). When a lot has more than one street lot line, lot width shall be measured along the street lot line with the narrower width. In R-1 and more restrictive zoning districts, the minimum average width of lots at the terminus of a cul-de-sac and on curvilinear streets shall comply with the minimum width requirements of the underlying zoning district, provided that the width measured at the building setback line shall be at least 50% of the specified lot width but not less than 45 feet.

Figure 151.131(B): Measuring Lot Width



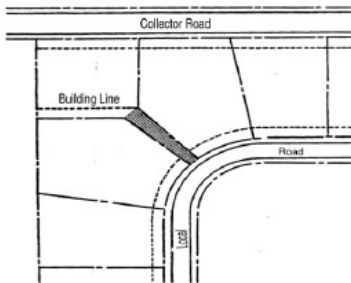
(1) *Panhandle lot exception.* Panhandle lots may be allowed in subdivisions established pursuant to the standards of this chapter.

(a) *Permitted use of panhandle lots.*

1. A panhandle lot exception may be used to facilitate creation of a two-lot subdivision out of a parcel that has sufficient area but insufficient width to be subdivided.

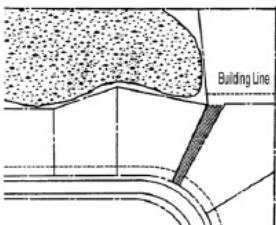
2. A panhandle lot may be used to eliminate access to collector or arterial roads (see Figure 151.131(B)(1)(a)2.).

Figure 151.131(B)(1)(a)2.: Panhandle Lot Used to Avoid Access to Collector or Arterial Road



3. A panhandle lot may be used when the buildable area of a parcel is restricted due to the presence of a natural resource or irregular property shape (see Figure 151.131(B)(1)(a)3.).

Figure 151.131(B)(1)(a)3.: Panhandle Lot Used Due to Presence of Natural Resource

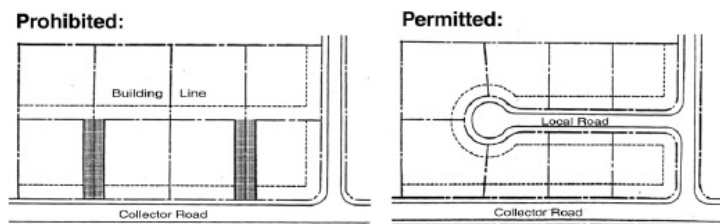


(b) *Prohibited use of panhandle lots.*

1. Panhandle lots shall not be used to avoid the development of publicly dedicated streets otherwise required by this chapter when the effect of their use would be to increase the number of access points (driveways) on a publicly dedicated road right-of-way (see Figure 151.131(B)(1)(b)1.).

Figure 151.131(B)(1)(b)1.: Panhandle Lots May Not Be Used to Avoid Public Street Creation

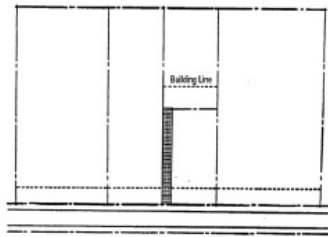
If Their Effect Would Be to Place Additional Driveways on Public Roads



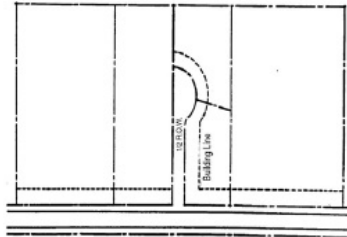
2. A panhandle lot shall not be used when an adjoining parcel of land also has sufficient area but insufficient width to otherwise be subdivided. In these cases, in lieu of platting a panhandle lot, a half-width road right-of-way shall be platting along the common property line to facilitate the platting of a full-width road right-of-way if and when the adjoining property is subdivided (see Figure 151.131(B)(1)(b)2.).

Figure 151.131(B)(1)(b)2.: Half-width Right-of-way in Lieu of Panhandle Lot

Prohibited:



Permitted:

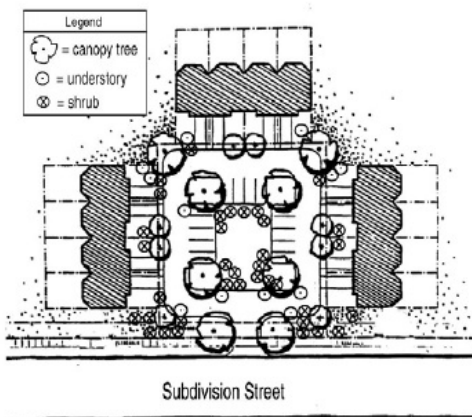


(c) *Standards for panhandle lots.*

1. The panhandle of a panhandle lot shall take direct access to a publicly dedicated street right-of-way.
2. The panhandle of a panhandle lot shall not be less than 15 feet in width at its narrowest point.
3. The minimum street setback on a panhandle lot shall be established at a distance equal to the required street setback from the property line that is most parallel to the street lot line (road right-of-way line). The lot width at this minimum required setback shall not be less than as otherwise required by this chapter.
4. The area within the panhandle of a panhandle lot shall not be counted as lot area for the purpose of meeting the minimum lot area requirements of this chapter.
5. If required by the highway authority having jurisdiction over the road on which the panhandle lot will take access, the panhandle of the lot, or portion thereof, shall contain an access easement to allow the adjoining lot to share access to the road. In no case shall the panhandle of a panhandle lot serve as any access easement for more than two dwelling units.

(2) *Parking court exception.* Parking courts shall be allowed in subdivisions established pursuant to the standards of this chapter. Parking courts are easements that serve as parking areas and access driveways for conservation residential structure types. Through the use of parking courts, structures obtain their required lot width from a parking court rather than a publicly dedicated street right-of-way. Parking courts shall be owned and maintained by the adjoining unit or property owners' association and are distinct in form and function from publicly dedicated road rights-of-way. Parking courts shall comply with the following standards (see Figure 151.131(B)(2)).

Figure 151.131(B)(2): Parking Court



(a) No fewer than three and no more than 16 dwelling units may obtain their required lot width from a single parking court.

(b) Dwelling units and structures gaining access from parking courts shall provide the same lot width along a parking court and the same street yards from the parking court as otherwise required along and from a publicly dedicated road right-of-way by this chapter.

(c) Parking courts may be used to satisfy part or all of the off-street parking requirements of §151.165. Regardless of the number of off-street parking spaces required by § 151.165(B), at least one off-street parking space per dwelling unit shall be provided in the parking court.

(d) Parking courts shall be located outside of public right-of-way.

(e) The design of parking courts shall conform to the following engineering and geometric standards.

1. Access to a parking court from the adjoining publicly dedicated road right-of-way shall be limited to one entry drive unless otherwise approved by the appropriate highway authority. The entry drive shall be a minimum of 18 feet in width. One-way drives may be reduced to 14 feet in width.

2. A depressed curb section shall be provided at the intersection of the entry drive pavement and the publicly dedicated road right-of-way pavement.

3. The minimum size of a parking space within the court shall be nine feet by 18 feet.

4. The required landscaping adjacent to the publicly dedicated road right-of-way shall be broken only by the entry drive. No parking shall be permitted within the required landscaping.

5. Parking courts shall contain no more than 75% impervious coverage.

6. Parking courts shall be paved in conformance with the following standards:

1.5-inch bituminous surface course	Class I
1.5-inch bituminous binder course	Class I

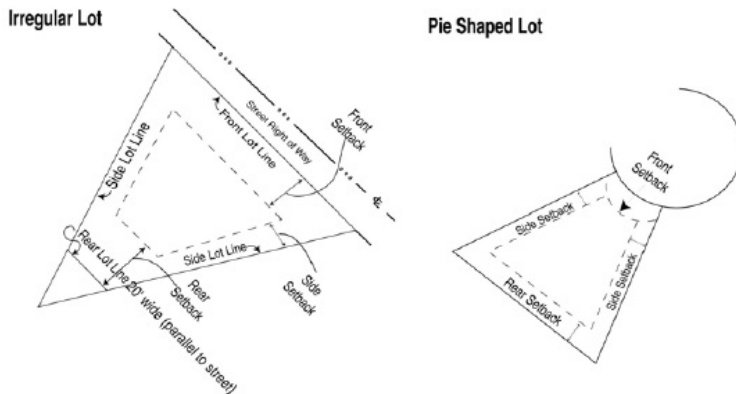
7. Adequate pavement drainage and snow storage areas shall be provided within parking courts.

(f) Street landscaping shall not be required between a parking court and the adjoining dwelling units or structures. However, parking courts shall be landscaped with two canopy trees, three understory trees and nine shrubs for every three dwelling units taking access from the parking court. Care shall be taken in the selection and siting of landscape plant materials so as not to create any site distance or other traffic and pedestrian hazards.

(C) *Setbacks.*

(1) *Defined.* Setbacks refer to the unobstructed, unoccupied open area between the furthest projection of a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky except as expressly stated.

Figure 151.131(C): Irregular and Pie-Shaped Lots (See Also Definition of Lot Line, Rear)



(2) *Measurement from ultimate right-of-way.* Street setbacks applicable to subdivisions and site plans shall be measured from the ultimate right-of-way line as specified in § 151.169(A).

(3) *Features allowed within setbacks.* The following features may be located within required setbacks to the extent indicated.

- (a) Fences, walls, and other landscape features shall be allowed within required setbacks, subject to the limitations of §151.113(L).
- (b) Architectural entrance features and subdivision entrance features shall be allowed within required setbacks, provided the size and location will not constitute a traffic hazard.
- (c) Cantilevered bay windows and cantilevered building overhangs may encroach into required front or rear setbacks, provided they do not encroach more than two feet into a required front or rear setback and are located at least four feet from all lot lines.
- (d) Chimneys may encroach into required setbacks, provided they do not encroach more than two feet into a required setback and are located at least four feet from all lot lines.
- (e) Clothesline posts shall be allowed within required setbacks, provided they are located at least four feet from all lot lines.
- (f) Driveways, curbs, and sidewalks shall be allowed within required setbacks.
- (g) Flagpoles with ropes or chains on interior of pole shall be allowed within required setbacks, provided they are located at least four feet from all lot lines.
- (h) Garbage disposal and recycled material equipment (non-permanent) shall be allowed within required setbacks, provided they are located at least four feet from all lot lines.
- (i) Guardhouses or gatehouses shall be allowed within required setbacks, provided they are located at least four feet from all lot lines.
- (j) Heating units, cooling units generators, and mechanical and electrical storage systems associated with solar energy systems may encroach into required setbacks, provided they do not encroach more than three feet into a required setback and are located at least four feet from all lot lines.
- (k) Mailboxes shall be allowed within required setbacks, provided they are located at least four feet from all side lot lines.
- (l) Overhanging roof, eave, cornice, awnings, or other architectural features may encroach into required setbacks, provided they do not encroach more than three feet into a required setback and are located at least four feet from all lot lines.
- (m) Individual sewage disposal systems, wells, and underground utilities shall be allowed within required setbacks.
- (n) Steps, stairs, stoops, and landings (non-enclosed with no walls or screens, with or without a roof) to a dwelling may encroach into required setbacks, provided they do not encroach more than four feet into a required setback and are located at least four feet from all lot lines.
- (o) In conventional developments, open terraces (second story or above), decks, porches (non-enclosed with no walls or screens) swimming pool aprons, pergolas, and at-grade patios or paved areas that function as decks may encroach into required setbacks, provided they do not encroach more than four feet into a required setback and are located at least four feet from all lot lines.
- (p) In conservation developments, terraces (above first floor, open), decks, swimming pool aprons, pergolas, porches (non-enclosed, with no walls or screens) and at-grade patios or paved areas that function as decks, when proposed in conjunction with the single family detached house structure type, may encroach into the required rear yard setback provided they do not encroach more than ten feet into the required setback, the structure's area within the required setback does not exceed 200 square feet, and the lot abuts permanent open space to the rear (no other exceptions shall be allowed for terraces, decks, swimming pool aprons, pergolas, porches, and at-grade patios in conservation developments).

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

(r) Wharfs, docks, piers, walkways not to exceed four feet in width, or private boathouses (exempt only from water's edge setbacks) shall be allowed within required setbacks.

(s) Yard and service lighting poles and fixtures shall be allowed within required setbacks, provided they are located at least four feet from all lot lines.

(t) Window wells may encroach no more than three feet into required setbacks, provided they are located at least four feet from all lot lines. The Planning, Building and Development Director may approve window wells that are covered with load-bearing materials at grade at less than four foot setback. Window wells within regulatory floodplains shall be regulated by the provisions of §§ 151.145 through 151.154.

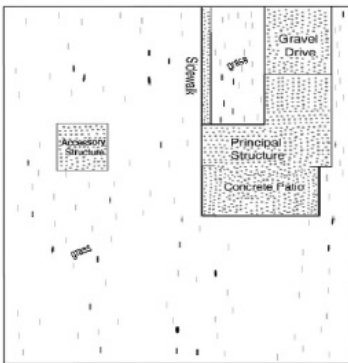
(u) Outdoor seating associated with a restaurant use, shall be allowed within the required street setback, provided the space is at grade and is separated from the right-of-way by landscaping or man-made barrier, subject to the intersection visibility requirements of § 151.172.

(D) *Impervious surface.* Impervious surface is any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreation areas. The impervious surface ratio is calculated by dividing the total area of all impervious surfaces on the site by the site's Net Site Area. If approved by the Planning, Building and Development Director, all or a portion of the area covered by pervious paving material may be excluded from impervious area calculations (see Figure 151.131(D)).

COMMENTARY:

Swimming pools accessory to a principal residential use, hot tubs, and other similar man-made water-retaining structures containing freeboard, shall not be included in calculating total impervious surface on residential parcels.

Figure 151.131(D): Impervious Surfaces



(E) *Height.*

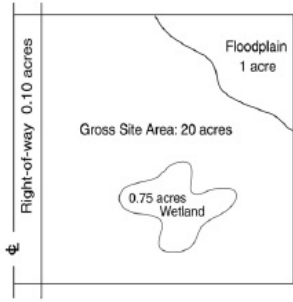
(1) *Building height.* Building height refers to the vertical distance between the mean elevation at finished grade along the portion of a structure to the highest point of the roof.

(2) *General exceptions to height limits.* The following structures or parts thereof are exempt from zoning district height limits:

- (a) Agricultural buildings, but not dwellings;
- (b) Bulk storage silos and towers;
- (c) Chimneys and cupolas on residential dwelling units, not to exceed six feet above the height of the building, or the minimum height required to meet applicable building, fire, or environmental regulations;
- (d) Roof-mounted solar energy systems are exempt from zoning district height limits. However, roof-mounted solar energy systems shall not exceed six feet above the height of the building, or the minimum height required to meet applicable building or fire regulations.
- (e) Elevator penthouses and mechanical equipment, provided the structures do not occupy more than 33% of the area of the roof;
- (f) Gravity feed apparatus;
- (g) Flagpoles, radio/television antennae and towers, not to exceed 15 feet above the maximum height allowed in the underlying zoning district without approval of a variation (see § 151.056);
- (h) Steeples, not to exceed 25 feet above the maximum height allowed in the underlying zoning district without approval of a variation (see § 151.056);
- (i) Towers, fire, mechanical and smokestacks, not to exceed 16 feet above the maximum height allowed in the underlying zoning district without approval of a variation (see § 151.056);
- (j) Water tanks and standpipes; and
- (k) Emergency warning devices, not to exceed 60 feet in height.

(F) *Maximum density.* Maximum density refers to the maximum number of dwelling units allowed per acre of site area, after subtracting land area in regulatory floodplains, wetlands, water bodies, and public rights-of-way from the base site area. To calculate the number of dwelling units allowed on a parcel, first subtract from the base site area the total area of all regulatory flood-plains, wetlands, water bodies, and public rights-of-way, then multiply the resulting figure by the maximum density standard of the zoning district. When density calculations result in fractions, fractions of one-half or greater shall be rounded to the next highest whole number; fractions of less than one-half shall be rounded down (see Figure 151.131(F)).

Figure 151.131(F): Density Calculations (e.g., R-1)



Gross site area:	20.00 acres
Subtract ROW:	0.10 acres
Base site area:	19.90 acres
Subtract	
Wetland:	00.75 acres
Floodplain	1.00 acres
Net site area:	18.15 acres x R1 density
18.15 x 0.80 = 14.52 (15) dwelling units	

(G) *Open space ratio.* The minimum open space ratio is one measure of the amount of open space required in a conservation development.

(H) *Floor area factor.* Floor area refers to the sum total floor area of a building, measured from the exterior limits or faces of the structure. Parking structures providing spaces to meet minimum off-street parking standards of § 151.165 shall not be counted as floor area. The maximum floor area factor refers to the amount of floor area allowed per acre of Net Site Area, as calculated under § 151.070(D). The maximum floor area factor is one of the key determinants of a site's nonresidential development capacity.

(I) *Number of dwelling units.* The Planning, Building and Development Director shall be authorized to allow exceptions to the minimum and maximum number of dwelling units per building for townhouse, multiplex, and multi-dwelling structures, provided that the average number of dwelling units per building within a development is neither fewer than the minimum nor more than the maximum number of dwelling units permitted for the structure type.

(J) *Walls.* The Planning, Building and Development Director shall be authorized to reduce side and rear wall requirements for patio and atrium houses if the Planning, Building and Development Director determines that the walls are only providing a separation from common open space.

(Ord., § 7.7, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed - - ; Ord. 19-1378, passed 9-10-2019)

§ 151.132 PLANNED UNIT DEVELOPMENTS (PUDS).

(A) *Description.* The planned unit development (PUD) regulations of this section are intended to encourage innovative land planning and site design that achieve a high level of environmental protection, energy efficiency, aesthetics, high-quality development, and other county goals by:

- (1) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for development on individual lots;
- (2) Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities; and
- (3) Promoting quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land use arrangements.

(B) *Intent.* By allowing more flexibility than base zoning districts, a PUD is intended to result in:

- (1) Greater choice in the type of environment and living units available to the public;
- (2) More open space through conservation development practices;
- (3) Open space resources that are connected to one another and to residential and nonresidential areas;
- (4) A creative approach to the use of land and related physical development;
- (5) An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs; and
- (6) Promotion of mixed use development.

(C) *Zoning districts.* A PUD may be approved in any base zoning district, except the AG, RE, and OS Districts.

(D) *Minimum site area.* There is no minimum site area requirement for a PUD. The proposed PUD shall be consistent with the surrounding existing development in the area.

(E) *Compliance with other regulations.* Unless expressly authorized by the regulations of this chapter and specifically approved as part of a PUD, none of the otherwise applicable standards of this chapter may be waived or reduced as part of a PUD approval.

(F) *Approval procedures.* PUDs shall be reviewed and approved in accordance with the procedures of § 151.051. If the proposed PUD involves subdivision of land, the preliminary plat, preliminary engineering, final plat, and final engineering shall be subject to the procedures, standards and requirements of §§ 151.185 through 151.204 unless specifically modified or waived by the conditional use permit.

(G) *Allowed uses.*

- (1) *Residential zoning districts.*

(a) *PUD approval.* Residential uses and only those nonresidential uses allowed in the GO and LC Zoning Districts (by right or by conditional use permit) shall be allowed in PUDs located in residential zoning districts. Nonresidential uses allowed in the GO and LC Zoning

Districts by conditional use permit must be specifically approved within the PUD by the County Board.

(b) *Change of use.* Upon PUD approval, any change of use to a use allowed by right in the underlying zoning district or the GO and LC Zoning Districts shall be allowed provided all applicable use and development standards are met. Any change of use to a use allowed by conditional use permit in the GO and LC Zoning Districts shall require a conditional use permit.

(2) *Nonresidential zoning districts.*

(a) *PUD approval.* Any use or mix of uses may be allowed within a PUD in a nonresidential zoning district provided that those uses not allowed by right in the underlying zoning district shall be specifically approved within the PUD by the County Board.

(b) *Change of use.* Upon PUD approval, any change of use to a use allowed by right in the underlying zoning district shall be allowed provided all applicable use and development standards are met. Any change of use to a use not allowed by right in the underlying zoning district shall require a conditional use permit.

(H) *Standards.* Development within PUDs shall not be subject to the dimensional and bulk standards (i.e., lot size, lot width, setback, height standards, and building area) of the underlying zoning district. Dimensional and bulk standards shall be established at the time of PUD approval. Similarly, landscaping, lighting, parking, architectural and open space standards may also be established, at the time of PUD approval.

(I) *Density and intensity.*

(1) *Residential PUDs (residential uses only).* The maximum density (number of dwelling units) within a residential PUD in a residential zoning district may exceed the conventional development density allowed in the underlying zoning district by up to 15% if approved by the County Board as part of the PUD preliminary plan approval. The maximum density (number of dwelling units) within a residential PUD located in a nonresidential zoning district may exceed the conventional development density allowed in the R-6 Zoning District by up to 15% if approved by the County Board as part of the PUD preliminary plan approval. PUDs shall be subject to the natural resource protection standards of §§ 151.070 through 151.072. No other density bonus may be used in combination with the PUD.

(2) *Nonresidential PUDs (nonresidential uses only).*

(a) The maximum intensity (amount of floor area and/or amount of impervious surface) within a nonresidential PUD may exceed that allowed in the underlying nonresidential zoning district by up to 15% if approved by the County Board as part of the PUD preliminary plan approval.

(b) The maximum intensity (amount of floor area and/or amount of impervious surface) within a nonresidential PUD in a residential zoning district may exceed the intensity standards of the LC Zoning District by up to 15% if approved by the County Board as part of the PUD preliminary plan approval.

(c) PUDs shall be subject to the natural resource protection standards of §§151.070 through 151.072.

(3) *Mixed use PUDs (residential and nonresidential uses).*

(a) Residential density and nonresidential intensity (impervious surface ratio, floor area ratio) within mixed use PUDs shall be established at the time of PUD approval, provided that nonresidential uses shall occupy at least 30% of the total floor area within the PUD (residential and nonresidential uses included). Conditions shall be imposed by the County Board relating to the phasing of the residential and nonresidential components of a mixed use PUD.

(b) PUDs shall be subject to the natural resource protection standards of §§151.070 through 151.072.

COMMENTARY:

The County Board may condition any density bonuses for a PUD on the site and buildings thereupon meeting various environmentally sustainable goals, including sustainable site development, pedestrian-orientation and reduced vehicle trips, water savings, energy efficiency, sustainable construction materials selection, and indoor air quality consistent with the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) building and site certification program.

(J) *Identification on zoning maps.* Approved planned unit developments shall be indicated on the Official Zoning Map.

(K) *Road standards and specifications.* All roads shall be constructed in accordance with the requirements of §§ 151.185 through 151.204.

(L) *Public roads.* All roads shall be public roads. No private roads shall be permitted.

(Ord., § 7.8, passed 10-13-2009)

SITE DEVELOPMENT REGULATIONS

§ 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) Gardening, plowing, and similar agricultural practices that do not involve filling, 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 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.

(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 stripping and clearing;

3. After rough grading;

4. After final grading;

5. After seeding and landscaping deadlines;

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

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

8. After removal of erosion and sediment controls;

9. 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, have submitted a Notice of Termination to Illinois Environmental Protection Agency, and are entering a prolonged period of inactivity. DECI inspections shall only be required after storm events with greater than 0.5 inch of rainfall or liquid equivalent precipitation.

10. 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.

(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 soils engineer and/or engineering 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 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 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 registered 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.

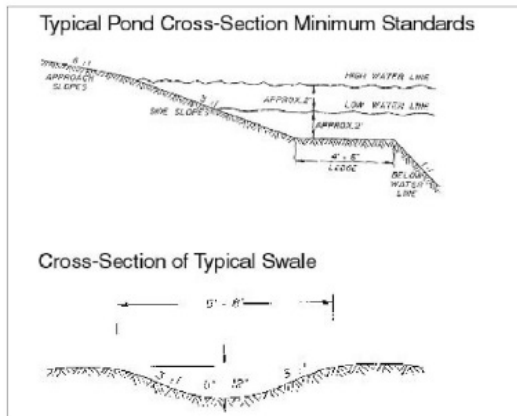
(l) The federal, state, and local permit requirements of subsections (F)(2)(h) and (F)(2)(i) are required when applicable to the

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 registered 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 registered 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 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)

§ 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 registered 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 registered 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 (I) 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 shall 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 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 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.

(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)

§ 151.147 REGULATORY FLOODPLAIN, REGULATORY FLOODWAY, FLOOD TABLE LAND AND FLOOD-PRONE AREAS.

(A) *Applicability.* This section shall apply to all man-made changes to improved or unimproved real estate lying in the regulatory floodplain, the regulatory floodway or on flood table land and flood-prone area, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. This section shall not apply to normal maintenance activities undertaken on existing structures and facilities.

(B) *Regulatory floodplain.*

- (1) *Determination and delineation.* The elevation and location of the regulatory floodplain shall be determined as follows.

COMMENTARY:

Current Federal Emergency Management Agency maps can be obtained from the Planning, Building and Development Department or online (<http://maps.lakecountyil.gov/mapsonline>).

(a) The regulatory floodplain is delineated within a development by projecting the base flood elevation onto the best available topographic information.

- (b) The base flood elevation shall be obtained from the 100-year flood profiles, as indicated in the floodplain studies listed below:

1. Lake County Stormwater Management Commission regulatory floodplain profiles;
2. Should no Lake County Stormwater Management Commission-approved regulatory floodplain profile exist for the subject site, the "Flood Insurance Study, County of Lake, Illinois, Unincorporated Areas", including all flood profiles and elevations contained therein, published by the Federal Emergency Management Agency, including the Federal Insurance Rate Map (see Appendix M, as may be amended by FEMA);
3. In the case of Federal Emergency Management Agency-delineated "AH Zones", the elevation noted on the map shall be the base flood elevation. In the case of Federal Emergency Management Agency-delineated "AO Zones", the base flood elevation shall be the depth number shown on the map added to the highest adjacent grade, or at least two feet above the highest adjacent grade if no depth number is provided; or

4. When no base flood elevation information exists, the base flood elevation shall be determined by a registered professional engineer using an appropriate model or technique as approved by the Lake County Stormwater Management Commission or Illinois Department of Natural Resources, Office of Water Resources. For riverine flood-prone areas with greater than 100 acres of tributary drainage area, non-riverine

flood-prone areas with greater than 20 acres of tributary drainage area, and all mapped Special Flood Hazard Areas regardless of drainage area, the base flood elevation determination shall be submitted to the Lake County Stormwater Management Commission for approval prior to issuance of a watershed development permit. The base flood elevation determination for non-riverine depressional floodplains with less than 20 acres of tributary drainage area shall be reviewed and approved by the Planning, Building and Development Director. Base flood elevation determinations shall be based on the critical duration event.

a. Where a linear water body has a tributary drainage area of 640 acres or more, the above analyses shall be submitted to the Lake County Stormwater Management Commission for approval by the Illinois Department of Natural Resources, Office of Water Resources.

b. For a non-riverine regulatory floodplain, the historic flood of record (as determined by the Planning, Building and Development Director according to subsection (B)(1)(b)4. above plus three feet), may be used for the base flood elevation instead of performing a detailed hydrologic and hydraulic study. However, a detailed hydrologic and hydraulic study may result in a lower base flood elevation.

c. Nothing contained herein shall prohibit the application of these regulations to land that can be demonstrated by engineering survey to lie within any regulatory floodplain. Conversely, any lands (except for those located in a regulatory floodway) that can be demonstrated by a topographic survey certified by a registered professional engineer or registered land surveyor to lie beyond the regulatory floodplain, and to the satisfaction of the Planning, Building and Development Director, to have been higher than the base flood elevation as of the date of the first floodplain mapping denoting the site to be in a Special Flood Hazard Area and as of the date of the current effective map shall not be considered to be located in the SFHA.

(2) *Permitted uses.*

(a) Only those uses listed in § 151.148 are permitted by right within a regulatory floodplain regardless of the regulations of any zoning district. All uses permitted by § 151.148 are permitted subject to compliance with the all applicable performance standards of § 151.149.

(b) All other structures and uses that are permitted by the underlying zoning district but are not listed in § 151.148 may be permitted in the regulatory floodplain only pursuant to § 151.148(B).

(c) Nothing herein shall prevent the rebuilding or extension of any existing structures permitted by the underlying zoning district, provided that the rebuilding or extension complies with all applicable performance standards of § 151.149.

(3) *Additional application requirements.* In addition to other submittal requirements, all of the following additional information shall be provided for all development in the regulatory floodplain:

(a) Site location of the property, drawn to scale on the regulatory floodplain map;

(b) Plans, cross-sections and profiles of the project showing all of the following:

1. The regulatory floodplain limit, including if applicable, the navigation channels for work in public bodies of water as defined by the Illinois Department of Natural Resources, Office of Water Resources;

2. Cross-section views of the project for the impacted reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, ten-year frequency flood elevation, 100-year frequency flood elevation and graphic or numerical scales (horizontal and vertical);

3. A copy of the regulatory floodplain map with the project site delineated and marked to reflect any proposed change in the regulatory floodplain location; and

4. All changes in grade resulting from any proposed excavation or filling; the location and dimension of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of this chapter.

(c) Engineering calculations and supporting data showing that the proposed work will meet the performance standards outlined in § 151.149;

(d) Elevation certificates of the lowest floor (elevation including basements) for all existing buildings in the regulatory floodplain;

(e) Flood-proofing certificates for all existing buildings, or portions thereof, located below the flood protection elevation; and

(f) Evidence that all required federal, state, and local permits have been obtained. (See Appendix G for a partial list of permits that may be required.)

(C) *Regulatory floodways.*

(1) *Determination and delineation.* The location of the regulatory floodway shall be as delineated on the Illinois Department of Natural Resources, Office of Water Resources designated regulatory floodway 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, the Illinois Department of Natural Resources, Office of Water Resources shall be contacted. A site located in the regulatory floodway that is higher than the base flood elevation is subject to the regulations of § 151.150 until such time as a Letter of Map Amendment or Letter of Map Revision is received from the Illinois Department of Natural Resources, Office of Water Resources and Federal Emergency Management Agency.

COMMENTARY:

Current Federal Emergency Management Agency maps can be obtained from the Planning, Building and Development Department or online (<http://maps.lakecountyil.gov/mapsonline>).

(2) *Permitted uses.* No encroachment shall be allowed in the regulatory floodway, except as explicitly permitted by § 151.150.

(3) *Additional application requirements.* In addition to other submittal requirements, the following additional information shall be provided for all development in the regulatory floodway:

(a) Site location of the property, drawn to scale on the regulatory floodway map;

(b) Plans, cross-sections, and profiles of the project showing:

1. The regulatory floodway limit and, if applicable, the navigation channels for work in public bodies of water as defined by the Illinois Department of Natural Resources, Office of Water Resources;

2. Cross-section views of the project for the impacted reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, ten-year frequency flood elevation, 100-year frequency flood elevation and graphic or numerical scales (horizontal and vertical);

3. A copy of the regulatory floodway map with the project site delineated and marked to reflect any proposed change in the regulatory floodway location; and

4. All changes in grade resulting from any proposed excavation or filling; the location and dimension of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of this chapter.

(c) Engineering calculations and supporting data showing that the proposed work will meet the performance standards outlined in § 151.150, and if applicable, § 151.151 and § 151.152;

(d) Elevation certificates of the lowest floor (elevation including basements) for all existing buildings in the regulatory floodway; and

(e) Evidence that all required federal, state, and local permits have been obtained. (See Appendix G for a partial list of permits that may be required.)

(D) *Flood table lands.*

(1) *Determination and delineation.* Flood table land is that land area contiguous to the floodplain, the elevation of which is greater than the base flood elevation by two feet or less.

(2) *Permitted uses.* All uses permitted by the underlying zoning district shall be permitted by right on flood table lands subject to compliance with the standards of § 151.153.

(E) *Flood-prone areas.*

(1) *Determination and delineation.* Flood-prone areas are delineated by projecting the base flood elevation onto the best available topographic information.

(2) *Permitted uses.* All uses permitted by the underlying zoning district shall be permitted by right in flood-prone areas subject to compliance with the standards of § 151.154.

(F) *Other regulations to apply.* In addition to the provisions of this section that apply to regulatory floodplain, regulatory floodway, flood table land and flood-prone areas, the regulations of the Zoning District in which land is located shall continue in full force and effect. Likewise, nothing in this section shall relieve the developer of any responsibility for fully complying with all requirements of the Illinois Department of Natural Resources, Office of Water Resources, the Federal Emergency Management Agency, the U.S. Army Corps of Engineers or any other federal, state, or local agency having jurisdiction over the filling or development of regulatory floodplain or regulatory floodway lands.

(Ord., § 8.3, passed 10-13-2009; Ord. passed 10-9-2012; Ord. passed - -)

§ 151.148 USES AND DEVELOPMENT IN THE REGULATORY FLOODPLAIN.

(A) *Uses.* The following uses shall be allowed in the regulatory floodplain if allowed by the underlying zoning district regulations:

(1) Arboretum or botanical garden;

(2) Archery range, outdoor;

(3) Boat docks/piers;

(4) Boathouse;

(5) Boat launching ramp;

(6) Boat sales, rental, storage/service;

(7) Boat works, custom build/repair;

(8) Bridges/bridge approaches;

(9) Camp;

(10) Carnival or circus;

(11) Christmas tree sales;

(12) Garage, detached [permitted in the regulatory floodplain only as accessory uses to existing detached house (single family) residences, and are subject to the regulations contained in § 151.149 (building protection requirements);

(13) Golf course;

(14) Golf driving range;

(15) Lakes;

(16) Marina;

(17) Nursery, non-retail;

(18) Parking lot, commercial;

(19) Picnic shelter;

(20) Ponds;

(21) Public park, open refuge/preserve;

(22) Pump station/lift station;

(23) Recreational uses, outdoor;

(24) Roads;

(25) Seasonal sale of farm produce;

(26) Storage sheds [permitted in the regulatory floodplain only as accessory uses to existing detached house (single family) residences, and are subject to the regulations contained in § 151.149 (building protection requirements);

(27) Stormwater basins [stormwater detention basins are permitted in the floodplain only with the approval of the Planning, Building and Development Director and are subject to compliance with the regulations of § 151.146(E)];

(28) Swimming pools [permitted in the regulatory floodplain only as accessory uses to existing detached house (single family) residences, and are subject to the regulations contained in § 151.149 (building protection requirements);

(29) Tent meeting or tent theater; and

(30) All other structures and uses that are permitted by the underlying zoning district may be permitted in the regulatory floodplain pursuant to § 151.148(B).

(B) *Development.* Any structure or use, including the placement of "deep fill" permitted by the underlying district may be established in a regulatory floodplain pursuant to the following standards.

(1) The application shall be accompanied with all reports, plans, and calculations necessary to demonstrate compliance with all of the application, performance standard, and other regulations of this subchapter.

(2) The establishment of any permitted use, construction of any permitted structure, or filling of any parcel shall be permitted only if the applicant demonstrates that:

(a) The parcel, use, or structure would conform to all other standards of this chapter if the floodplain were not present; and

(b) 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 the land.

(Ord., § 8.4, passed 10-13-2009)

§ 151.149 PERFORMANCE STANDARDS FOR REGULATORY FLOODPLAIN DEVELOPMENT.

The standards of this section apply to all regulatory floodplain development except when superseded by more stringent requirements.

(A) *Modification and disturbance.* Modification and disturbance of natural riverine regulatory floodplains shall be avoided to protect existing hydrologic and environmental functions. The disturbances shall be minimized and all negative impacts mitigated as described in a mitigation plan.

(B) *Prohibited development.* No development shall be allowed in the regulatory floodplain that, singularly or cumulatively, creates a damaging or potentially damaging increase in flood heights or velocity, or threat to public health, safety, and welfare, or impairs the natural hydrologic functions of the regulatory floodplain and linear/nonlinear water bodies.

(C) *Maintenance of flood carrying capacity.* For all projects involving linear water body modification or maintenance, fill, or levees, the flood-carrying capacity of the regulatory floodplain shall be maintained.

(D) *Public flood control projects.* For public flood control projects, the permitting requirements of this section will be considered met if the applicant can demonstrate to the Illinois Department of Natural Resources, Office of Water Resources through hydraulic and hydrologic calculations that the proposed project will not, singularly or cumulatively, result in increased flood heights outside the project right-of-way or in easements for all flood events up to and including the base flood event.

(E) *Compensatory storage capacity.* When compensatory storage is required for storage lost or displaced in a regulatory floodplain the following standards shall apply.

(1) Hydraulically equivalent compensatory storage requirements for development activity in a riverine regulatory floodplain shall be at least equal to 1.2 times the volume of regulatory floodplain storage lost or displaced. The compensation areas shall be designed to drain freely and openly to the channel and located opposite or adjacent to fill areas. A restrictive covenant or deed or plat restriction running with the land shall be recorded to prohibit any future modification to the compensation area.

(2) (a) Hydraulically equivalent com-pensatory storage requirements for development activity in a non-riverine regulatory floodplain shall be at least equal to one times the volume of regulatory floodplain storage lost or displaced. Compensation areas shall be designed to access the required volume. A restrictive covenant or deed or plat restriction is required to prohibit any modification to the compensation area. Upon approval of the Planning, Building and Development Director, hydraulic equivalency for non-riverine compensatory storage may be altered, provided that the storage is replaced at or below the existing elevation at which storage is lost or displaced but not below the proposed normal water level.

(b) Hydraulically equivalent com-pensatory storage requirements for development activity in a non-riverine regulatory floodplain, that is located partially on-site, with more than 10% of the BFE surface located on-site, shall be at least equal to 1.2 times the volume of regulatory floodplain storage lost or displaced. Such compensation areas shall be designed to access the required volume. A restrictive covenant or deed or plat restriction is required to prohibit any modification to the compensation area. Upon approval of the Planning, Building and Development Director, hydraulic equivalency for non-riverine compensatory storage may be altered, provided that the storage is replaced at or below the existing elevation at which storage is lost or displaced but not below the proposed normal water level.

(3) Upon approval of the Planning, Building and Development Director, shorelines or streambanks that have experienced erosion may be restored to their condition as of the current effective date of the first Flood Insurance Rate Map in that community without the need to provide compensatory storage or pay fee-in-lieu-of for the fill used to restore the eroded area according to the following criteria.

(a) The restoration fill shall meet existing grades and within riverine areas the current effective regulatory floodplain base flood elevation shall not be increased and the regulatory floodway conveyance shall be maintained.

(b) The amount of eroded property being restored shall be documented and submitted by the applicant as part of the permit process. Proper documentation shall be either field survey information or photo documentation of the erosion that has occurred for the property being restored.

(c) For rivers, lakes, and streams where no floodway has been designated, no documentation of past shoreline erosion is required if the applicant does not exceed one cubic yard of fill per lineal foot for a maximum of 200 feet. In this case the placing of the fill shall not significantly

alter the alignment of the shoreline with adjoining properties as determined by the Enforcement Officer. Non-documentable fills are a one-time allowance on a per property basis and all fills exceeding 200 cubic yards shall be regulated as specified in subsection (E).

(d) Shoreline protection measures (e.g., sea wall, rip-rap, deep-rooted vegetation) shall be implemented in conjunction with all shoreline filling conducted under this provision.

(4) An above-ground swimming pool shall not be required to provide compensatory storage for the volume displaced within the regulatory floodplain. The pool shall be anchored to resist flotation. No backfilling of the pool walls will be allowed and any material excavated for the installation shall be removed from floodplain limits.

(F) *Public health protection standards.*

(1) For property located within the regulatory floodplain, no chemicals, explosives, buoyant materials, animal waste, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials shall be placed or stored 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.

(4) If required to repair an existing individual sewage disposal system serving an existing structure, either shallow or deep filling shall be permitted as a matter of right to the minimum extent necessary to comply with Lake County Health Department requirements for the repair. Compensatory storage shall be provided to the greatest extent possible.

(G) *Filling.*

(1) Four types of filling of the regulatory floodplain are regulated by this section: shallow filling, deep filling, topdressing erosion, and topdressing subsidence.

(a) Shallow filling is filling 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. The placement of fill material so as to constitute shallow filling is permitted by right.

(b) Deep filling is filling which raises the land surface elevation above that of the base flood elevation. The placement of fill material within any regulatory floodplain so as to constitute deep filling shall be permitted only pursuant to § 151.148(B). For the following deep filling activities, all other standards of § 151.149 shall apply.

1. Deep filling required for the construction of a stormwater basin is subject to the standards contained §151.146(E).

2. Driveway construction to allow access to an attached or detached garage. Maximum allowable are to be deep-filled shall not exceed 1,000 square feet.

3. Fill placed in the floodplain to elevate existing floodtable land where a new structure is being built. Compensatory storage shall be provided. The fill shall not be placed more than ten feet from the foundation of the building.

(c) Topdressing is the placement of not more than four inches of topsoil within the regulatory floodplain for the purposes of stabilizing an existing erosion control problem and establishing vegetative cover. Topdressing shall be allowed by permit on a per-parcel, one-time only allowance, and not damage or alter adjoining property drainage patterns. Upon approval of the Planning, Building and Development Director, floodplain compensatory storage shall not be required. Topdressing fill shall comply with the soil erosion and sediment control standards and wetlands provisions of this chapter (§§ 151.145 through 151.154). This provision shall not be applicable to the design process for new development.

(d) Topdressing is the placement of not more than four inches of topsoil within the regulatory floodplain. For the purposes of restoring pre-subsidence grade to an area that primarily experiences subsidence due to a documented flood event, topdressing shall be allowed by permit on a per-parcel basis and not damage or alter adjoining property drainage patterns. Upon approval of the Planning, Building and Development Director, floodplain compensatory storage shall not be required. Topdressing fill shall comply with the soil erosion and sediment control standards and wetlands provisions of this chapter (§§ 151.145 through 151.154). This provision shall not be applicable to the design process for new development. A one time allowance of this provision shall be in accordance with (1) through (3) of the following criteria and repeat allowances shall be in accordance with (1) through (4) of the following criteria.

1. The restoration fill shall meet pre-subsidence elevations, and within riverine areas, the pre-subsidence effective Regulatory Floodplain and Regulatory Floodway conveyance shall be maintained.

2. The property being considered for top dressing shall be documented and submitted by the applicant as part of the permit process. Proper documentation shall be either topographic information or photographic documentation of the flooding and subsidence that has occurred on the property.

3. Upon completion of top dressing, the applicant shall provide topographic or photographic documentation of completed work.

4. Repeat top dressing applications are limited to documented flood events with topographic or photographic evidence of subsidence.

(e) Impervious surface rehabilitative maintenance is the placement of not more than four inches of pavement or any other impervious material within the regulatory floodplain. For the purposes of restoring pre-subsidence grades to an area that has experienced subsidence, rehabilitative maintenance of such areas shall be allowed by permit on a per-project basis and not damage or alter adjoining property drainage patterns. Upon approval of the Planning, Building and Development Director, floodplain compensatory storage shall not be required. Rehabilitative maintenance fill shall comply with the Soil Erosion and Sediment Control standards and Wetlands Provisions of this chapter (§ 151.146(J) and (M)). This provision shall not be applicable to the design process for new development. A one-time allowance of this provision shall be in accordance with subsections (G)(1)(e)1. through (G)(1)(e)3. of the following criteria and repeat allowances shall be in accordance with subsections (G)(1)(e)1. through (G)(1)(e)4. of the following criteria:

1. The restoration fill shall meet pre-subsidence elevations, and within riverine areas, the pre-subsidence effective regulatory floodplain and regulatory floodway conveyance shall be maintained,

2. The project being considered for rehabilitative maintenance shall be documented and submitted by the applicant as part of the permit process. Proper documentation shall be either topographic information or photographic documentation of the subsidence that has occurred on the project.

3. Upon completion of rehabilitative maintenance, the applicant shall provide topographic or photographic documentation of completed

work.

4. Repeat rehabilitative main-tenance applications are limited to documented topographic or photographic evidence of subsidence.

(2) The placement of fill material within any regulatory floodplain so as to constitute either shallow or deep filling shall be subject to the following standards.

(a) Compensatory storage is required for all storage volume lost or displaced due to either shallow or deep filling.

(b) Fill shall be of a material deemed stable enough to remain firm and in place during periods of flooding. Fill shall consist only of soil, rock, or concrete without rebar. Further, all fill areas shall be stabilized with material which will ensure and protect against erosion hazards, undercutting, and undermining. Asphalt shall not be used as a stabilizing material. Runoff and drainage protection shall be provided to adjacent property owners.

(c) All changes in velocity, depth of flood elevation, or storage shall be limited to the property of the owner doing the filling or those property owners who have granted flood or flow easements, provided that in no event shall an increase in flood elevation be permitted if it would affect any existing building or bring any building to within two vertical feet of the flood elevation.

(H) *Building protection requirements.* No principal or accessory structure shall be located in the regulatory floodplain, below the base flood elevation, with the exception of a road, detached garage, storage shed, swimming pool, boathouse, pump station, lift station, boat launching ramps, boat docks, piers, bridge and bridge approaches, picnic shelters having no permanent walls, and stormwater detention basins. All buildings and structures established in the regulatory floodplain shall conform to the following standards.

(1) Compensatory storage is required for all storage volume lost or displaced due to the placement of any building or structure in the regulatory floodplain.

(2) Building protection requirements for residential structures shall follow applicable FEMA regulations and include the following:

(a) The lowest floor including basements of all new residential structures, including additions, shall be elevated up to at least the Flood Protection Elevation (FPE). The floor of an attached garage for a new structure must be elevated up to at least one-half of one foot above the base flood elevation (BFE).

1. If placed on compacted fill, the top of the fill for a residential structure shall be above the FPE. The top of fill for an attached garage shall be one-half of one foot above the BFE. The fill pad shall be placed at the appropriate elevation and designed to extend a minimum of ten feet out from the building's designed footprint unless the building is certified by a Registered Structural Engineer to be protected from damages due to hydrostatic pressures. Additionally, the fill pad shall meet 95% of Standard Proctor Density in order to be demonstrated not to settle below the FPE for the residential structure and not below one-half of one foot above the BFE for an attached garage, and to be adequately protected against erosion, scour, and differential settlement. Foundation excavations shall not extend more than five feet beyond the foundation footprint. Backfill for the over excavated area does not need to meet the compaction requirements.

2. If elevated by means of walls, pilings, or other foundation, the building's supporting structure must be permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood. The bottom of the permanent openings shall be no more than one foot above the lowest adjacent grade. The total net area shall be provided below the BFE and consist of a minimum of two openings for each enclosed area with each opening of an enclosed area on a different exterior wall. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the BFE. Any louvers, screens, or other opening covers must not block or impede the automatic flow of floodwaters into and out of the enclosed area. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris. All areas below the FPE shall be constructed with materials resistant to flood damage. The lowest floor (including basement) for the residential structure and all electrical, heating, ventilation, plumbing, air conditioning equipment, and utility meters shall be located at or above the FPE. Waterproofed service facilities, including, but not limited to, water and sewer pipes, electrical and telephone lines, and submersible pumps, may be located below the FPE. No area less than one foot above the BFE shall be used for storage of items or materials.

(b) The lowest floor, including basements, of an existing residential structure with a substantial improvement shall be elevated to at least one foot above the BFE.

1. If placed on compacted fill, the top of the fill for a substantially improved residential structure shall be at least one foot above the BFE. The fill pad shall be placed at the appropriate elevation and designed to extend a minimum of 10 feet out from the building's designed footprint unless the building is certified by a Registered Structural Engineer to be protected from damages due to hydrostatic pressures. Additionally, the fill pad shall meet 95% of Standard Proctor Density in order to be demonstrated not to settle below one foot above the BFE for the substantially improved residential structure, and to be adequately protected against erosion, scour, and differential settlement. Foundation excavations shall not extend more than five feet beyond the foundation footprint. Backfill for the over excavated area does not need to meet the compaction requirements.

2. If elevated by means of walls, pilings, or other foundation, the building's supporting structure must be permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood. The bottom of the permanent openings shall be no more than one foot above the lowest adjacent grade. The total net area shall be provided below the BFE, and consist of a minimum of two openings for each enclosed area with each opening of an enclosed area on a different exterior wall. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the BFE. Any louvers, screens, or other opening covers must not block or impede the automatic flow of floodwaters into and out of the enclosed area. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris. All areas lower than one foot above the BFE shall be constructed with materials resistant to flood damage. The lowest floor (including basement) for the substantially improved residential structure and all electrical, heating, ventilation, plumbing, air conditioning equipment, and utility meters shall be elevated to at least one foot above the BFE. Waterproofed service facilities, including, but not limited to, water and sewer pipes, electrical and telephone lines, and submersible pumps, may be located below the BFE-plus-one-foot elevation.

(3) Building protection requirements for non-residential structures shall follow applicable Federal Emergency Management Agency regulations and include the following:

(a) The lowest floor, including basements, of all new non-residential buildings, including additions, shall be elevated at least to the FPE or be structurally dry flood-proofed to at least the FPE. A non-residential building may be structurally dry flood-proofed (in lieu of elevation) provided that a Registered Professional Engineer, Registered Structural Engineer, or Licensed Architect shall certify that the building has been structurally dry flood-proofed up to the FPE and the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the

effects of buoyancy, and impacts from debris or ice. Flood-proofing measures shall be operable without human intervention and without an outside source of electricity. (Levees, berms, floodwalls, and similar works are not considered flood-proofing for the purpose of this subsection.)

1. If a non-residential structure is not dry flood-proofed and is placed on compacted fill, the top of the fill shall be above the FPE. The fill pad shall be placed at the appropriate elevation and designed to extend a minimum of ten feet out from the building's designed footprint unless the building is certified by a Registered Structural Engineer to be protected from damages due to hydrostatic pressures. Additionally, the fill pad shall meet 95% of Standard Proctor Density in order to be demonstrated not to settle below the FPE and to be adequately protected against erosion, scour, and differential settlement. Foundation excavations shall not extend more than five feet beyond the foundation footprint. Backfill for the over excavated area does not need to meet the compaction requirements.

2. If a non-residential structure is not dry flood-proofed and is elevated by means of walls, pilings, or other foundation, the building's supporting structure must be permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood. The bottom of the permanent openings shall be no more than one foot above the lowest adjacent grade. The total net area shall be provided below the BFE, and consist of a minimum of two openings for each enclosed area with each opening of an enclosed area on a different exterior wall. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the BFE. Any louvers, screens, or other opening covers must not block or impede the automatic flow of floodwaters into and out of the enclosed area. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris. All areas below the FPE shall be constructed with materials resistant to flood damage. The lowest floor (including basement) for the non-residential structure and all electrical, heating, ventilation, plumbing, air conditioning equipment, and utility meters shall be located at or above the FPE. Waterproofed service facilities, including, but not limited to, water and sewer pipes, electrical and telephone lines, and submersible pumps, may be located below the FPE. No area less than one foot above the BFE shall be used for storage of items or materials.

(b) The lowest floor including basements of all substantially improved non-residential buildings and attendant utility facilities shall be elevated or structurally dry floodproofed to a minimum of one foot above the BFE. A substantially improved, nonresidential building may be structurally dry flood-proofed (in lieu of elevation) provided that a Registered Professional Engineer, Registered Structural Engineer, or Licensed Architect shall certify that the building has been structurally dry floodproofed up to a minimum of one foot above the BFE and the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice. Flood-proofing measures shall be operable without human intervention and without an outside source of electricity. (Levees, berms, floodwalls, and similar works are not considered flood-proofing for the purpose of this subsection.)

1. If a substantially improved non-residential structure is not dry floodproofed and is placed on compacted fill, the top of the fill for a nonresidential structure substantial improvement shall be at least one foot above the BFE. The fill pad shall be placed at the appropriate elevation and designed to extend a minimum of ten feet out from the building's designed footprint unless the building is certified by a Registered Structural Engineer to be protected from damages due to hydrostatic pressures. Additionally, the fill pad shall meet 95% of Standard Proctor Density in order to be demonstrated not to settle below one foot above the BFE for the residential structure, and to be adequately protected against erosion, scour, and differential settlement. Foundation excavations shall not extend more than five feet beyond the foundation footprint. Backfill for the over excavated area does not need to meet the compaction requirements.

2. If a substantially improved non-residential structure is not dry floodproofed and is elevated by means of walls, pilings, or other foundation, the building's supporting structure must be permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood. The bottom of the permanent openings shall be no more than one foot above the lowest adjacent grade. The total net area shall be provided below the BFE, and consist of a minimum of two openings for each enclosed area with each opening of an enclosed area on a different exterior wall. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the BFE. Any louvers, screens, or other opening covers must not block or impede the automatic flow of floodwaters into and out of the enclosed area. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris. All areas lower than one foot above the BFE shall be constructed with materials resistant to flood damage. The lowest floor (including basement) for the substantially improved non-residential structure and all electrical, heating, ventilation, plumbing, air conditioning equipment, and utility meters shall be elevated to at least one foot above the BFE. Waterproofed service facilities, including, but not limited to, water and sewer pipes, electrical and telephone lines, and submersible pumps, may be located below the BFE-plus-one-foot elevation.

COMMENTARY

See § 151.145(F)(2)(I)1. and (F)(2)(I)2. for substantial improvement submittal requirements.

(4) A non-conforming structure damaged by any origin may be restored unless the activity meets the definition of substantial improvement, in which case it shall conform to the provisions of § 151.149(H)(2)(b) for residential structures or § 151.149(H)(3)(b) for non-residential structures.

(5) Mobile homes and recreational vehicles which are not road-ready and cannot be disconnected from utilities in a timely manner and installed on-site for more than 180 days, shall be elevated to or above the flood protection elevation and shall be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code 870. The requirements in § 151.149(H)(2) shall apply to this section. Mobile homes and recreational vehicles that are not elevated above the flood protection elevation shall be moved to higher ground within 24 hours when the water level reaches a recreational vehicle site.

(6) Storage sheds, detached garages, and attached garages which are not substantial improvements on an existing single-family platted lot, may be constructed with the lowest floor below the FPE in accordance with the following:

(a) The building shall not be used for human habitation.

(b) All areas below the BFE shall be constructed with waterproof material. Structures located in a regulatory floodway shall be constructed and placed on a development site so as not to block the flow of flood waters and shall also meet the appropriate use criteria of § 151.150. In addition, all other requirements of this chapter must be met.

(c) The structure shall be anchored to prevent flotation.

(d) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to the FPE.

(e) The building shall be used only for the storage of vehicles or tools and may not contain other rooms, workshops, greenhouses, or

similar uses.

(f) If a residence is elevated appropriately, then the area below the residence can be used as a garage, as long as the garage conforms to (a) through (e) above and include permanent flow through openings as described in § 151.149(H)(2)(a)2.

(g) The building shall be valued at less than \$17,250 (2011 costs) and be no greater than 576 square feet in floor size.

(h) If elevated by means of walls or other foundation, the building's supporting structure must be permanently open to flood waters on at least two walls and not subject to damage by hydrostatic pressures of the base flood. The permanent openings shall be at grade level and below the base flood elevation, and consist of a minimum of two openings. The openings shall have a total net area of at least one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation. The requirement for permanent openings may be waived by the Planning, Building and Development Director if a Registered Professional Engineer or Structural Engineer certifies that the building is not water tight, inside and outside hydrostatic pressures will be equal and that the rate at which the water rises will allow for pressures to equalize. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris.

(7) Boathouses may be constructed with the lowest floor below the flood protection elevation in accordance with all of the following:

(a) The boathouse shall be built on an earthen floor or over a water slip;

(b) The boathouse shall not be used for human habitation;

(c) All areas below the base flood elevation shall be constructed with waterproof material;

(d) The boathouse shall be anchored to prevent flotation;

(e) Service facilities such as electrical and heating equipment shall be elevated or flood-proofed to the flood protection elevation (a flood-proofing certificate shall be required); and

(f) The boathouse shall be used only for the storage of boats or tools and may not contain other rooms, workshops, greenhouses, or similar uses.

(8) If the proposed development would result in a change in the mapped regulatory floodplain base flood elevation on a site, the applicant shall submit sufficient data to Federal Emergency Management Agency or the Lake County Stormwater Management Commission to obtain a Letter of Map Amendment or Letter of Map Revision. Proposed changes to regulatory floodplain and regulatory floodway delineations and the base flood elevation shall be submitted to the Lake County Stormwater Management Commission. The Illinois Department of Natural Resources, Office of Water Resources concurrence is required for changes to the base flood elevation and floodway delineation.

(9) If the proposed development is located in a public body of water, as defined by the Illinois Department of Natural Resources, Office of Water Resources, a permit from the Illinois Department of Natural Resources, Office of Water Resources must be received.

(10) If the proposed development involves the construction, modification, or removal of a dam or an on-stream structure to impound water, an Illinois Department of Natural Resources, Office of Water Resources dam safety permit or letter indicating a permit is not required shall be received prior to the start of development activity.

(11) If flood-proofing construction is required beyond the outside dimensions of an existing habitable, residential, or commercial building, the outside perimeter of the flood-proofing construction shall be placed no further than ten feet from the outside of the building. Compensation of lost storage and conveyance will not be required for flood-proofing activities.

(Ord., § 8.5, passed 10-13-2009; Ord. passed 10-9-2012)

§ 151.150 PERFORMANCE STANDARDS FOR REGULATORY FLOODWAY DEVELOPMENT.

(A) *Generally.* This section establishes performance standards for development within the regulatory floodway. The only development in a regulatory floodway which will be allowed are appropriate uses which will not cause an increase in flood heights for all flood events up to and including the base flood. Only those appropriate uses listed below will be allowed in the regulatory floodway. Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, piles, piers, or columns, fencing (including landscaping or planting designed to act as a fence), and storage of materials except as specifically defined above as an appropriate use. If the development is proposed for the regulatory floodway portion of the regulatory floodplain, the standards of this section apply in addition to the performance standards for regulatory floodplain development.

(B) *Appropriate uses.* Only the construction, modification, repair, or replacement of the following appropriate uses will be allowed in the regulatory floodway:

(1) Public flood control projects and private improvements relating to the control of drainage, flooding of existing buildings, erosion, water quality, or habitat for fish and wildlife;

(2) 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;

(3) Storm and sanitary sewer outfalls;

(4) Underground and overhead utilities if sufficiently flood-proofed;

(5) Recreational facilities such as playing fields and trail systems including any related fencing (at least 50% open when viewed from any one direction) built parallel to the direction of flood flows, and including open air pavilions;

(6) Bridges, culverts, and associated roadways, sidewalks, and railways necessary for crossing over the regulatory floodway or for providing access to other appropriate uses in the regulatory floodway and any modification thereto;

(7) Parking lots and any modifications thereto, where the existing depth of flooding for the base flood elevation is less than six inches and aircraft parking aprons built at or below ground elevation (the depth of flooding can be greater than six inches for parking lots used for short term outdoor recreational use facilities where the applicant agrees to restrict parking during overbank flooding events and agrees to accept liability for all damage caused by vehicular access during all overbank flooding events);

(8) Regulatory floodway re-grading, without fill, to create a positive non-erosive slope toward a channel;

(9) Flood-proofing activities to protect previously existing lawful structures including the construction of watertight window wells, elevating structures, or the construction of flood walls around residential, commercial, or industrial principal structures where the outside toe of the

floodwall shall be no more than ten feet away from the exterior wall of the existing structure, and which are not considered to be substantial improvements to the structure;

(10) The replacement, reconstruction, or repair of a damaged building, provided that the outside dimensions of the building are not increased, and that the activity is not a substantial improvement. An activity that is a substantial improvement shall conform to § 151.149(H)(2)(b) for residential structures or § 151.149(H)(3)(b) for non-residential structures;

(11) Modifications to an existing building that would not increase the enclosed floor area of the building below the base flood elevation, and which will not block flood flows including but not limited to fireplaces, bay windows, decks, patios and second story additions. No enclosed floor areas may be built on stilts; and

(12) Substantial improvements, provided that the outside dimensions of the building are not increased; the building shall conform to § 151.149(H)(2)(b) for residential structures or § 151.149(H)(3)(b) for non-residential structures.

(C) *Mitigation.* Construction of allowed uses will be considered permissible, provided that the proposed project meets the following engineering and mitigation criteria and the standards of § 151.149 are so stated in writing with supporting plans, calculations, and data prepared by a registered professional engineer.

(1) All effective regulatory floodway conveyance lost due to the development of appropriate uses, other than bridge or culvert crossings or on-stream structures or dams, shall be replaced for all flood events up to and including the base flood. In calculating effective regulatory floodway conveyance, the following factors shall be taken into consideration.

(a) Regulatory floodway conveyance:

$$K = \frac{1.4886 AR^2}{3n}$$

n

where "n" is Manning's roughness factor, "A" is the effective area of the cross-section, and "R" is the ratio of the area to the wetted perimeter.

(b) The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state, or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.

(2) Transition sections shall be provided and used in calculations of effective regulatory floodway conveyance, in the design of excavations in the regulatory floodway, between cross-sections with rapid expansions and contractions, and when meeting the regulatory floodway delineation on adjoining properties. The following expansion and contraction ratios shall be used.

(a) Water will expand no faster than at a rate of one foot horizontal for every four feet of the flooded channel's length.

(b) Water will contract no faster than at a rate of one foot horizontal for every one foot of the flooded channel's length.

(c) Water will not expand or contract faster than one foot vertical for every ten feet of flooded channel's length.

(d) All cross-sections used in the calculations shall be located perpendicular to flood flows.

(e) In the design of excavations in the regulatory floodway, erosion protection shall be provided on land upstream and downstream of proposed transition sections.

(3) The development of all appropriate uses shall not result in an increase in the average channel or regulatory floodway velocities or stage, for all flood events up to and including the base flood event. However, in the case of bridges or culverts or on-stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if erosion and sedimentation will be avoided by the use of rip-rap or other design measures.

(4) In the case of on-stream structures built for the purpose of backing up water, an increase in upstream stage when compared to existing conditions for all flood events up to and including the base flood event shall be contained within recorded easements. A dam safety permit or letter indicating that a permit is not required must be obtained from the Illinois Department of Natural Resources, Office of Water Resources for any structure built for the purpose of backing up water in the stream during normal or flood flow.

(5) If flood-proof construction is required beyond the outside dimensions of an existing habitable, residential, or commercial building, the outside perimeter of the flood-proofing construction shall be placed no further than ten feet from the outside of the building. Compensation of lost storage and conveyance will not be required for flood-proofing activities.

(6) For public flood control projects, the permitting requirements of this section will be considered met if the applicant can demonstrate to the Illinois Department of Natural Resources, Office of Water Resources, or Lake County Stormwater Management Commission in areas outside of Illinois Department of Natural Resources, Office of Water Resources jurisdiction, through hydraulic and hydrologic calculation that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the base flood event. (See § 151.149.)

(7) General criteria for analysis of flood elevations.

(a) The flood profiles, flows, and regulatory floodway data in the regulatory floodway study referenced in §151.147 must be used for analysis of the base conditions. If the study data appear to be in error or conditions have changed, the Illinois Department of Natural Resources, Office of Water Resources shall be contacted for approval and concurrence on the appropriate base conditions data to use.

(b) If the base flood elevation at the site of the proposed construction is affected by backwater from a downstream receiving channel with a larger drainage area, the proposed construction shall be shown to meet the requirements of this section for the base flood elevation of the regulatory floodway conditions and conditions with the receiving channel stream at normal water elevations. Additional receiving stream elevations may be considered for design if appropriate and approved by the Lake County Stormwater Management Commission or Illinois Department of Natural Resources, Office of Water Resources.

(c) If the applicant is informed, in writing, by the Illinois Department of Natural Resources, Office of Water Resources, the Lake County Stormwater Management Commission or other jurisdictional authority that a downstream or upstream restrictive bridge or culvert is scheduled to be removed, constructed, modified, or a regional flood control project is scheduled to be built, removed, constructed, or modified within the next five years, the proposed development shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert, or flood control project is built.

(8) If the appropriate use will result in a change in the regulatory floodway location or base flood elevation, the applicant shall submit to the Lake County Stormwater Management Commission the information required to be issued a Conditional Letter of Map Revision from the Illinois Department of Natural Resources, Office of Water Resources and the Federal Emergency Management Agency. The application will not be considered complete until the Conditional Letter of Map Revision is received. No filling, grading, dredging, or excavating shall take place until a conditional approval is issued by the Planning, Building and Development Director. The construction or placement of structures within the currently effective floodway boundary shall not take place until a final Letter of Map Revision is issued by the Illinois Department of Natural Resources, Office of Water Resources and the Federal Emergency Management Agency which revises the floodway boundary.

COMMENTARY:

The Illinois Department of Natural Resources, Office of Water Resources has retained permit authority for any Illinois Department of Natural Resources, Office of Water Resources project, dams, and the like and all other state, federal, or Lake County Stormwater Management Commission projects. The Lake County Stormwater Management Commission will issue permits to local units of government for regulatory floodway development.

(9) For those circumstances listed below and located in a regulatory floodway, the following information shall be submitted to the Illinois Department of Natural Resources, Office of Water Resources or the Lake County Stormwater Management Commission:

- (a) Analysis of the flood profile due to a proposed bridge, culvert crossings, and roadway approaches;
- (b) An engineer's determination that an existing bridge or culvert crossing or approach road is not a source of flood damage and the analysis indicating the proposed flood profile; and
- (c) Alternative transition sections and hydraulically equivalent storage.

(Ord., § 8.6, passed 10-13-2009; Ord. passed 10-9-2012)

§ 151.151 PERFORMANCE STANDARDS FOR BRIDGES, CULVERT CROSSINGS AND ROADWAY APPROACHES.

This section details special considerations and performance standards for the construction of new bridges or culvert crossings and roadway approaches, or the reconstruction or modification of existing bridges, culvert crossings, or roadway approaches.

- (A) The proposed structure shall not result in an increase of upstream flood stages greater than one-tenth foot when compared to the existing conditions for all flood events up to and including the base flood event unless contained within the channel banks, project right-of-way, or recorded easements. The evaluation shall be submitted to the Lake County Stormwater Management Commission for review and concurrence before a site development permit is issued.
- (B) If the proposed construction will increase upstream flood stages greater than one-tenth foot, the developer must contact the Illinois Department of Natural Resources, Office of Resources for a dam safety permit or waiver.
- (C) Lost regulatory floodway and regulatory floodplain storage must be compensated in accordance with all regulatory floodplain performance standards of this chapter, except that artificially created storage that is lost or displaced due to a reduction in upstream head loss caused by a bridge, culvert, storm sewer, or constructed embankment shall not be required to be replaced, provided no damage will be incurred downstream (see § 151.150).
- (D) Velocity increases must be mitigated in accordance with all regulatory floodway performance standards of this chapter except that in the case of bridges, culverts, or on-stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if erosion and sedimentation will be avoided by the use of appropriate measures (see § 151.150).
- (E) For modification or replacement of existing structures, the existing structure must first be evaluated in accordance with 17 Ill. Adm. Code Part 3708 to determine if the existing structure is a source of flood damage. If the structure is a source of flood damage, the applicant's engineer must evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects of flood damage to upstream and downstream properties. Modifications or replacement structures shall not increase flood stages compared to the existing or regulatory condition, whichever is greater, for all flood events up to and including the base flood event. The evaluation shall be submitted to the Illinois Department of Natural Resources, Office of Water Resources or its designee for review and concurrence before a site development permit is issued.
- (F) If the crossing is proposed over a public body of water, an Illinois Department of Transportation, Office of Water Resources permit shall be received. (See Appendix I for a list of public bodies of water.)

(G) The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile shall be submitted to the Illinois Department of Natural Resources, Office of Water Resources for concurrence that Conditional Letter of Map Revision is not required.

(Ord., § 8.7, passed 10-13-2009; Ord. passed 10-9-2012)

§ 151.152 PERFORMANCE STANDARDS FOR REGULATORY FLOODPLAINS WITHOUT REGULATORY FLOODWAYS.

- (A) The applicant, through the Lake County Stormwater Management Commission, shall obtain approval from the Illinois Department of Natural Resources, Office of Water Resources for all development with a tributary drainage area of 640 acres or more located within the regulatory floodplain without a delineated regulatory floodway. The development shall not, singularly or cumulatively, result in an obstruction of flood flows or potential flood damages outside the development due to increased flood heights, velocities or loss of floodplain storage.
- (B) The applicant shall meet the requirements of § 151.147 in accordance with following criteria and shall submit to the Lake County Stormwater Management Commission:
 - (1) An engineering study performed by a registered professional engineer which will determine a floodway which meets the definition of the regulatory floodway and show the proposed development will meet all applicable requirements of § 151.147;
 - (2) An engineering study performed by a registered professional engineer which will determine a base flood elevation and demonstrate that the proposed development will maintain the existing conditions conveyance, will not increase flood velocities, will not increase flood profiles and will compensate for all lost flood storage at a ratio of 1.2 to one in a manner that is hydraulically equivalent; or
 - (3) An engineering study performed by a registered professional engineer which will demonstrate, for a range of flood elevations (which

would exceed the expected 100-year flood elevation), the proposed development will maintain the existing condition's conveyance, will not increase flood velocities, will not increase flood profiles, and will compensate for all lost flood storage at a ratio of 1.2 to one in a manner that is hydraulically equivalent.

(Ord., § 8.8, passed 10-13-2009)

§ 151.153 PERFORMANCE STANDARDS FOR FLOOD TABLE LAND DEVELOPMENT.

The following flood table land requirements apply to new construction only and not to additions or substantial improvements to structures within flood table lands built before August 10, 1999:

(A) *Public health protection standards.*

(1) No chemicals, explosives, buoyant materials, animal waste, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials shall be placed or stored 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 FPE are watertight.

(3) On-site waste disposal systems shall be designed to avoid inundation by the base flood.

(B) *Building protection requirements.*

(1) The lowest floor, including basements, of all new residential structures, including additions, shall be elevated or structurally dry flood-proofed up to at least the flood protection elevation (FPE). The floor of an attached garage for a new structure must be elevated up to at least one-half of one foot above the base flood elevation (BFE). If structurally dry flood-proofed, a Licensed Professional Engineer, Licensed Structural Engineer, or Licensed Architect shall certify that the building has been structurally dry flood-proofed up to the FPE and the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice. Flood-proofing measures shall be operable without human intervention and without an outside source of electricity. (Levees, berms, floodwalls, and similar works are not considered flood-proofing for the purpose of this subsection.)

(a) If the residential structure is not dry flood-proofed and is placed on compacted fill, the top of the fill for a residential structure shall be above the FPE. The top of fill for an attached garage shall be one-half of one foot above the BFE. The fill pad shall be placed at the appropriate elevation and designed to extend a minimum of ten feet out from the building's designed footprint unless the building is certified by a Registered Structural Engineer to be protected from damages due to hydrostatic pressures. Additionally, the fill pad shall meet 95% of Standard Proctor Density in order to be demonstrated not to settle below the FPE for the residential structure and not below one-half of one foot above the BFE for an attached garage, and to be adequately protected against erosion, scour, and differential settlement. Foundation excavations shall not extend more than five feet beyond the foundation footprint. Backfill for the over excavated area does not need to meet the compaction requirements.

(b) If the residential structure is not dry flood-proofed and is elevated by means of walls, pilings, or other foundation, the building's supporting structure must be permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood. The bottom of the permanent openings shall be no more than one foot above the lowest adjacent grade. The total net area shall be provided below the FPE, and consist of a minimum of two openings for each enclosed area with each opening of an enclosed area on a different exterior wall. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the FPE. Any louvers, screens, or other opening covers must not block or impede the automatic flow of floodwaters into and out of the enclosed area. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris. All areas below the FPE shall be constructed with materials resistant to flood damage. The lowest floor (including basement) for the residential structure and all electrical, heating, ventilation, plumbing, air conditioning equipment, and utility meters shall be located at or above the FPE. Waterproofed service facilities, including, but not limited to, water and sewer pipes, electrical and telephone lines, and submersible pumps, may be located below the FPE. No area less than one foot above the BFE shall be used for storage of items or materials.

(2) The lowest floor including basements of all new non-residential buildings, including additions, shall be elevated at least to the FPE or be structurally dry flood-proofed to at least the FPE. A nonresidential building may be structurally dry flood-proofed (in lieu of elevation) provided that a Licensed Professional Engineer, Licensed Structural Engineer, or Licensed Architect shall certify that the building has been structurally dry flood-proofed up to the FPE and the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice. Flood-proofing measures shall be operable without human intervention and without an outside source of electricity. (Levees, berms, floodwalls, and similar works are not considered flood-proofing for the purpose of this subsection.)

(a) If a non-residential structure is not dry flood-proofed and is placed on compacted fill, the top of the fill shall be above the FPE. The fill pad shall be placed at the appropriate elevation and designed to extend a minimum of ten feet out from the building's designed footprint unless the building is certified by a Licensed Structural Engineer to be protected from damages due to hydrostatic pressures. Additionally, the fill pad shall meet 95% of Standard Proctor Density in order to be demonstrated not to settle below the FPE and to be adequately protected against erosion, scour and differential settlement. Foundation excavations shall not extend more than five feet beyond the foundation footprint. Backfill for the over excavated area does not need to meet the compaction requirements.

(b) If a non-residential structure is not dry flood-proofed and is elevated by means of walls, pilings, or other foundation, the building's supporting structure must be permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood. The bottom of the permanent openings shall be no more than one foot above the lowest adjacent grade. The total net area shall be provided below the FPE, and consist of a minimum of two openings for each enclosed area with each opening of an enclosed area on a different exterior wall. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the FPE. Any louvers, screens, or other opening covers must not block or impede the automatic flow of floodwaters into and out of the enclosed area. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris. All areas below the FPE shall be constructed with materials resistant to flood damage. The lowest floor (including basement) for the non-residential structure and all electrical, heating, ventilation, plumbing, air conditioning equipment, and utility meters shall be located at or above the FPE. Waterproofed service facilities, including, but not limited to, water and sewer pipes, electrical and telephone lines, and submersible pumps, may be located below the FPE. No area less than one foot above the BFE shall be used for storage of items or materials.

(3) Mobile homes and recreational vehicles to be installed on-site more than 180 days shall be elevated to or above the FPE and shall be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois

Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code 870.

- (4) Accessory structures and attached garages may be constructed with the lowest floor below the FPE in accordance with the following:
 - (a) The building shall not be used for human habitation.
 - (b) The structure shall be anchored to prevent flotation.
 - (c) Service facilities such as electrical and heating equipment shall be elevated or flood-proofed to the FPE.

(Ord., § 8.9, passed 10-13-2009; Ord. passed 10-9-2012)

§ 151.154 PERFORMANCE STANDARDS FOR FLOOD-PRONE AREA DEVELOPMENT.

This section establishes performance standards for development located in flood-prone areas with drainage areas less than 640 acres:

(A) *Flood-carrying capacity.* The flood-carrying capacity shall be maintained for channels with flood-prone areas draining a tributary area of 20 acres or more.

(B) *Flood-prone area conveyance, velocities, flood profiles, and flood storage.*

(1) For all development within a flood-prone area where the tributary drainage area is 100 acres or more, the applicant shall meet the requirements of § 151.149 according to the following criteria and submit to the Lake County Stormwater Management Commission for permit or approval:

(a) An engineering study performed by a registered professional engineer which will determine a floodway which meets the definition of the regulatory floodway and show the proposed development will meet all applicable requirements of § 151.147;

(b) An engineering study performed by a registered professional engineer which will determine a base flood elevation and demonstrate that the proposed development will maintain the existing condition's conveyance, will not increase flood velocities, will not increase flood profiles, and will provide hydraulically equivalent compensatory storage at a ratio of 1.2 to one. Such compensation areas shall be designed to drain freely and openly to the channel and located opposite or adjacent to fill areas in a manner that is hydraulically equivalent; or

(c) An engineering study performed by a registered professional engineer which will demonstrate, for a range of flood elevations (which would exceed the expected 100-year flood elevation), the proposed development will maintain the existing condition's conveyance, will not increase flood velocities, will not increase flood profiles, and will provide hydraulically equivalent compensatory storage at a ratio of 1.2 to one. Such compensation areas shall be designed to drain freely and openly to the channel and located opposite or adjacent to fill areas.

(2) For all development within a flood-prone area where the tributary drainage area is more than 100 acres, the applicant shall meet the requirements of § 151.147.

(Ord., § 8.10, passed 10-13-2009; Ord. passed 10-9-2012)

GENERAL DEVELOPMENT STANDARDS

§ 151.165 OFF-STREET PARKING.

(A) *Applicability.*

(1) *New development.* The off-street parking standards of this section apply to any new building constructed and to any new use established.

(2) *Expansions and alterations.* The off-street parking standards of this section apply to all principal and accessory uses when an existing structure or use is expanded or enlarged. Additional off-street parking spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases the number of off-street parking spaces provided for the entire use (preexisting + expansion) must equal at least 75% of minimum ratio established in the off-street parking schedule of subsection (B) below.

(3) *Change of use.* Off-street parking must be provided for any change of use or manner of operation that would, based on the off-street parking schedule of subsection (B) below, result in a requirement for more parking spaces than the existing use.

(B) *Off-street parking schedule.* Off-street parking spaces shall be provided in accordance with the following schedule of requirements. (See rules for computing requirements, subsection (C) below.)

Table 151.165(B)		
Use Category (See § 151.270 for Description)	Use Types	Minimum Number of Off-Street Parking Spaces Required
Table 151.165(B)		
Use Category (See § 151.270 for Description)	Use Types	Minimum Number of Off-Street Parking Spaces Required
Residential Use Categories		
Household living		2 per dwelling unit
Public, Civic and Institutional Use Categories		
College		1 per 4 students, plus 1 per staff member
Community service	Library or museum	2.5 per 1,000 square feet or 1 per 4 person-capacity (whichever is greater), plus 1 per employee
	Community service not otherwise classified	1 per 3-person capacity
Day care		1 per teacher/employee, plus 1 per 6 enrollees, or off-street waiting to accommodate at least 6 vehicles
Group living	Assisted living	1 per 4 beds, plus 1 per employee
	Convent or monastery	1 per 6 residents, plus 1 per employee, plus 1 per 2.5 chapel seats if open to the public

	Group living not otherwise classified	1 per 3 residents, plus 1 per employee
Hospital		1.8 per patient bed
Parks and open space	Cemetery	No minimum
	Golf course	60 per 9 holes, plus 1 per employee, plus 50% of spaces otherwise required for any accessory uses (e.g. bars, restaurants)
	Golf course, Par 3	25 per 9 holes, plus 1 per employee
	Parks and open space not otherwise classified	1 per 4-person capacity
Religious institutions		1 per 4 seats, plus 50% of spaces otherwise required for any accessory uses (e.g., banquet hall, day care)
School	Elementary and Junior High	1 per faculty/staff member, plus 1 per 2 classrooms
	Senior High	1 per faculty/staff member, plus 1 per 5 students
Utility, major		None required
Retail, Service and Commercial Use Categories		
Entertainment event, major	Major entertainment event not otherwise classified	1 per 3-person capacity
Office	Office, medical	3 per examining room, plus 1 per staff doctor/employee
	Office, non-medical	2.5 per 1,000 square feet
Parking, commercial		None required
Recreation and entertainment, outdoor	Camp	1 per employee, plus 1 per camp vehicle normally parked on the premises, plus 1 visitor space per acre, with a minimum of 5 and a max maximum of 50 spaces.
	Golf driving range	1 per tee, plus 1 per employee
	Golf miniature	1 per hole, plus 1 per employee
	Outdoor recreation and entertainment not otherwise classified	1 per 4-person capacity
Retail sales and service	Bank	2.5 per 1,000 square feet, plus stacking spaces per § 151.165 (l)
	Barber or beauty shop	3 per operator chair
	Bars, taverns, dance halls and nightclubs	14 per 1,000 square feet
	Bowling center	5 per lane, plus 1 per employee, plus 50% of spaces otherwise required for accessory uses (e.g., bars, restaurants, gamerooms)
	Convenience store (grocery)	6 per 1,000 square feet
	Funeral home	1 per 4 seats or 25 per chapel, whichever is greater
	Grocery or supermarket	4 per 1,000 square feet
	Hotel or motel	1 per room or suite, plus 1 per employee, plus 1 per person-capacity of each public meeting and banquet room, plus 50% of the spaces otherwise required for accessory uses (e.g., restaurants and bars)
	Repair service	3.2 per 1,000 square feet
	Class "A" restaurant	12 per 1,000 square feet, plus 1 per 3 employees, plus stacking spaces per § 151.165(l)
	Class "B" restaurant	14 per 1,000 square feet, plus 1 per 3 employees
	Class "C" restaurant	12 per 1,000 square feet, plus 1 per 3 employees
	Retail sales and service not otherwise classified	4 per 1,000 square feet (shopping centers: 5 per 1,000 square feet)
	Theater or auditorium, indoor	1 per 3-person capacity
	Theater, outdoor	1 per 3-person capacity
	Vehicle sales	0.5 per 1,000 square feet of display area, whether indoor or outdoor plus 2.5 per 1,000 square feet devoted to servicing vehicles
Self-service storage		None required
Vehicle repair		2.5 per 1,000 square feet
Vehicle service, limited		2.5 per 1,000 square feet
Industrial Use Categories		
Industrial sales and service		2.5 per 1,000 square feet
Manufacturing and production		2.5 per 1,000 square feet
Warehousing and freight movement		1 per employee
Waste-related use		1 per employee
Wholesale sales		2.5 per 1,000 square feet
Other Use Categories		
Agriculture		None required
Mining	Mining and resource extraction	1 per employee

(C) *Rules for computing requirements.* The following rules apply when computing off-street parking requirements.

(1) *Multiple uses.* Unless otherwise approved, lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses.

(2) *Fractions.* When measurements of the number of required spaces result in a fractional number, any fraction of one-half or less shall be rounded down to the next lower whole number and any fraction of more than one-half shall be rounded up to the next higher whole number.

(3) *Area measurements.* Unless otherwise specifically noted, all square footage-based parking standards must be computed on the basis of

floor area used or intended to be used for office space (as a principal use), service areas accessible to customers, patrons, clients, patients or tenants, including areas occupied by fixtures or equipment used for display or sale of merchandise. Floor area for the purposes of this section shall not include any area used for:

- (a) Storage accessory to the principal use of the building;
- (b) Window displays;
- (c) Offices or spaces incidental to the management or maintenance of a store or building;
- (d) Restrooms;
- (e) Utilities, including HVAC systems; or
- (f) Dressing, fitting, or alteration rooms.

(4) *Occupancy- or capacity-based standards.* For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

(5) *Fleet parking.* For the purpose of computing parking requirements, any vehicle owned or leased by a business, government agency, or other organization, rather than by an individual, shall be provided one space on the same zoning lot as the principal use. Spaces shall be sized appropriately for fleet vehicles.

(6) *Unlisted uses.* Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Planning, Building and Development Director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking study prepared by the applicant. A parking study must include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable estimates as approved by the Planning, Building and Development Director, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.

(7) *Consideration of operational standards.* The provisions of this section represent the minimum required parking. It is the responsibility of the applicant to consider their unique operational needs, which may require additional parking. The Planning, Building and Development Director may require additional analysis of business operational needs.

(D) *Off-street parking reductions for large developments.* In order to prevent the establishment of a greater number of parking spaces than actually needed to meet the particular needs of large developments of over 500,000 square feet of gross floor area, a reduction in the number of required off-street parking spaces may be permitted by the Planning, Building and Development Director. Reduction shall be permitted subject to the following conditions.

(1) *Maximum reduction.* A maximum reduction of one parking space per every 1,000 square feet of gross floor area or 20% of the total spaces required (whichever is less) may be permitted. The site plan shall indicate the location and dimensions of the parking area provided.

(2) *Reservation.* Sufficient area shall be reserved to accommodate the total number of off-street parking spaces otherwise required by this section. The purpose of this reservation is to ensure adequate area to meet any future need for additional parking spaces. The reserved area shall be located on the same site and noted on the site plan. The reserved parking area shall not include areas for required landscaping, setbacks, or areas that would otherwise be unusable for parking due to the physical characteristics of the land or the requirements of this chapter.

(3) *Installation of additional spaces.* The Planning, Building and Development Director shall be authorized to require that the developer install additional parking spaces, up to the total number otherwise required by this section, if the Planning, Building and Development Director determines that additional parking spaces are necessary to satisfy the off-street parking needs of the use.

(E) *Off-street parking alternatives.*

(1) *Off-site parking.* The Planning, Building and Development Director may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located, subject to all of following standards.

(a) *Limitation on amount of off-site parking.* No more than 50% of a use's required off-street parking may be located off-site unless the off-site parking is located on a lot that is contiguous to the lot containing the subject use. There shall be no limit on the amount of off-site parking located on a contiguous lot.

(b) *Ineligible activities.* Off-site parking may not be used to satisfy the off-street parking standards for residential uses, restaurants, bars, resorts, convenience stores, or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

(c) *Location.* No off-site parking space may be located more than 600 feet from the primary entrance of the use served.

(d) *Zoning classification.* Off-site parking areas require the same or a more intensive zoning classification than required for the use served.

(e) *Covenant for off-site parking.* If the off-site parking area is under separate ownership from the use to be served by the parking area, an irrevocable written covenant among all owners of record shall be required prior to approval of the off-site parking. An attested copy of the irrevocable covenant between the owners of record must be submitted to the Planning, Building and Development Director for recordation on forms made available in the Planning, Building and Development Department. The covenant must be recorded in the Lake County Recorder's office before any building permits may be issued for any use to be served by the off-site parking area. A shared parking covenant may be revoked only if all required off-street parking spaces will be provided, in accordance with subsection (B) above.

(2) *Shared parking.* The Planning, Building and Development Director may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with the all of following standards.

(a) *Location.* Shared parking spaces must be located within 600 feet of the primary entrance of all uses served.

(b) *Zoning classification.* Shared parking areas require the same or a more intensive zoning classification than required for the use served.

(c) *Shared parking study.* Applicants wishing to use shared parking as a means of satisfying off-street parking requirements must submit

a shared parking analysis to the Planning, Building and Development Director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Planning, Building and Development Director and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

(d) *Covenant for shared parking.* A shared parking plan will be enforced through an irrevocable, written covenant among all owners of record. An attested copy of the irrevocable covenant between the owners of record must be submitted to the Planning, Building and Development Director for recordation on forms made available in the Planning, Building and Development Department. The covenant must be recorded in the Lake County Recorder's office before any building permits may be issued for any use to be served by the shared parking area. A shared parking covenant may be revoked only if all required off-street parking spaces will be provided, in accordance with subsection (B) above.

COMMENTARY:
 Certain large uses, such as regional shopping centers, may need fewer parking spaces than otherwise required by this section, since they typically have a lower trip generation rate than smaller uses. This provision allows a 20% maximum reduction in required parking spaces for the uses, while requiring that land be reserved to accommodate future parking should the need arise.

(F) *Location.*

(1) Except as otherwise expressly provided in this section, required off-street parking spaces shall be located on the same zoning lot as the principal use. Except as otherwise provided in this section, off-street parking and stacking spaces may be located within required setbacks but not within required landscaping and not within five feet of any property line. In lieu of providing side and rear setbacks, landowners of adjoining properties shall be entitled to enter into an agreement that provides for a waiver or partial waiver of the requirements. The agreement shall be in the form of a covenant or deed restriction and shall require approval of the Planning, Building and Development Director. Once approved, the agreement shall be recorded in the Lake County Recorder's office and shall run with the land.

COMMENTARY:
 When ultimate right-of-way is reserved but not dedicated to the highway authority, required off-street parking spaces are permitted to be located up to the edge of the ultimate right-of-way.

(2) However, the parking of any car, van, or truck may occur between the principal structure and an improved street in residential zoning districts only on an improved pad not to exceed 400 square feet or on an improved driveway (in both cases either gravel, paved, or otherwise improved with hardscape). In no event shall these personal vehicles be allowed to park on grass or other unimproved surface between the principal structure and an improved street. This provision shall not apply to nonresidential uses permitted in residential zones.

COMMENTARY:
 This provision is not intended to prohibit occasional or "short-term" parking on grass in front yards for special events (such as family functions, parties, and the like).

(G) *Use of off-street parking areas.* Required off-street parking areas are to be used solely for the parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, motor homes, campers, mobile homes, or building materials.

(H) *Design.*

(1) *Design standards.* The minimum size of each required off-street parking space shall be consistent with the chart below.

	Stall Width	Stall Length	Aisle Width
			One Way/Two Way
Parallel Parking			
0 degrees	9'	22'	12'/22'
45 degrees	9'	18'	13'/24'
60 degrees	9'	18'	18'/24'
90 degrees	9'	18'	24'/24'

(2) *Markings.* Each required off-street parking space shall be designated by lines or parking blocks.

(3) *Surfacing and maintenance.* All off-street parking areas shall be kept in a dust-free condition at all times. Parking areas for nonresidential uses that are located between an improved street and the principal building on the parcel shall be paved.

(4) *Consideration of operational standards.* The provisions of this section represent the minimum traffic circulation standards. It is the responsibility of the applicant to consider their unique operational needs, which may require unique parking stall sizes, aisle widths, and circulation radii. The Planning, Building and Development Director may require additional analysis of business operational needs, such as modeling of vehicle maneuverability.

(I) *Vehicle stacking areas.* Vehicle stacking shall be prohibited within public rights-of-way.

COMMENTARY:
 The following guidelines will be used in evaluating the adequacy of vehicle stacking areas. Vehicle stacking shall be prohibited within public rights-of-way.

Number of Spaces

<i>Table 151.165(I)-Commentary</i>		
<i>Activity Type</i>	<i>Spaces</i>	<i>Measured From</i>
<i>Table 151.165(I)-Commentary</i>		
<i>Activity Type</i>	<i>Spaces</i>	<i>Measured From</i>
Automated teller machine	3	Teller
Bank teller lane	4	Teller or window
Car wash stall, automatic	6	Entrance
Car wash stall, self-service	3	Entrance
Gasoline pump island	2	Pump island
Pharmacy/drug store	4	Pickup window
Restaurant drive-through	6	Order box
Restaurant drive-through	4	Order box to pickup window
Other uses	3 (minimum)	Pickup window

Design and Layout

1. Size

Stacking spaces must be a minimum of 8 feet by 20 feet in size.

2. Location

Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

3. Design

Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary for traffic movement and safety.

(J) *Accessible parking for physically handicapped persons.* A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with all applicable county, state, and federal standards.

(Ord., § 9.1, passed 10-13-2009; Ord. passed - - ; Ord. 19-1378, passed 9-10-2019)

§ 151.166 OFF-STREET LOADING.

(A) *No use of public right-of-way.*

(1) At no time shall goods be loaded or unloaded from the right-of-way of a collector or arterial street.

(2) No part of any vehicle shall be allowed to extend into the ultimate right-of-way of a collector or arterial street while being loaded or unloaded.

(B) *Location.* Plans for location, design, and layout of all loading spaces shall be indicated on required site plans.

(C) *Design.*

(1) *Space size.* Off-street loading spaces, excluding maneuvering areas, shall be at least ten feet wide and 25 feet long unless off-street loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of 25 feet in length, in which case the minimum size of a space shall be 12 feet by 65 feet.

(2) *Surfacing and maintenance.*

(a) All off-street loading areas shall be kept in a dust-free condition at all times.

(b) Loading areas located between an improved street and the principal building on the parcel shall be paved.

(Ord., § 9.2, passed 10-13-2009)

§ 151.167 LANDSCAPING.

(A) *Intent.* This landscape section is intended to accomplish the following:

(1) Preserve or enhance the appearance and character of the property and its surroundings;

(2) Reduce noise and air pollution, light glare, soil erosion, and solar heating of the environment;

(3) Provide buffering between land uses and zoning districts of differing intensity;

(4) Promote the preservation of existing significant vegetation;

(5) Improve the appearance of parking areas and property abutting public rights-of-way; and

(6) Promote the implementation of best management practices, low impact development features, and sustainable design elements. (See Appendix A.)

(B) *Applicability.*

(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 at least five feet in height whose toe is within 25 feet of any right-of-way or other property line shall be improved with a minimum of one plant unit per 100 linear feet for every five feet of height up to a maximum height of 20 feet. The Planning, Building and Development Director may modify the planting requirements for berms proposed in locations that will be buffered by existing natural features or are proposed in locations that will not impact drainage patterns or neighboring land owners.

(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:

BEST MANAGEMENT PRACTICE	INCENTIVES
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.

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

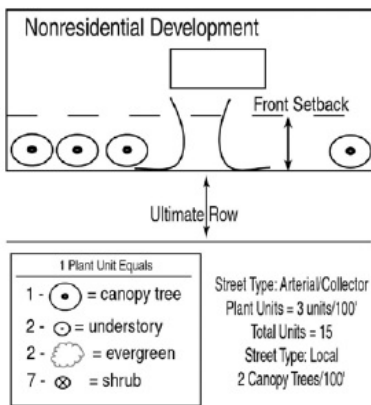
(1) *Applicability and standards.* Residential subdivisions or residential developments containing common open space shall provide one-half plant unit of landscaping for each residential dwelling unit within the common open space.

(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)													
Proposed Developing Site	Existing Site												
	Residential			Nonresidential						Vacant			
	Class 1	Class 2	Class 3	GO	LC	RC	GC	LI	II	O S	Vac. Res.	Vac. Non-Res.	AG
Table 151.167(J): Perimeter Transition Landscape Requirements (Plant Units Per 100 Linear Feet, Based on a 30-foot Transition Area)													
Proposed Developing Site	Existing Site												
	Residential			Nonresidential						Vacant			
	Class 1	Class 2	Class 3	GO	LC	RC	GC	LI	II	O S	Vac. Res.	Vac. Non-Res.	AG
Class 1	-									A*	-	2	2
Class 2	2	-								A*	-	2	2
Class 3	3	2	-							A*	-	2	2
GO	3+B or D	3+B or D	3+B or D	-						A	3	-	2
LC	3+B or D	3+B or D	3+B or D	1	-					A	3	-	2

RC	3+B or D	3+B or D	3+B or D	1	1	-	-	-	-	A	3	-	2
GC	3+B or D	3+B or D	3+B or D	2	1	1	-	-	-	2A	3	-	2
LI	3+C or E	3+C or E	3+C or E	2	2	2	2	-	-	2A	3	-	3
II	3+C or E	3+C or E	3+C or E	2	2	2	2	1	-	2A	3	-	3
OS	-	-	-	-	-	-	-	-	-	-	-	-	-

Notes:

Nonresidential uses allowed in the Agricultural and Residential Districts shall be subject to the transition landscape requirements of the LC Zoning District.

Class 1 = Detached house, village house or lot line house

Class 2 = Duplex, patio house, atrium house, twinhouse, multiplex, townhouse

Class 3 = Multi-dwelling

A = Split rail fence or other fence not to exceed 10% opacity

B = Fence (minimum 95% opacity), 6-foot minimum height

C = Wood fence (minimum 95% opacity), 8-foot minimum height with concrete footings

D = Earthen berm, 3-foot minimum height

E = Earthen berm, 5-foot minimum height

Plant units: one plant unit is comprised of all of the following: 1 canopy tree; 2 understory trees; 2 evergreen trees; and 7 shrubs.

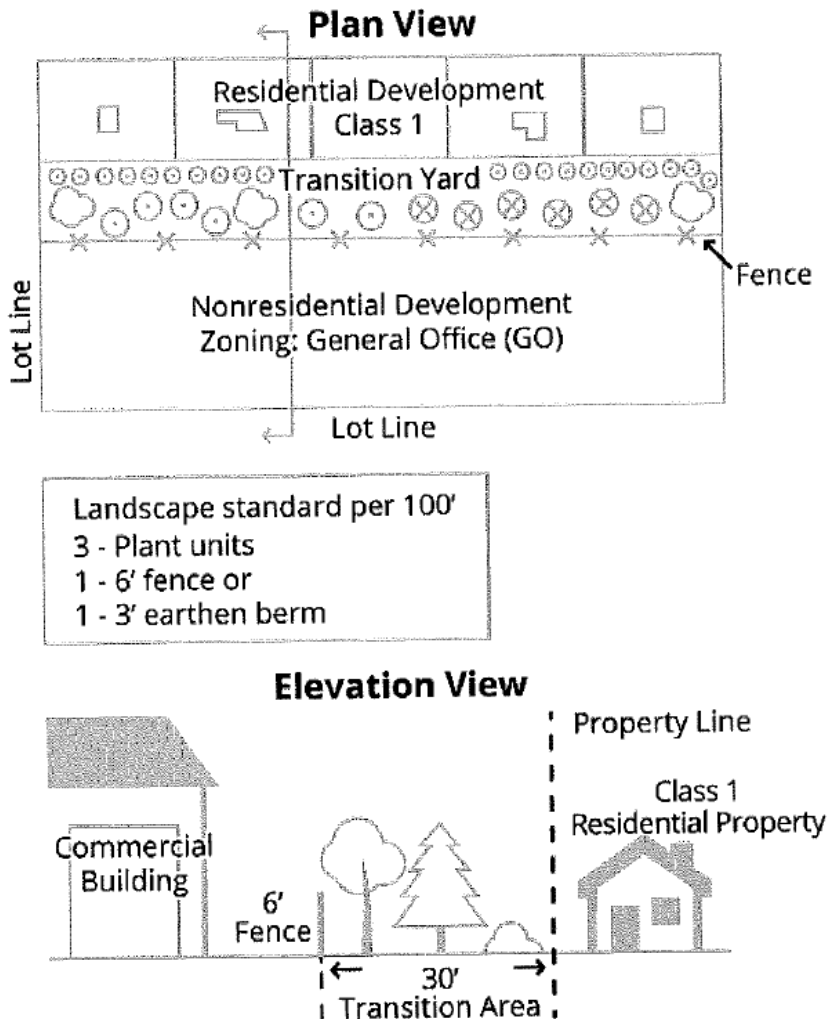
* Fence permitted at the property line and no transition yard required, provided that no parking lot, active recreational area, or other structure is currently located within 30 feet of the adjoining property line on the OS-Zoned parcel.

(3) Location.

(a) All plant material within transition areas shall be installed within the required setback line of the proposed development site as close to the property line as practical.

(b) In instances where a drainage or utility easement are conterminous with the transition easement, the width of the transition area shall be increased so it does not compromise the function of the utility or drainage easement.

Figure 151.167(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)

§ 151.168 OUTDOOR LIGHTING.

(A) Applicability.

(1) *General.* Unless otherwise expressly stated, the provisions of this section shall apply to all outdoor lighting except lights on lots containing single family detached houses, public street lights, and the exempt active outdoor recreational uses specified in the following subsection (A)(2).

(2) *Exempt active outdoor recreational uses.* Because of their unique requirements for nighttime visibility and their limited hours of operation, active outdoor recreational facilities within a public park and schools shall be exempt from the outdoor lighting standards of this section. Exempt active outdoor recreational uses shall be subject to the following requirements in addition to the general standards applicable to all outdoor lighting contained in subsection (A)(3) below:

(a) Exempt outdoor recreational uses shall not exceed a maximum permitted post height of 50 feet;

(b) Light sources or luminaires shall not be located within landscape areas except on pedestrian walkways; and

(c) Lights shall not be illuminated after 11:00 p.m.

(3) *General standards applicable to all outdoor lighting.* Outdoor lighting shall comply with the following standards:

(a) Outdoor lighting shall not exceed one-half footcandle at any point on the adjoining property if the subject property abuts a residential zoning district or a lot containing a residential use;

(b) Outdoor lighting shall not exceed one footcandle at any point on the adjoining property if the subject property abuts a nonresidential zoning district or lot containing a nonresidential use or at the right-of-way line;

(c) All luminaires shall be shielded to prevent light and glare spillover to adjacent residential property and abutting rights-of-way;

(d) No flickering or flashing lights, search lights, laser source lights or mercury vapor lamps shall be permitted; and

(e) Subject to the above standards, security lighting shall be installed on the site of nonresidential development in accordance with industry standards for security lighting.

(B) Measurements.

(1) *Metering equipment.* Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall read within an accuracy of plus or minus 5%. It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one year of the date of its use.

(2) *Method of measurement.* The meter sensor shall be mounted not more than six inches above ground level in a horizontal position at the property line. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination. This procedure eliminates the effects of moonlight and other ambient light.

(Ord., § 9.4, passed 10-13-2009; Ord. 19-1378, passed 9-10-2019)

§ 151.169 TRAFFIC AND ACCESS.

(A) *Street classifications.* Classification is the process by which streets are grouped into categories or classes according to the character of service provided. Factors that determine the classification of streets include the width of the roadway, continuity of alignment, spacing of intersections, frequency of the points of access, and traffic controls. Streets have two functions: to provide mobility and to provide access to land. There are four basic classifications: freeway, arterial, collector, and local.

(1) *Local streets.* Local streets provide access to adjacent land, provide service to travel short distances, provide the lowest level of mobility for through travel, and provide access service to other streets. Service to through traffic is discouraged. The minimum ultimate right-of-way width of local streets is 60 or 66 feet (depending on design), unless otherwise established through the subdivision approval process of § 151.191.

(2) *Collector streets.* Collector streets serve as intracounty travel corridors channelizing and distributing traffic to and from arterial and local streets. Collector streets often provide service by connecting urban areas, large developments, and other land uses of intracounty importance. The minimum ultimate right-of-way width of collector streets is 100 feet.

(3) *Arterial streets.* Arterial streets serve or connect major urban activity centers, are high volume travel corridors, provide for long trip desires, and form an integrated network providing intercounty and interstate service. Arterial streets channelize and distribute traffic to and from collector streets and freeways. Access to abutting land uses is subordinate to the provision of travel service for major traffic movements. The minimum ultimate right-of-way width of arterial streets is 120 feet.

(4) *Freeways.* Freeways serve or connect metropolitan areas, carrying the major portion of trips entering or leaving an urban area as well as

the majority of through trips bypassing these areas. Freeways are high volume traffic corridors and carry a high proportion of the total area travel with a minimum of total mileage. Access to freeways is fully or partially controlled. The minimum ultimate right-of-way width of freeways is 200 feet.

(5) *Designated freeways.* Designated freeways are those streets so designated as provided for in 605 ILCS 5/8. Collector streets, arterial streets and freeways as classified by this chapter may all, in addition, be designated as designated freeways. Access to designated freeways shall be determined by the highway authority having jurisdiction over the designated freeway from which access is being taken. The minimum ultimate right-of-way width of a designated freeway shall be the same as for freeways.

(B) *Street classifications map.* See Appendix B.

(C) *Street access.*

(1) An access permit shall be obtained from the highway authority with jurisdiction over the street from which access is proposed to be taken. When the highway authority has not established access standards, the standards of the Lake County Division of Transportation shall apply.

(2) Each lot shall take access to an improved, approved street.

(D) *Access easements.*

(1) If a parcel is to be developed with any nonresidential land use, an access easement shall be provided by the property owner to adjoining properties which front on the same street and which may be developed or are developed with nonresidential land uses. Access easements shall have a minimum width of 30 feet and shall be situated parallel to the street right-of-way line abutting both parcels and at the ultimate right-of-way line unless otherwise established through the subdivision approval process. Access easements shall be maintained by the property owner.

(2) The Planning, Building and Development Director, after consultation and written consent of the highway authority having jurisdiction, may waive the requirement for an easement of access required above in those cases where unusual topography or site conditions would render the easement of no useable benefit to adjoining properties.

(3) The Planning, Building and Development Director, after consultation and written consent of the applicable highway authority, may approve the abandonment of an easement of access in those cases where adjoining parcels are subsequently developed with a residential use.

(E) *Fire and emergency vehicle access.* Fire and emergency vehicle access shall be provided in accordance with the Fire Code.

(Ord., § 9.5, passed 10-13-2009)

§ 151.170 SEWER AND WATER FACILITIES.

(A) *Residential; requirements for community systems.* Community sewer and water supply systems shall be required for all residential uses in all residential zoning districts, with the following exceptions.

(1) In all residential zoning districts, if community water facilities are not available within 250 feet at the time of initial development (measured from the lot line of the subject lot), another approved water source may be employed.

(2) Residential development in the R-1, Estate, Rural Estate and Agricultural Zoning Districts may utilize on-site sewage disposal systems regardless of lot size and lot width.

(3) (a) Detached houses may be constructed in the R-2, R-3, R-4, R-4A, R-5, R-6, and RR Zoning Districts prior to the establishment of required community sewer systems on parcels containing at least 40,000 square feet of lot area and 130 feet of lot width.

(b) These width and area requirements shall not apply to legal nonconforming parcels.

COMMENTARY:

Community water or sewage disposal facilities that would be available only from a municipality are not considered "available" for the purposes of interpreting the provisions of § 151.170. Individual sewage disposal systems may be used for detached houses if they comply with Lake County Health Department standards. Additionally, alternative water sources in lieu of community water systems may be employed if they comply with Lake County Health Department standards.

(B) *Nonresidential.*

(1) Community water supply systems shall be required for all nonresidential uses, provided that if community water facilities are not available within 250 feet at the time of initial development (measured from the lot line of the subject lot), another approved water source may be employed if the systems comply with the requirements of the Lake County Health Department.

(2) Nonresidential uses that generate more than 1,500 gallons of wastewater per day, as determined by the Lake County Health Department, shall be allowed only when served by community sewer facilities.

(Ord., § 9.6, passed 10-13-2009; Ord. passed - -)

§ 151.171 ARCHITECTURAL STANDARDS.

(A) *Purpose.* The purpose of these standards is to promote attractive well-designed development that is built to human-scale; to encourage creativity in new development (as opposed to homogeneity or "look-alike" projects); and to foster attractive streetscapes and pedestrian environments, while accommodating vehicular movement and access.

(B) *Applicability.* These standards shall apply to all developments that are subject to design review (see § 151.053).

(C) *Prohibited building materials.* The following materials shall not be used as exterior building materials and shall be prohibited on all exterior walls:

(1) Concrete finishes or precast concrete panels (tilt wall) that are not exposed aggregate, hammered, sandblasted, or covered with a cement-based acrylic coating shall be prohibited;

(2) Metal panels with a depth of less than one inch or a thickness less than U.S. standard 26 gauge shall be prohibited; and

(3) Mirrored glass with a reflectance greater than 40% shall be prohibited from covering more than 40% of the exterior walls of any building.

(D) *Building orientation.* To the maximum extent feasible, primary facades and entries shall face an adjacent street. Except in industrial districts, a main entrance shall face the adjacent street or a connecting walkway with a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.

(E) *Massing.* Single, large building masses shall be avoided. Structures with walls of more than 1,500 square feet must incorporate fascias, canopies, arcades, building setbacks of three feet or more, or other multidimensional design features to break up large wall surfaces on their street facing elevations. Wall surfaces must visually be divided by the features into areas of 750 square feet or less.

(Ord., § 9.7, passed 10-13-2009)

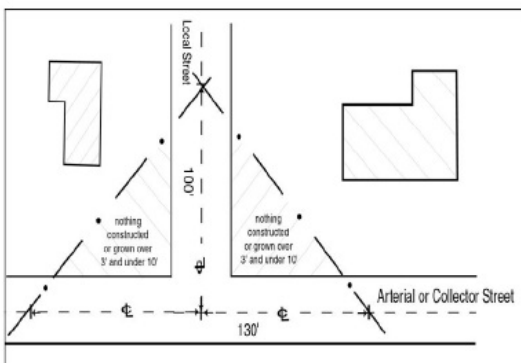
§ 151.172 INTERSECTION VISIBILITY.

(A) Notwithstanding any other standard of this chapter, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede or obstruct vision between a height of three feet and ten feet above the road crown within an imaginary area formed by a point on each street centerline located:

- (1) One hundred feet from the intersection of local street centerlines and a third line connecting the two points; or
- (2) One hundred thirty feet from the intersection of collector or higher category street centerlines and a third line connecting the two points.

(B) This provision may be modified by the Planning, Building and Development Director after consulting with the subject highway authority. (See Figure 151.172(B).)

Figure 151.172(B): Intersection Visibility



COMMENTARY:

The area described in § 151.172 shall be referred to as the "intersection visibility triangle".

(Ord., § 9.8, passed 10-13-2009; Ord. passed 8-14-2012)

§ 151.173 SIGNS.

(A) *General.*

(1) *Purposes.* The purposes of these sign regulations are to:

- (a) Permit the effective use of signs as a means of communication in the county;
- (b) Maintain and enhance the aesthetic environment and the ability of the county to attract sources of economic development and growth;
- (c) Maintain pedestrian and traffic safety and minimize the distractions, hazards, and obstructions caused by signs;
- (d) Minimize the possible adverse effects of signs on nearby public and private property; and
- (e) Enable the fair and consistent enforcement of these sign regulations.

(2) *Applicability.* Signs may be erected, placed, established, painted, created, or maintained only in conformance with the provisions of this section.

(B) *Computations and measurements.*

(1) *Sign area of individual signs.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral section of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when the supporting device otherwise meets the regulations of this chapter and is clearly incidental to the display itself.

(2) *Area of double-faced signs.* Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 90 degrees or less, only one display face shall be counted in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger sign face. In all other cases, the areas of all faces of a multi-faced sign shall be added together to compute the area of the sign.

(3) *Height.* The height of a sign shall be computed as the distance to the highest point of the sign or sign structure, measured from the elevation of the road to which it is oriented, or, if there is no road, from the natural ground elevation beneath the sign.

(4) *Wall area.* In computing the area of a wall only the first 12 feet of building height shall be used.

(5) *Maximum total permitted sign area for a lot.* The permitted sum of the area of all individual signs on a lot shall be computed by applying

the formula set out in Table 151.173(H), Maximum Total Sign Area, to the lot frontage, building frontage, or wall area, as specified in the table. Lots fronting on two or more streets shall be allowed the stated sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

(C) *Location.*

(1) *Visibility triangles.* All signs shall be located outside of required visibility triangles in accordance with § 151.172.

(2) *Landscaping.* Signs may be located within required landscaping if the Planning, Building and Development Director determines that the intent of the landscaping regulations will not be adversely affected.

(3) *Right-of-way.* All signs shall be located outside the public right-of-way.

(D) *Signs exempt from regulation.* The following signs shall be exempt from regulation under this section:

(1) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;

(2) Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which the sign is located;

(3) Holiday lights and decorations with no commercial message, not to exceed 60 days per year;

(4) Traffic control signs on private property, such as "stop", "yield", and similar signs, the faces of which contain no commercial message of any sort;

(5) Merchandise display signs not exceeding four square feet in area;

(6) Barber poles not exceeding 12 inches in diameter and six feet in height;

(7) Vending machines;

(8) Tombstones;

(9) Works of art that do not contain any commercial message and are not intended to attract attention to the type of business or activity conducted on the premises;

(10) Fuel pumps; and

(11) Mailboxes.

(E) *Prohibited sign types.* All signs not expressly permitted under this section or exempt from regulation are prohibited. The signs include but are not limited to:

(1) Animated signs;

(2) Beacons;

(3) Bench signs;

(4) Directional signs, except as allowed by subsection (G)(5)(h)3.d.;

(5) Flashing signs;

(6) Pennants;

(7) Strings of lights not permanently mounted to a rigid background, unless expressly exempted;

(8) Inflatable signs and tethered balloons;

(9) Portable signs;

(10) Roof signs;

(11) Signs that by their position, working, illumination, size, shape or color, obstruct, impair, obscure, or interfere with traffic signs, signals, or devices;

(12) Signs that mimic official traffic control signs and devices;

(13) Signs that obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress for any building that would cause a violation of building codes; and

(14) Illuminated signs that cause glare onto traffic or adjacent property.

(F) *Zoning district classes.* For the purpose of this section, zoning districts are grouped into the following classes:

(1) Residential = AG, RE, E, RR, and all R Districts;

(2) Nonresidential = GO, LC, RC, GC, LI, and II; and

(3) Institutional = OS Zoning District, nonresidential use allowed in the AG District and nonresidential uses permitted in residential districts.

(G) *Permitted sign types.* Signs shall be allowed in accordance with Table 151.173(G), Permitted Sign Types.

(1) *Signs permitted without permits.* An "A" indicates that a sign type is allowed in the respective zoning district without a permit. Signs permitted without permits are subject to all other applicable regulations of this section.

(2) *Signs requiring permits.* A "P" indicates that a sign type is permitted in the respective zoning district only after a sign permit for the subject sign has been obtained in accordance with § 151.055. The signs shall be subject to all other applicable regulations of this section.

(3) *Signs not allowed.* An "N" indicates that a sign type is not allowed in the respective district.

(4) *Special sign standards.* Special sign standards that apply to certain types of signs are indicated in the permitted sign types table by

[bracketed] letters.

Table 151.173(G): Permitted Sign Types			
Sign Type	Zoning District Class		
	Residential	Nonresidential	Institutional
Table 151.173(G): Permitted Sign Types			
Sign Type	Zoning District Class		
	Residential	Nonresidential	Institutional
Freestanding Signs			
Electronic message board	N	P[k]	P[k]
Entrance	P[c]	P[c]	P[c]
Identification	A[d]	A[d]	A[d]
Incidental	A[e]	A[e]	A[e]
Residential	A[g]	N	N
Temporary	A[h]	P[h]	P[h]
Other	N	P	P
Building Signs			
Banner	N	P[a]	P[a]
Building marker	A[b]	A[b]	A[b]
Canopy	N	P	N
Electronic message board	N	P[k]	P[k]
Entrance	P[c]	P[c]	P[c]
Identification	A[d]	A[d]	A[d]
Incidental	A[e]	A[e]	A[e]
Projecting	N	P[f]	P[f]
Residential	A[g]	N	N
Suspended	N	P[f]	P[f]
Temporary	A[h]	P[h]	P[h]
Time/temperature	N	A	A
Wall	N	P[i]	P[i]
Window sign	N	A[j]	A[j]
Residential = AG, RE, E, RR, and R			
Nonresidential = GO, LC, RC, GC, LI, and II			
Institutional= OS District and nonresidential uses in residential districts			

(5) *Special sign standards.*

(a) *Banners.* See subsections (J) and (K) below.

(b) *Building markers.*

1. *Residential districts.* Building markers in residential districts shall be not greater than two square feet in area.

2. *Nonresidential and institutional districts.* Building markers in nonresidential and institutional districts shall be not greater than four square feet in area.

(c) *Entrance signs.*

1. *Residential districts.* One entrance sign shall be allowed per entrance within a residential development. Entrance signs shall not exceed 40 square feet in area, with a maximum height of six feet and a minimum setback of seven and one-half feet from all rights-of-way. Entrance signs for residential development shall be allowed in addition to all other allowed signage within a development and shall not be counted in calculating a site's maximum allowed signage.

2. *Nonresidential and institutional districts.* Entrance signs in nonresidential and institutional districts shall comply with all other applicable standards of this section and shall be counted in calculating a site's maximum allowed signage.

(d) *Identification signs.*

1. *Residential districts.* Identification signs in residential districts shall be no larger than two square feet in area. Identification signs may carry only the property address and occupant name. They shall carry no commercial message.

2. *Nonresidential and institutional districts.* Identification signs in nonresidential and institutional districts shall be not greater than ten square feet in area. Identification signs may carry only the property address and occupant name. They shall carry no commercial message.

(e) *Incidental signs.* The size of incidental signs shall not exceed two square feet. Incidental signs shall not be counted toward the maximum number of signs permitted on a lot.

(f) *Projecting and suspended signs.* Projecting or suspended signs shall have at least nine feet of vertical clearance between the ground beneath the sign and the bottom of the sign. Projecting or suspended signs shall not encroach into any street rights-of-way.

(g) *Residential signs.* Residential signs shall carry no commercial message except for a message identifying a permitted bed and breakfast use.

(h) *Temporary signs.* Temporary signs shall be allowed in addition to all signs allowed under this section and shall not be counted in calculating a site's maximum allowable signage. Temporary signs shall be subject to the following standards.

1. *Setbacks and height.* Temporary signs are subject to the setback and height standards of subsection (I) below.

2. *Location.* Temporary signs shall be located only on the site for which the sign is requested.

3. *Residential, nonresidential, and institutional districts.* The following types of temporary signs shall be allowed in residential, nonresidential, and institutional zoning districts. The signs shall be located only on private property, outside of the public right-of-way.

a. *Construction signs.* One temporary sign, up to 12 square feet in area, shall be permitted for the duration of an allowed construction project.

b. *Temporary uses and special events.* One temporary sign, up to 16 square feet in area, shall be permitted per entrance or per road frontage for temporary uses and special events for which a temporary use permit has been issued in accordance with § 151.114(B). In any event, the total number of signs for a temporary use or a special event shall not exceed two. The signs shall be allowed for the duration of the temporary use permit or such other time as expressly established at the time of approval of the temporary use permit.

c. *Real estate signs.* One temporary real estate (“for sale” or “for rent”) sign shall be permitted per road or water frontage per parcel. In any event, the total number of signs per parcel shall not exceed two. Temporary real estate signs shall not exceed six square feet in area in RE, E, R-1, R-2, and R-3 Districts, 12 square feet in area in AG (for parcels less than ten acres), R-4, R-4A, R-5, and R-6 Districts, and 32 square feet in area in AG (for parcels ten acres and greater) and nonresidential districts. Real estate signs shall be permitted only on the property for sale or for rent, and shall not be permitted off-site.

d. *Directional signs.* One temporary directional sign, up to four square feet in area, shall be permitted per development or per each 1,000 linear feet street right-of-way within a development. Directional signs shall be allowed during the time that lots are being marketed. Directional signs shall contain no commercial message other than the name of the developer/builder.

e. *Election signs.* Temporary election signs shall be allowed without a permit.

f. *Subdivision marketing signs.* One temporary sign, not to exceed 96 square feet, may be permitted per external road frontage for marketing lots within a subdivision that has received final plat approval in accordance with the provisions of this chapter. The signs shall be set back a minimum of 30 feet from the right-of-way and shall not exceed 15 feet in height. The subdivision signs shall be permitted only during the time lots offered for sale remain unsold. Permits for the signs shall be issued for a one-year period and may be renewed for additional one-year periods to allow time for reasonable display, up to a maximum of five years. Subdivision marketing signs shall be permitted only on the property for sale, and shall not be permitted off-site.

(i) *Wall signs.* See subsections (J) and (K) below.

(j) *Window signs.* See subsections (J) and (K) below.

(k) *Electronic message boards.* Electronic message boards are allowed, subject to the following standards.

1. The electronic message board component of a freestanding sign may comprise no more than 60% of the sign’s total allowed sign face area. The electronic message board component of a building sign shall not exceed 48 square feet in a nonresidential zoning district class and 36 square feet in an institutional zoning district class.

2. Freestanding electronic message boards must be mounted on a base with a width that is at least 75% of the width of the sign’s face, based on the greatest horizontal dimension of the sign face.

3. The maximum height of the electronic message board component of a freestanding sign shall be 12 feet as measured from the ground elevation to the highest point on the electronic message board component. This provision shall not apply to the electronic message board component of a building sign.

4. a. The message area of an electronic message board sign may be illuminated by incandescent lamps, LED (light emitting diodes), or magnetic discs. Whatever the light source, undue brightness is prohibited. For the purpose of enforcing this provision, undue brightness will be construed to mean illumination of a white portion of the sign in excess of the intensity levels specified below:

Day:	5,000 nits
Night:	1,000 nits

b. To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels (compared to daytime brightness levels). Further, prior to the issuance of a permit for an electronic message board sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Planning, Building and Development Director.

5. Any individual letter scrolling or otherwise displayed on the electronic message board shall remain illuminated and visible for at least two seconds.

6. The message shall not flash. Any message that remains visible for less than two seconds shall be considered as flashing.

7. A zoning lot shall be allowed one message board. A message board sign shall be allowed along a collector or arterial street, but shall not be allowed along a local street.

8. Electronic message board signs are prohibited within 100 feet of a principal residential structure if any part of the sign face would be visible from the principal residential structure.

COMMENTARY:
At the time of filing the application, the applicant will have to demonstrate that standard (G)(5)(k)8. is met. This may be accomplished either by showing that this standard is not applicable or by submitting a landscape plan or a plan referencing other means of screening that would buffer the sign face from the principal residential structure.

(H) *Maximum total sign area per lot.* The sum of the area of all building and freestanding signs on a lot shall be less than or equal to the maximum permitted sign area indicated in Table 151.173(H), Maximum Total Sign Area Per Lot. The lowest number resulting from any of the applicable alternative computations in any column in Table 151.173(H) shall be the maximum total sign area permitted for the respective district

class.

Table 151.173(H): Maximum Total Sign Area Per Lot			
	Zoning District Class		
	Residential	Nonresidential	Institutional
Table 151.173(H): Maximum Total Sign Area Per Lot			
	Zoning District Class		
	Residential	Nonresidential	Institutional
Per foot of street frontage (square feet)	N/A	1	0.25
Per linear foot of building frontage (square feet)	N/A	2	0.50
Maximum on vacant land (square feet)	12	60	30
Absolute maximum (square feet)	18	500 [1]	300
[1] The absolute maximum restriction for signage within corporate headquarters or corporate campuses (occupied by a single corporate user) containing at least 250,000 square feet of floor area shall be 3,000 square feet.			

(I) *Number and dimensions.* All allowed signs shall comply with the standards of Table 151.173(I).

Table 151.173(I): Number and Dimension of Individual Signs			
	Zoning District Class		
	Residential	Nonresidential	Institutional
Table 151.173(I): Number and Dimension of Individual Signs			
	Zoning District Class		
	Residential	Nonresidential	Institutional
Freestanding Signs			
Maximum height (feet)	5	30	15
Maximum sign area (square feet)	6 [1]	80 [4]	60
Maximum number [2]	1*	1 or 1 per 200 ft. street frontage	
Minimum setback (feet) [3]	7.5	10	7.5
Building Signs			
Maximum number (see § 151.173(J))	1	No maximum	
Maximum area (percent of the wall area to which it is attached)	N/A	10	10
Maximum area (square feet)	2	N/A	N/A
*1 per road entrance or driveway			
N/A = Not applicable			
[1] Maximum size restriction does not apply to residential development entrance signs.			
[2] Maximum number does not include temporary signs, residential development entrance signs or incidental signs.			
[3] All signs shall comply with the intersection visibility standards of §151.172.			
[4] The maximum size restriction for individual signs for corporate headquarters or corporate campuses (occupied by a single corporate user) containing at least 250,000 square feet of floor area shall be 400 square feet when the signs are adjacent to rights-of-way; however, when signs are located adjacent to an interstate highway, they may be 1,000 square feet.			

(J) *Building signs in nonresidential districts.* Building signs in nonresidential districts shall be subject to the standards of Table 151.173(J).

Table 151.173(J): Building Signs in Nonresidential Districts			
Sign Type	Number Permitted	Maximum Area	Vertical Clearance
Table 151.173(J): Building Signs in Nonresidential Districts			
Sign Type	Number Permitted	Maximum Area	Vertical Clearance
Banner	1 per building	5% of wall area	9 feet
Canopy	1 per building entrance	16 square feet	9 feet
Projecting	1 per principal building	5% of wall area	9 feet
Roof, integral	2 per principal building	5% of wall area	N/A
Suspended	1 per building entrance	5% of wall area	9 feet

Wall	No limit	10% of wall area	N/A
Window	No limit	25% of window area	N/A
N/A = Not applicable			

(K) *Sign characteristics.* All allowed signs shall comply with Table 151.173(K), Permitted Sign Characteristics.

Table 151.173(K): Permitted Sign Characteristics			
Characteristic	District Class		
	Residential	Nonresidential	Institutional
Changeable copy	No	Yes	Yes
Illumination, exposed bulbs or neon	No	Yes	No
Illumination, external	Yes	Yes	Yes
Illumination, internal	No	Yes	Yes

(L) *Design, construction, and maintenance.* All signs shall be designed, constructed, and maintained in accordance with the following standards.

(1) All signs shall comply with the applicable provisions of the current Building and the Electrical Code of the county and shall be maintained in good structural condition, in compliance with all building and electrical codes.

(2) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this section, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

(M) *Signs in the public right-of-way.* No signs shall be permitted in the public right-of-way, except for those signs erected by or on behalf of the highway authority having jurisdiction over the subject right-of-way.

(N) *Flags.* Flags do not require a permit but are subject to the size and location limitations below:

- (1) The total area of all flags on a lot shall not exceed 60 square feet in area;
- (2) No flag shall be flown from a pole that exceeds 40 feet in height;
- (3) If a flag is mounted to a building, the vertical clearance from ground level when limp shall not be less than nine feet; and
- (4) No flags shall be mounted above the roofline of a structure.

(O) *Non-commercial signs, not otherwise classified.* The signs do not require a permit but are subject to the requirements of Table 151.173(I).

(Ord., § 9.9, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed - -)

SUBDIVISIONS

§ 151.185 GENERAL.

The layout, design and engineering of all subdivision improvements shall comply with the provisions of this chapter and all other applicable county, state and federal requirements. Whenever a permit, certificate or approval is established or required by this chapter for any use or structure, the permit, certificate or approval shall not be issued to any lot or part of a lot which the Plat Act (765 ILCS 205/0.01 et seq.) requires to have been created by a plat but which was created in violation of that Act.

(Ord., § 10.1, passed 10-13-2009)

§ 151.186 SUBDIVISION TYPES.

This section sets out the review and approval procedures for subdividing land (Subdivisions).

(A) *General.* The “general” procedural requirements and standards of § 151.045 shall apply to the subdivision procedures of this section.

(B) *Subdivision types.*

- (1) *Major subdivision.* Application that involves the creation of more than five lots.
- (2) *Minor subdivision.* Application that involves the creation of five or fewer lots. (See § 151.187, panhandle lot subdivision, a type of minor subdivision.)
- (3) *Lot split.* Application that involves:

(a) The division of a single lot or parcel into no more than two lots, provided that the division does not involve any new streets or easements of access. In instances where a new street or easement of access is created, the subdivision shall be processed as a minor subdivision;

(b) The adjustment or movement of a common boundary line between conforming lots that does not create any additional lots, provided the lots are under common ownership.

(4) *Plat amendment.* A modification of a portion of a recorded final plat of subdivision that does not result in any additional lots. Examples include: reconfiguring existing lots (also defined as a resubdivision), changing lot or open space boundaries, combining conforming lots, adjusting or the vacation of easements.

(Ord., § 10.2, passed 10-13-2009)

§ 151.187 PANHANDLE SUBDIVISION.

(A) *Criteria for approval.* A panhandle subdivision shall be permitted only when the subdivision complies with the following standards.

- (1) The parcel displays unusual topography or has sufficient area but has insufficient width on a street and therefore is unable to be subdivided to the extent provided for in this chapter;
- (2) All lots to be created are to be used solely for detached house (single family residential) purposes;
- (3) No more than three lots will be created by the subdivision;
- (4) Development of the subdivision, including the location, length, and width of the access streets, shall not be detrimental to nor hinder the future development of any adjoining parcels or the general area;
- (5) The private street contained within the subdivision shall take access to a public street which is or will be in the jurisdiction of a public roadway authority.

(B) *Access.*

- (1) Access to all lots shall be provided by a private street constructed in accordance with §151.194.
- (2) The private street shall be for the benefit of all adjoining property owners in the subdivision. All beneficiaries of the private street shall consent to the future improvement and dedication of the private street for future public road purposes.
- (3) Where adjoining parcels are unsubdivided or of a similar character, the Planning, Building and Zoning Committee may require the street to be located along the common property line and may also require the street to extend the full length of the property. The Planning, Building and Zoning Committee may require the street to be dedicated and improved to standards required for a publicly dedicated street.
- (4) The Planning, Building and Development Director, hereafter referred to as the "Director", shall notify the property owner(s) adjacent to the street of the proposed subdivision. If Planning, Building and Zoning Committee finds that the neighboring property will be detrimentally affected by the creation of new zoning nonconformities, neighbors' written consent shall be required prior to acceptance of the final plat for review by the Multi-Disciplinary Team.

(C) *Review and approval procedure.* Panhandle lot subdivisions shall be subject to the subdivision procedures of § 151.191.

(Ord., § 10.3, passed 10-13-2009)

§ 151.188 PHASED SUBDIVISIONS.

(A) When a developer has no immediate development plans for a portion of the land to be subdivided, the portion may be excluded from the legally described subdivision, provided the remnant parcel conforms to the lot width and area requirements of the zoning classification in which it is located, and has suitable area and shape to be separately subdivided or developed. To subdivide such parcels, the developer shall be required to begin the subdivision approval process at the Early Assistance meeting stage for each excluded parcel.

(B) When a developer has development plans for the entire subdivision but desires, for whatever reason, to seek approval and record the final plat in phases, the subdivision may be platted in phases, subject to the following standards:

- (1) The approved preliminary plat shall show the proposed layout for the entire area of the subdivision to be platted in phases;
- (2) The limits of each phase shall be shown on the final engineering plans and the review of final engineering plans shall be completed for the entire subdivision prior to the approval of the final plat of the first phase of the subdivision;
- (3) The total platted area with the platting of each phase of the subdivision shall function independently in terms of site capacity, natural resource protection, recreation and open space standards, and engineered improvements;
- (4) The entire area to be subdivided, as shown on the preliminary plat, may be platted with the first phase of the subdivision. Those areas to be subdivided as future phases of the subdivision may be reserved as outlots for future development. Such outlots shall reference the approved preliminary plat and final engineering plans, and the resubdivision of such outlots shall be in accordance with the approved preliminary plat and final engineering plans. The final plat approval for the outlots shall be received within the 24-month period during which the preliminary plat is valid. The Director may grant extension requests, not to exceed 12 months, for each phase of the subdivision. When determining whether an extension request shall be granted, the Director shall consider the circumstances underlying the request and consistency of the approved preliminary plat with current ordinances.
- (5) If the proposed resubdivision of any outlot varies substantially from that approved for the preliminary plat, the Multi-Disciplinary Team may require submittal and review of revised preliminary plat and final engineering plans for the outlot. The development of the outlot then may be subject to regulations in effect at the time of approval of revised preliminary plat.

(Ord., § 10.4, passed 10-13-2009; Ord. passed - -)

§ 151.189 LOTS AND OUTLOTS.

(A) *Lots.* Lots shall be laid out to promote functional circulation patterns and compatible relationships among adjacent and nearby land uses, and shall be designed in accordance with the following criteria.

- (1) With the exception of planned unit developments, all lots shall meet the lot width and area requirements of §51.125 for the underlying zoning district.
- (2) Subdivision lot layout shall relate to topography, soils, drainage, natural resources, and planned open space areas. Lots adjoining common or dedicated open space areas shall be encouraged. Unless otherwise provided by § 151.072(E)(3), the platting of deed-restricted open space shall be prohibited.
- (3) The design of proposed lots which results in the formation of irregularly shaped lot lines is prohibited unless the lines follow natural features such as streams and wetlands, and the like. The Director may approve irregularly shaped lot lines after evaluation of the issues that created the irregularity.
- (4) All lots shall front directly on and have direct access to a street improved in accordance with the standards of this chapter, or improved and accepted by the affected roadway authority.
- (5) Residential lots adjoining freeways, arterials, collectors, railroad tracks, or lands used for nonresidential purposes shall provide separation adequate to ensure protection of the residential uses.

(B) *Outlots.* Outlots may be platted in subdivisions for a variety of purposes including those described in this subsection (B). Outlots platted for resource protection, open space or utility installation purposes are not required to meet the lot size or lot width requirements of the underlying zoning district. All structures located in the outlots shall be constructed in accordance with the density and dimensional standards of § 151.125 for the zoning district in which they are located, provided the lot meets or exceeds the minimum lot area requirement for its zoning classification. If the lot is less than the minimum lot area for its zoning classification, the structures shall be constructed in accordance with § 151.233.

(1) *Resource protection and open space.* Outlots may be platted for those purposes designated in § 151.072. Open space areas shall be integrated into the overall subdivision design to promote ease of maintenance, access, and enjoyment for all residents of the subdivision. Within a subdivision, the platting of many small open space outlots shall be discouraged, and the platting of fewer larger open space outlots shall be encouraged. All outlots platted for open space purposes shall be identified on the final plat by ownership and purpose (e.g., "Outlot A: Common Open Space for Recreational Purposes").

(2) *Future development.* Outlots may be platted for future development in phased subdivisions or for alternate uses in mixed use subdivisions. (See § 151.188.)

(3) *Dedications.* Outlots may be platted for lands dedicated for school, park or utility purposes (see § 151.190).

(Ord., § 10.5, passed 10-13-2009)

§ 151.190 DEDICATIONS, EASEMENTS, AND RESERVATIONS.

(A) *Dedications.*

(1) *Street rights-of-way.* All public street rights-of-way shall be labeled on the final plat as follows: "Hereby Dedicated for Public Road Purposes". Public street rights-of-way shall be dedicated in accordance with the following:

(a) *Internal streets.* With the exception of private streets (see subsection (B)(1) below), all land contained within proposed streets shall be dedicated to the public. Street right-of-way widths shall comply with the standards of § 151.194.

(b) *Perimeter streets.* When a subdivision abuts an existing public street, the developer shall dedicate additional right-of-way sufficient to provide one-half the required right-of-way width for the subject street type. The following half-width rights-of-way are minimums unless otherwise established through the subdivision approval process. The highway authority having jurisdiction may require additional right-of-way to be dedicated, or may waive the dedication of right-of-way if traffic engineering studies, transportation plans, or in the opinion of the authority, sufficient right-of-way exists and additional right-of-way is unnecessary.

Perimeter Street Type	Minimum Half-Width ROW
Arterial	60 feet
Collector	50 feet
Freeway	100 feet
Local (closed drainage)	30 feet
Local (open drainage)	33 feet

(2) *School land.* Land for schools shall be calculated and provided in accordance with § 151.220. Land to be dedicated for school purposes shall be labeled on the final plat as follows, "Hereby Dedicated to the (School District) for Public School Purposes".

(3) *Park and recreation land.* Land for park and recreation areas shall be provided in accordance with the park contribution requirements of § 151.221. The lands may be dedicated to any public agency willing to accept the dedication, as provided in § 151.221(H). Land to be dedicated to the public for park and recreational purposes shall be labeled on the final plat as follows: "Hereby Dedicated to the (Public Agency) for Recreational Purposes". Park and recreational areas created to satisfy the requirements of § 151.070(D), and intended to be owned and maintained by a homeowners' association, shall be labeled as "Common Open Space for Park and Recreational Purposes".

(4) *Public water supply and public sewage disposal.* At the discretion of the authorized public agency, all water supply and sewage disposal facilities, including well houses, storage tanks and lift stations, shall be dedicated to the public and shall be labeled on the final plat as follows, "Hereby Dedicated to the (Public Agency) for Utility Purposes".

(B) *Easements.*

(1) *Access easements (private streets).* Private streets shall not be permitted, except that the Planning, Building and Zoning Committee may approve the use of existing private streets or the creation of private streets on parcels that satisfy § 151.187 provided the streets serve no more than three lots. If approved by the Planning, Building and Zoning Committee, private streets shall comply with the standards and specifications contained in § 151.194(M). Since private streets will not be publicly maintained, means shall be established through covenants, conditions, and restrictions, or an agreement that involves all lots accessing the street, to provide for perpetual maintenance by the property owners. Private streets shall be labeled on the final plat as follows: "This Subdivision Contains Private Streets Which Will Not Be Maintained by the County or Any Other Public Agency. Property Owners Within the Subdivision Are Responsible for All Maintenance."

(2) *Utility easements.* Easements shall be provided for any overhead or underground utility service, including but not limited to sanitary sewer, water, gas, telephone, and electric. Utility easements shall have a minimum total width of 15 feet unless otherwise adjusted by the utility provider. Where multiple utilities share the same easement, additional width sufficient to avoid conflict shall be provided. Easements shall be established to provide continuity of alignment throughout the area to be served and to adjoining unsubdivided areas. Utility easements shall be coterminous with all private street easements. Utility easements shall not be located within any portion of a publicly dedicated street right-of-way.

(3) *Drainage easements.* All components of the Lake County Stormwater Management System, including detention basins, compensatory storage areas and buffers, shall be included in an easement or designated as open space. Drainage easements shall not be located within any portion of a publicly dedicated street right-of-way.

(a) *Storm sewers.* Drainage easements shall be a minimum of 15 feet in total width. Additional easement width may be required depending on pipe size and depth of cover.

(b) *Overland flow paths.* Drainage easements shall be a minimum of 20 feet in total width. For 100-year overflow paths, calculations shall be submitted and the drainage easements shall be sized accordingly, but shall not be less than 15 feet.

(4) *Alterations to platted easements.* Alterations to platted access, utility and drainage easements shall be processed as minor subdivision modifications in accordance with § 151.192.

(C) *Reservations.*

(1) *Areas to be reserved.* Whenever all or part of the land to be subdivided is shown on any officially adopted state, county, or local plan for a street, school, forest preserve, park, or other public use, upon receipt of written notification by the agency claiming the reservation, the developer shall dedicate or reserve the lands for that proposed use. The reservation shall remain valid for a period of two years from the date the agency is notified of the proposed subdivision, during which time it shall be made available for sale to the public agency concerned. The Director shall notify the developer and all applicable public agencies of the date that the reservation shall expire. If the public agency has not acquired the reserved site before the reservation expires, the developer may use it for any purpose allowed by the regulations in effect at that time.

(2) *Exemptions.* The Planning, Building and Zoning Committee shall be authorized to exempt a proposed development from the Reservation requirement of this section, provided the Planning, Building and Zoning Committee has received a written statement from the applicable public agency that acquisition of the subject property is not scheduled, intended, or feasible within the two-year period.

(Ord., § 10.6, passed 10-13-2009; Ord. passed - -)

§ 151.191 SUBDIVISION PROCEDURES.

(A) *Subdivision review and approval process.* Subdivision applications shall be reviewed and approved in accordance with Table 151.191(A) below. Unless otherwise authorized in this chapter, each stage of the process shall be completed prior to initiating a subsequent stage. For lot splits or plat amendments that proceed directly to the final plat stage, the Director shall be authorized to require the submittal of information otherwise required for any subdivision stage and shall be authorized to impose any additional requirements of this chapter to address potential negative impacts of the subdivision.

Table 151.191(A): Development Type Staging and Approval Authorities						
Subdivision Type	Public Information Meeting	Applicable Development Stage			Approval Authority	
		Early Assistance Meeting	Preliminary Plat and Preliminary Engineering	Final Plat and Final Engineering	Planning, Building and Zoning Committee	Planning Director
Code Section	§ 151.191(B)	§ 151.191(D)	§ 151.191(E)	§ 151.191(F)		
Table 151.191(A): Development Type Staging and Approval Authorities						
Subdivision Type	Public Information Meeting	Applicable Development Stage			Approval Authority	
		Early Assistance Meeting	Preliminary Plat and Preliminary Engineering	Final Plat and Final Engineering	Planning, Building and Zoning Committee	Planning Director
Code Section	§ 151.191(B)	§ 151.191(D)	§ 151.191(E)	§ 151.191(F)		
Major subdivision	X	X	X	X	X	
Minor subdivision	X	X		X	X	
Lot split				X		X
Plat amendment				X	X	

(B) *Public information meeting.*

(1) Following the initial review of the Early Assistance Meeting application by the Multi-Disciplinary Team, a Public Informational Meeting that includes a neighbor notice in accordance with § 151.045(G)(2)(a) shall be held for all minor and major subdivisions, subject to the following.

(a) The Director shall be authorized to conduct the Public Informational Meeting for minor subdivisions provided that, within 15 calendar days of receipt of the neighbor notice of such meeting, no duly notified property owner files a written request for the Public informational Meeting to be held before the Planning, Building and Zoning Committee.

(b) The Planning, Building and Zoning Committee shall hold Public Informational Meetings for all major subdivisions, or for those minor subdivisions, lot splits or plat amendment applications referred to them by the Director.

(2) In instances where the Multi-Disciplinary Team believes development issues are substantive enough to potentially change the subdivision design, the Planning, Building and Zoning Committee may choose to delay the information meeting until the issues are resolved to its satisfaction.

(3) A public information meeting shall not be required when a subdivision is part of a conditional use permit application for a planned unit development.

(C) *Concurrent processing of zoning map amendments and subdivision applications.* Unless a subdivision is part of a planned unit development application, an application for a preliminary plat shall not be accepted until the necessary zoning approvals are obtained. Applicants shall be authorized to file an application for a preapplication conference while a zoning map amendment is pending.

(D) *Early Assistance meeting.* A preapplication conference is intended to familiarize the applicant with applicable procedures, submittal requirements, development standards, and other pertinent matters before finalizing the development proposal or otherwise spending large sums of money in laying out the proposed subdivision. An Early Assistance meeting may be required for a lot split or a plat amendment, if in the opinion of the Director the application involves unique circumstances that warrant review by the Multi-Disciplinary Team prior to proceeding to the final plat stage.

(1) *Application filing.* Early Assistance meeting applications shall be submitted to the Planning, Building and Development Department on

forms available from that Department. The application shall be accepted only after a check-in meeting.

(2) *Distribution of application; scheduling of Multi-Disciplinary Team meeting.* Upon the completion of a check-in meeting with the Planning, Building and Development Department and receipt of a complete application, the Director shall distribute copies of the application to Multi-Disciplinary Team members and other affected reviewing agencies.

(3) *Review of application.* Within ten days of the receipt of a complete preapplication conference application, Multi-Disciplinary Team members shall review the application and provide written comments to the Director. The Director shall compile all comments received by the end of the review period and shall make the comments available to the applicant and his or her designated representative prior to the date of the Early Assistance meeting.

(4) *Multi-Disciplinary Team meeting.* Multi-Disciplinary Team comments on the Early Assistance meeting application shall be discussed with the applicant at the scheduled Multi-Disciplinary Team meeting. Following the meeting, the Director shall provide a written report to the applicant containing the written comments of the Multi-Disciplinary Team and instructions for proceeding with the subdivision process.

(5) *Time limits.* Comments furnished to an applicant at an Early Assistance meeting shall be valid for a period of 12 months from the date of the preapplication conference. Within this period, the applicant shall file an application for a preliminary plat, or in instances when a preliminary plat is not required, an application for a final plat shall be filed with the Director. If more than 12 months have elapsed, the applicant shall be required to reinitiate the Early Assistance meeting. Upon receipt of a written request, the Multi-Disciplinary Team may grant a time extension and may impose conditions as necessary. In no instance shall an extension be granted for more than 12 months following the date of the preapplication conference.

(E) *Preliminary plat.* During the preliminary plat stage of the subdivision process, the general layout and design of the proposed subdivision is evaluated for compliance with all applicable regulations of this chapter. Preliminary plat review also allows an analysis of natural resource and other physical constraints affecting the subject property.

(1) *Preliminary plat review process.*

(a) *Application filing.* Preliminary plat applications shall be submitted to the Planning, Building and Development Department on forms available from that Department. The application shall be accepted only after a check-in meeting.

(b) *Distribution of application; scheduling of Multi-Disciplinary Team meeting.* Upon receipt of a complete preliminary plat application, the Director shall distribute copies of application to Multi-Disciplinary Team members and other affected reviewing agencies and place the preliminary plat on the agenda. The Director shall notify all preliminary plat reviewers and the applicant of the date, time, and place of the scheduled Early Assistance meeting.

(c) *Review of application.* Within 15 days of the receipt of a complete preliminary plat application, Multi-Disciplinary Team members and others to whom the application has been distributed shall review the preliminary plat application and provide written comments to the Director. The Director shall compile all comments received and make the comments available to the applicant and his or her designated representative prior to the date of the Early Assistance meeting.

(d) *Multi-Disciplinary Team meeting.* Multi-Disciplinary Team comments on the preliminary plat application shall be discussed with the applicant at the scheduled Early Assistance meeting. Following the Early Assistance meeting, the Director shall provide a written report to the applicant containing the written comments of the Multi-Disciplinary Team and instructions for proceeding with the subdivision process.

(e) *Resubmittals.* In instances when plans are not approved and a resubmittal is required, the applicant shall prepare the necessary plans and reports using previous Multi-Disciplinary Team comments as a guide, and shall contact the Director for a check-in meeting. At the check-in meeting, the applicant shall include a copy of the plans and reports to be resubmitted and a cover letter explaining how all comments have been addressed. Plans shall not be accepted unless a check-in meeting has been conducted or approval has been given by the Director to submit plans. The review procedure for resubmitted plans shall be conducted in accordance with initial submittal of the original preliminary plat application (see subsections (E)(1)(a) through (E)(1)(e)) of this section. The Early Assistance meeting may be waived if the Committee finds that the nature of the outstanding comments and concerns does not warrant another meeting.

(2) *Information meeting.*

(a) *Notice of Planning, Building and Zoning Committee information meeting.* Neighbor notice of the Planning, Building and Zoning Committee's information meeting on a preliminary plat shall be provided in accordance with § 151.045(G).

(b) *Planning, Building and Zoning Committee information meeting.* When the Director has determined that the preliminary plat application is ready for an information meeting before the Planning, Building and Zoning Committee, the preliminary plat application shall be placed on the agenda for the purpose of providing information and receiving public input on the application. The Multi-Disciplinary Team may present its recommendation on the preliminary plat at the information meeting, in which case the Planning, Building and Zoning Committee may take action on the preliminary plat at that time.

(3) *Multi-Disciplinary Team Recommendation.*

(a) *Possible actions.* After completing all required reviews and receiving all departmental/agency comments, the Multi-Disciplinary Team shall consider the preliminary plat application in light of the approval criteria of this section and shall take one of the following actions:

1. Recommend that the Planning, Building and Zoning Committee approve the preliminary plat;
2. Recommend that the Planning, Building and Zoning Committee approve the preliminary plat subject to the applicant addressing all outstanding Multi-Disciplinary Team and Planning, Building and Zoning Committee comments, if any, during final plat review; or
3. Recommend that Planning, Building and Zoning Committee deny the preliminary plat application.

(b) *Approval criteria.* In taking action on a preliminary plat application, the Multi-Disciplinary Team and the Planning, Building and Zoning Committee shall determine that the design of the subdivision and its components can comply with all county and state regulations.

(4) *Scheduling of Planning, Building and Zoning Committee meeting.*

(a) *Time limits and extensions.* The preliminary plat application shall be approved by the Planning, Building and Zoning Committee no less than 12 months following acceptance of the application by the Director (see § 151.193(A)(2)(a)). If more than 12 months have elapsed, the applicant shall be required to reinitiate the subdivision process by submitting another application for an Early Assistance meeting and shall pay the required application fees unless a time extension is granted by the Multi-Disciplinary Team. Upon receipt of a written request, the Multi-Disciplinary Team may grant a time extension and may impose conditions as necessary. In no instance shall an extension be granted for more than 12 months.

(b) *Request for action.* Once the Multi-Disciplinary Team has issued a recommendation to approve a preliminary plat application or the applicant has informed the Director that they are prepared to proceed with a recommendation of denial, the Director shall place the subdivision on the agenda of the next regularly scheduled Planning, Building and Zoning Committee meeting and notify the applicant of the date, time, and place of the meeting.

(5) *Planning, Building and Zoning Committee review and action.* The Director shall present the proposed preliminary plat to the Planning, Building and Zoning Committee. After considering the matter, the Committee shall act to approve, approve with conditions, or deny the proposed preliminary plat.

(a) *Effect of action.*

1. *Approval or approval with conditions.* Approval or conditional approval of a preliminary plat constitutes acceptance of the overall general planning concepts for the subdivision and is a prerequisite for the filing of a final plat. An approval or conditional approval indicates that the Planning, Building and Zoning Committee considers the preliminary plat to be in compliance with subsection (E)(3)(b) above, and when applicable, what conditions need to be met by the applicant prior to action on the final plat by the Planning, Building and Zoning Committee. Approval or conditional approval confers upon an applicant a right to have the final plat for the subject subdivision reviewed in accordance with standards of this chapter that are no more restrictive than those in effect on the date of preliminary plat approval. Preliminary plat approval or conditional approval does not, however, guarantee the number of dwelling units allowed; lot configuration; the extent of open space and natural resource protection areas required; the amount of floor area or impervious surface allowed; the adequacy of proposed stormwater management facilities, sewage disposal facilities, and water supply systems; or the location or configuration of vehicle access points. Neither does preliminary plat approval or conditional approval limit nor restrict the rights and powers of any other local, state, or federal agency to impose additional or more restrictive standards that may affect the layout and design of the proposed subdivision.

2. *Denial.* If the Planning, Building and Zoning Committee denies or fails to approve a preliminary plat, the applicant may:

a. Amend the preliminary plat application or obtain the additional information and documentation requested by the Planning, Building and Zoning Committee and resubmit the subdivision for further review, provided the resubmittal is within the time limit established in subsection (E)(4)(a); or

b. Appeal the decision of the Planning, Building and Zoning Committee in accordance with §151.192.

(b) *Notification of Planning, Building and Zoning Committee action.*

1. *Approval or approval with conditions.* If the Planning, Building and Zoning Committee approves or conditionally approves the preliminary plat application, the Director shall provide the applicant with written notification within five days of the date of the Planning, Building and Zoning Committee's decision. The notification shall include:

a. A statement indicating the effect of preliminary plat approval;

b. The date of Unified Development Ordinance regulations to which the subdivision will be subject throughout the remainder of the subdivision process;

c. The date on which preliminary plat approval and all rights arising from or created by the approval shall expire; and

d. Any conditions of preliminary plat approval established by the Planning, Building and Zoning Committee.

2. *Denial of preliminary plat.* If the Planning, Building and Zoning Committee denies the preliminary plat application, the Director shall provide the applicant with written notification within five days of the date of the Planning, Building and Zoning Committee's decision. The notification shall include:

a. A statement indicating the effect of preliminary plat denial;

b. The reasons for the denial, as stated by the Planning, Building and Zoning Committee; and

c. Directions for continuing the subdivision process.

(6) *Lapse of approval.* An approved preliminary plat shall lapse and be of no further effect if a final plat for the subject subdivision is not approved by the Planning, Building and Zoning Committee within 24 months of the date of preliminary plat approval by the Planning, Building and Zoning Committee. If final plat approval is not received within this 24-month period, the applicant shall be required to reinitiate the subdivision process at the preapplication conference stage. If the applicant does not receive final plat approval within the required 24-month period, the applicant may file an extension request with the Planning, Building and Zoning Committee. The request must be received by the Planning, Building and Zoning Committee before the expiration date of the approved preliminary plat. The extension request shall state reasons for the delay and the proposed length of the extension requested. In reviewing the time extension request, the Planning, Building and Zoning Committee shall consider the circumstances behind the extension request and the status of current regulations. There shall be no limit on the number of extensions that may be granted (for good cause shown) by the Planning, Building and Zoning Committee, provided that the total cumulative effect of all extensions granted shall not extend the life of a preliminary plat by more than 12 months. (See also phased subdivision provisions of § 151.188.)

(F) *Final plat.* The final plat stage of the subdivision process requires review and approval of final engineering plans and final plat documents, which may be processed concurrently or separately, at the option of the applicant.

(1) *Purpose.*

(a) *Final plat.* Final plat documents are reviewed for the purpose of ensuring that the final plat, together with the other documents that will be recorded to legally create the proposed subdivision, are in full compliance with the state statutory requirements and all and applicable county regulations.

(b) *Final engineering plans and engineering reports.* The final engineering plans and engineering reports are reviewed for the purpose of ensuring that the layout, design, and engineering of a proposed subdivision comply with all applicable standards of this chapter. The approved final engineering plans represents an approved set of construction documents for the proposed subdivision.

(2) *Review process.*

(a) *Application filing.* Final plat and final engineering applications shall be submitted to the Planning, Building and Development Department on forms available from that Department. The application shall be submitted in person to the Director. A check-in of all documents required in the final plat stage shall occur separately or at one time. If submitted separately, a check-in of the final engineering plans and reports shall occur first followed by a check-in of final plat, covenants, conditions and restrictions, and agreements.

(b) *Distribution and review of application.* Upon receipt of a complete final plat and/or final engineering application, the Director shall distribute copies of the application to Multi-Disciplinary Team members and other affected reviewing agencies and place the application on the agenda of the Multi-Disciplinary Team following the review period. The Director shall notify the Multi-Disciplinary Team and the applicant of the date, time, and place of the scheduled Early Assistance meeting.

(c) *Review of application.* Within 15 days of the receipt of a complete final plat application, Multi-Disciplinary Team member agencies shall review the application and provide written comments to the Director. The Director shall compile all comments received by the end of the review period and make the comments available to the applicant and his or her consultant(s) prior to the date of the Multi-Disciplinary Team meeting where the application will be discussed.

(d) *Multi-Disciplinary Team meeting.* Multi-Disciplinary Team comments on the application shall be discussed with the applicant at the scheduled Multi-Disciplinary Team meeting. Following the Multi-Disciplinary Team meeting, the Director shall provide a written report to the applicant containing the written comments of the Multi-Disciplinary Team and instructions for proceeding with the review process.

(e) *Multi-Disciplinary Team recommendation.* At the conclusion of the Multi-Disciplinary Team meeting at which the final plat and/or the final engineering plans and engineering reports are considered, the Multi-Disciplinary Team shall act in accordance with the following:

1. *Recommend approval.* If the Multi-Disciplinary Team finds that the final engineering plans and engineering reports demonstrate that the layout, design, and engineering of the proposed subdivision and the final plat, and associated documents are in full compliance with all applicable regulations of this chapter, the Multi-Disciplinary Team shall act to approve the final plat and/or the final engineering plans and engineering reports for the proposed subdivision.

2. *Recommend denial.* If the Multi-Disciplinary Team finds that the final plat and/or the final engineering plans or engineering report do not demonstrate that the layout, design, and engineering as well as all associated documents for the proposed subdivision are in full compliance with all applicable regulations of this chapter, the Multi-Disciplinary Team shall detail for the applicant the reasons for this determination and describe the type of additional information that may be necessary to demonstrate compliance. The Multi-Disciplinary Team also shall direct the applicant on the procedure for continuing with the review, and shall decide, based on the nature of the outstanding comments and concerns, whether or not the applicant shall be required to return for another Early Assistance Meeting.

(f) *Resubmittals.* In instances when plans are not approved and a resubmittal is required, the applicant shall prepare the necessary plans and reports using previous Multi-Disciplinary Team comments as a guide, and shall contact the Director for a check-in meeting. At the check-in meeting, the applicant shall include a copy of the plans and reports to be resubmitted and a cover letter explaining how all comments have been addressed. Plans shall not be accepted unless a check-in meeting has been conducted or approval has been given by the Director to submit plans. The review procedure for resubmitted plans shall be conducted in accordance with initial submittal of the original application. (See subsections (F)(2)(a) through (F)(2)(e).) The Early Assistance Meeting may be waived if the Committee finds that the nature of the outstanding comments and concerns does not warrant another meeting.

(3) *Notification of Early Assistance Meeting Action.* Within five days of the Multi-Disciplinary Team's decision on a final plat and/or final engineering plan, and engineering reports, the Director shall provide the applicant with written notification of the Multi-Disciplinary Team's decision. This notification shall include the following information:

(a) *Approval.*

1. A statement indicating the effect of approval;
2. The date on which preliminary plat approval had been given, if required, and all rights arising from, or created by, and when the approval will lapse (see subsection (E)(6) above);
3. Directions for continuing the plat approval process;
4. Directions for commencing construction activities in accordance with §151.202; and
5. If the Multi-Disciplinary Team recommends approval, the recommendation shall be accompanied by instructions informing the applicant how to prepare the final plat, covenants, conditions and restrictions, agreements and subdivision assurances for action before the Planning, Building and Zoning Committee, or Director, when applicable.

(b) *Denial.* If the Multi-Disciplinary Team recommends denial, the recommendation shall be accompanied by instructions for continuing the review process.

(4) *Submittal of final plat, covenants, restrictions, agreements and assurances.* The applicant shall submit for review by the Director, the signed original final plat; the executed covenants and restrictions, if any; all executed agreements, if any; and the executed performance assurances, if any.

(5) *Permits required.* The following permits may be required as part of final engineering and/or final plat approval. These permits shall be secured prior to the county approving the final engineering plans and/or final plat.

(a) *Site development permit.* A site development permit shall be obtained from the Planning, Building and Development Department before beginning any construction or earth moving activity in connection with the proposed subdivision. The applicant may apply for this permit after Multi-Disciplinary Team approval of the final engineering plan and engineering reports. Before beginning construction, a preconstruction conference shall be held and restoration assurance shall be provided in accordance with the provisions of § 151.203 before issuance of a site development permit.

(b) *Access permit.* If access to the proposed subdivision is obtained from a county highway, an access permit shall be obtained from the Lake County Division of Transportation, in accordance with the Lake County Highway Access Regulation Ordinance (see Chapter 91). The final engineering plans and engineering reports shall not be approved until an access permit, if required, has been obtained. If access to the proposed subdivision is obtained from a township road or state highway, an access permit shall be obtained from the appropriate township or state highway authority.

(c) *Facility permit.* If the proposed subdivision is adjacent to a county highway, with or without proposed access to this highway, and work is required to be performed within the right-of-way of the county highway, a facility permit shall be obtained from the Lake County Division of Transportation, in accordance with the Lake County Highway Utility and Facility Placement Ordinance (see Chapter 92). The final engineering plans and engineering reports shall not be approved until the facility permit, if required, has been obtained. If access to the proposed subdivision is obtained from a state highway or township road, a facility permit shall be obtained from the appropriate township or state highway authority.

(d) *Other required permits.* Applicants shall be responsible for ensuring that other local, county, state, and federal permit requirements have been met.

(e) *Illinois Environmental Protection Agency and Army Corps of Engineers permits.* Before beginning any site development activity, permits shall be obtained from the Illinois Environmental Protection Agency and U.S. Army Corps of Engineers for sanitary sewer or water improvements, if applicable. A U.S. Army Corps of Engineers (USACE) permit shall be required for any work within a USACE wetland. A National Pollutant Discharge System permit may be required from the Illinois Environmental Protection Agency.

(6) *Scheduling of Planning, Building and Zoning Committee meeting.* When this chapter requires the Planning, Building and Zoning Committee to act on a final plat, upon the Multi-Disciplinary Team finding that the final plat Mylar and any covenants, restrictions, agreements, and assurances are in the proper form, the Director shall prepare a report and recommendation for presentation to the Planning, Building and Zoning Committee. The Director also shall place the subdivision on the agenda of the next regularly scheduled Planning, Building and Zoning Committee meeting and shall notify the applicant of the date, time, and place of the meeting.

(7) *Planning, Building and Zoning Committee or Director review and action.* The final plat shall be presented to the Planning, Building and Zoning Committee or the Director for action in accordance with Table 151.191(A). After considering the matter, the Planning, Building and Zoning Committee or Director shall act to approve or deny the proposed final plat. No final plat shall be approved unless it is found to be in full compliance with all applicable regulations of this chapter.

(a) *Effect of Planning, Building and Zoning Committee or Director action.*

1. *Approval.* Upon Planning, Building and Zoning Committee or Director approving the final plat, the final plat, together with the other documents required by this chapter to be recorded with the plat, shall remain in the custody of the Director unless other arrangements are authorized by the Committee or Director. Within five days following approval, the applicant shall have the sole responsibility for recording the final plat and associated documents with the Lake County Recorder and for paying all costs associated with the recording of the documents. Upon recording, the final plat Mylar shall be returned to the applicant or surveyor of record for the subdivision. The official record of the final plat and associated documents shall be kept in the custody of the county.

2. *Denial.* If the Planning, Building and Zoning Committee or Director denies a final plat, the applicant may:

- a. Amend the final plat or obtain the additional information and documentation requested by the Planning, Building and Zoning Committee or Director and resubmit the subdivision for further review in accordance with subsection (F)(2); or
- b. Appeal the decision of the Planning, Building and Zoning Committee or Director in accordance with the standards of §51.192.

(b) *Notification of Planning, Building and Zoning Committee or Director action.*

1. *Approval of final plat.* If the Planning, Building and Zoning Committee or Director act to approve the final plat, the Director shall provide written notification to the applicant including the following information:

- a. The name, document number, and recording date of the final plat and each associated document recorded together with the plat;
- b. The amount and date of expiration of the performance assurance, if any;
- c. Directions for commencing construction activities, if construction has not already commenced, in accordance with §51.202; and
- d. Any conditions associated with approval of the final plat.

2. *Recording of final plat.* Following recording of the final plat, the Planning, Building and Development Director also shall distribute an appropriate number copies of the recorded final plat to each member of the Multi-Disciplinary Team.

3. *Denial of final plat.* If the Planning, Building and Zoning Committee or Director act to deny the final plat, the Planning, Building and Development Director shall provide written notification to the applicant including the following information:

- a. A statement indicating final plat denial;
- b. The reasons for disapproval as stated by the Planning, Building and Zoning Committee or Director;
- c. Directions for resubmitting the final plat for further review; and
- d. Directions for appealing the decision.

(8) *Lapse of approvals.*

(a) *Lapse of final engineering plan and engineering report.* If the preliminary plat approval lapses (see subsection (E)(6)), or if a preliminary plat is not required and the developer fails to obtain final plat approval within 24 months of application for a final plat, Multi-Disciplinary Team approval of the final engineering plans and engineering reports shall also lapse and be of no effect.

(b) *Lapse of final plat approval.* Planning, Building and Zoning Committee or Director approval of the final plat shall expire if the final plat and associated documents are not recorded with the Lake County Recorder within five days following approval unless other arrangements are authorized.

(Ord., § 10.7, passed 10-13-2009; Ord. passed - -)

§ 151.192 MODIFICATIONS AND APPEALS.

Modifications or appeals of the provisions of this subchapter shall be considered in accordance with the following standards.

(A) *Classification of modifications.*

(1) *Minor modification.* All modifications of this subchapter where the decision-making authority lies with the Director, the County Engineer, or the Multi-Disciplinary Team shall be classified and processed as a "minor subdivision modification".

(2) *Major modification.* All modifications other than those listed in subsection (A)(1) above shall be classified and processed as "major subdivision modifications". The Planning, Building and Zoning Committee shall be authorized to approve major subdivision modifications.

(B) *Minor modification procedures.*

(1) *Application filing.* Minor modification requests shall be submitted to the Director and shall include: a request from the applicant for subdivision approval, listing the section(s) of this chapter to be modified; the reasons why the modification(s) is/are necessary; and any support information deemed necessary by the applicant to assist the Director, the County Engineer or the Multi-Disciplinary Team in making a decision concerning the requested modification(s).

(2) *Action on minor modifications.* Upon receipt of a request for a minor modification, the Director shall distribute copies to the County Engineer or Multi-Disciplinary Team, as applicable, for their consideration. Following a review period of not more than five days, the County Engineer or the Multi-Disciplinary Team shall provide a recommendation to the Director. The minor modification may be granted only when it is determined that the requested minor modification will facilitate the review process, will in no way compromise the intent of this chapter, or affect the health, safety, or general welfare of the public. Any action on a minor modification may include reasonable conditions deemed necessary to meet the intent of this chapter.

(3) *Deferral of action.* The Director, County Engineer, or the Multi-Disciplinary Team may defer a decision on a minor modification request at any time when they believe the request may not be authorized under this subchapter, or when in their opinion, the request contains interrelated impacts that should be assessed by the Planning, Building and Zoning Committee. In these instances, the applicant shall be notified by the Director of the time, place, and reasons for the deferred action so he or she may attend the Planning, Building and Zoning Committee meeting to present testimony relevant to his or her request.

(4) *Notification.*

(a) *Report to Planning, Building and Zoning Committee.* Upon approving a minor modification, the Director, County Engineer, or the Multi-Disciplinary Team shall provide a report to the Planning, Building and Zoning Committee. This report shall describe the request, standard(s) being modified, and the basis for the decision.

(b) *Notice to applicant.* The Director shall provide a written notification of the decision to the applicant as follows:

1. If the modification is approved, the notification shall list all conditions of approval; and
2. If the modification is denied, the notification shall list all reasons for denial and notify the applicant of his or her right to appeal the decision in accordance with this section.

(C) *Major modification procedure.*

(1) *Application filing.* Major modification requests shall be submitted to the Director and shall include: a request from the applicant describing the specific provision of this subchapter to be modified; the reasons and justifications for the requested modification, in light of the approval criteria of this section; and any plans, reports, or other support information that the applicant deems necessary for the county to evaluate the request.

(2) *Multi-Disciplinary Team Recommendation.* Upon receipt of a request for a major modification, the Director shall distribute copies to the Multi-Disciplinary Team. The Multi-Disciplinary Team shall have ten days to review the request and submit a recommendation to the Director. The Multi-Disciplinary Team's recommendation shall state the reasons for the recommendation and any suggested conditions of approval. Upon receipt of the Multi-Disciplinary Team's recommendation, the Director shall prepare a report and recommendation for presentation to the Planning, Building and Zoning Committee and schedule the application for consideration on the next regular agenda of the Planning, Building and Zoning Committee. The Director shall also notify the developer of the time and place of the meeting so he or she can present his or her arguments and all related information to the Planning, Building and Zoning Committee prior to the Committee acting on the request.

(3) *Planning, Building and Zoning Committee action; approval criteria.* The Director shall present the major modification request to the Planning, Building and Zoning Committee. The Planning, Building and Zoning Committee shall act to approve, approve with conditions, or deny the modification, based on the following factors:

(a) The granting of the major modification shall not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located;

(b) Unique conditions exist with the property to be developed that require the modification, and that these conditions are not self-created, and that the applicant had no knowledge of the impact of the regulations on the development of the property at the time of the property's purchase;

(c) The major modification is the least deviation from this chapter that will mitigate the hardship or practical difficulty that exists on the subject property;

(d) Absent the requested modification, the applicant will be deprived of the ability to develop the property to the full extent otherwise allowed for in this chapter;

(e) The modification shall not in any manner vary any other provisions of this chapter; and

(f) The standard sought to be modified serves no public or private interest.

(4) *Notification.* Following the Planning, Building and Zoning Committee's action, the Director shall provide written notification to the applicant as follows:

(a) If the modification is approved, the modification shall list any and all conditions of approval.

(b) If the modification is denied, the notification shall list all reasons for denial and notify the applicant of his or her right to appeal the decision of the Planning, Building and Zoning Committee in accordance with this section.

(D) *Appeals of decisions.* Developers aggrieved by decisions of the Director, the County Engineer, the Multi-Disciplinary Team, or the Planning, Building and Zoning Committee, may appeal that decision in accordance with the procedures of this subsection (D).

(1) *Appeals of Director, County Engineer, or Multi-Disciplinary Team actions.*

(a) Appeals of actions or decisions of the Director, the County Engineer, or the Multi-Disciplinary Team may be taken by filing an appeal with the Director within 20 days of the action or decision.

(b) Upon receipt of an appeal, the Director shall place the matter on the agenda of the next regularly scheduled Planning, Building and Zoning Committee meeting and shall notify the appellant of the date, time, and place of the meeting.

(c) The Planning, Building and Zoning Committee shall act to uphold or overturn the action or decision.

(d) Within five days following the Planning, Building and Zoning Committee meeting, the Director shall provide the appellant with written notice of the Planning, Building and Zoning Committee's action.

(2) *Appeals of Planning, Building and Zoning Committee actions.*

(a) Appeals of actions or decisions of the Planning, Building and Zoning Committee may be taken by filing an appeal with the Director

within 20 days of the action or decision. Upon receipt of an appeal, the Director shall notify the Planning, Building and Zoning Committee of the appeal. The Director shall place the matter on the agenda of the next regularly scheduled County Board meeting. The Director shall notify the appellant of the date, time, and place of the County Board meeting.

(b) The County Board shall act to uphold or overturn the action or decision of the Planning, Building and Zoning Committee. A two-thirds vote of the entire membership of the County Board shall be required to overturn the decision or action of the Planning, Building and Zoning Committee. The action of the County Board shall be final and binding on all parties. Within five days following the County Board meeting, the Director shall provide the appellant with written notice of the County Board's action.

(Ord., § 10.8, passed 10-13-2009)

§ 151.193 APPLICATION REQUIREMENTS AND DOCUMENT STANDARDS.

(A) *General.*

(1) *Submission requirements.*

(a) All applications shall be prepared in accordance with Table 151.193(A).

(b) Plat/plan documents shall be prepared using the general application requirements of this section and the detailed information specified for each document type.

(c) No applications, plans, or reports will be accepted unless the Director determines that documents submitted comply with the application requirements of this section.

Table 151.193(A): Application Standards for Subdivisions and Related Applications				
Development Type	Development Stages ²			
	Preapplication Stage	Preliminary Plat Stage	Final Plat Stage	
	Early Assistance Meeting	Preliminary Plat and Preliminary Engineering	Final Engineering	Final Plat
Code Section(s)	§ 151.193(B)	Plat - § 151.193(C)	Engineering - § 151.193(E)	Plat - § 151.193(D)
		Engineering - § 151.193(E)		
Table 151.193(A): Application Standards for Subdivisions and Related Applications				
Development Type	Development Stages ²			
	Preapplication Stage	Preliminary Plat Stage	Final Plat Stage	
	Early Assistance Meeting	Preliminary Plat and Preliminary Engineering	Final Engineering	Final Plat
Code Section(s)	§ 151.193(B)	Plat - § 151.193(C)	Engineering - § 151.193(E)	Plat - § 151.193(D)
		Engineering - § 151.193(E)		
Minor subdivision	X		X	X
Major subdivision	X	X	X	X
Lot split			X	X
Plat amendment				X
Road extension ¹			X	
Planned unit development	X	X	X	X
Footnotes:				
1 See § 151.194 for street engineering and design standards.				
2 Specific document types required at any stage may be modified by the Multi-Disciplinary Team (MDT) depending on the complexity and/or level of detail required to conduct a thorough review of the subdivision application.				

(2) *General application requirements.* Unless otherwise modified by the Multi-Disciplinary Team, the following standards shall be met for all applications and documents submitted for review.

(a) *Application.* An application for development review shall be submitted to the Director in accordance with §151.045 on forms available from the Director. Unless otherwise waived by the Director, separate applications shall be submitted at the preapplication conference, preliminary plat, and final plat stages. No application shall be accepted unless all plans and documents required by this subchapter have been submitted and fees have been paid.

(b) *Document standards.*

1. *Size and scale.*

a. The plat/plan review documents shall be prepared on a sheet size of not greater than 24 inches by 36 inches and at a scale of one inch equals 50 feet or at one inch equals 100 feet if necessary to portray the proposed development on a single sheet. All plan sheets shall be numbered consecutively and bound into a package. All reports shall be bound and indexed;

b. A graphic scale and a north arrow shall be provided;

- c. Linear dimensions shall be given in feet and decimals of a foot; and
- d. Area dimensions shall be given in acres or square feet.

2. *Plan sheet details.*

- a. Each sheet shall have a title block that shall identify the name of the subdivision/development;
- b. The title of the sheet;
- c. The sheet number and the name, address, and telephone number of the developer;
- d. The name, address, and telephone number of the preparer; and
- e. The date of original design along with all subsequent revision dates indicated in the revision block.

(c) *Boundary survey.* A complete boundary survey containing a legal description of the property to be included in the subdivision shall be provided. For Early Assistance Meeting applications, if a boundary survey is not available, a tax map identifying the subject property may be submitted.

(d) *Document retention.* Upon approval of the final engineering plans and final as-built plans for a subdivision, digital copies of the approved plans in electronic format in TIF or PDF format shall be submitted to the Director for archival purposes.

(B) *Early Assistance meeting applications.*

(1) *Application.* The application shall be submitted in accordance with subsection (A)(2).

(2) *Site capacity calculations and preliminary natural resource inventory.* When required by § 151.070(A), site capacity calculations and a natural resource inventory map and analysis showing the location, limits, and area of all natural resources, as defined in § 151.071, shall be provided for the property to be developed.

(3) *Concept plan.* The developer shall provide a concept plan which includes the following information:

- (a) Proposed subdivision layout showing the design of the streets, lots, stormwater detention areas, parks, and other open space areas;
- (b) The proposed means of access to adjacent roads;
- (c) Surrounding land uses;
- (d) A preliminary map and analysis of natural resources present on the subject property, including those natural resources that overlap on adjacent properties; and
- (e) When services are available, the location of all connection points for sanitary sewer and public water supply should be shown.

(C) *Preliminary plat applications.*

(1) *Application.* The application shall be submitted in accordance with subsection (A)(2).

(2) *Required documents.* The preliminary plat application submission shall include the following documents:

- (a) Preliminary plat;
- (b) Site capacity calculations and preliminary natural resource plan; and
- (c) Preliminary engineering plans and all applicable reports.

(3) *Preliminary plat.* The preliminary plat shall contain the following information:

- (a) The marketing title and type of subdivision (e.g., conventional, conservation, planned development, commercial, mixed-use);
- (b) A sketch of a typical lot for each proposed use type indicating the minimum lot standards for each use as specified by the underlying zoning district (e.g., lot area, lot width at the street yard setback line, side and rear yard setbacks);

(c) A table identifying the following lot characteristics, by lot number:

1. Number of lots and/or dwelling units (residential uses);
2. Floor area (nonresidential uses);
3. Impervious surface (nonresidential uses); and
4. Use mixture (e.g., multiplex, commercial, open space) and the amount of land area devoted to each use type.

(d) *Proposed platted improvements.* The location of all of the following proposed platted improvements shall be shown:

1. *Lots and outlots.* All lots and outlots shall be designed in accordance with § 151.189. Lots shall be numbered consecutively. Outlots shall have their purpose designated on the plat and labeled with numbers or letters.
2. *Rights-of-way.* The layout and design of all proposed public and private road rights-of-way. Right-of-way widths and cul-de-sac radii shall be labeled. Proposed road names shall appear on the plat.
3. *Open space areas.* All proposed open space areas shall be identified by type (e.g., natural resource protection, recreation, stormwater detention) and ownership (e.g., common, deed-restricted).

4. *Reservations and dedications.* All areas of land to be reserved or dedicated as required in § 151.189 shall be represented on the preliminary plat.

(e) *Phase limits (also see § 151.188).* Whenever a subdivision will be developed in phases, the phase limits shall be shown in accordance with the following:

1. If the developer has no immediate development plans for a portion of the land to be subdivided, those portions for which there are no immediate development plans shall be labeled "Not Included" on the preliminary plat; or
2. If the developer has development plans for the entire subdivision, but desires to plat the subdivision in phases, the limits of each

phase, if known, shall be shown on the preliminary plat.

(4) *Site capacity and natural resource plan.*

(a) When required, preliminary site capacity calculations prepared in accordance with the requirements of §151.070 shall be provided.

(b) A preliminary natural resource plan shall be provided in accordance with subsection (E)(4)(g) of this section.

(5) *Preliminary engineering plans and reports.* Preliminary engineering plans and engineering reports shall be prepared in accordance with subsection (E)(3).

(D) *Final plat applications.*

(1) *Required documents.* The following information and documentation shall be required for the final plat review.

(a) Application;

(b) Final plat;

(c) Covenants, conditions, and restrictions, if necessary;

(d) Agreements, if necessary; and

(e) Final engineering plans and reports, if necessary.

(2) *Application.* The application shall be submitted in accordance with subsection (B).

(3) *Final plat.* The final plat shall be prepared by a state registered land surveyor in accordance with the document preparation standards of § 151.193(A)(2) of this chapter and shall contain the following information:

(a) *Title information.* Identify the title of the subdivision and the type of subdivision (e.g. conventional detached single family residential). The name, address, and telephone number of the developer; the name, address, and telephone number of the surveyor; and the date of the original design along with all subsequent revision dates (if any);

(b) *Property description.* Provide a legal description of the property to be subdivided;

(c) *Proposed platted improvements.*

1. *Lots and outlots.* All lots and outlots shall be designed in accordance with § 151.189 of this chapter. Lots shall contain dimensions and shall be numbered consecutively. Outlots shall have their purpose designated on the plat and labeled with numbers or letters.

2. *Rights-of-way.* The layout and design of all proposed public and private road rights-of-way; right-of-way widths and cul-de-sac radii; proposed road names.

3. *Easements.* The size and type of proposed utility, drainage, detention, access, and other easements.

4. *Open space areas.* Open space areas shall be identified by type (e.g., natural resource protection, recreation) and ownership (e.g., common, deed-restricted) as required by this chapter.

5. *Reservations and dedications.* All areas of land to be reserved or dedicated as required in § 151.190 shall be represented on the final plat.

6. *Reference notes.* A reference note section that references the name and document number assigned by the Lake County Recorder of all agreements and covenants and restrictions, if any, affecting the proposed subdivision shall be provided.

7. *Certificates and approvals.* All applicable certificates prepared in accordance with Appendix E of this chapter.

8. *Easement provisions.* When the subdivision contains easements for public utilities, a statement granting use of the easements to all applicable utility companies shall be placed on the final plat.

(4) *Final engineering plans and reports.* Final engineering plans and engineering reports shall be submitted as required by Table 151.193(E) below.

(5) *Covenants and restrictions.* A declaration of covenants and restrictions shall be required for all subdivisions, except for those that do not contain any stormwater management or other open space areas as required by this chapter. The declaration of covenants and restrictions shall at a minimum, contain the following information:

(a) *Plat reference.* Identify the final plat by its name and document number assigned by the Lake County Recorder;

(b) *Legal description.* Include the legal description of the land to be subdivided as shown on the final plat;

(c) *Duration and benefit.* State that the covenants and restrictions shall run with the land and are for the benefit of all lot or unit owners in the subdivision and the association. For subdivisions containing stormwater detention facilities and open space required by this chapter, the covenants and restrictions shall include the county as a beneficiary of these components of the subdivision;

(d) *Definitions.* Define all applicable operative terms which may include but are not limited to association, board, transition yard, common area and/or common element (if condominium or townhouse development), common open space, county, declaration, declarant(s) (shall be all owners of the property to be subdivided), deed-restricted open space, lot, owner, unit and stormwater management facilities;

(e) *Formation of association.* Provide for the formation of a mandatory property owner's association when a minimum of 80% of the lots in the subdivision are sold, or prior to the release of the maintenance assurance by the county, whichever comes first. The association shall be formed in perpetuity and membership in the association by lot or unit owners shall be compulsory;

(f) *Ownership.* Assign ownership of all stormwater management facilities and other common open space areas to the association. Each lot or unit owner shall own an undivided proportionate share of the stormwater management facilities and other common open space areas in the subdivision. Ownership of all deed-restricted open space, if any, shall be assigned to the owners of the lots on which the deed-restricted open space is platted;

(g) *Use restrictions.* State that all stormwater management facilities and other open space areas shall be used only for the purposes intended by this chapter and shall not be used or developed for or with any other use which would limit or cause to limit their use and function as intended by this chapter. Specific open space use restrictions, as specified by this chapter for each type of open space in the subdivision, also

shall be stated in the declarations;

(h) *Maintenance responsibilities.* State that all stormwater management facilities, landscaping, and other common open space areas in the subdivision shall be maintained in perpetuity by the association. Each lot or unit owner shall bear proportionate responsibility for the maintenance of all stormwater management facilities, landscaping, and other common open space areas. Each lot or unit owner's deed shall state that owner's liability for maintenance of the stormwater management facilities, landscaping, and other common open space areas. State that all deed-restricted open space shall be maintained by the owner of the lot on which the deed-restricted open space is platted. The general maintenance provisions for stormwater management facilities, landscaping and open space areas as required by this chapter as well as the specific maintenance responsibilities as may be identified by the subdivision's design consultants, if any, also shall be stated in the declarations;

(i) *Assessment mechanism.* Make provisions for the assessment and collection of all funds necessary for the repair and maintenance of all stormwater management facilities, landscaping, and other common open space areas within the subdivision. The assessments, together with interest, costs, and reasonable collection fees, shall be a charge on the land and shall be a continuing lien upon the property against which each assessment, together with interest, costs, and reasonable collection fees, also shall be made a personal obligation of the lot or unit owner of the property at the time the assessment fell due;

(j) *Dedications and agreements.* If any, reference dedications of school and recreational land within the subdivision, and/or all agreements for cash donations in lieu of dedication of school or recreational sites;

(k) *Transfer of ownership.* Make provisions for the transfer of ownership in the stormwater management facilities and other common open space areas from the declarant to the association;

(l) *Transfer of maintenance responsibilities.* State the declarant shall be responsible for the maintenance of all stormwater management facilities and other common open space areas, regardless of ownership, until such time as 80% of the lots or units in the subdivision have been sold. Further state that the declarant shall not transfer the maintenance responsibilities in stormwater management facilities and other common open space areas until all maintenance assurances held by the county for the required improvements have been released by the county;

(m) *Enforcement.* The declarations shall include provisions for the following enforcement mechanisms:

1. Enforcement of the declarations may be any proceeding at law or in equity, either to restrain violation or to cover damages by the association, any lot or unit owner, or the county, against any person violating or attempting to violate any covenant or restriction;

2. Duly designated officials and employees of the county shall be granted a perpetual easement to enter upon, on, or over all stormwater management facilities and other open space areas in the subdivision to ensure that the facilities and areas are being used properly and maintained in accordance with this declaration and all applicable county ordinances;

3. The failure of the association to enforce the provisions of this declaration with respect to the proper use and maintenance of any stormwater management facility or any other open space area in the subdivision shall operate to empower the county to act for and on behalf of the association, subject to reasonable inspection notice and demand requirements, and perform all maintenance or other operation necessary to ensure that all stormwater management facilities and other open space areas function and may be used as intended by this chapter; except that, in the event that the county finds that the failure to enforce the provisions of this declaration has created an immediate threat to public health, safety, and welfare, the county shall not be required to give notice before causing the correction of the problems arising from the failure of the association to enforce the provisions of this declaration. Furthermore, the county shall be entitled to reimbursement by the association for all reasonable costs incurred by the county in acting for, and on behalf of, the association including placing liens on all properties that are part of the association; and

4. The failure of the association, any lot or unit owner, or the county to enforce any covenant or restriction shall in no event be deemed a waiver of the right to do so thereafter.

(n) *Phased subdivisions.* If the subdivision is to be platted in phases, the declaration shall contain provisions for the phased platting;

(o) *Amendments.* The declaration may contain provisions permitting the addition, amendment, or termination of any covenant or restriction; shall contain provisions that the addition, amendment, or termination of any covenant or restriction shall not be permitted if the result would in any manner diminish the function of the declaration with respect to the use and maintenance of stormwater management facilities and other open space areas required by this chapter in the subdivision unless otherwise approved by the County Plat Officer;

(p) *Severability.* The declaration shall contain a severability clause;

(q) *Execution.* The declaration shall include the notarized signature of the declarant. The declaration shall not be executed until it has been approved by the Multi-Disciplinary Team; and

(r) *Agreements.* The developer shall obtain all school and recreational land agreements as required by §§ 151.220 and 151.221, if any. Each agreement shall include a legal description of the land to be subdivided and shall reference the final plat by name and document number as assigned by the Lake County Recorder.

(E) *Engineering improvement plans and details.*

(1) *Applicability.* Engineering plans, reports and calculations shall be required for all minor or major subdivisions and road extensions. The Multi-Disciplinary Team shall determine the extent of engineering information required for lot splits or plat amendments based on the subdivision's impact on existing roads, sanitary sewer and water main infrastructure, natural resources, or drainage.

(2) *Submission requirements.*

(a) Table 151.193(E) provides a detailed list of the documents required to be submitted at the preliminary plat and final plat stages of the subdivision process. Unless authorized by the Multi-Disciplinary Team, engineering plans and reports shall be prepared in accordance with the application requirements and document standards specified in this section.

(b) The Multi-Disciplinary Team shall be authorized to modify the information to be submitted and the format in which it is submitted based on the complexity of the subdivision to assure a thorough review of the subdivision's impact on natural resources, soils, stormwater, sanitary sewer and water services, transportation, and access components.

Table 151.193(E): Engineering Submission Requirements

Document Description	Code § 151.193(E), Subsection	Preliminary Engineering Applicability	Final Engineering Applicability

Engineering Reports and Calculations			
Table 151.193(E): Engineering Submission Requirements			
Document Description	Code § 151.193(E), Subsection	Preliminary Engineering Applicability	Final Engineering Applicability
Engineering Reports and Calculations			
Stormwater management report	(3)(a)1.a.	X	X
Base flood elevation report	(3)(a)1.b.	W/A	W/A
Wetland report	(3)(a)1.c.	W/A	W/A
Stormwater maintenance report	(3)(a)2.	W/A	W/A
Sewer and water improvements report	(3)(a)3.	W/A	W/A
Site capacity calculations	(3)(b)	X	X
Engineering Plan Sheets			
Cover/title page	(4)(a)	X	X
Master plan	(4)(b)	W/A	W/A
Existing conditions plan	(4)(c)	X	X
Grading and drainage plan	(4)(d)	X	X
Soil erosion and sediment control plan	(4)(e)		X
Field tile survey	(4)(f)	W/A	W/A
Natural resource inventory and protection plan	(4)(g)	X	X
Typical road cross-sections	(4)(h)	X	X
Infrastructure improvements plan	(4)(i)	X	X
Road cross-sections	(4)(j)		X
Construction details and standards	(4)(k)		X
Pavement marking, sign location, and street lighting plan	(4)(l)		X
Landscape and recreational improvement plan	(4)(m)		X
Cost Estimate and Schedule			
Cost estimates	(5)(a)		X
Construction schedule	(5)(b)		X
W/A - When applicable; consult with staff			

(3) *Engineering reports and calculations.*

(a) *Engineering reports.* When required by this chapter, the consulting engineer shall provide engineering reports for all preliminary plat and final plat applications. The reports shall be bound into a document which includes information related to roadways, access, stormwater management, soils, drain tiles, and sanitary sewer and water main details, when applicable, to assist staff in evaluating compliance with this chapter.

1. *Stormwater management improvements.* A description of the proposed stormwater management system, including drainage for road rights-of-way and the following information:

a. *Stormwater management report.* At the preliminary plat stage, the stormwater management report may be limited to drainage calculations, including detention basin sizing and storage calculations, and basin restrictor size calculations. A full report containing the following information shall be provided at the final plat stage of the subdivision process.

(i) *Stormwater management narrative.* A brief explanation of existing site drainage conditions, existing structures, an explanation of proposed site drainage conditions, nature of proposed development, an explanation of stormwater modeling used for the subdivision, and an explanation of compliance with the runoff hierarchy of § 151.146(D) and a summary of the results;

(ii) *Drainage exhibits.* The subject property boundary depicted on:

(I) The best available topographic information, including all on-and off-site tributary drainage areas defined, including their acreage and points of entry and discharge;

(II) A Federal Emergency Management Agency Flood Insurance Rate Map (FIRM);

(III) A county wetland inventory map; and

(IV) A soils inventory map.

(iii) Detention basin storage volume calculations;

(iv) Storm sewer pipe sizing calculations;

(v) Tributary area exhibit;

(vi) Outlet control structure restrictor sizing calculations; and

(vii) Overflow weir calculations.

b. *Base flood elevation report.* If a flood-prone area of unknown elevation exists on or near the subject property, a base flood elevation analysis report must be submitted to the County Department of Planning, Building and Development or the Lake County Stormwater Management Commission, whichever is appropriate, for review and approval. Refer to § 151.147(B) for further information.

c. *Wetland report.* If the subject property contains any existing wetlands, a wetland study report will be required for the subdivision. Refer to §§ 151.145 through 151.154 for complete requirements.

2. *Stormwater maintenance report and plan.* A short-term and long-term maintenance plan, prepared by an appropriate professional, shall be submitted at the final engineering stage consisting of a narrative describing the short-term and long-term maintenance practices to be implemented for on-site stormwater management facilities and the responsible parties. This document may include but is not limited to the following: maintenance of pipes, swales, basins, native plantings, mowing and controlled burning, in addition to other necessary procedures to ensure maintenance of the facilities in accordance with the approved final engineering plans.

3. *Sewer and water improve-ments report.* At the preliminary plat stage, the sewer and water improvement report may be limited to a general discussion with related maps and/or calculations that address how the following items will be addressed in subdividing the property. A full report containing the following information shall be provided at the final plat stage of the subdivision process:

- a. A description of the proposed means of sewage disposal (on-site waste water disposal or public sewer) and water supply (private water well or public/community water supply);
- b. Proposed points of connection to existing public systems;
- c. A discussion of capacities and modification to existing facilities to accommodate additional system demand, if required;
- d. A description of easements and future ownership/operation of improvements;
- e. Design basis including number of units and projected flow calculations;
- f. Invert elevations at point of connection and lowest on-site invert elevation;
- g. A determination if a sanitary sewer lift station will be required;
- h. A determination if an existing sanitary sewer lift station will require upgrading;
- i. A discussion of current and future looping of water mains;
- j. A discussion of critical factors affecting design, if any (e.g., river, railroad, highway crossings, wetlands, floodplains, or extreme grade changes), and the method of installation (e.g., directional boring requiring room for receiving pit); and
- k. A discussion of major anticipated system improvements and proposed locations such as well house, water treatment facilities, wells, elevated water towers, reservoirs, lift stations, and emergency generators if required.

(b) *Site capacity calculations.* When applicable, site capacity calculations shall be prepared in accordance with § 151.070 of this chapter and shall be submitted with a natural resource inventory and natural resource protection plan specified in subsection (E)(4)(g) of this section. At the preliminary plat stage, these calculations may be submitted in draft form along with the associated natural resource inventory and natural resource plan.

(4) *Engineering plan sheets.*

(a) *Cover/title page.* This sheet shall be labeled "Cover or Title Page" and shall include the following information:

1. A detailed vicinity map depicting the location of the subject property boundary in relation to major roads, natural features, municipalities, and the like so the property being developed can be easily located;
2. An index of all sheets;
3. The parcel identification number(s) of the property to be subdivided;
4. A legend of all symbols and abbreviations used in the plans;
5. The imprinted seal, signature and license expiration date of the engineer responsible for the preparation of the plans;
6. Surface water drainage statement (see Appendix D);
7. Location and elevation of benchmarks; and
8. Lake County Division of Transportation general notes (see Appendix C).

(b) *Master plan.* A master plan shall be required only when the proposed subdivision cannot be portrayed on a single 24-inch by 36-inch sheet at a scale of one inch equals 50 feet. This sheet shall be labeled "Master Plan" and shall include the following information:

1. The proposed layout of all lots and road rights-of-way, lot numbers, road names, water mains, sanitary sewers, and storm sewers drawn to any scale that is read easily and which can be portrayed conveniently on a single 24-inch by 36-inch sheet;
2. Match lines showing the sheet segmentation of the subdivision when drawn at a scale of one inch equals 50 feet on 24-inch by 36-inch sheets; and
3. If the subdivision will be platted in phases, the limits of each phase.

(c) *Existing conditions plan.* The following existing conditions for the property to be developed shall be shown:

1. The existing lots, parcels, road rights-of-way and easements, including street names, on the subject site and on all adjoining parcels;
2. The location of all existing man-made features such as houses, barns, and other constructed features;
3. A topographic survey prepared either by a surveyor or an engineer containing the following information:
 - a. Existing contour lines at not greater than one-foot intervals extending a minimum of 200 feet off-site. All elevations shall be referenced to National Geodetic Vertical Datum (NGVD), 1988 (NAVD), which supersedes the NAVD 29 datum used prior to September 18, 2013;
 - b. The reference benchmark and elevation shall be cited; and
 - c. Spot elevations order to verify the accuracy of the topographic survey.
4. The location of all known field and storm drainage tiles as evidenced in a field tile survey and report prepared in accordance with subsection (E)(4)(f) of this section;

5. The normal shoreline of water bodies, channels, existing detention basins, their easements, and direction of flow;
6. The location, size, and flowline elevation of all existing storm sewers, culverts, sanitary sewers, and water mains of record;
7. The location of all existing individual sewage disposal systems of record; and
8. The location of all existing wells of record.

(d) *Grading and drainage plan.* A grading and drainage plan containing the following information shall be prepared in accordance with §§ 151.145 through 151.154 of this chapter.

1. *Existing conditions.* The existing conditions described above. The existing conditions shall be screened with the proposed improvements items below overlaid;
2. *Platted improvements.* The location of proposed lots, road rights-of-way and easements, including lot numbers and street names;
3. *Engineered improvements.* The approximate location of proposed structures, roads, sidewalks within the road right-of-way, and other impervious surfaces;
4. *Phase limits.* If the subdivision will be platted in phases, the limits of each phase;
5. *Waste disposal and wells.* When applicable, the approximate location of proposed on-site waste disposal systems and private wells;
6. *Grading and drainage improvements.*
 - a. Topographic survey with 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. Off-site drainage areas, points of discharge and entry, velocity of flow, and flow quantities;
 - c. An indication of the direction of water flow in all existing and proposed swales;
 - d. Drainageways, including the slope of channel and existing and proposed typical cross-sections and profiles;
 - e. The location of all existing streams and floodplains to be maintained, and proposed channels to be constructed, including specifications and dimensions of proposed channel modifications, locations, and orientation of cross-sections and profiles;
 - f. The location 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;
 - (v) Control structure details (e.g., outlets, restrictors, spillways);
 - (vi) Contours at one-foot intervals; and
 - (vii) Overflow weir locations and dimensions.
 - g. The location, type, length, size, and slope of proposed storm sewers and culverts, if any, together with all related structures, including rim and invert elevations;
 - h. Proposed culverts and bridges, their materials, elevations, and waterway openings;
 - i. 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 flowpath, and the relationship of structures, roads, and other utilities;
 - j. The limits of grading and other construction activities;
 - k. Proposed elevations in U.S. Geological Survey datum for top of foundation, walkouts and lookouts; finished grade elevations around all proposed structures; and
 - l. The pavement elevations at each 100-foot centerline station point, at street intersections and at the center of cul-de-sacs, and indications of direction of stormwater flow.

7. *On-site waste disposal systems and private wells.*

- a. When applicable, the soil map showing all boring locations, as provided by a licensed soil classifier, overlaid onto the grading plan. All soil boring logs must also be included.
- b. When applicable, the location of proposed private water wells.

(e) *Soil erosion and sediment control plan.* This sheet shall be labeled "Soil Erosion and Sediment Control Plan" and shall be prepared in accordance with the provisions of §§ 151.145 through 151.154 of this chapter.

(f) *Field tile survey.* When required by §§ 151.145 through 151.154, a field tile survey may either be furnished as an independent report and plan or incorporated into the preliminary engineering or final engineering plans for the subdivision. When incorporated into the preliminary engineering or final engineering plans for the subdivision, the sheet shall be labeled "Field Tile Survey" and prepared in accordance with the provisions of §§ 151.145 through 151.154. Field tile systems disturbed during the site development process must be reconnected by those responsible for their disturbance, unless the approved drainage plan allows their relocation.

(g) *Natural resource inventory and protection plan.* This sheet shall be labeled "Natural Resource Protection Plan" and shall be prepared as an overlay of the grading and drainage plan containing the following information.

1. The location and extent of the following natural resources, as defined in §151.071 of this chapter:
 - a. Nonlinear water bodies (lakes and ponds);

- b. Linear water bodies (channels);
- c. Regulatory floodplains, flood-prone areas, and limits of floodways;
- d. Water body buffers (for linear and nonlinear water bodies);
- e. Wetlands;
- f. Mature woodlands; woodland groves; significant trees; and
- g. Young woodlands.

2. The location and extent of all natural resource protection areas and the location, type, and nature of all temporary and permanent measures and practices to be utilized to protect natural resource protection areas from development activities, as required by this chapter; and

3. A table similar to the following Table 151.193(E)(4)(g) indicating the gross area (pre-development area) of each identified natural resource, the net area (post-development area) of each identified natural resource and the percentage protection of each identified natural resource shall be represented.

Table 151.193(E)(4)(g)			
Name of Resource	Predevelopment Resource Area	Post Development Resource Area	Percent Protection

(h) *Typical road cross-sections.* This sheet shall be labeled "Typical Road Cross-Sections". Cross-sections shall be prepared at a horizontal scale of one inch equals ten feet and a vertical scale of one inch equals five feet and shall contain the following information:

- 1. Typical road cross-section of the existing right-of-way conditions (if applicable);
- 2. Typical road cross-section of the proposed improvements including pavement structure, pavement cross-slope, ditch slope rates, and other horizontal width components such as right-of-way, pavement, shoulder, curb and gutter, ditches, and the like; and
- 3. For examples refer to typical cross-sections for local streets, Appendix O of this UDO.

(i) *Infrastructure improvement plan and profile.* This sheet shall be labeled "Infrastructure Improvement Plan". Plan and profile views shall be shown on the same sheet using the same scale. The plan view shall be located at the top of the sheet with the corresponding profile shown below. Plans and profiles shall be prepared with a horizontal scale between one inch equals 50 feet and one inch equals 20 feet and a vertical scale with a 10:1 ratio to the horizontal scale and shall include the following information:

- 1. *Plan view.*
 - a. Existing conditions shall be screened with proposed improvements such as platted improvements (location of proposed lots, road rights-of-way and easements, including lot numbers and street names), engineering improvements, and phase limits;
 - b. The location of proposed structures, roads, sidewalks within the road right-of-way, utilities, storm sewer, sanitary sewers, water mains, and other impervious surface dimensioned showing widths and offsets from the centerline;
 - c. Centerline of the proposed roadway with construction stationing at 100-foot intervals;
 - d. Complete horizontal curve data for the proposed roads;
 - e. Intersection pavement and right-of-way radii;
 - f. Topography of all berms, ponds, swales, and drainage adjacent to the right-of-way line;
 - g. The location, type, length, size, and slope of proposed sanitary sewers, storm sewers, and force mains together with all related structures, including rim, invert elevations, and connections to off-site collection systems;
 - h. The location and design of proposed sanitary sewer lift stations;
 - i. The location and design of proposed wells, well houses, storage tanks, and similar water works;
 - j. The type and inverts of all culverts with locations noted by station and station offset; and
 - k. The type and inverts of all flared end sections with locations noted by station and station offset.

- 2. *Profile view.*
 - a. The gradelines of existing and proposed road centerlines;
 - b. Elevations of existing and proposed centerlines at corresponding stations;
 - c. Complete vertical curve data;
 - d. Complete storm sewer, sanitary sewer and water main structures;
 - e. Complete storm sewer and sanitary sewer lines, water mains, culvert, and utilities noting percent gradient; and
 - f. For subdivision with open drainage systems, the gradeline of existing and proposed ditch lines on both sides of the road noting the proposed percent gradient.

(j) *Road cross-sections.* This sheet shall be labeled "Road Cross-Sections". Cross-sections shall be prepared at a horizontal scale of one inch equals ten feet and a vertical scale of one inch equals five feet and shall contain the following information:

- 1. Road cross-sections shall be provided at each 100-foot road centerline station point, each utility crossing, each crossroad culvert, and the center of proposed cul-de-sacs and T-turnarounds.
- 2. Road cross-sections shall show the existing ground elevation and topography together with all engineered improvements within and under the right-of-way. The road cross-sections shall show proposed ground elevations meeting existing ground elevations, whether inside or outside the right-of-way.

(k) *Construction details and standards.* This sheet shall be labeled, "Construction Details and Standards" and shall contain all notes, details, and/or specifications that are required by this and other applicable county ordinances and/or that are needed for the construction of the proposed subdivision and are not provided elsewhere in the final engineering improvement plans. For street improvements, the following information shall be included on this sheet:

1. Typical section for pavement design;
2. Typical section for shoulders, ditching, and slopes;
3. Special details; and
4. Summary of quantities.

(l) *Pavement marking, sign location, and street lighting.* This plan shall be labeled, "Pavement Marking, Traffic Control, and Street Lighting" and shall be prepared at a scale of no less than one inch equals 100 feet and shall contain pavement markings, sign locations, and streetlight locations, and any detail and standards related to this information.

(m) *Landscape and recreational improvement plan.* When required, a landscape architect or landscape designer with the necessary knowledge of plants and design skills shall provide a landscape plan and recreational improvement plan that performs the following functions: treats all applicable areas of the site required by § 151.167 of this chapter with suitable landscape material; and locates recreational improvements to promote access and use by residents (see § 151.221). The plan shall be labeled "Landscape and Recreational Improvement Plan" and shall include the following information:

1. *Platted improvements.* The location of proposed lots, road rights-of-way and easements, including lot numbers and street names;
2. *Engineered improvements.* The location of proposed structures, roads, sidewalks within the road right-of-way, and other impervious surfaces;
3. *Phase limits.* If the subdivision will be platted in phases, the limits of each phase;
4. *Landscaping.* The location, size, and type of proposed landscaping as required by §151.167 of this chapter, if any, together with the location, number, species, and size of required landscape plant material; the type and size of structures, if any; and a landscape plant schedule;
5. *Recreational improvements.* The location and design of proposed recreational improvements, if any, as required by this chapter;
6. *Significant trees and woodlands.* The location of significant trees and woodlands as defined by §151.071(l) of this chapter and their protection measures; and
7. *Reforestation area.* Reforestation area, if required, together with the location, number, species, and size of required landscape plant material.

(5) *Cost estimate and schedule.*

(a) *Cost estimate.* An estimate of probable expenditures necessary to construct the proposed subdivision in full compliance with all applicable standards shall be signed and sealed by the engineer of record. Unless otherwise authorized by the Multi-Disciplinary Team, the cost estimate shall be divided into: (1.) Subdivision Assurance Valuation, representing 120% of the total cost of all subdivision improvements, and (2.) the Restoration Valuation, representing 30% of the Subdivision Assurance Valuation estimate; at a minimum, when applicable, the following information shall be included in the estimate.

1. *Subdivision assurance valuation.*
 - a. Mass grading and earthwork (i.e., clearing, grubbing, mass grading, fine grading);
 - b. Drainage improvements (i.e., detention construction, storm sewer, outlet control structures, end sections, and the like);
 - c. Roadway improvements (i.e., base, binder, surface improvements, curb and gutter, sidewalks, signage, traffic control, and the like);
 - d. Sanitary sewer and water main improvements;
 - e. Landscape improvements;
 - f. Retaining walls;
 - g. Recreational improvements;
 - h. Soil erosion sediment control and natural resource protection measures and practices; and
 - i. Engineering and surveying consulting services (minimum 10% of the total improvement costs).

2. *Restoration valuation.* The valuation of the restoration amount for any subdivision shall represent 30% of the total costs for the subdivision improvements.

(b) *Construction schedule.* A construction schedule shall be provided with the final engineering plans in the form of a time scale network. The time scale network shall identify each critical task involved in the construction of the subdivision and the beginning and completion of each task in relation to each other task. Exact dates need not be identified during the review of final engineering improvement plans; specific dates for the beginning and completion of each task will be identified at the time of the preconstruction conference.

(Ord., § 10.9, passed 10-13-2009)

§ 151.194 STREETS.

(A) *General.* All streets shall conform to the applicable standards of Illinois Department of Transportation, the Lake County Division of Transportation ("County Engineer" in this section), and Township Road District, hereafter defined as "Roadway Authority". All required street improvements shall be approved by the County Engineer as a condition of approval of the final engineering plans.

(B) *Modifications from street standards.*

(1) The County Engineer may grant modifications from the provisions of this section in accordance with the minor modification procedures described in § 151.192. Decisions rendered by the County Engineer shall take into consideration existing conditions, site limitations, and whether in the professional opinion of the County Engineer the modification will negatively affect the function, structural composition, or the public health, safety, or general welfare.

(2) If in the course of considering a modification request, the County Engineer believes the public interest would be best achieved by consideration of the modification before the Planning, Building and Zoning Committee, the request may be returned to the Director with a request for formal action on the modification by the Planning, Building and Zoning Committee.

(C) *Streets and stormwater conveyance.* In no instance shall a 100-year storm event be allowed to encroach upon any part of the pavement of any street.

(D) *Access and improvement to external streets.*

(1) *Accessibility.* All land to be subdivided shall have access to a public street that has been improved in accordance with the standards of this chapter or standards provided by the relevant roadway authority having jurisdiction over the street. The developer shall obtain approval from the roadway authority having jurisdiction to provide access to the street.

(2) *Compliance.* If an existing public street which provides access to the subdivision does not comply with the minimum standards required by this chapter for the street classification, the developer shall be required to improve the existing street to the minimum standards of this chapter, or standards provided by the roadway authority. The type and extent of the improvement shall be determined by the roadway authority with jurisdiction. The final engineering plans shall include the proposed improvements to the existing streets and financial assurances shall be provided for the cost of the improvements in accordance with § 151.203.

(3) *Subdivision access standards.*

(a) Streets that intersect with arterial or collector streets that are under the jurisdiction of the Lake County Division of Transportation shall be subject to compliance with the Lake County Access Regulation Ordinance (see Chapter 91).

(b) Streets that intersect with freeway, arterial or collector streets that are under the jurisdiction of the Illinois Department of Transportation shall be subject to compliance with all Illinois Department of Transportation standards.

(c) Streets that intersect with a strategic regional arterial route shall be subject to compliance with the strategic regional arterial plan for that route.

(d) Streets that intersect with an existing local street shall be subject to compliance with the Access Regulation Ordinance (see Chapter 91) if the agency having jurisdiction for the existing local street does not have standards in place. The access location shall be approved by the agency having jurisdiction for the local street.

(e) All street intersections shall be at right angles.

(4) *Lot access requirements.*

(a) In a subdivision containing internal local streets, access to lots shall be from the local street contained within the subdivision.

(b) When lots border on an existing or proposed freeway, arterial, or collector street, access to lots shall be provided by:

1. A marginal access street that is separated from the freeway, arterial, or collector by landscaping and provides access to the higher classification street at appropriate points; or

2. Shared driveways or access ways with the approval of the roadway authority with jurisdiction.

(E) *Reserve strips.* Reserve strips controlling access to streets shall not be permitted.

(F) *Street names.* Street names shall not be similar to or duplicate any other street in the township or adjacent townships and municipalities. New streets that are extensions of or in alignment with existing streets shall bear the name of the existing street. The names of all streets must be acceptable to the Lake County Division of Transportation, the Township Highway Commissioner, the local Fire Protection District and the U.S. Postal Service.

(G) *Street signs.*

(1) A sign study may be required upon completion of all streets in the subdivision to at least the binder course. In order to obtain a sign study, the Township Highway Commissioner shall submit a written request to the County Engineer. The developer shall reimburse the road district 100% of the costs related to the sign study, sign materials, and sign installation.

(2) Street name signs shall be erected at all street intersections within the subdivision. Regulatory and directional signs shall be erected at locations indicated by the Township Highway Commissioner or as shown on the sign erection permit. Stop signs shall be erected at all locations where the subdivision street exits onto an existing street. Signs and sign posts shall meet the minimum requirements set forth in the *Illinois Manual on Uniform Traffic Control Devices for Streets and Highways (IMUTCD)*, latest edition, and the policies and guidelines of the agency having jurisdiction of the road or intersection. Only signs authorized by the highway authority having jurisdiction and in compliance with the *IMUTCD* shall be permitted to be placed, displayed, or maintained within the right-of-way.

(H) *Utility placement.* Utilities, including water mains and sanitary sewers shall not be located beneath street pavement or associated curbs and gutters. Utility crossings shall be permitted at right angles only or the shortest distance under pavement as determined by the Lake County Division of Transportation.

(I) *Traffic signals.*

(1) *Traffic impact study; signalization warrants.* A traffic impact study shall be submitted in accordance with the guidelines established in the Access Ordinance (Chapter 91) to determine if signalization warrants, as established in the *Illinois Manual on Uniform Traffic Control Devices for Streets and Highways (IMUTCD)* are met. If the projected traffic generated by the subdivision meets the warrants established in the *IMUTCD* it shall be documented in the traffic impact study. The traffic impact study shall clearly demonstrate that the traffic signal, if required, will not impede coordinated traffic flow, result in undue delay or impair traffic operations or safety.

(2) *Payment of signal costs.*

(a) If the traffic impact study indicates that the subdivision's projected traffic meets or exceeds the signalization warrants established by the *IMUTCD*, the developer shall be required to deposit funds in escrow with the road district to pay for the future costs of installation of the traffic signal.

(b) The escrow amount shall be equal to the current average estimated cost of installing traffic control signals, plus an additional 30% to cover the cost of engineering and administration.

(c) A cashier's check, bank draft, certified check, or bank money order in the required amount shall be made payable to the road district

and shall be submitted to the road districts for deposit in an escrow account to be used only for the specified improvement. A certificate of deposit shall not be acceptable.

(J) *Haul streets.* Haul streets may be required for construction access to the subdivision in order to prevent damage to existing streets.

(K) *Street layout.*

(1) *Arrangement.* The arrangement of streets within a subdivision shall be based on the following design criteria.

(a) Existing and proposed streets shall be extended to adjacent developed or undeveloped property based on consideration of the following factors:

1. The presence of protected natural resources (e.g., wetland, creek);
2. Compatibility of land uses;
3. Availability and location of alternate access points;
4. Impact on circulation within an adjacent neighborhood; and
5. Ability to provide public services to the subdivision, including the ability of the roadway authority to provide maintenance services to area residents.

(b) The centerline of street pavements shall be centered in the right-of-way.

(2) *Topography.*

- (a) Streets shall be related appropriately to topography, soils, drainage, and natural resources.
- (b) They shall be arranged to obtain as many building sites as possible at or above the grades of the streets.
- (c) A combination of steep grades and curves shall be avoided.

(3) *Streets along boundary lines.*

- (a) Streets may be laid out on the boundary of the subdivision.
- (b) The Director shall notify the owner of property adjacent to the proposed street.

(c) If the Planning, Building and Zoning Committee finds that the neighboring property will be detrimentally affected by the creation of new zoning nonconformities, neighbors' written consent shall be required prior to approval of preliminary plat or the final plat if a preliminary plat is not required.

(L) *Street design standards.*

(1) *Grades.*

- (a) The maximum grade for collector streets and streets of higher classification shall not exceed 4%.
- (b) The maximum grade for local streets shall not exceed 6%.
- (c) The maximum grade for private streets shall not exceed 8%.
- (d) The maximum grade for all driveways continuing outside of the right-of-way shall not exceed 8% unless written approval is obtained from the County Engineer.
- (e) The grade of all streets shall not exceed 0.4%.

(2) *Geometrics.* Street geometrics shall conform to the design standards established in the Illinois Department of Transportation's *Bureau of Local Roads and Streets Manual (BLR)*. Streets shall be designed on the basis of the following design speeds:

Collector street	50 miles per hour
Local streets	30 miles per hour

(a) *Horizontal curvature.* Angles on the centerlines of streets shall not be permitted except at intersections. Centerline radii shall be as follows:

Collector streets	Shall conform to standards set by the <i>BLR Manual</i>
Local streets	100-foot minimum

(b) *Vertical curvature.* Vertical curves shall be required at all locations where the algebraic difference on the grades is 1% or greater. Vertical curves shall be designed as follows:

Collector streets	Shall conform to standards set by the <i>BLR Manual</i>
Local streets	Crest vertical curves shall be designed with a minimum K value of 30. Sag vertical curves shall be designed with a minimum K value of 50. In no case shall a vertical curve at a street intersection be less than 50 feet.

(c) *Cross-sections.* Street cross-sections shall be built to the specifications as shown on the typical cross-section (see Appendix O, typical local road cross-sections, Figures 1 and 2, or typical alternative local road cross-section, Figure 3).

(d) *Minimum radii.* Minimum intersection radii shall be as follows:

Intersection of:	Local and Collector Streets	Local Streets	Local and Major Arterial Streets
ROW line	35 feet	15 feet	As determined by the Illinois Department of Transportation and the Lake County Division of Transportation
Pavement	50 feet	30 feet	

(e) *Medians.* Medians shall only be permitted with the written approval of the Township Highway Commissioner. The Township Highway Commissioner shall submit the written approval to the County Engineer.

(M) *Right-of-way and pavement standards.*

(1) *General.* Rights-of-way shall not be included within the dimensions or areas of lots or parcels. With the exception of private streets, as provided by § 151.190, all rights-of-way shall be dedicated to the public.

(2) *Rights-of-way and pavement width requirements.*

(a) *Applicability of standards.* All streets contained in proposed subdivisions, or streets contained in existing subdivisions that do not qualify for development standards for unimproved existing rights-of-way defined in subsection (R) of this section shall meet the right-of-way and pavement width requirements specified in Table 151.194(M).

(b) *Establishment of standards.* Minimum right-of-way and pavement widths shall be as designated by the Illinois Department of Transportation, Lake County Division of Transportation and, as noted in Table 151.194(M), major arterial and collector streets maintained by the Illinois Department of Transportation shall have a right-of-way width between 120 and 150 feet. The dedication of right-of-way for an expressway shall not be required but shall be reserved as required by § 151.190 of this chapter.

Table 151.194(M): Minimum Right-of-Way (R) and Pavement (P) Widths (Ft.)												
Street Type	Detached House Lot Sizes (Sq. Ft.)						Multi-Dwelling		Commercial		Industrial	
	20,000 or less		20,001 - 40,000		40,001 +							
	R	P	R	P	R	P	R	P	R	P	R	P
Collector												
Open drainage	-	-	-	-	-	-	-	-	-	-	-	-
Closed drainage	-	-	-	-	-	-	-	-	100- 160	34	100- 160	34
Local												
Open drainage	-	-	-	-	66	24	-	-	-	-	-	-
Closed drainage	60	24	60	24	60	24	60	24	60	24	60	24
Local [1]*												
Open drainage	-	-	-	-	60	22	-	-	-	-	-	-
Closed drainage	60	22	60	22	60	22	-	-	-	-	-	-
Private												
All	33	18	33	18	33	18	-	-	-	-	-	-
All pavement measured from edge of pavement to edge of pavement.												
[1] Five lots or less												
* Right-of-way may be reduced to 50 feet based on topography if approval obtained from the Lake County Division of Transportation and the Township Highway Commissioner.												

(3) *Pavement structure.* This section establishes material specifications, as defined in the *Illinois Department of Transportation Standard Specifications for Street and Bridge Construction*, as amended, hereafter referred to as the *Standard Specifications*, for subdivision pavement structure for detached house (single family) and multi-dwelling subdivisions. It also establishes the minimum thickness of the pavement structure for detached house (single family) and multi-dwelling subdivisions. The pavement structure of all commercial and industrial subdivisions shall be designed on a site-by-site basis, in accordance with Illinois Department of Transportation standards for 80,000-pound weight limits. Once the binder course has been placed, no open cutting of the pavement for the installation of storm sewer or utilities shall be permitted.

(4) *Pavement structure-material specifications and minimum pavement thickness for detached house (single family) and multi-dwelling subdivisions.*

(a) *Collector street.* Pavement structure requirements for a collector street shall be in accordance with Illinois Department of

Transportation standards for 80,000-pound street limits.

(b) *Local street.*

Material	Specifications	Thickness
*Bituminous surface course:	HMA, Mix D, N50	2 in.
*Bituminous binder course:	HMA, IL 19.0, N50	7 in.
**Aggregate base course:	CA-6, Type A	4 in.
Prime:	IDOT Standard Specifications	
	Aggregate (prime coat)	
	Cleaning of bituminous materials	

(c) *Private street.****

Material	Specifications	Thickness
*Bituminous surface course:	HMA, Mix D, N50	2.5 in.
**Aggregate base course:	CA-6, Type A	10 in.
*Refer to Lake County Division of Transportation's latest specification revision on mixtures.		
**Materials shall be limited to crushed gravel, crushed stone or crushed concrete. Plasticity index requirements for adding water at the central mixing plant will be waived.		
***Permitted only in single family detached subdivisions with three lots or less.		

(N) *Cul-de-sacs and turnarounds.*

(1) *General.* Cul-de-sacs shall be provided for all streets where the street terminus is a permanent dead-end. The center of the cul-de-sac shall not be more than 30 feet from the centerline of the cul-de-sac street.

(2) *"T" turnarounds.* T-turnarounds are discouraged. The use of "T" (shaped) turnarounds may be authorized in lieu of cul-de-sacs only when it is determined that due to environmental factors, limited density, or other conditions unique to the subdivision, their use is justified.

(3) *Stub streets.* A temporary cul-de-sac (standard or "T") shall be provided at the terminus of all stub streets. The right-of-way lines and constructed pavement shall be extended to the boundary line of the proposed subdivision if the adjacent property is undeveloped. Type III barricades and "Street Closed" signs shall be erected at the terminus during the construction phase. At the completion of the street construction, "End of Street" signs with two reflective diamonds shall be erected at the terminus. The following notation shall be placed on the subdivision plat: "Future access connection for adjacent development. Right-of-way alignment may be changed upon the extension of the street". It also shall be noted on the plat that no direct access to the "T" turnaround shall be permitted until such time as the temporary "T" turnaround is removed and the street extended.

(4) *Cul-de-sac standards.*

(a) *Geometric standards.* Cul-de-sacs shall comply with the following geometric standards:

	Detached House Lot Sizes		Multi-Dwelling	Commercial	Industrial
	(Sq. Ft.)				
	<= 40,000	>40,000			
ROW radius (ft.)	60	60	60	60	60
Pavement radius (ft.)	40*	40	50*	50*	50*
Entrance radius (ROW) (ft.)	20	20	20	20	20
Entrance radius (PVT) (ft.)	30	30	30	30	30

	Off-Center**	With Island***
	Off-Center**	With Island***
ROW radius (ft.)	60* - 65	80
Pavement radius (ft.)	45	58
Inside pavement radius		35
Entrance radius (ROW) (ft.)	35	15
Entrance radius (PVT) (ft.)	40	35
* Closed drainage		
** The maximum permissible offset is 30 feet		

*** Cul-de-sac with an island shall only be permitted with the written approval of the Township Highway Commissioner. The Township Highway Commissioner shall submit the written approval to the County Engineer. The center island with a radius of 26 feet or more shall not be dedicated for public street purposes, but rather shall be owned and maintained privately be the property owners' association. Plantings shall only be permitted within this center island. Type B-6.12 curb and gutter shall be required around the center islands.

(b) *Length.* No more than 40 dwelling units may be served by a cul-de-sac or a single point of access unless approved by the Planning, Building and Zoning Committee.

(O) *Curbs and gutters.*

(1) *When required.* Curbs and gutters shall be required in the following conditions:

(a) All subdivisions with a storm sewer drainage system; and

(b) All subdivisions except single family residential subdivisions containing lots with an average area of 40,000 square feet or more.

(2) *Specifications.* Curbs and gutters may be either of the barrier type (B6.12) with depressed entrances or the mountable type (M4.12). They shall conform to the *BLR Manual* except that the mountable type may have a minimum rise of four inches. When a depressed type of entrance is to be provided, the width shall be specified by the maintaining agency.

(P) *Shoulders.* Unless otherwise waived by the roadway authority with jurisdiction over a street, shoulders shall be required along all subdivision streets not provided with curbs and gutters. The shoulder shall be of the same material as the required aggregate base course and shall have a width extending one foot beyond each edge of bituminous surface.

(Q) *Sidewalks.*

(1) *General standards.*

(a) *When required.* Sidewalks shall be required on both sides of all streets except single family residential subdivisions containing lots with an average area of 40,000 square feet or more.

(b) *Sidewalk modifications.* Upon considering the overall subdivision design and the pedestrian circulation system provided elsewhere in the subdivision and on adjacent properties, the Director may approve modifications to the sidewalk requirement, provided all lots in the subdivision will have access to the pedestrian system.

(2) *Specifications.* Sidewalks shall be located one to four feet inside the right-of-way line and shall be at least five feet in width and five inches in thickness. Sidewalks shall be constructed using five-inch thick concrete with a four-inch aggregate base course, Type A. Sidewalks shall have curb ramps or sloped areas where sidewalks cross curbs, as required by current Americans with Disabilities Act Accessibility Guidelines (ADAAG). (Refer to Illinois Department of Transportation Standard, Sidewalk Ramps). Inlets shall not be located within sidewalks. Catch basin and manhole frames shall have closed lids when located within the sidewalk. Construction shall be in accordance with the *Standard Specifications*. (See subsection (M)(3) above.)

(R) *Development standards for unimproved existing rights-of-way.*

(1) *Intent.* The intent of this section is to provide development standards and review procedures for the evaluation and construction of unimproved rights-of-way located in recorded subdivisions so they can be incorporated into a township district road system. The applicant for a building permit or site development permit is responsible to ensure that the street to which access will be taken meets the minimum standards of this chapter. Due to the variability of site conditions, right-of-way dimensions, and the extent of street systems, alternate standards have been created to incorporate flexibility in the design process.

(2) *Applicability.* The provisions of this section shall apply to unimproved street rights-of-way that are contained within platted subdivisions existing prior to January 1, 1959. Unimproved rights-of-way that are contained in recorded subdivisions platted subsequent to January 1, 1959 and have not been accepted in to a township road system, shall be constructed in accordance with the standards for a new subdivision.

(3) *Right-of-way and pavement width requirements.*

(a) *Minimum right-of-way requirements.* A street that satisfies the applicability standards of this section shall have a right-of-way width of no less than 40 feet. Any unimproved street consisting of a right-of-way width that is less than 40 feet shall be widened to the minimum standard through means of a plat of dedication prior to approving the final engineering plans for construction of the street.

(b) *Minimum pavement width requirements.* The minimum pavement width standards for qualifying streets shall be no less than 22 feet for rights-of-way 50 feet or less, and 24 feet for rights-of-way greater than 50 feet, unless otherwise approved by the County Engineer and the Township Highway Commissioner of the road district containing the right-of-way.

(4) *Construction standards.*

(a) Applicants proposing to develop existing lots adjacent to existing unimproved rights-of-way shall be required to improve the road across the full width of the lot(s) from which access will be taken using the guidelines established in subsection (K)(1) unless modified by the County Engineer and Director.

(b) Unimproved rights-of-way that satisfy the applicability standards of this section shall be constructed in accordance with the street design standards of subsection (L), the pavement structure requirements of subsection (M) and typical cross-sections specified in Appendix O of this chapter. Adjustments in the width of pavement, the required end treatment for a stub street, and the need for curb and gutter or sidewalks will be determined at the time of a preapplication conference described in this section. Unless otherwise provided for in this section, all waivers from the minimum street standards shall be approved by the County Engineer.

(5) *Procedure to construct substandard rights-of-way.* Applications for the construction of unimproved rights-of-way that qualify for alternate street standards shall be processed as follows.

(a) *Early Assistance meeting.*

1. When access to lots is proposed from an unimproved right-of-way, the building permit or site development permit applicant shall contact the Director to determine the application procedure. Unless otherwise approved by the Director, review of permit applications for development on the lots adjacent to the unimproved right-of-way shall be suspended until a decision on the development standards for the

substandard right-of-way has been made by the Township Highway Commissioner and the County Engineer, and final engineering plans have been approved by the Multi-Disciplinary Team.

2. Following this meeting with the applicant, the Director shall contact the County Engineer to arrange a preapplication conference meeting with the applicant and applicable review and permitting authorities. The purpose of this conference is for all permitting authorities, the Township Highway Commissioner, and the applicant to evaluate the condition of the right-of-way and to determine the requirements for the road cross-section.

3. Following the preapplication conference, and upon receipt of written comments from the County Engineer and other permitting authorities, the Director shall forward comments to the applicant to guide him or her in preparing final engineering plans for the street improvements.

(b) *Engineering plan review.*

1. The engineering plans for the street shall be prepared in accordance with the final engineering plan requirements specified in § 151.193(E) of this chapter.

2. Following a check-in meeting with the Director, and acceptance of the plans for distribution to the Multi-Disciplinary Team along with payment of applicable fees, the Director shall distribute the final engineering plans to all affected review agencies for their review and comment. The initial submission of the final engineering plans shall be subject to a 15-day review period by the Multi-Disciplinary Team, followed by a ten-day review period for all subsequent submissions of the final engineering plans until plans are approved by the Multi-Disciplinary Team.

3. Engineering plans shall not be approved until the following requirements have been met.

a. *Notification.* The Director has notified the applicant and all affected review and permitting agencies that the final engineering plans and cost estimate for the street have been approved.

b. *Performance assurance.* The applicant has filed a performance assurance in acceptable form with the Director.

(c) *Construction and funding of unimproved rights-of-way.*

1. The right-of-way shall be constructed in accordance with the approved final engineering plans and specifications for the road extension, and § 151.202 of this chapter.

2. The applicant shall be responsible for all costs associated with engineering, construction, and bonding for improvement of the street.

(d) *Assurance of completion.*

1. The applicant shall begin construction activities upon the issuance of a site development permit, and approval by the County Engineer and the affected Township Highway Commissioner of all traffic control devices and construction activities associated with the street improvement plans.

2. Any modification or change in the approved plans shall be evaluated in accordance with § 151.202 of this chapter. Unless an emergency exists, no field change shall occur in constructing the improvements unless the change is approved by the appropriate county representative. Any approved field change shall be reflected on the record drawings submitted as a condition of releasing the performance assurance for the street improvement plan.

3. Reductions, extensions, and releases of performance and maintenance assurances shall follow the procedures contained in § 151.203 of this chapter.

(S) *Seeding.* All ground surfaces within the right-of-way disturbed by the construction operations shall be fertilized, seeded, and mulched in accordance with the *Standard Specifications*. (See subsection (M)(3).)

(T) *Lighting.* Lighting shall be provided at all intersections and at the end of all cul-de-sacs and permanent T-turnarounds. The Township Highway Commissioner may submit in writing to the County Engineer a request to waive or revise these locations. The County Engineer shall make the final determination regarding lighting locations. Lighting standards, including pole type, brackets, luminaries, lamps, and underground wiring shall meet or exceed all current utility provider and township lighting standards and be acceptable by the current utility provider for service under the applicable energy and maintenance contract. The proposed lighting details and standards shall be provided on the final engineering plans and approved by the Township Highway Commissioner.

(Ord., § 10.10, passed 10-13-2009; Ord. passed - -)

§ 151.195 WATER SUPPLY AND DISTRIBUTION FACILITIES.

(A) *General.*

(1) *Design of water system.* All water supply and distribution systems shall be designed and constructed in accordance with all applicable rules, regulations, and standards contained in local ordinances of the Lake County Health Department and the Lake County Public Works Department, the Illinois Environmental Protection Agency, the American Water Works Association, and the *Standard Specifications for Water and Sewer Main Construction in Illinois*. All water supply and distribution systems shall be designed at a minimum to provide adequate water pressure and flow for the intended use, including fire protection.

(2) *Availability.* Unless otherwise provided in this section, all residential subdivisions shall connect to a governmentally owned and operated water system, if one is available. For the purpose of this chapter, a governmentally owned and operated water system shall be considered available when the following conditions exist:

(a) The closest pipe of the distribution system is located within 1,000 feet of the property to be subdivided;

(b) The distribution system has sufficient volume and quality to serve the proposed subdivision; and

(c) The developer has received consent of the operator to connect to the distribution system.

(3) *Dedication and extension of governmentally owned and operated water system.* When connection to a governmentally owned and operated water system is required, the developer shall dedicate the improvements to the owner of the water system as part of final plat approval. In extending an existing governmentally owned and operated water system, consideration shall be given to future demands on the system which may require increasing system capacity and extension of the system to adjoining parcels.

(B) *Connection requirements.*

(1) If the Lake County Public Works Department or the Lake County Health Department determines that a governmentally owned and operated water system is available, the developer shall be required to connect to the system when the subdivision consists of a detached (single family) residential subdivision containing at least 15 lots with an average area of less than 40,000 square feet or a gross density of greater than 1.1 dwelling units per acre.

(2) In instances when a governmentally owned and operated water system is not available, a privately owned and operated community water system (ex., owned by property owners' association) shall be required to serve single family residential subdivisions containing at least 15 lots with an average area of less than 40,000 square feet or a gross density of greater than 1.1 dwelling unit per acre and multifamily subdivisions.

(C) *Ownership and maintenance responsibilities.*

(1) Privately owned and operated water systems shall be owned and maintained by a property owners' association formed through covenants and restrictions established during the platting process. The covenants and restrictions shall be recorded with the final plat.

(2) Consideration shall be given to the future connection of the privately owned and operated water system to a governmentally owned and operated water system.

(D) *Private water systems.* Private water systems (private wells) may be used in the following circumstances:

(1) Single family residential subdivisions having an average lot size of at least 40,000 square feet, or a gross density of less than 1.1 dwelling unit per acre;

(2) Single family residential subdivisions having fewer than 15 lots and a gross density greater than 1.1 dwelling units per acre;

(3) Lots created by a plat amendment or lot split; or

(4) Multiple-family and nonresidential uses with Health Department approval.

(Ord., § 10.11, passed 10-13-2009)

§ 151.196 SANITARY SEWAGE DISPOSAL FACILITIES.

(A) *General.* All sanitary sewage disposal facilities shall be designed and constructed in accordance with all applicable rules, regulations, and standards contained in local ordinances of the Lake County Health Department and the Lake County Public Works Department, the Illinois Environmental Protection Agency, the applicable sanitary districts and the *Standard Specifications for Water and Sewer Main Construction in Illinois*. Plans, specifications, and construction work shall be subject to the approval and inspection of the Illinois Environmental Protection Agency, the Lake County Health Department, and the Lake County Public Works Department. If separate agencies operate or maintain collecting sewers and/or treatment works, an approval shall be obtained from each. Regardless of location, lot size, or number of lots, a subdivision shall be disapproved when the Health Officer finds that the drainage, soil conditions, disposal facilities, or other conditions may create a hazard to public health.

(B) *Public sewage collection and disposal systems.* Subdivisions shall be connected to public sanitary sewage collection and disposal systems when required by this chapter. All subdivisions connecting to public sewage collection and disposal systems shall consider the logical extension of existing sewage systems and to the future extension of the sewage system into adjoining parcels.

(C) *Community sewage collection and disposal systems.* Community sanitary sewage collection and disposal systems may be developed in subdivisions only when allowed by this chapter.

(D) *Individual sewage disposal systems.* Individual sewage disposal systems may be used when permitted by this chapter. (See § 151.170.)

(Ord., § 10.12, passed 10-13-2009)

§ 151.197 STORMWATER MANAGEMENT FACILITIES.

(A) *Site development standards.* All subdivisions shall be subject to the site development regulations of §§151.145 through 151.154.

(B) *Modification of standards.* The Director, after consultation with relevant county staff, shall be authorized to modify the standards of this section provided such modification is not in conflict with other provisions of this chapter.

(C) *Outside the right-of-way.*

(1) *Storm sewer facilities.*

(a) *General.* Storm sewer facilities shall be used for stormwater management facilities only after conducting an analysis of the runoff reduction hierarchy (see § 151.146(D)) and upon determination by the Multi-Disciplinary Team that topography, poor drainage, or development intensity necessitate the use of storm sewers.

(b) *Specifications.* Storm sewers shall be designed and constructed in accordance with the *Standard Specifications*, the Illinois Department of Transportation *Highway Standards* and the Illinois Department of Transportation *Bureau of Design and Environmental Manual (Design Manual)*.

1. The storm sewer system shall be of sufficient capacity to carry the discharge for a storm of ten-year frequency. Depending on site characteristics, a greater frequency design may be required. Storm sewer capacity calculations shall be required.

2. The engineer shall select coefficients of runoff based on the types of development anticipated in all parts of the watershed affecting the drainage structure. Information regarding the future development of the watershed shall be obtained from the Multi-Disciplinary Team.

3. The system shall include all necessary appurtenances such as inlets, catch basins, and manholes as may be required for proper operations and maintenance.

4. In those cases where a subdivision is subject to stormwater flow from adjoining land for a storm of 100-year frequency, the developer may be permitted to substitute an open ditch for storm sewer. The ditch shall comply with grading, seeding, sodding, and easement specifications of this chapter. Ditch capacity calculations and typical ditch cross-sections shall be required.

5. All storm sewers shall be at least 12 inches in diameter. The material can be reinforced concrete pipe or plastic. If plastic is used, manufacturer's specifications (e.g., installation, depth of coverage) shall be submitted for review and approval by the Multi-Disciplinary Team. All storm sewer outfalls shall contain a concrete headwall or prefabricated end section. A rip-rap-lined apron shall be provided. Rip-rap calculations shall be required to determine the appropriate size. Special considerations shall be given to the avoidance of problems which may arise from the

concentration of stormwater runoff onto adjacent property. All storm drainage shall be conducted and/or connected to an approved outfall and shall be included in the developer's plans for stormwater management. The outfall shall be located at least ten feet from the boundary of an adjacent property. The concentrated flow shall be decentralized as sheet flow to adjacent properties unless connection approval is obtained from appropriate authorities.

6. All stormwater detention basin outlet pipes shall be equipped with anti-seep collars.

(c) *Related structures.* All manholes and catch basins (and any other special juncture boxes) shall be constructed with concrete material only and shall conform to the Illinois Department of Transportation *Highway Standards and Standard Specifications*.

(2) *Subsurface drain tiles.* The following design and construction guidelines shall be met:

(a) The main trunk line shall be a minimum six-inch diameter perforated plastic pipe;

(b) The drain tile shall connect directly to the site's storm sewer system or discharge into the site's proposed detention basin. The invert of the outfall shall be above the normal water level;

(c) A minimum of four inches of crushed stone (CA-6 or equivalent) shall be required around the outside diameter of the pipe. Silt sock or filter fabric shall be provided within the trench or around the pipe to prevent siltation;

(d) A four-inch diameter perforated plastic pipe shall be stubbed for each proposed lot within the subdivision. The developer shall tie in sump pumps to the storm sewer system prior to the issuance of a certificate of occupancy. If no storm sewer exists, sump pump discharges shall be at least ten feet from any property line. If discharges are located along side property lines, they shall be designed to enter swales, not abutting property. A minimum of 12 inches of fill shall be placed over the pipe;

(e) Drainage calculations shall be required for the sizing of the trunk line; and

(f) The trunk line shall be contained within a drainage easement with a minimum width of 15 feet.

(3) *Swales and overland flow paths.*

(a) Suitable means of soil erosion and sedimentation control shall be provided if calculations indicate erosive velocities will be reached.

(b) All swales shall have a minimum slope of 2%.

(c) Subsurface drain tiles described above may be required for all swales that traverse more than one lot and all overland flow paths.

(4) *Field tiles.* The following design and construction guidelines shall be met.

(a) All on-site field tiles shall be properly abandoned prior to mass grading of the site.

(b) A manhole shall be placed at a point where a field tile enters the proposed development.

(c) When possible, flows entering the development via a field tile shall be conveyed to its original point of discharge in a maintainable stormwater conveyance system. The flows should be routed around the proposed detention system as tile flow is not required to be detained.

(d) Standard engineering practices and the standards stated in this chapter shall be used in designing the conveyance system.

(e) The developer may be required to conduct an off-site field tile investigation to determine impacts on adjacent properties.

(f) Field tile systems disturbed during the site development process must be reconnected by those responsible for their disturbance, unless the approved drainage plan allows their relocation.

(5) *Culverts.* Material used for culverts that exceed 100 feet in length shall be limited to those permitted for storm sewers as specified in the Illinois Department of Transportation *Standard Specifications*, as amended. All culverts shall have end protection in the form of either concrete headwalls or prefabricated end sections. Flared end sections shall be required on all culverts and at the ends of all storm sewer pipes. Grates shall be required on all flared end sections.

(D) *Inside the right-of-way.*

(1) *Storm sewer facilities.*

(a) *When required.* Storm sewer facilities shall be required in all subdivisions except single family residential subdivisions containing lots with an average area of 40,000 square feet or more.

(b) *Specifications.* The design and construction of storm sewers shall be in conformance with the *Standard Specifications*, the Illinois Department of Transportation *Highway Standards* and the Illinois Department of Transportation *Bureau of Design and Environmental Manual*. The storm sewer system shall be designed by the "Rational Method" or another approved hydrograph-providing method, with self-cleaning velocities in conformance with the following requirements.

1. That part of the system which serves as the main or terminal collector shall be of sufficient capacity to carry the maximum discharge for a storm of ten-year frequency. Depending on the site characteristics, a greater frequency design may be required.

2. The engineer shall select coefficients of runoff based on the types of development anticipated in all parts of the watershed affecting the drainage structure. Information regarding future development of the watershed shall be obtained from the Multi-Disciplinary Team.

3. The system shall include all necessary appurtenances such as inlets, catch basins, and manholes as may be required for proper operations and maintenance.

4. In those cases where a subdivision is subject to stormwater flow from adjoining land for a storm of 100-year frequency, the developer may be permitted to substitute an open ditch for storm sewer. The ditch shall comply with grading, seeding, sodding, and easement specifications of this chapter. Ditch capacity calculations and typical ditch cross-sections shall be required.

5. All storm sewers shall be at least 12 inches in diameter. All storm sewers beneath the profile of the proposed street shall be load bearing pipe as determined in the Illinois Department of Transportation *Standard Specifications*. If a storm sewer composed of material other than reinforced concrete pipe is being proposed, the developer shall submit the manufacturer's specifications for review. The alternate storm sewer material shall be approved by the County Engineer and the Township Highway Commissioner.

6. Special considerations shall be given to the avoidance of problems which may arise from the concentration of the stormwater runoff onto adjacent property. All storm drainage shall be conducted and/or connected to an approved outfall and shall be included in the developer's plans for stormwater management. The outfall shall be located at least ten feet from the boundary of an adjacent property.

7. Pipe flowing full shall have a minimum velocity of three feet per second and a maximum velocity of ten feet per second.

8. If sump pumps and downspouts are designed to outlet into the right-of-way, they shall be connected directly to the storm sewer system or into a subsurface drain tile system, with highway authority approval, that discharges directly into the site's stormwater management system.

9. Sump pumps and downspouts shall be regulated in accordance with §151.146(H)(2).

(c) *Related structures.*

1. Catch basins, manholes, inlets, frames, and grates shall have bicycle-safe grates and conform to the Illinois Department of Transportation *Highway Standards* and Illinois Department of Transportation *Standard Specifications*.

2. The spacing of pavement drainage structures shall be at maximum intervals of 350 feet. When a crest lies between the drainage structures, the maximum interval may be 700 feet. When a sag lies between drainage structures at a maximum of 700 feet, double structures shall be added at the lowest point in the sag. Structures without sumps shall not be connected directly into the storm sewer.

(2) *Subsurface drain tiles.* The following design and construction guidelines shall be met:

(a) The main trunk line shall be a minimum six-inch diameter perforated plastic pipe.

(b) The drain tile shall directly connect to the site's storm sewer system or discharge into the site's proposed detention basin (the invert of the outfall shall be above the normal water level).

(c) A minimum of four inches of crushed stone (CA-6 or equivalent) shall be required around the outside diameter of the pipe.

(d) A four-inch diameter perforated plastic pipe shall be stubbed for each proposed lot within the subdivision.

(e) Drainage calculations shall be required for the sizing of the trunk line.

(f) The trunk line shall be contained within a drainage easement with a minimum width of 15 feet.

(3) *Culverts.* The size and capacity of all drainage structures shall be computed using the "Rational Method" or another approved hydrograph-providing method for tributary areas of 100 acres or less. For tributary areas of over 100 acres, an approved hydrologic and hydraulic analysis model shall be used. No driveway culvert shall have a diameter of less than 12 inches, and no cross-street culvert shall have a diameter of less than 15 inches. All culverts shall have a minimum clearance of six inches between the top of the pipe and the subgrade. In no case shall a driveway culvert be less than 20 feet in length. Material used for culverts which exceed 100 feet in length shall be limited to those permitted for storm sewers as specified in the Illinois Department of Transportation *Standard Specifications*. Inspection and cleanout manholes shall be required every 100 feet for culverts 100 feet or greater in length. All culverts shall have end protection in the form of either concrete headwalls or prefabricated end sections. Flared end sections shall be required on all driveway culverts and at the ends of all storm sewer pipe. Grates shall be required on all flared end sections 24 inches or larger located within the right-of-way.

(4) *Ditches.*

(a) Drainage ditches shall be designed based on a minimum ten-year storm frequency.

(b) Suitable means of soil erosion and sedimentation control shall be provided if calculations indicate erosive velocities will be reached.

(c) All drainage ditches with a grade of 4% or greater shall be sodded along the two-foot flat bottom ditch and for a distance of two feet up each bank unless other approved means of soil erosion and sedimentation control are provided.

(d) All ditches shall have a minimum slope of 2.0%.

(e) Subsurface drain tiles shall be required for all ditches where a slope of 2.0% cannot be achieved.

(5) *Field tiles.* See § 151.193(E)(4)(f).

(6) *Bridges.* All bridges and culverts having a span of more than 20 feet shall be approved by a bridge consultant retained by the Lake County Division of Transportation. The review period shall be 30 days. The developer shall reimburse the Lake County Division of Transportation for all consultant costs, plus an additional 5% for contract administration.

(Ord., § 10.13, passed 10-13-2009; Ord. passed - -)

§ 151.198 DAMS AND IMPOUNDMENT STRUCTURES.

(A) *General.* Dams and berms for water impoundments shall be planned, designed, and constructed under the supervision of a structural or professional engineer and shall meet the requirements of §§ 151.145 through 151.154. The Director, after consultation with relevant county staff, shall be authorized to modify the standards of this section provided such modification is not in conflict with other provisions of this chapter.

(B) *Stormwater detention basins.* In addition to the requirements of §§ 151.145 through 151.154, the following standards shall be met.

(1) *Spillways.* An emergency spillway shall be constructed that is capable of passing the 100-year storm event, including any off-site flow that will be bypassed over the spillway. It shall be designed and constructed at the high water line for on-site detention requirements. Drainage calculations for the sizing of the spillway shall be required. The slope from the top of berm to the spillway shall not exceed 3:1. The emergency spillway shall be immediately stabilized with sod, rip-rap, or permanent turf reinforcement matting and native seeding as dictated by design velocities, based on the 100-year outflow.

(2) *Freeboard.* A minimum of one foot of freeboard above the water surface in the reservoir with the emergency spillway flowing at design depth shall be provided to the top of berm elevation.

(C) *Existing dams.* An engineering report shall be submitted to the Director on all existing dams within a proposed subdivision. Any dam found to be structurally unsafe shall be reconstructed or reinforced in accordance with the existing standards. The modification of an existing dam may require a dam safety permit from the Illinois Department of Natural Resources.

(Ord., § 10.14, passed 10-13-2009; Ord. passed - -)

§ 151.199 SUBDIVISION LANDSCAPING.

Landscaping within subdivisions shall be provided in accordance with the standards of this section. Unless otherwise provided in this section, the Director shall be authorized to modify the standards in this section.

(A) *Street landscaping.*

(1) Plant quantities shall be calculated using a minimum standard of two trees for each 100 feet of street length. When applicable, each side of a street shall be calculated independently. Trees shall be arranged along the street right-of-way to create a natural-randomized appearance in the streetscape.

(2) Tree species shall be limited to those listed in Appendix A, and other tree types expressly approved by the Township Highway Commissioner.

(3) Trees shall be at least three inches in caliper size.

(4) The trees shall generally be placed between the sidewalk and right-of-way line for streets with closed drainage and at least 30 feet from the centerline of the right-of-way for streets with open drainage. Tree locations shall be approved by the Township Highway Commissioner and the County Engineer.

(5) All trees located in the street right-of-way shall be the property of the Township Road District.

(B) *Peripheral landscaping.* Any proposed residential subdivision of 25 acres or greater which adjoins an existing residential development shall install a landscape buffer consisting of one plant unit per 100 linear feet as close to the common boundary as possible. Plant material existing on the proposed subdivision site along the common boundary that has comparable composition and density may be used to satisfy this requirement, as authorized by the Director of Planning, Building and Development.

(Ord., § 10.15, passed 10-13-2009; Ord. passed - -)

§ 151.200 PEDESTRIAN WALKWAYS AND TRAILS.

(A) *Location.*

(1) Pedestrian walkways or trails and multi-modal trails [trails] shall be located outside the street right-of-way.

(a) In instances when a walkway or a trail crosses a street right-of-way, that portion lying within the right-of-way shall be constructed using the sidewalk standards of § 151.194(Q) or Option One in Table 151.200(A) as required by the Multi-Disciplinary Team.

(b) All other walkway and trail systems shall be constructed using Option One or Two in Table 151.200(A).

(2) Pedestrian walkways or trails shall not be located within deed-restricted open space. Pedestrian walkways or trails shall be a minimum of five feet in width. The Director may require modification of walkways and trails to improve the functionality of the trail system. The Director may increase the width or composition of the trail when the trail contained in the subdivision is part of a multi-modal trail system, a trail system integrated into more than one subdivision, a mixed use development, or part of a regional trail system.

(B) *Standards.*

Surface/Binder	Option One	Option Two
Aggregate surface (special)	–	7.0 inches
Aggregate base, Type B	6.0 inches	–
Bituminous binder	1.5 inches	–
Bituminous surface	1.5 inches	–

(Ord., § 10.16, passed 10-13-2009; Ord. passed - -)

§ 151.201 MONUMENTS.

(A) *Preservation of existing monuments.* All federal, state, county, or official benchmarks, monuments, or triangulation stations in or adjacent to the subdivision shall be preserved. Before moving any benchmark, monument or triangulation station, the authority having jurisdiction over the monument shall be notified and given sufficient time to take appropriate action. All elevations shall be referred to National Geodetic Vertical Datum of 1988 (NAVD 88), which supersedes the NGVA 29 datum used prior to September 18, 2013.

(B) *Placement of new monuments.* Permanent monuments shall be erected in all places and manner prescribed in 765 ILCS 205/1.

(Ord., § 10.17, passed 10-13-2009)

§ 151.202 CONSTRUCTION OF IMPROVEMENTS.

(A) *Commencement of subdivision construction activities.* The developer shall commence construction of subdivision improvements after the final plat has been approved by the Planning, Building and Zoning Committee and all prerequisites to commencement of construction (as set out in subsection (A)(1) below) have been met. The developer may begin construction of subdivision improvements prior to approval of the final plat, provided written notification has been received from the Planning, Building and Development Director that the final engineering plans for the subdivision have been approved by the Multi-Disciplinary Team and all required performance assurances have been provided.

(1) *Prerequisites to commencement of subdivision construction.* Regardless of whether the final plat has been approved, construction of subdivision improvements may not begin until the developer has satisfied all of the following:

- (a) A preconstruction conference is held in accordance with subsection (A)(2) below;
- (b) A restoration assurance has been posted with the county in accordance with §151.203;
- (c) An access permit has been issued by the highway authority controlling access to the subdivision;
- (d) A site development permit has been issued by the Director;

(e) Construction of public or community sanitary sewer and water facilities shall not begin until all required Illinois Environmental Protection Agency permits have been obtained; and

(f) All other local, state, or federal permits have been obtained.

(2) *Preconstruction conference.* Prior to the commencement of any construction activities, a preconstruction conference shall be held between the Multi-Disciplinary Team, the developer, the engineer of record, and the general contractor unless the Multi-Disciplinary Team determines that a preconstruction conference is not necessary.

(a) *Purpose.* The preconstruction conference is established to afford the developer, the engineer of record, and the contractor the opportunity to meet with the Multi-Disciplinary Team to discuss construction methods, construction schedules, inspection requirements and subdivision assurance procedures.

(b) *Scheduling.* The developer may request a preconstruction conference at any time after receiving written notice from the Director that the Multi-Disciplinary Team has approved the final engineering plans. Upon receipt of a request for a preconstruction conference, the Director shall place the subdivision on the agenda of the next regularly scheduled Multi-Disciplinary Team meeting if the meeting will not be conducted on the site of the subdivision or development. The Director shall notify Multi-Disciplinary Team and the developer of the date, time, and place of the meeting.

(c) *Required information.* The developer shall be prepared to present all of the following information and documentation at the preconstruction conference:

1. Copies of the approved final engineering plans and specifications (signed, sealed, and marked "For Construction");
2. Copies of the construction schedule approved during the review of final engineering plans, revised to include actual dates for the beginning and completion of each identified critical construction activity; and
3. Names, addresses, and phone numbers of the developer, the engineer of record, the general contractor and subcontractors contracted to install and construct required subdivision improvements.

(B) *Construction of subdivision improvements.*

(1) *Responsibility for improvements.*

(a) *Developer.* The developer shall be responsible for all of the following:

1. Installing all subdivision improvements in accordance with the standards of this chapter, Illinois Department of Transportation *Standard Specifications for Road and Bridge Construction* and the approved final engineering plans and specifications for the subdivision;
2. Maintaining all subdivision improvements in accordance with subsection (C) below;
3. All costs associated with inspections and field modifications during the subdivision guarantee period;
4. Submitting all test reports, plan amendments, as-built plans, and any other documentation required to verify the proper installation and functioning of subdivision improvements as required by this section; and
5. Contracting the services of the engineer of record to fulfill the responsibilities listed in this section.

(b) *Engineer of record.* The engineer of record shall be responsible for all of the following:

1. Assuming perpetual responsibility for the design of engineering improvements;
2. Assuring that all subdivision improvements are installed in accordance with the standards of this chapter, and the approved final engineering plans, and specifications for the subdivision;
3. Providing the personnel necessary on the site during all aspects of construction to monitor and inspect the installation and construction of required subdivision improvements;
4. Attending all inspections required by this section;
5. Preparing amendments and obtaining necessary approvals to the final engineering plans and associated documents necessitated by field modifications;
6. Preparing and obtaining approval of the proposed grading plans and changes in tops of foundation that differ from the approved final engineering plans;
7. Preparing as-built plans and providing written certification that all subdivision improvements have been completed in accordance with the standards of this chapter, the Illinois Department of Transportation's *Standard Specifications for Road and Bridge Construction* and the approved final engineering plans and specifications for the subdivision;
8. Submitting cost estimates for reductions on subdivision assurances; and
9. Signing and sealing all required documents.

(2) *Field modifications.* During the course of construction, the developer may encounter situations where field conditions and/or unforeseen circumstances require deviation from the approved final engineering plans and/or specifications for the subdivision.

(a) *Emergency modifications.*

1. *Definition.* An emergency modification is a field modification to the design or specification of a subdivision improvement that is required to alleviate an imminent threat to the public's health, safety, and/or general welfare.

2. *Review and approval procedure.* Upon the identification of the need for an emergency modification, the developer immediately shall implement all necessary field modifications as recommended by the engineer of record. As soon as possible after identifying the need for an emergency modification, the developer also shall notify the Director that emergency field modifications are, or soon will be, under construction. Emergency modifications shall be reviewed and approved, after installation, as major modifications.

(b) *Minor modification.*

1. *Definition.* A minor modification is a field modification to the design or specification of a subdivision improvement that involves only a minor deviation in the size, elevation, or location of the improvement or a change in the type, material, or manufacturer of the improvement. A minor modification shall not lower the ultimate level of performance for the subject improvement, result in higher maintenance costs or impair the function or purpose of any other platted or engineered improvement.

2. *Review and approval procedure.* The developer shall comply with the following review and approval procedure upon the identification of the need for a minor modification.

a. The developer shall contact the appropriate Multi-Disciplinary Team agency. If the reviewing agency finds that the proposed modification is a major modification, the developer shall be directed to follow the review and approval procedures outlined for major modifications below.

b. The reviewing agency shall determine what information and documentation is required in order to adequately review the proposed modification. Following a review period, not to exceed ten days, the reviewing agency shall, in writing, approve, approve with conditions, or disapprove the proposed modification. The developer shall not commence implementation of the proposed modification until, and unless, written approval has been received. The reviewing agency also shall forward a copy of the approval to the Director.

(c) *Major modification.*

1. *Definition.* A major modification is a field modification to the design or specification of a subdivision improvement that involves a significant deviation in the size, elevation, or location of the improvements. A major modification may impact the size, elevation, or location of other engineered improvement and also may affect the location of lots, outlots, easements, or other platted improvements.

2. *Review and approval procedure.* The developer shall comply with the following review and approval procedure upon the identification of the need for a major modification or after the implementation of an emergency modification.

a. *Application.* The following information shall be submitted to the Director:

(i) A letter from the developer or engineer of record requesting the amendment accompanied by an application fee as set by the County Board;

(ii) A narrative prepared by the engineer of record describing the reason, nature and extent of the change and its impact on the functioning and affect on the overall improvements in the subdivision; and

(iii) All pertinent information related to the proposed modification, including but not limited to design calculations, revised final engineering plans, cost estimates, and any other information or documentation required by the Multi-Disciplinary Team.

b. *Review.* Upon receipt of all required application materials, the Director shall forward the submittal to the Multi-Disciplinary Team. The Multi-Disciplinary Team shall have ten days to review the submittal and to provide written comments to the Director. Upon receipt of comments, the Director shall compile the comments for presentation to the developer at the Multi-Disciplinary Team meeting and shall place the subdivision on the agenda of the next regularly scheduled Multi-Disciplinary Team meeting. The Director shall notify the Multi-Disciplinary Team and the developer of the date, time, and place of the meeting.

c. *Approval.* The Multi-Disciplinary Team shall approve, approve with conditions, or disapprove the proposed modification. No modification of the right-of-way or road-related standards of this subchapter shall be approved unless the proposal complies with Illinois Department of Transportation *Standards and Specifications* and has been approved by the Township Highway Commissioner and the County Engineer. The developer shall not commence implementation of the proposed modification until and unless written approval has been received from the Director.

d. *Additional approvals required.* In instances where federal, state, and/or other local agencies are involved in approving the proposed modification, the developer shall be responsible for notifying these agencies and obtaining their approval.

(d) *Documentation of modifications.* All deviations from the approved final engineering plans shall be identified by the engineer of record on the letter of certification and reflected on the as-built plans for the subdivision.

(3) *Maintenance during construction.*

(a) *Damage during construction.* The developer shall repair, replace, and/or adjust any existing public improvement, disturbance to any private property and/or improvements on private property, or proposed subdivision improvements damaged during the construction of the subdivision within the time period specified by the appropriate Multi-Disciplinary Team agency. All corrective actions taken shall be completed in accordance with the approved plans and specifications for the subdivision.

(b) *Erosion control/natural resource protection.* The developer shall maintain all soil erosion sediment control and natural resource protection measures as required by §§ 151.070 through 151.072 and §§ 151.145 through 151.154 of this chapter and the approved final engineering plans throughout the duration of the guarantee period.

(c) *Debris removal.* The developer shall keep all rights-of-way, sanitary sewers, water mains, stormwater management facilities, and open space areas free from junk and debris or other extraneous material during the construction of the subdivision. All adjoining roads shall be kept free of mud and construction debris. Any mud or construction debris tracked on adjoining roads shall be removed by the developer at least once a day or as needed to keep the pavement clean.

(d) *Snow removal.* The developer shall post on the property the 24-hour phone number and contact information for the contact person responsible for snow plowing services on all subdivision roads and sidewalks until the improvements are accepted by the Township Highway Commissioner or other agency having jurisdiction over the roads.

(e) *Emergency work.* Upon receiving notice from the Planning, Building and Development Director, the developer shall initiate an immediate response to address an emergency associated with the failure of any subdivision improvement which may jeopardize the public's health, safety, and/or general welfare. The developer's failure to initiate an immediate response may result in the Planning, Building and Development Director authorizing the county agencies to initiate action to correct the noted failure and to draw on the restoration assurance to cover the costs associated with taking the corrective actions.

(Ord., § 10.18, passed 10-13-2009)

§ 151.203 ASSURANCES.

Three types of subdivision assurances are established for the purpose of assuring proper, safe, and timely installation and maintenance of required subdivision improvements: restoration assurances; performance assurances; and maintenance assurances. Assurances shall be required for all subdivisions. The assurance requirement may be waived by the Director when no engineered improvements are required or if other means are available to ensure compliance with the standards of this chapter.

(A) *General requirements.* All restoration, performance, and maintenance assurances shall be prepared in accordance with the approved formats provided in Appendix P of this chapter, and shall be submitted to the Director prior to approving a final plat. The county shall not accept any assurance that fails to meet the formats approved by the county, or a form acceptable to the State's Attorney's Office. The County Treasurer shall be the beneficiary of all assurances.

(B) *Forms of assurances.* The following forms of assurances may be used to fulfill the assurance obligation of this section.

(1) *Cash bond.* A cash bond shall be made payable to "Treasurer, County of Lake". Cash bonds may be provided in the form of a cashier's check, bank draft, certified check, or bank money order. A certificate of deposit is not an accepted form of assurance.

(2) *Irrevocable letter of credit.* An irrevocable letter of credit will be accepted, provided that the bank securing the letter of credit and upon whom presentation shall be made is located within the Chicago metropolitan area and insured by the Federal Deposit Insurance Corporation.

(3) *Surety bonds.* Surety bonds shall be provided by a surety or insurance company that is authorized by the Illinois Department of Insurance to sell and issue sureties in this state and the surety or insurance company must have a claims office located in the Chicago metropolitan area. At the time the principal offers the bond to the county, and prior to acceptance of the bond by the county, the principal shall provide the name and contact information of the attorney and bond agent associated with the surety for communication purposes in the event of a default on the terms of the bond.

(C) *Restoration assurances.*

(1) *Purpose.* Restoration assurances are established for the following purposes:

(a) In the event the developer has commenced construction of subdivision improvements but has failed to obtain final plat approval within the time period specified by this chapter, the county may draw on the assurance and use the funds to stabilize the construction site;

(b) If at any time during the construction of subdivision improvements a clear threat to the public's health, safety, and/or general welfare is identified by the county on the construction site, the county may, after appropriate notice and demand requirements, draw on the assurance and use the funds to correct the identified threat;

(c) In the event the developer fails to complete all subdivision improvements within the term of the performance assurance and the county draws on the performance assurance, the county shall also draw on the restoration assurance and may use the funds to complete any subdivision improvements; and

(d) In the event the developer fails to provide a maintenance assurance as required by this chapter, the county may draw on the restoration assurance and may use the funds to establish a maintenance assurance.

(2) *Amount.* The amount of the restoration assurance shall be 30% of the engineer's estimate of the probable cost of subdivision improvements, as approved during the review of final engineering plans.

(3) *Term.* The restoration assurance shall be posted as a prerequisite to commencement of construction activities or final plat approval, whichever comes first. The assurance shall be posted for a minimum two-year period unless reduced by the Director after assessing the size of the subdivision, the complexity of the subdivision improvements, and consultation with the Multi-Disciplinary Team. However, should the end of the restoration period fall between December 1 and June 14, the assurance shall expire the first business day after June 14. In accordance with subsection (F)(3) below, the Director, for good cause and with the approval of the provider of the assurance, may extend the term of the assurance.

(D) *Performance assurances.*

(1) *Purpose.* Performance assurances are established for the purpose of assuring that the developer properly installs all proposed subdivision improvements in accordance with the approved final engineering plans and specifications for the subdivision. Should the developer fail to properly install all improvements within the term of the assurance, the county may draw on the assurance and use the funds to complete the improvements. The county also may draw on the performance assurance if the developer fails to provide a maintenance assurance to the county, if the maintenance assurance is required. The county may use the funds to ensure proper maintenance of the subdivision improvements.

(2) *Amount.* The amount of the performance assurance shall be 100% of the engineer's estimate of the probable cost of subdivision improvements, as approved during the review of final engineering plans. The amount of the performance assurance is in addition to the amount of the restoration assurance.

(3) *Term.* The performance assurance shall be posted as a prerequisite to approval of the final plat of subdivision. The assurance for each phase of the subdivision shall be posted for a minimum two-year period unless reduced by the Director after assessing the size of the subdivision, the complexity of subdivision improvements, and consultation with the Multi-Disciplinary Team. However, should the end of the two-year period fall between December 1 and June 14, the assurance shall expire the first business day after June 14. In accordance with subsection (F)(3) below, the Director, for good cause and with the approval of the provider of the assurance, may extend the term of the assurance.

(E) *Maintenance assurances.*

(1) *Purpose.*

(a) Maintenance assurances are established for the purpose of assuring that the developer maintains the structure, function and integrity of all subdivision improvements in accordance with the approved final engineering plans and specifications for the subdivision during the term of the assurance. In the event the developer has failed to maintain subdivision improvements within the term of the assurance, the county may draw on the assurance and use the funds to correct the deficiencies.

(b) Furthermore, if at any time during the term of the maintenance assurance the county identifies that the developer's failure to maintain subdivision improvements has created a clear threat to the public's health, safety, and/or general welfare, the county may, after delivering notice and meeting demand requirements in accordance with the terms of the assurance documents and this chapter, draw on the maintenance assurance and use the funds to correct the identified threat.

(2) *Amount.* The amount of the maintenance assurance shall be determined by the Multi-Disciplinary Team. Generally, the maintenance assurance shall be 15% of the engineer's estimate of the probable cost of subdivision improvements, as approved during the review of final engineering plans. The Director may waive the requirement for a maintenance assurance when it finds that the assurance is not necessary.

(3) *Term.* The maintenance assurance shall be posted as a prerequisite to releasing the performance assurance, unless waived or simultaneously held with a portion of the performance improvements upon approval by the Director. The assurance shall be posted for a period of one to three years, and the term may be reduced or extended based on the size, complexity, or phasing of the subdivision, as deemed necessary by the Director. However, should the end of the maintenance period fall between December 1 and June 14, the assurance shall expire the first business day after June 14. In accordance with subsection (F)(3) below, the Director, for good cause and with the approval of the provider of the assurance, may extend the term of the assurance.

(F) *Reduction, extension, and release of assurances.*

(1) *Procedure.*

(a) *Initiation.* Actions to reduce, extend, or release subdivision assurances may be initiated by the developer or the county as follows:

1. The developer may initiate an action to reduce, extend, or release a subdivision assurance by submitting the following information and documentation to the Director:

- a. A letter requesting the reduction, extension, or release;
- b. All plans, cost estimates, test reports, certifications, construction schedules, and/or other documentation necessary to justify the request; and
- c. A subdivision inspection fee shall be paid. A copy of the current subdivision fee schedule is available in the office of the Director.

2. The Director shall initiate the process to call on the assurance as established in subsection (G) below should the developer fail to request the extension.

(b) *Inspection notice.* Upon receipt of a request for the reduction or release of a subdivision assurance, or in the absence of a request, the Director shall schedule an inspection of the subdivision. The Director shall provide written notice to the developer and all affected reviewing agencies at least seven days prior to a scheduled inspection. The notice shall contain the name and location of the subdivision, the time and date of the inspection, the type and status of the assurance, the purpose of the inspection, and the date that inspection comments and recommendations are due.

(c) *Inspection standards and procedures.*

1. *Scheduling limitations.* Unless otherwise approved by the Multi-Disciplinary Team, subdivision assurance inspections shall not be performed prior to May 1 nor later than November 30 in any year.

2. *Inspection attendance.* The engineer of record shall be present at all subdivision inspections. The developer's failure to have the engineer of record attend the inspection may provide just cause for the Director to terminate the inspection and may serve as just cause to deny the request. All agencies notified by the Director shall be present at the scheduled inspection or shall provide written comments to the Director prior to the inspection.

3. *Inspection protocol.* During the inspection, each reviewing agency shall be responsible for inspecting the improvements within their jurisdiction. At the conclusion of their inspection, each agency shall be prepared to discuss their concerns and note outstanding deficiencies with developer and the engineer of record. In circumstances where additional information is required by an agency in order to formulate a recommendation, that agency shall request this information from the developer. The developer's failure to provide the requested information in the time period specified by the agency may provide just cause to deny the request.

(d) *Multi-Disciplinary Team comments and recommendation.*

1. *Inspection comments.* Each agency shall forward a written inspection report and recommendation to the Director within seven days following the inspection. Comments shall identify all deficiencies noted during the inspection or in the review of test reports and/or as-built plans. If no deficiencies are noted, this shall so be stated in the report. For performance assurance reduction requests, each agency also shall identify a dollar amount reduction for each applicable line item of the cost estimate. Upon receipt of all inspection comments, the Director shall forward the comments to the developer.

2. *Corrective actions.* The developer shall be responsible for correcting all deficiencies and/or addressing all comments identified by the Multi-Disciplinary Team. In circumstances where additional engineering and/or improvements are required in order to correct noted deficiencies, the developer shall comply with the review and approval procedures for field modification as established in § 151.202(B)(2).

3. *Follow-up inspection.* If the developer has taken actions to correct noted deficiencies prior to the expiration date of the subdivision assurance, a follow-up inspection may be scheduled provided an inspection fee is paid. Unless approved by the reviewing agency responsible for inspection of the deficient areas, a follow-up inspection shall not be conducted less than ten days prior to the expiration date of the assurance. To initiate a follow-up inspection developer shall follow the requirements of this section.

(e) *Action by the Director.* Upon receipt of Multi-Disciplinary Team comments, the Director shall act to approve, approve with conditions, or disapprove the requested subdivision assurance action. After taking action, the Director shall provide the developer and the surety written notification of the action taken. The developer may appeal the Director's decision to the Planning, Building and Zoning Committee in accordance with the procedures of § 151.192 of this chapter.

(2) *Reduction of subdivision assurances.* Restoration, performance, and maintenance assurances shall be reduced only when the Director finds that the following conditions have been satisfied.

(a) *Limitations on reductions.* Permitted reductions shall be limited by the following.

1. *Restoration assurance.* The restoration assurance shall not be reduced at any time during the term of the performance assurance unless approved by the Director following consultation with relevant members of the Multi-Disciplinary Team.

2. *Performance assurance.* The Director, following consultation with relevant members of the Multi-Disciplinary Team, may allow incremental reductions in the performance assurance subject to the following limitations:

a. No reduction shall be granted for the costs associated with erosion control, natural resource and open space protection measures until erosion control and natural resource protection measures are properly implemented and the site is stabilized as determined by the Multi-Disciplinary Team.

b. With approval of the Director in consultation with the relevant Multi-Disciplinary Team members, the costs associated with the engineer's consulting fees may be reduced in proportion to the value of the overall subdivision improvements.

3. *Maintenance assurance.* The Director, in consultation with the relevant Multi-Disciplinary Team members, may reduce the maintenance assurance in proportion to the current value of the improvements remaining to be completed.

(b) *Standards for reduction requests.* The performance assurance may be reduced only pursuant to the following standards.

1. *First reduction.* The first reduction shall be considered only after substantial completion of the following subdivision construction improvements:

- a. Installation of all erosion control fences and construction fences for the protection of natural resource and open space areas in accordance with approved plans and specifications for the subdivision;
- b. Mass grading operations including the clearing of vegetation, stripping and stockpiling of topsoil, and the rough cutting of roads and stormwater management facilities;
- c. Installation of all storm sewer, stormwater management outlet structures, sanitary sewer and water main improvements, if any. The storm sewer system shall be televised. The sanitary sewer system shall be televised and air tested. Water mains shall be pressure tested and chlorinated;
- d. Partial as-built plans of the stormwater detention basins and storm sewer system, showing the invert elevations of inlets and outlet control structures, stormwater basin volumes, and normal and high water elevations of each basin.
- e. Road rights-of-way shall be completed per the approved final engineering plans up to, and including, the binder course. All curb and gutter, if applicable, shall be installed and all required testing and documentation shall be submitted in accordance with subsection (F)(2)(c) below.

2. *Second reduction.*

- a. Topsoil shall be respread and final grades established for all disturbed areas. Sod or seed and mulch shall be applied to all disturbed areas.
- b. The stormwater management system shall be complete and functional.
- c. With the exception of sidewalks, when applicable, and the surface course for roads, all right-of-way improvements shall be complete and properly stabilized.
- d. All recreational trail systems shall be complete and the pads for the parks and recreational open space shall be prepared for the installation of the park improvements.
- e. Landscape improvements for streets, open space areas, and transition areas shall be complete for those areas where construction activity has ceased.

(c) *Application requirements for reduction requests.* In addition to a letter requesting a specific reduction amount the developer shall submit the following information to justify the request.

1. *Cost estimate.* A cost estimate, based on the subdivision's original cost estimate approved during the review of the final engineering plans, amended to show the quantity and value of work completed and the quantity and value of work remaining for each line item.

2. *Test reports.*

a. Pressure and chlorination test reports, air test reports and television tapes for all sanitary sewer and water main, if applicable, shall be prepared and submitted. All storm sewers shall be televised and test reports shall be submitted. For items within the proposed rights-of-way for which a reduction is being requested, all documentation and material inspection reports, as defined and outlined in the Illinois Department of Transportation *Standard Specifications for Road and Bridge Construction*, Illinois Department of Transportation *Construction Manual* and Illinois Department of Transportation *Project Procedures Guide* shall be submitted for review.

b. At the required station, one core shall be taken approximately 18 inches in from the edge of the pavement alternating between the left side and right side of the pavement. The number of cores required shall be determined by the length of the road, in accordance with the following schedule:

Length of Road (Feet)	Coring Schedule
0 to 1,000	One every 100 feet
1,001 to 3,000	One every 150 feet (minimum of 10 cores)
3,001 +	One every 200 feet (minimum of 20 cores)
Cul-de-sac	One at 9:00, 12:00 and 3:00 o'clock

c. A core and density report for the binder course shall be submitted for review and approval prior to the placement of the surface course. The core and density report shall indicate the thickness, density, and percent compaction of each individual core sample. A map shall be provided showing the station of each core and the station offset.

d. When a nuclear density gauge is used to verify the required density of the binder course lifts, a minimum of eight cores shall be taken per day and tested for comparison to the densities obtained by the nuclear density gauge.

e. Testing of the surface course shall be done using a nuclear density gauge to verify density. Readings shall be taken at approximately the same locations as the binder course cores. In the event nuclear density gauge readings indicate an undesirable percent compaction, cores may be required to verify density. Coring of the surface course to verify density must be approved by the Lake County Engineer.

f. Weight tickets for all bituminous courses shall be submitted for review and confirmation.

(3) *Extension of subdivision assurances.* Restoration, performance, and maintenance assurances shall be extended only when the Director finds that the following conditions have been satisfied. The developer may appeal the Director's decision to the Planning, Building and Zoning Committee in accordance with the procedures of § 151.192 of this chapter.

(a) *Standards for extension requests.* Subdivision assurances may be extended only pursuant to the following standards:

1. The developer shall demonstrate that the extension will not be detrimental to the development of the area in which the subdivision is located and will not in any manner jeopardize the public's health, safety, or general welfare. Furthermore, the developer shall document that the extension is justified by one or more of the following conditions:

- a. There exist unique or unforeseen conditions or circumstances, beyond the developer's control, that have precluded the completion of subdivision improvements in a timely manner;
- b. There exists justification for delay in the construction of subdivision improvements to facilitate better coordination of improvements

between adjacent developments and/or separate phases of the same subdivision; or

c. There exist pending administrative or legislative actions associated with the subdivision that may affect the design, location, and/or function of platted or engineered improvements within the subdivision.

2. The Multi-Disciplinary Team has determined that sufficient progress has been made to complete the subdivision improvements and/or to correct any previously identified deficiencies within the time period specified by the developer's revised construction schedule.

(b) *Application requirements for extension requests.* In addition to a letter requesting an extension to a specific date, the developer shall submit the following information:

1. A revised construction schedule; and
2. Written justification for the request in terms of the standards for extensions established in subsection (F)(3)(a)1.

(c) *Increase in amount of assurance.* As a condition of extending the assurance, the Multi-Disciplinary Team has the right to request an increase in the amount of the assurance, if in the opinion of the Multi-Disciplinary Team a sufficient amount of time has passed or the values of the improvements and/or labor have changed to warrant an increase.

(4) *Release of subdivision assurances.* Restoration, performance, and maintenance assurances shall be released only when the Director finds that the following conditions have been satisfied. Developers may appeal the Director's decision to the Planning, Building and Zoning Committee in accordance with the procedures of § 151.192 of this chapter.

(a) *Standards for release requests.* Subdivision assurance may be released only pursuant to the following standards:

1. *Restoration assurance.* The restoration assurance shall be released only upon the Director's determination that the development site is stabilized, there is no threat to the public's health, safety and general welfare if the assurance is released, and there are sufficient funds in the performance assurance to correct all remaining improvements.

2. *Performance assurance.*

a. The performance assurance may be released only upon the developer demonstrating that the subdivision improvements have been completed in accordance with the standards of this chapter and the approved final engineering plans and specifications for the subdivision and a maintenance assurance, if required by the county, has been deposited with the county.

b. The Director may authorize a release of the performance assurance and acceptance of a maintenance assurance when a portion of the performance-related improvements are not complete, when the Multi-Disciplinary Team can demonstrate the public's health, safety, and general welfare will not be compromised. When a release is granted, all outstanding performance improvements shall be completed within one year of the release of the performance assurance. Granting the release may also extend the term of the overall maintenance period for the subdivision.

3. *Maintenance assurance.* The maintenance assurance may be released only upon the developer demonstrating that:

a. The structure, function, and integrity of all subdivision improvements have been properly maintained throughout the term of the assurance; and

b. A property owners' association, if required, has been chartered with the Secretary of State for the purpose of maintaining all subdivision improvements not to be maintained by the public.

(b) *Application requirements for release requests.*

1. *Restoration and performance assurances.* The developer shall submit the following information for all requests to release the restoration and performance assurances:

a. *Notification.* The developer shall submit written notification that all subdivision improvements have been completed in accordance with the standards of this chapter and the approved final engineering plans and specifications for the subdivision.

b. *Certification.* The engineer of record shall provide written certification that all subdivision improvements have been completed in accordance with the standards of this chapter and the approved final engineering plans and specifications for the subdivision. The engineer of record shall further certify that the as-built plans are a true and accurate depiction of the as-built conditions of the subdivision.

c. *As-built plans.* The engineer of record shall prepare as-built plans for the subdivision. The as-built plans shall be submitted in the same form and content as the original final engineering plans and shall bear the seal and signature of the engineer of record. All field modifications shall appear on the as-built plans. The plans shall verify all improvements, including but not limited to rim and invert elevations, spot elevations at 20-foot intervals along top of berm for detention facilities (including at least two spot elevations for emergency spillways), spot elevations in 100-year overland flow paths, spot elevation at 100-foot intervals along the centerline of streets, spot elevations at 100-foot intervals along the bottom of ditches, and random spot elevations throughout the subdivision.

d. *Test reports.* All required test reports not previously submitted shall be prepared and submitted.

e. *Acceptance of improvements.* For each subdivision improvement to be maintained by a public agency, a letter shall be on file with the Planning, Building and Development Director indicating that the agency will accept the improvement upon release of the performance assurance.

f. *Maintenance assurance.* A maintenance assurance, if required, shall be on file in an acceptable form.

2. *Maintenance assurances.* The developer shall submit the following information for all requests to release the maintenance assurance:

a. *Notification.* The developer shall submit written notification that the structure, function and integrity of all subdivision improvements have been properly maintained throughout the term of the assurance.

b. *Property owners' association.* If a property owners' association is required, the developer shall submit a copy of the property owners' association's articles of incorporation along with the names, addresses, and telephone numbers of the association's current officers.

(G) *Default provisions for subdivision assurances.* Upon a recommendation by the Multi-Disciplinary Team and approval by the State's Attorney's Office, the Director may, after appropriate notice, initiate default proceedings in accordance with the provisions of this section and the terms of the assurance documents in the event any one of the following deficiencies exist.

(1) *Default.* A developer shall be considered in default if the developer:

- (a) Fails to perform or maintain the work due to insufficient number of workers and equipment or with insufficient materials to ensure the completion or maintenance of the work within the specified time;
- (b) Performs the work unsuitably, as determined by the Multi-Disciplinary Team, the Township Highway Commissioner, or other affected agency;
- (c) Neglects, refuses materials, performs, or maintains anew any work that shall be rejected as defective and unsuitable;
- (d) Discontinues the execution of work;
- (e) Does not (for any other cause whatsoever) carry on or maintain the work in an approved manner; or
- (f) Fails to provide a maintenance assurance in acceptable form to the county within the timeframe established by the Director. The county may use the funds to ensure proper maintenance of subdivision improvements.

(2) *Notice of default.* When the Director finds that a developer is in default, and following consideration of the issues with the State's Attorney's Office, the Director shall be directed to give notice by registered mail to the developer and to the issuer of the subdivision assurance of the county's intent to call on the subdivision assurance. The notice shall state the reasons for the default and the conditions established by the Multi-Disciplinary Team to remedy the default.

(3) *Calling on a subdivision assurance.* If, upon receipt of a notice of default, the developer fails to correct the noted deficiencies and/or to honor the terms and conditions specified in the notice, the Director shall present a demand for payment on the assurance. The Director shall deliver the funds from the subdivision assurance to the Lake County Treasurer, and the Lake County Treasurer shall deposit the funds into an account designated for the funds.

(4) *Appeals.* All appeals of the Director's decision to draw on an assurance shall be presented to the Planning, Building and Zoning Committee in accordance with § 151.192 of this chapter.

(5) *Utilization of funds from defaulted assurance.* Upon the calling of a subdivision assurance, the Director shall be authorized to utilize these funds to cause compliance with the terms of the assurance. All costs, including the county's administrative expenses associated with causing compliance, shall be deducted from the funds on deposit with the Lake County Treasurer.

(6) *Return of unused funds.* When compliance with the terms of a subdivision assurance has been achieved, the Director shall authorize the Lake County Treasurer to return to the developer or approved beneficiary of the funds all remaining funds from the assurance, if any.

(Ord., § 10.19, passed 10-13-2009; Ord. passed - -)

§ 151.204 VACATIONS.

This section sets out the required review and approval procedures for vacating plats, portions of plats that include rights-of-way, or rights-of-way contained in plats recorded with the Lake County Recorder.

(A) *Authority to file vacation application.* The following groups and individuals shall have standing to file a vacation application.

- (1) The owner of the property that is the subject of the vacation request may file a vacation application.
- (2) Property owners adjoining unimproved public street rights-of-way within their subdivision may file for the vacation of the rights-of-way. For rights-of-way internal to a subdivision, the adjoining property owners on both sides of the right-of-way to be vacated shall be required to jointly file for the vacation of the right-of-way. For rights-of-way which form the edge of a subdivision, only the adjoining property owners within the subdivision shall be required to file for the vacation of the right-of-way.
- (3) In accordance with state statutes, a bona fide association of property owners may file to vacate any unimproved street right-of-way within their subdivision provided the following conditions are met:

- (a) The association shall be registered with the state and be organized to receive, hold, and convey real property; and
- (b) The association undertakes to develop the property for the use and benefit of the association in a manner that is compatible with the existing adjoining land uses.

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

(C) *Liability.* As part of a vacation application, the applicant(s) shall indemnify and hold the county harmless for damages resulting to any person as a result of the vacation.

(D) *Vacation procedure.*

(1) *Right-of-way vacations.* The following procedure shall be used for vacation applications involving unimproved public rights-of-way (i.e., street or alley).

(a) *Distribution of application.* In instances when a vacation petition involves an unimproved right-of-way, the Vacation Officer shall distribute the application to all affected reviewing agencies, including the affected Township Highway Commissioner, and place the application on the agenda of the Board of Vacations.

(b) *Public hearing notice.* Newspaper and neighbor notice of the Board of Vacations' public hearing shall be provided in accordance with the requirements of § 151.045(G) of this chapter. Written notice of the hearing shall also be provided to the applicant. The costs of publication shall be borne by the applicant(s).

(c) *Board of Vacations' review and recommendation.* The voting members of the Board of Vacations shall inspect the property proposed to be vacated and hold a public hearing on the proposed vacation. As part of the testimony, the Vacation Officer shall announce the purchase price of area contained in the right-of-way involved in the vacation, which shall be established in accordance with the procedures of the County Board. Following the public hearing and before consideration by the Planning, Building and Zoning Committee, the Board of Vacations shall recommend approval, approval in part or with conditions, or denial of the vacation. A member of the Board of Vacations who did not attend the public hearing may vote on the matter, provided that the Board of Vacations member has studied the minutes and visited the site. The Vacation Officer shall be responsible for preparing a record of the testimony received at the public hearing and preparing a written report of the findings and recommendations of the Board of Vacations to the Planning, Building and Zoning Committee.

(d) *Planning, Building and Zoning Committee and Finance and Administrative Committee review and recommendation.* The Vacation Officer shall present the recommendation of the Board of Vacations to the Planning, Building and Zoning Committee and the Finance and

Administrative Committee, after which the Planning, Building and Zoning Committee and the Finance and Administrative Committees shall act to recommend that the County Board approve, approve with conditions, or deny the vacation.

(e) *Payment of purchase price.* Prior to County Board action on the vacation application, the applicant shall deposit the purchase price (if any) for the area contained in the vacated right-of-way with the Vacation Officer. The Vacation Officer shall return these funds to the applicant if the vacation is denied by the County Board. Upon approval of the vacation by the County Board, funds will be deposited in the appropriate county account.

(f) *County Board review and action.* The County Board shall vote on the recommendation and resolution of the vacation from the Planning, Building and Zoning Committee and the Finance and Administrative Committee. An affirmative vote of at least two-thirds of the County Board is required to grant a vacation.

(g) *Recordation.* After County Board approval of a vacation, the Vacation Officer shall obtain the County Board resolution and shall obtain the Plat Officer's signature on the deed of vacation (quit claim deed). The petitioner, in the presence of the Vacation Officer, shall present the County Board resolution, the deed of vacation and all other documents required to meet the conditions of approval of the County Board Resolution for recording with the Lake County Recorder.

(2) *Plat vacations.* The following procedure shall be used for applications involving the vacation of a plat or a portion of a plat.

(a) *Distribution of application.* Upon receipt of an application for the vacation of a plat or a portion of a plat, the Vacation Officer shall distribute the application to all affected reviewing agencies in accordance with the review and approval process for a final plat as outlined in § 151.191(F)(2) of this chapter.

(b) *Planning, Building and Zoning Committee recommendation.* The Vacation Officer shall present the recommendation of the Multi-Disciplinary Team and reviewing agencies to the Planning, Building and Zoning Committee. The Planning, Building and Zoning Committee shall act to approve, or deny the vacation.

1. *Approval.*

a. Upon Planning, Building and Zoning Committee approval of a plat vacation, the plat of vacation together with any other documents required by this chapter to be recorded with the plat, shall remain in the custody of the Director unless other arrangements are authorized by the Committee.

b. Within ten days following approval, the applicant shall have the sole responsibility for recording the plat vacation and associated documents with the Lake County Recorder and for paying all costs associated with the recording of the documents.

c. Upon recording the plat vacation, the Mylar shall be returned to the applicant or surveyor of record for the subdivision. The official record of the plat vacation and associated documents shall be kept in the custody of the county.

2. *Denial.* If the Planning, Building and Zoning Committee denies the plat vacation, the applicant may:

a. Amend the final plat or obtain the additional information and documentation requested by the Planning, Building and Zoning Committee and resubmit the subdivision for further review in accordance with § 151.191(F)(2); or

b. Appeal the decision of the Planning, Building and Zoning Committee in accordance with the standards of §151.192.

(E) *Effect of vacation.* The vacation of any subdivision plat or right-of-way shall not be deemed to be a vacation of the rights of any other individual or agency in, or related to, the subdivision plat or right-of-way. The approval of a vacation does not, for example, vacate the rights of a public utility with facilities in the subject right-of-way.

(Ord., § 10.20, passed 10-13-2009)

SCHOOL AND PARK CONTRIBUTIONS

§ 151.220 SCHOOLS.

This section addresses school contributions related to school land needs to accommodate additional student population generated by proposed residential development. Nonresidential developments are exempt from the requirements of this section.

(A) *School contribution types.* Whenever a school district is entitled to a contribution pursuant to subsection (A)(2) below, the contributions shall be limited to the two following options.

(1) *Ordinance-based school contributions.* The developer shall contribute the requisite amount of land, cash, or a combination of land and cash, in accordance with the procedures established under subsection (C) herein.

(2) *Private agreement-based school contributions.*

(a) A school district may waive all rights to any ordinance-based contribution.

(b) Notwithstanding any waiver, a school district may enter into a private agreement with the developer.

(c) The administration and enforcement of private agreements shall follow the procedure established under subsection (D) herein.

COMMENTARY:

To ensure timely and thorough consideration of all relevant issues, the developer and affected school district(s) are urged to discuss the available school contribution options as early as possible in the county's development review process.

Upon receipt of the preliminary plat or, when a preliminary plat is not applicable, a preapplication conference submission, a copy of which submission is forwarded by the Planning, Building and Development Director to the Regional Superintendent of Schools and to the affected school district(s). This information is used, in part, to assist in the calculation of school contributions, as provided below.

(B) *Applicability.* No school land dedication or cash contribution in lieu of land dedication shall be required unless the Lake County Regional Superintendent of Schools has determined that there is an existing or projected need for school lands to accommodate the additional student population within the district. The Regional Superintendent of Schools shall make the decision in accordance with the procedures of subsection (B)(1), below.

(1) *School land needs determination.*

(a) The school land needs determination shall be based upon the existing or future school land needs within the affected school district(s). The determination shall be based upon a review of available data studies and literature on the subject, including but not limited to information provided by the State Superintendent of Education and the unique characteristics of this county. Projected enrollments shall be based upon current tables of estimated ultimate population per dwelling unit type, as prepared by Associated Municipal Consultants, Inc. or comparable data recognized by the Plat Officer. The affected school district(s) may provide data to the Lake County Regional Superintendent of Schools to assist in this determination.

(b) Following receipt of the school district's assessment, the Regional Superintendent of Schools shall submit a final determination to the Planning, Building and Development Director prior to preliminary plat approval whether the affected school district(s) in fact faces an existing or projected need for school lands to accommodate additional student population, and therefore would be eligible to receive school contributions pursuant to this subsection (B). The Regional Superintendent of School's final determination shall also indicate whether a contribution of land, cash, or a combination of land and cash shall be required of the developer, in accordance with the following considerations:

1. *Land contribution.* The contribution may consist of land that is suitable for intended school purposes, in accordance with subsection (C)(2)(a)2., below.

2. *Cash contribution.* Where the residential development is small and the resulting site is too small to be practical or when the available land is inappropriate for a school site, the developer may be required to pay a cash contribution for the use in acquisition of land for school sites, or for the improvement to any existing school site, or for the construction of school buildings or additions thereto in accordance with Public Act 93-0330.

3. *Combined land and cash contribution.* A combination of land dedication and a cash contribution in lieu of land may both be necessary when only a portion of the land to be developed is proposed as the location for a school site; or a major part of the local school site has already been acquired by the particular district and only a small portion of land is needed from the developer to complete the site. In these cases, the remaining portion shall be required as a cash contribution in lieu of land.

(2) *Notice to parties.* Following receipt of the Regional Superintendent of Schools' school land needs determination, the Planning, Building and Development Director shall notify the developer and the affected school district(s) of the decision in writing.

(C) *Ordinance-based school contribution procedure.* The following procedures govern ordinance-based school contributions.

(1) *Calculation of required contribution.* The following procedure governs the calculation of required contributions.

(a) *Calculation by contribution type.*

1. *Land contribution calculation.* The amount of land required to be contributed shall be determined by multiplying the "estimated ultimate school population per dwelling unit" (see "Estimated Ultimate School Population" Table in Appendix P) by the "site area" requirements for the school site (see "School Classification" Table in Appendix P), then dividing by the "maximum number of students" (see "School Classification" Table in Appendix P). If the development will be age-restricted (i.e., an exclusively active adult, independent living, or assisted/supported living facility) through restrictive covenants or other similar means, the amount of land calculated above shall be multiplied by a factor of 0.25 to account for the reduced likelihood of any student generation from the development.

2. *Cash contribution calculation.* The cash contributions in lieu of land shall be based on the fair market value, as described in this section, of the gross site valued as improved land in the area that otherwise would have been dedicated in accordance with subsection (C)(2)(a). To determine the amount of cash contribution, multiply the "estimated ultimate school population per dwelling unit" (see "Estimated Ultimate School Population" Table in Appendix P) by the "site area" requirements for the school site (see "School Classification" Table in Appendix P), then divide by the "maximum number of students" (see "School Classification" Table in Appendix P). Multiply the resulting acreage by the fair market value of the land within the area to determine the per lot cash contribution. If the development will be age-restricted (i.e., an exclusively active adult, independent living, or assisted living facility) through restrictive covenants or other similar means, the cash contribution calculated above shall be multiplied by a factor of 0.25 to account for the reduced likelihood of any student generation from the development.

COMMENTARY:

For purposes of this subsection, active adult developments are generally synonymous with senior housing that is not accommodated by nursing or other medical care; independent living developments may or may not provide those services; and assisted/supported living facilities that are accommodated by that care. The age-restricted multiplier, above, applies to all such developments.

The restrictive covenants should incorporate provisions to ensure that an affected school district's school land needs are sufficiently addressed in the event the age-restricted development ultimately generates students or otherwise no longer qualifies as an age-restricted development at any point following final plat approval (or initial contribution).

a. *Fair market value determination.* The cash contributions in lieu of land shall be based on the fair market value of land in the area that otherwise would have been dedicated as school sites. In calculating the fair market value on a per acre basis, the following assumptions about the land shall be made: that it is zoned in the Residential-1 (R-1) Single Family Residential Zoning District consistent with the county's development standards; that it is developed with appropriate frontage on a dedicated street, stubbed with county sewer and water and has all appropriate utilities available; that it is improved as set forth in subsection (C)(2)(a)1. herein; and that it is property otherwise capable of being used for one-acre single family residential development. This fair market value shall be determined by one of the two following methods:

(i) The affected school district(s) and the developer may execute an agreed-upon statement of fair market value; or

(ii) The developer may provide copies of a fair market value appraisal of land in the area of the proposed subdivision to the

Planning, Building and Development Director for distribution to each affected school district and the Regional Superintendent of Schools.

b. *Consumer price index adjustment to fair market value.* The fair market value identified in this section shall be subject to a "CPI adjustment" which shall be calculated annually and which adjustment shall go into effect on February 1, 2009, and on the first day of February in each year thereafter or as soon thereafter as the data becomes available. The CPI shall be based on the annual percentage change as published by the United States Department of Labor's Bureau of Labor Statistics *Consumer Price Index for All Urban Consumers* ("CPI-U") for the Chicago-Gary-Kenosha, IL-IN-WI Area (Identification Number CUURA207SAO). The index base period of 1982-84=100 shall be used. If the CPI for this particular regional designation is changed, discontinued, or replaced, any other governmental cost of living index or computation that replaces the CPI shall be used in order to obtain substantially the same result as would be obtained if the CPI had not been discontinued or replaced.

3. *Combined land and cash contribution calculation.* The calculation of combined land and cash contributions shall follow the calculation methodology in subsections (C)(1)(a)2.a. and b. of this section, above.

(b) *Administration of contribution calculation.*

1. Signed copies of any ordinance-based contribution agreements between any affected school district(s) and the developer relating to the use of land and/or money accepted pursuant to this section shall be provided by the developer to the Planning, Building and Development Director prior to final plat approval. The agreements shall be recorded together with the final plat. A note shall be placed on the plat referencing their existence. Any final agreement dated more than one year prior to the date of final plat approval shall be considered null and void and the school contribution process shall be re-initiated.

2. Concurrent with the developer's submission of the executed agreement pursuant to subsection 1. above, the affected school district(s) shall execute an indemnification agreement pursuant to subsection (C)(3)(a) herein and shall provide an executed copy to the Planning, Building and Development Director. If a developer's delayed payment agreement has also been executed, it should also be submitted to the Director at this time.

3. Following submission of the executed contribution agreement, the Regional Superintendent of Schools shall provide written certification prior to final plat approval that the terms of this subchapter have been satisfied. For purposes of this subsection (C)(1), the Regional Superintendent shall also obtain assurances that good, merchantable title to any relevant school sites will be conveyed, as verified through warranty or trustee's deed and a valid plat of survey for the sites.

(2) *Procedures for land dedication/ contribution payment.* All land dedication and cash contributions, or combinations thereof, imposed by this chapter shall be made to the affected school district(s) prior to final plat approval unless provided for otherwise as noted below.

(a) *Land dedication procedures.*

1. *Reservation of land.* Whenever all or part of the land to be developed is shown on an officially adopted state, county, or municipal plan for a school site, the developer shall show all lands so designated as dedicated or reserved for that purpose in accordance with the provisions of § 151.190(A)(2) herein.

2. *Dedicated land.*

a. The topography, soils, and natural features present on dedicated school sites and surrounding areas must be suitable for their intended use.

b. All sites shall be dedicated in a condition ready for full service of electricity, natural gas, telephone and cable television, water and sewer, streets (including enclosed drainage and curb and gutter, where applicable), and sidewalks and landscaping, all as applicable to the location of the site, and shall otherwise comply with the requirements of this Lake County Unified Development Ordinance. The site shall have direct access to a fully improved street. Where appropriate, new school sites should be accessible by a bicycle/pedestrian trail. Any vehicular access route leading to or on the site shall be of sufficient size and good geometry to properly accommodate vehicles that will access and traverse the site, including but not limited to good principles of traffic circulation, accommodation of one-way and/or two-way drives for school buses, separation of bus traffic from passenger automobile traffic, bus drop-off areas separate from publicly dedicated streets, guest and employee parking areas, and the like.

3. *Designation on plat.* Land to be dedicated for public school purposes shall be labeled on the final plat, "Hereby Dedicated to the (School District) for Public School Purposes".

(b) *Cash payment procedures.* Cash contributions shall be payable to the affected school district(s) which will serve the students from the development and shall be submitted to the school district(s). When payment is made to the affected school district(s), receipt for payment shall be provided by the school district(s).

1. *Payment at time of platting.* In calculating the cash contributions to be paid at the time of platting, the county will assume that four-bedroom single family units and/or three-bedroom multifamily units will be constructed. The school district(s) will then hold sufficient funds pending issuance of the building permit to enable it to refund any overpayments resulting from the fact that units with fewer bedrooms are constructed. Refunds shall be made at time of issuance of the building permit upon application by the property owner to the affected school district(s).

2. *Payment at time of building permit issuance.* With the written agreement of the affected school district(s), the county may agree that payment of the cash contributions may be made at the time of building permit issuance. In consideration for delayed payment, the developer shall execute a developer's delayed payment agreement, largely similar in form and content to Appendix P of this Unified Development Ordinance, as provided under subsection (C)(3)(b), herein. Proof of payment to the affected school district(s) shall be provided to the county. The proof of payment must be signed by the affected school district(s) indicating the receipt of the cash contribution, the name of the development, the lot number, and the dwelling unit type. Any delayed payment of fees or cash contributions shall be calculated based upon the "CPI Adjustment" provided under subsection (C)(1)(a)2.b. herein, which shall be calculated based on the time at which the building permit is issued.

3. *Expiration.* If any portion of a cash contribution is not expended for the purposes stated above within ten years from the date of final plat approval or payment pursuant to an agreement for deferred payment of cash contributions until the time of building permit issuance pursuant to subsection (C)(2)(b)2. herein, whichever is later, it shall be subject to refund. Refunds shall only be provided when the property owner at the time of expiration presents a written request addressed to the affected school district(s) or Regional Superintendent of Schools within the eleventh year following the payment. If the request is not made during the eleventh year, at the commencement of the twelfth year the school district(s), to the extent permitted by law, shall be authorized to declare the funds abandoned and use the money for any legitimate purpose.

(3) *Limitations on county liability.*

(a) *School district indemnification agreement.* Before the county will impose any payment or dedication requirements on a developer pursuant to this subchapter, the affected school district(s) shall execute an indemnification agreement largely similar in form and content to that set forth in Appendix P of this Unified Development Ordinance. This indemnification agreement shall be executed on or before June 1 of each year. Following execution of an indemnification agreement by the affected school district(s), the agreement shall be furnished to the county. In the event the affected school district(s) fails to furnish the executed indemnification agreement as required in this section, the county reserves the right to refuse to impose any land dedications and/or cash contributions on behalf of that affected school district(s) until the time that the executed indemnification agreement is furnished by the affected school district(s).

(b) *Developer's delayed payment agreement.* If the school district(s) and the developer agree to defer the payment of cash contributions to the time of building permit issuance, the developer shall execute a developer's delayed payment agreement prior to final plat approval which shall provide that the developer agrees: that the cash contributions payable will be adjusted in accordance with the "CPI Adjustment" requirements herein; that the cash contributions may be expended for the purposes described in Appendix P; and to accept the validity of the Unified Development Ordinance and the cash contributions as calculated. The developer's delayed payment agreement, or memorandum thereof, shall be recorded along with the plat of subdivision upon approval by the county.

(4) *Objection procedures.*

(a) *Applicability.* The developer or affected school district(s) may file objections to the contribution calculations (subsection (C)(1)) as provided for in this section. Requests to modify any other provision of this section shall follow the major modification procedure of § 151.192(C) herein.

(b) *Time of filing.* Prior to final plat approval, the developer or school district(s) shall, in writing, either concur with the application of the school contribution provisions of this subchapter or file an objection or request a waiver thereto, as applicable under subsection (C)(4)(a) above. Failure to file a concurrence, objections or waiver request with the Planning, Building and Development Director within the specified time period shall operate as a concurrence with the application of these provisions.

(c) *Form of filing.* An objection shall be submitted in a format as provided in Appendix P. The form shall be accompanied by an alternate determination or set of contribution calculations and filing fee, as applicable.

(d) *Scheduling of hearing.* Upon receipt of a valid objection, the Planning, Building and Development Director shall schedule a hearing before the Planning, Building and Zoning Committee to occur within 60 days of receipt of the written objection and shall inform the Planning, Building and Zoning Committee of the hearing.

(e) *Notices.*

1. The Planning, Building and Development Director shall notify the developer, the affected school districts and the Regional Superintendent of Schools by certified mail, return receipt requested, of the filing of the objection and of the date, time, and place of the public hearing regarding same.

2. The Planning, Building and Development Director shall provide public notice of the hearing date to consider the objection at least 15 days before the public hearing in a newspaper of general circulation in which the affected school district(s) are located. The notice shall:

- a. Indicate the date, time, and place of the public hearing;
- b. Identify the school district(s) affected by the objection;
- c. Describe the nature, scope, and purpose of the objection; and
- d. Indicate where additional information on the matter can be obtained.

(f) *Information and services to be used.* The Planning, Building and Development Director shall make available to the Planning, Building and Zoning Committee a copy of the written objection and any supporting documentation thereto, in addition to any other relevant available information relating to the objection. The Planning, Building and Zoning Committee may also retain the services of professionals (attorneys, appraisers, statisticians, and the like) to assist in its review of issues raised by any objection.

(g) *Procedure for resolving an objection.* The Planning, Building and Zoning Committee shall conduct the public hearing to resolve a properly filed objection, in accordance with the following procedure.

1. A public hearing shall be held for the consideration of the objection. The developer, the affected school district(s) and the Regional Superintendent of Schools shall be allowed to participate in the hearing as a party thereto to present evidence, cross-examine witnesses, and make arguments to the Planning, Building and Zoning Committee regarding the issues raised in the objection. The public shall be allowed to provide comments relating to the objection.

2. At the request of the developer or affected school district(s), the Planning, Building and Zoning Committee may continue the hearing to a later date, but in no event shall the hearing be continued beyond 45 days of the original hearing date.

3. Following the conclusion of the hearing, the Planning, Building and Zoning Committee shall make a decision and shall make a written report within 30 days after the hearing.

4. The hearing shall be recorded by a certified shorthand reporter and a written transcript of the recording shall be provided to the Planning, Building and Development Director.

5. Within ten days following the Planning, Building and Zoning Committee decision, the Planning, Building and Development Director shall provide the developer, affected school district(s), and Regional Superintendent of Schools with written notice of the Planning, Building and Zoning Committee's decision.

(h) *Costs and fees.* The objector shall bear all costs of the hearing before the Planning, Building and Zoning Committee, including but not limited to publication costs, professional consultants, shorthand reporter services and transcript costs, and any other expenses of the county.

(i) *Appeals of Planning, Building and Zoning Committee actions.* Appeals of actions or decisions of the Planning, Building and Zoning Committee under the school contribution provisions of this § 151.220 shall be filed within 15 days of the date on the notice of the action or decision. With the exception of this filing deadline, appeals shall be made in accordance with § 151.192(D)(2) of this chapter.

(D) *Private agreements for school contributions.* This subsection (D) governs the administration and enforcement of private agreements for school contributions not subject to the requirements of subsection (C) above.

(1) *Applicability.* This subsection (D) shall apply whenever an affected school district(s) and the developer reach a private agreement regarding school contributions in lieu of following the ordinance-based school contribution provisions contained in subsection (C) of this section.

(2) *Administration.*

(a) Signed copies of the private agreement(s) between any affected school district(s) and the developer, dated not more than one year prior to the date of final plat approval, shall be forwarded to the Planning, Building and Development Director prior to final plat approval. The agreement(s) shall be recorded together with the final plat. A note shall be placed on the plat referencing their existence. Any final agreement dated more than one year prior to the date of final plat approval shall be considered null and void for purposes of this chapter and the school contribution process shall be re-initiated.

(b) Prior to final plat approval, the Regional Superintendent of Schools shall provide written certification that the terms of this section governing private agreements has been satisfied for the subject development.

(3) *Payment procedures.*

(a) *Generally.* Any private agreement shall provide that the cash contributions shall be payable directly to the school district(s) which will serve the students from the subdivision and be submitted to the school district(s). When payment is made to the affected school district(s) pursuant to a private agreement, the school district(s) shall provide a receipt for the payment to the developer.

(b) *Time of payment.*

1. *Payment upon final plat approval.* All land dedications and cash contributions imposed by private agreement shall be due and payable to the affected school district(s) upon final plat approval unless otherwise specified by the terms of the private agreement.

2. *Payment at time of building permit issuance.* With the written agreement of the affected school district(s), payment of cash contributions pursuant to the private agreement may be made at the time of building permit issuance. In the event of this deferred payment pursuant to private agreement, proof of payment to the affected school district(s) shall be provided to the county prior to building permit issuance. The proof of payment must be signed by the affected school district(s) indicating the receipt of the cash contribution, the name of the development, the lot number, and the dwelling unit type.

(4) *Limitations on county liability.* Although the county may require proof of payment for contributions on behalf of a school district pursuant to a private agreement between the school district and the developer, the county shall not be considered a party to the agreement, nor shall the private agreement place any responsibility or liability upon the county for the content of any of the provisions or terms contained therein for any reason, including but not limited to the extent that the provisions or terms are not authorized by the school contribution requirements of this subchapter. Consistent with this limitation on county liability, the following agreements shall be executed in conjunction with a private school contribution agreement:

(a) *School district indemnification agreement.*

1. If a private agreement is reached between the developer and the affected school district, the affected school district shall execute an indemnification agreement largely similar in form and content to that set forth in Appendix P of this Unified Development Ordinance. This agreement shall be executed on or before June 1 of each subsequent year. Following execution of this agreement by the affected school district, this indemnification agreement shall be furnished to the county and the Regional Superintendent of Schools. In the event the affected school district fails to furnish the executed agreement as required in this section, the county reserves the right to forego enforcement of the proof of payment procedure set forth in subsection (D)(3) above.

2. Any private agreement shall provide that the cash contributions shall be payable directly to the school district(s) which will serve the students from the subdivision and be submitted to the school district(s). When payment is made to the affected school district(s) pursuant to a private agreement, the school district(s) shall provide a receipt for the payment to the developer upon receipt of payment.

(b) *Developer's county liability waiver agreement.* In consideration for the county's agreement to permit a developer to enter into a private agreement with an affected school district(s), the developer shall execute a waiver agreement, largely similar in form and content to the county liability waiver agreement in Appendix P of this Unified Development Ordinance.

1. The waiver agreement shall provide that the developer agrees:

a. That the county is not a party to the private agreement and is not responsible or liable for the terms of the private agreement for any reason, including but not limited to the extent that the private agreement provides for contributions beyond what is authorized by the contribution requirements of § 151.220 of this County Unified Development Ordinance; and

b. That the developer and the developer's successors and assigns waive any future right to object to any aspect of this chapter or institute any legal action against the county with respect to any aspect thereof as it applies to the development under review.

2. This developer's county liability waiver agreement, or memorandum thereof, shall be recorded along with the plat of subdivision upon approval by the county.

(Ord., § 11.1, passed 10-13-2009)

§ 151.221 PARK AND RECREATION AREAS.

(A) *Purpose.* As a condition of approval of a final plat of subdivision of any parcel of land within unincorporated Lake County, in order to provide proximate recreation land for the residents of the subdivision, qualifying developers shall be required to:

- (1) Permanently set aside land for active or passive recreation purposes;
- (2) Provide a cash contribution in lieu of actual land dedication; or
- (3) Provide a combination of both.

(B) *Applicability.* The recreation land dedication or cash contribution in lieu thereof shall apply to all residential land developments with two exceptions.

(1) Subdivisions composed entirely of single family detached houses having a net density equal to or less than 1.25 dwelling units per acre shall not be required to dedicate land or contribute cash; and

(2) Subdivisions which would be required to provide less than one-fourth acre of recreation land shall not be required to dedicate land or contribute cash.

(C) *Calculations.* The recreational land requirement is determined by the site capacity regulations of §151.070(D).

(D) *Design guidelines.*

- (1) Recreation improvements shall be accessible to all residents of the subdivision.
- (2) Access to recreation areas shall be provided from internal subdivision streets.
- (3) Recreation improvements shall be designed so they maximize their use and enjoyment for the population served.
- (4) Proposed subdivisions may provide passive and active recreation improvements. Passive recreation improvements may consist of trails, picnic areas and benches. Active recreation improvements may consist of sports fields, game tables, tennis courts, sand boxes, and other playground equipment.
- (5) Landscaping within recreation areas shall be designed to be aesthetically pleasing and functionally usable for the specified purpose.
- (6) All sites shall be ready for full service of electrical, gas, water, sewer, sidewalk, streets and storm drainage where those services are included in the subdivision and as applicable to the location of the site.
- (7) When appropriate, recreation improvements may be combined with that of an adjoining subdivision in order to produce more useable recreation areas or trail linkages.

(E) *Review requirements.*

- (1) The proposed recreation areas shall be designated on the preliminary plat.
- (2) Plans, cost estimates, and other information necessary to ensure the proper designation, use, maintenance, ownership, and installation of all recreation improvements required by this chapter shall be submitted as part of the final engineering plans.
- (3) Recreation improvement plans shall include but shall not be limited to the following:
 - (a) Site location;
 - (b) Points of access;
 - (c) Site design, including landscaping; and
 - (d) Equipment specifications.

(F) *Installation.* The recreation improvements shall be installed in accordance with the approved final engineering plans. The installation of recreation improvements shall be guaranteed by including costs of the improvements in the performance assurance deposited with the county.

(G) *Maintenance.*

- (1) The maintenance of recreation improvements shall be guaranteed by providing the county a maintenance assurance for the amount and term specified by the county.
- (2) The developer shall be responsible for the maintenance of all improvements until the time that 80% of the lots in the subdivision have been sold. However, the developer shall not transfer the improvements for the purpose of maintenance until all maintenance assurances are released by the county.
- (3) The maintenance and improvement responsibilities for the recreation areas shall be determined based upon the form of ownership and finalized at the time of the final plat review.
- (4) Maintenance of the recreation improvements shall consist of all acts necessary to ensure that they remain usable and that no hazards, nuisances, or unhealthy conditions exist.

(H) *Ownership.*

- (1) Recreation improvements shall be either publicly dedicated or commonly owned.
 - (a) The developer may dedicate the sites to any suitable public or not-for-profit entity approved by the Planning, Building and Development Director; or
 - (b) If the developer does not choose to dedicate the sites or if there is no public agency willing to accept the dedication, provisions shall be made for a compulsory homeowners' association as a means of assuring that the land will be maintained and preserved in perpetuity as commonly held recreational open space.
- (2) The developer shall be responsible for conveying good, marketable title to the sites and shall be responsible for payment of all real estate taxes to date of conveyance.
- (3) Articles of agreement for a homeowners' association, or any other necessary documents, shall specify the appropriate maintenance responsibilities for all active and passive recreation improvements. These shall be approved by the Planning, Building and Development Director and shall be recorded with the final plat with a notation on the plat referring to the documents.

(I) *Cash contributions.*

- (1) *General.* In the following situations the county may require the developer to pay a cash contribution in lieu of the land dedication:
 - (a) A previously established public park is in the immediate vicinity of the proposed subdivision. The park shall be less than a mile from the proposed subdivision and shall be accessible by either a sidewalk or a trail;
 - (b) The subdivision is small and the resulting recreation area is too small to be practical; or
 - (c) The available land is inappropriate for a recreation area.
- (2) *Criteria.* The cash contributions shall be based on the fair market value of the gross site valued as improved land in the area that otherwise would have been dedicated as a recreation area.
- (3) *Fees and costs.* The cost of all appraisals shall be the responsibility of the parties submitting them.
- (4) *Determination of fair market value.* The fair market value shall be determined in the following manner:
 - (a) After preliminary plat approval and prior to submission of the proposed final plat, the developer shall submit to the Planning, Building and Development Director a statement as to the fair market value of the improved land in the area and state the evidence or reasons for this.
 - (b) If the Planning, Building and Development Director does not agree with the statement of fair market value, the Planning, Building and

Development Director shall notify the developer who shall then submit a fair market value appraisal prepared by a certified appraiser of improved land in the area of the proposed development. The applicant shall be responsible for paying all costs of the required appraisal.

(c) If the Planning, Building and Development Director does not agree with the certified appraisal submitted by the applicant, the Planning, Building and Development Director shall, within 15 days from the receipt of such, notify the developer of this disagreement in writing. The county shall then have a fair market value appraisal prepared by a certified appraiser of the improved land in the area of the proposed development.

(d) The final determination of the fair market value per acre of the improved land shall be made by the Planning, Building and Zoning Committee based upon the information submitted by the developer, any appraisers involved and from any other sources that may be involved.

(5) *Administration.* Any local public agency that provides recreation land and facilities may be eligible for the cash contribution. The Planning, Building and Development Director shall approve of the agency. The cash contribution shall be held in a special fund by the county or other public body designated by the county. The fund shall be used to cover only those costs specifically and uniquely attributable to the subject subdivision. Specifically, the funds shall be used to purchase recreation land that will serve the immediate or future needs of the residents of the proposed subdivision or for the improvement of recreation land existing within one mile of the proposed subdivision.

(6) *Expiration.* If any portion of a cash contribution is not expended for the purposes set forth herein within ten years of the date of receipt, it shall be refunded to the present owner of the property for which the contribution was made.

(J) *Criteria for combined land dedication and cash contribution.* There may be situations in subdivisions when a combination of land dedication and a cash contribution are necessary. These combinations may be permitted in the following instances:

(1) The local park district indicates that the proposed subdivision overlaps a proposed park. The portion of the subdivision falling within the park shall be dedicated as a recreation improvement. The remainder of the required donation shall be in the form of a cash contribution; or

(2) When the Planning, Building and Development Director determines that due to site design constraints, the entire required land area cannot be accommodated in the subdivision, the remainder of the required donation shall be in the form of a cash contribution.

(Ord., § 11.2, passed 10-13-2009)

NONCONFORMITIES

§ 151.230 GENERAL.

(A) *Introduction.* The regulations of this subchapter govern uses, structures, lots, and other situations that came into existence legally but that do not comply with one or more requirements of this chapter.

(B) *Applicability.*

(1) This subchapter applies to nonconformities created by initial adoption of or amendments to this chapter.

(2) It also applies to nonconformities that were legal nonconformities under previously applicable ordinances, even if the type or extent of nonconformity is different.

(C) *Increase prohibited.* A nonconformity shall not be increased except to the extent otherwise specifically authorized by this subchapter.

(D) *Continuation permitted.* Any nonconformity that legally existed on the date of adoption of this chapter or that becomes nonconforming upon the adoption of any amendment to this chapter may be continued in accordance with the provisions of this subchapter.

(E) *Determination of nonconformity status.* The burden of establishing that any nonconformity is a nonconformity shall, in all cases, be upon the owner of the nonconformity.

(F) *Replacement values.*

(1) Replacement value for all structures shall be interpreted as three times the assessed valuation of the improvement (based on information obtained from the Township Assessor) unless the applicant provides replacement valuation data prepared by a certified appraiser.

(2) When assessed valuation data is not available and the subject owner has not provided appraisal data, the Planning, Building and Development Director shall be authorized to determine replacement value based on the best available data.

(G) *Repairs and maintenance.* Incidental repairs and normal maintenance of nonconforming situations shall be permitted unless the repairs increase the extent of nonconformity or are otherwise expressly prohibited by this chapter. Nothing in this subchapter shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

(H) *Tenancy and ownership.* The status of a nonconformity is not affected by changes of tenancy, ownership or management.

(Ord., § 12.1, passed 10-13-2009; Ord. passed - -) Penalty, see § 10.99

§ 151.231 NONCONFORMING USES.

(A) *Definition.* A nonconforming use is a use that was legally established but which no longer complies with the use regulations of the zoning district in which it is located.

(B) *Expansion.*

(1) A nonconforming use shall not be enlarged or expanded unless the expansion eliminates or reduces the nonconforming aspects of the situation.

(2) Subsection (B)(1) of this section shall not be construed as prohibiting additions to any dwelling regardless of the zoning district in which the dwellings are located, nor shall any provision of this subchapter be construed as prohibiting the construction of any use that is accessory to a dwelling unit regardless of the zoning district in which the dwelling is located.

(3) Expansion for the sole purpose of complying with off-street parking standards of this chapter shall not be considered expansion of a nonconforming use.

(4) No temporary use permit shall be issued for a site containing a nonconforming use, if the proposed temporary use or event has the potential to generate additional traffic, noise, or other adverse impacts on the surrounding area.

(C) *Change of use.* A nonconforming use shall not be changed to any use other than a use allowed in the zoning district in which it is located.

(D) *Loss of nonconformity status.*

(1) *Abandonment.* If a nonconforming use ceases for any reason for a period of more than one year, the use shall be considered abandoned. Once abandoned, the use's nonconforming status shall be lost and reestablishment of the use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the zoning district in which it is located.

(2) *Damage or destruction.* If a structure containing a nonconforming use is destroyed by disaster to the extent of more than 50% of the replacement cost of the structure located above the average ground elevation, the use shall not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located. Any proposed improvement unrelated to damage sustained from a disaster may exceed 50% of the replacement cost of the structure. Replacement cost calculations will consist of the following process:

(a) Submission of complete stamped engineering or architectural drawings showing an itemized list of all materials involved in the project (excluding open appliances); and

(b) Submission of at least two contractor's cost estimates based on the architectural drawings, consisting of labor and all materials. The Planning, Building and Development Director may waive the above submission requirement upon a determination that the extent of damage or destruction appears to be significantly below the 50% threshold based on available information.

(E) *Accessory uses.* No use that is accessory to a principal nonconforming use shall continue after the principal use has ceased or terminated.

(Ord., § 12.2, passed 10-13-2009; Ord. passed - - ; Ord. 19-1378, passed 9-10-2019)

§ 151.232 NONCONFORMING STRUCTURES.

(A) *Definition.* A nonconforming structure is any building or structure that was legally established but which no longer complies with any of the following:

- (1) The density and dimensional standards of § 151.125; and
- (2) The floodplain development standards of § 151.147.

(B) *Use.* A nonconforming structure may be used for any use allowed in the underlying zoning district, subject to all applicable standards of §§ 151.110 through 151.114.

(C) *Expansion.* A nonconforming structure may be enlarged or expanded if the expansion does not increase the extent of nonconformity.

COMMENTARY:

All building alterations or additions that violate a zoning district dimensional standard shall be prohibited. This is interpreted, for example, to mean that no additions, including a second-story addition, will be allowed within a required setback, except as described in subsection (H)(2) below.

(D) *Moving.* A nonconforming structure may be moved if the movement or relocation eliminates the nonconformity. This provision shall not be interpreted as prohibiting the elevation of a nonconforming structure for the purpose of floodproofing or repair.

(E) *Loss of nonconforming status; damage or destruction.* If a nonconforming structure is destroyed by disaster to the extent of more than 50% of the replacement cost of the structure located above the average ground elevation, it may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located, or in compliance with subsection (H) below.

(1) Replacement cost calculations will consist of the following process:

(a) Submission of complete stamped engineering or architectural drawings showing an itemized list of all materials involved in the project (excluding open appliances);

(b) Submission of at least two contractor's cost estimates based on the architectural drawings, consisting of labor and all materials. The Planning, Building and Development Director may waive the above submission requirement upon a determination that the extent of damage or destruction appears to be significantly below the 50% threshold based on available information.

(F) *Nonconforming structures within floodplains.* The owner of a nonconforming structure that has been removed from a floodplain may apply for a permit to re-establish the structure outside the floodplain, provided that a permit application for the re-establishment is submitted within one year of the date that the structure was demolished. Once a permit has been approved, the structure must be reestablished before expiration of the permit.

(G) *Accessory structures.* No structure that is accessory to a principal nonconforming structure shall continue after the principal structure has been destroyed by disaster to an extent of more than 50% of the replacement cost of the structure located above the average ground elevation, unless the accessory structure complies with all applicable regulations of this chapter.

(H) *Nonconforming single family dwelling and accessory structures.*

(1) A legal nonconforming single family dwelling or an accessory structure on a foundation may be restored if deteriorated, damaged, or destroyed to an extent greater than 50% of the replacement cost of the structure, provided that the following standards are met:

(a) The restored structure does not extend further into any required setback than the existing structure prior to improvement or rebuilding;

(b) The restored structure is located at least ten feet from the street lot line and at least four feet from the side and rear lot lines;

(c) Any proposed improvement unrelated to damage sustained from a disaster may exceed 50% of the replacement cost of the structure;

(d) Any proposed addition or expansion to the existing structure beyond a repair, remodel, or restoration must meet the setback requirement of the underlying zoning district or the setback requirement for a nonconforming lot, whichever applies; and

(e) If the structure is located in the floodplain and if the restoration constitutes "substantial improvement", the entire structure shall be brought into conformance with the floodplain provisions of §§ 151.145 through 151.154.

(2) A legal nonconforming single family dwelling may be allowed a second story, provided the following standards are met:

- (a) The second story does not extend further into any required setback than the existing structure;
- (b) The existing structure is located at least ten feet from the street lot line and at least four feet from the side and rear lot lines;
- (c) The structure complies with the maximum height requirement;
- (d) If the proposed improvement constitutes "substantial improvement" (see §151.271), the water's edge setback requirement shall apply; or
- (e) If the structure is located in the floodplain and if the improvement constitutes "substantial improvement" (see §151.271), the entire structure shall be brought into conformance with the floodplain provisions of §§ 151.145 through 151.154.

(I) *Nonconforming multi-dwelling structures.* A multi-dwelling structure that was legally established in accordance with all regulations in effect at the time of establishment shall not be deemed nonconforming solely due to the fact that it does not comply with the maximum density standards of this chapter. If such a structure is destroyed by disaster, it may be rebuilt, provided that the number of dwelling units does not exceed the number that existed prior to destruction or the maximum density limit of the subject zoning district, whichever is greater.

(J) *Structures rendered nonconforming due to right-of-way acquisition.* If a structure has been rendered nonconforming or made more nonconforming by a public agency's acquisition of a portion of the lot upon which the structure is located, the structure shall have the status of a legal nonconforming structure. If the structure consists of a single family dwelling and is subsequently destroyed by disaster, the owner of the single family dwelling may apply for a permit to reestablish the single family dwelling at the same location. Upon notice that the single family dwelling has been destroyed by disaster and that the owner wishes to reestablish the single family dwelling at the same location, the county shall inform the owner in writing that the permit application for the reestablishment shall be submitted within one year of the date of the notification letter. Once a permit has been approved, the single family dwelling must be reestablished before expiration of the permit. All other structures shall be subject to the nonconforming structure provisions of this subchapter.

(K) *Structures rendered nonconforming due to consolidation.* If a structure is rendered nonconforming or made more nonconforming by consolidation of parcels required pursuant to this chapter, the structure shall have the status of a legal nonconforming structure.

(L) *Structures rendered nonconforming due to rezoning action.* If a structure has been rendered nonconforming or made more nonconforming by a rezoning action, the structure shall have the status of a legal nonconforming structure.

(Ord., § 12.3, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed - - ; Ord. 19-1378, passed 9-10-2019)

§ 151.233 NONCONFORMING LOTS.

(A) *Definition.* A nonconforming lot is a tract of land, designated on a duly recorded subdivision plat, or by a duly recorded deed, or by other lawful means that complied with the lot area, lot width, and other dimensional standards of the zoning district in which it was located at the time of its creation, but that does not comply with the minimum lot area, lot width, or other dimensional requirement of the zoning district in which it is now located. If a lot is rendered nonconforming or made more nonconforming by a public agency's acquisition of a portion of the lot or by the rezoning of the lot, the lot shall have the status of a nonconforming lot.

(B) *Uses.*

(1) In AG, RE, E, R1-6, and RR Districts, vacant nonconforming lots may be developed with a detached house, government uses or structures containing no assembly space, basic utility structures, local food gardens, or ground-mounted solar energy systems provided that the use complies with the minimum standards of this section and the requirements of the Lake County Health Department or other agency providing sewer service.

COMMENTARY:

It is the county's desire to integrate necessary governmental use and structures and utility structures into unincorporated areas as seamlessly as possible to avoid potential land use conflicts. To that end, the county encourages new governmental uses and structures and basic utility structures to be located on conforming lots already containing the uses or structures. When this is not possible or practical, a conforming nonresidentially-zoned lot is the most desirable location. A nonconforming nonresidentially zoned lot or a conforming residentially-zoned lot is the next most desirable location. The least desirable location is a nonconforming, residentially-zoned lot.

(2) In AG, RE, E, R1-R6, and RR Districts, an accessory detached garage not to exceed 576 square feet in size, underground utilities, or a boathouse may be constructed at or after the time of issuance of a building permit for a principal dwelling on a nonconforming parcel under the same ownership on the opposite side of an alley, easement, or right-of-way. The placement of a new septic system or an addition to an existing septic system other than the repair of an existing septic system located on a parcel on the opposite side of an alley, easement or right-of-way shall require written approval from the highway authority having jurisdiction over the subject right-of-way and shall require consolidation through the covenant method as specified in subsection (D)(3)(b) below.

(3) In all other districts, vacant nonconforming lots may be developed with uses allowed in the underlying zoning district, provided that the uses or structures containing the uses comply with the minimum standards of this section and the requirements of the Lake County Health Department or other agency providing sewer service. If the underlying zoning district allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable lot area, lot width or other dimensional and use standards, while others would not, then only the uses or intensities that comply with applicable dimensional and use standards shall be permitted.

(C) *Dimensional standards.* Development on nonconforming lots shall comply with the dimensional standards of the underlying zoning district, except as expressly stated in this section.

(1) *Agricultural and residential zoning districts.* The following dimensional standards shall apply to development on nonconforming lots located in AG, RE, E, R1-6, or RR Districts.

(a) *Front setbacks.* The minimum front setback shall be 20% of the lot depth or the underlying zoning district setback, whichever is less. Double-frontage (through) lots shall maintain a front setback from both streets.

(b) *Interior side and rear setbacks.* The minimum interior side and rear setback for principal structures shall be four feet or 10% of the lot width, whichever is greater. This provision shall not be interpreted as requiring a greater setback than specified for the underlying zoning district.

The minimum interior side and rear setbacks for accessory structures shall be four feet.

(c) *Street side setbacks.* The minimum street side setback shall be four feet, plus one-half foot of additional setback for each foot lot width above 28 feet. However, if the Planning, Building and Development Director determines that the abutting road right-of-way is currently unimproved and is likely to remain unimproved, the street side setback shall be the same as an interior side setback. Setbacks from alleys shall be the same as otherwise applicable side or rear setbacks. In all cases, structures shall comply with the intersection visibility standards of § 151.172.

COMMENTARY:

Street Side Setbacks

The minimum street side setback on nonconforming lots is four feet, plus one-half foot for each foot of lot width above 28 feet.

Examples:

Lot Width (Ft.)	Minimum Setback (Ft.)
28	4
29	4.5
30	5
31	5.5
40	10
50	15

(d) *Setback from water bodies.* All structures except those expressly exempted in §§ 151.125 through 151.132, shall be set back from all water bodies in accordance with §§ 151.145 through 151.154.

(e) *Impervious surface.* Lots that are nonconforming due to insufficient area shall be allowed an impervious surface ratio (ISR) of 0.50, provided that, for lots located within the Agricultural, Rural Estate, Estate, and Residential-1 Zoning Districts, in no event shall the impervious surface exceed the impervious surface threshold for a minimally conforming lot in the underlying zoning district. The Planning, Building and Development Director may allow an increase in ISR to a maximum of 0.60 provided an on-site inspection is conducted to determine that there shall be no adverse impact resulting from flooding or drainage on the neighboring properties due to increase in impervious surface. In the event of an anticipated adverse impact, the Planning, Building and Development Director shall either deny the increase or shall approve the increase subject to additional engineering requirements and improvements that will mitigate the impact. All other nonconforming lots shall comply with the impervious surface requirements of the underlying zoning district. ISR shall be calculated by dividing the total area of all impervious surfaces on the site by the site's base site area.

COMMENTARY:

Impervious Surface Threshold for Nonconforming Lots

The impervious surface for nonconforming lots in the Agricultural, Rural Estate, Estate and Residential-1 Zoning Districts shall not exceed the impervious surface threshold for a minimally conforming lot in the underlying zoning district.

Examples:

Zoning District	Impervious Surface Threshold (Sq. Ft.)
AG, RE	20,000
E	12,000
R-1	8,000

(f) *Height.*

1. The maximum height of principal structures on nonconforming lots of less than 60 feet in width shall be 30 feet plus one-third foot for each foot of lot width above 40 feet up to the maximum height allowed in the underlying zoning district, except in the AG zone or on lots equal to or greater than 40,000 square feet in area. Accessory structures shall not exceed 12 feet in height at the minimum side and rear setback of four feet.

2. For each one foot of additional setback beyond four feet, the height of the accessory structure may be increased by two feet, to a maximum height of 20 feet or 25 feet in the AG District.

COMMENTARY:

Height

Lot Width (Ft.)	Maximum Height (Ft.)
30	30
40	30
45	31 ft., 8 in.
50	33 ft., 4 in.
55	35
60	40

(g) *Floor area of accessory structures.* The combined floor area of all accessory structures on the subject parcel shall not exceed one and one-half times the floor area of the principal structure on the parcel.

(2) *Nonresidential zoning districts.* The following dimensional standards shall apply to development on nonconforming lots located in all zoning districts except AG, RE, E, R1-6, or RR Districts.

(a) *Front setbacks.* The minimum front setback shall be 20% of the lot depth or the required zoning district setback, whichever is less. In all cases, the minimum front setback shall be at least ten feet. Double-frontage (through) lots shall maintain a front setback from both streets.

(b) *Interior side setbacks.* No side setback shall be less than ten feet unless expressly allowed by the underlying zoning district.

(c) *Rear setback.* Nonconforming lots shall comply with the rear setback requirements of the underlying zoning district.

(d) *Street setback.* The minimum street side setback shall be four feet, plus one-half foot of additional setback for each foot of lot width above 28 feet. In all cases, structures shall comply with the intersection visibility standards of § 151.172.

COMMENTARY:	
Street Side Setbacks	
The minimum street side setback on non-conforming lots is four feet, plus one-half foot for each foot of lot width above 28 feet.	
Examples:	
Lot Width (Ft.)	Minimum Setback (Ft.)
28	4
29	4.5
30	5
31	5.5
40	10
50	15

(e) *Setback from water bodies.* All structures except those expressly exempted in §§ 151.125 through 151.132, shall be set back from all water bodies in accordance with §§ 151.145 through 151.154.

(f) *Height, impervious surface, and floor area ratio.* Nonconforming lots shall comply with the height, impervious surface, and floor area ratio requirements of the underlying zoning district. An accessory structure on a nonconforming lot that abuts a residential zoning district shall not exceed 12 feet in height at the minimum side and rear setback. For each one foot of additional setback beyond the minimum required setback, the maximum height of the accessory structure may be increased by two feet, to a maximum height of 25 feet.

(3) *Detached house (single family) dwellings.* If there is an existing detached house (single family) dwelling located on a nonconforming lot in a zoning district other than an AG, RE, E, R1-6, or RR District, any addition to a principal or accessory building or any new accessory building thereto shall be governed by the setbacks in subsection (C)(2)(a) above, rather than subsection (C)(2)(b) above. However, no single family dwelling or accessory building shall be converted to a nonresidential use permitted in that zoning district unless it complies with the setback requirements of subsection (C)(2)(b) above.

(D) *Development standards for nonconforming recorded lots.*

(1) *Standards.* The following standards shall apply to the development of a single nonconforming lot in platted subdivisions. These standards shall apply to the establishment of principal or accessory structures.

(a) Minimum requirements of the Lake County Health Department for individual sewage disposal system and individual well shall be met if sewer is not present.

(b) Each lot shall have direct access to an improved street approved by the relevant highway authority.

(c) Drainage improvements consistent with the site development standards of §§151.145 through 151.154 shall be met.

(2) *Consolidation of parcels.*

(a) A consolidation of parcels shall be required in the following instances when it is necessary to use any contiguous nonconforming recorded parcel(s) held in common ownership:

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

2. For construction of an addition to an existing residential or nonresidential structure that will not meet the setback from a common parcel line unless the structure or addition straddles the same common parcel line;

3. For construction of an accessory residential building on the same parcel on which the principal residential structure exists that will not meet the setback requirement from the common parcel line unless the existing principal residential structure straddles the same common parcel line;

4. For any new residential or nonresidential construction that will not meet the impervious surface ratio requirement if the ISR was calculated only on one parcel; or for any new nonresidential construction that will not meet the floor area ratio requirement if the FAR was calculated only on one parcel;

5. For construction of any of the following improvements on a parcel on which the principal residential structure is not located:

- a. More than one accessory residential building;
- b. An accessory residential building larger than 576 square feet in size;
- c. A new septic system; or
- d. An addition to an existing septic system.

6. For construction of any of the following improvements on a parcel on which the principal nonresidential structure is not located:

- a. Any new nonresidential accessory building;
- b. A new septic system; or
- c. An addition to an existing septic system.

(b) Construction of accessory structures such as decks, porches, gazebos, pergolas, sheds, ground-mounted solar energy systems, and pools shall be exempt from the consolidation requirement, provided that these structures meet the setback requirement from the common lot line.

(c) Improvements such as reroofing, residing, electrical upgrades, interior alterations, installation of exterior air conditioning/heating units, seawalls, retaining walls, the repair of failing septic systems, driveways, and fences shall be exempt from the consolidation requirement.

(d) The adjustment or movement of a common boundary line between two or more contiguous parcels under common ownership, consisting of at least one nonconforming recorded lot, may be accomplished through a consolidation (in lieu of the lot split subdivision requirements of § 151.186(B)(3)(b)), provided that the adjustment or movement does not increase the extent of nonconformity of either lot (i.e., the extent of nonconformity remains the same or decreases for each resulting parcel).

(3) *Required method of consolidation; covenant.*

(a) A consolidation of parcels through covenant refers to any required consolidation within the boundaries of a platted subdivision, of metes and bounds parcels, not within the boundaries of a platted subdivision, or the consolidation of one or more metes and bounds parcels with a parcel, located within the boundaries of a platted subdivision, that has been vacated through a written vacation instrument in accordance herewith.

(b) A consolidation by covenant shall be executed through a signed, notarized, and recorded covenant on forms available from the Planning, Building and Development Department.

(c) Through the covenant, the applicant shall agree that all parcels comprising the consolidation of parcels shall remain in common ownership in perpetuity, and shall henceforth be considered one zoning lot for development purposes.

(d) The covenant would be binding on the applicant's successors and assigns.

(e) The Planning, Building and Development Director shall have the authority to approve a consolidation through covenant as contemplated in this subsection (D)(3) and to execute the written covenant instrument on behalf of the county.

COMMENTARY:

The Lake County Health Department approval is required for individual sewage disposal systems and individual wells if public sewer and water are not present. In accordance with § 151.169, each lot is required to have direct access to an improved, approved street. Compliance with the requirements of the site development standards of §§ 151.145 through 151.154 is required.

(Ord., § 12.4, passed 10-13-2009; Ord. passed 8-14-2012; Ord. 19-1378, passed 9-10-2019)

§ 151.234 NONCONFORMING SIGNS.

(A) *Definition.* A nonconforming sign is a sign that was legally established but which no longer complies with the sign regulations of this chapter.

(B) *Expansion.* A nonconforming sign shall not be enlarged, expanded or otherwise improved except for the purpose of normal maintenance.

COMMENTARY:

For the purpose of this subsection (B), otherwise improved shall include the addition of lighting or new colors. "Normal maintenance" shall include replacement of rotting or dilapidated materials with equivalent materials, painting (with the same color), and other restorative measures.

(C) *Moving.* A nonconforming sign shall not be moved in whole or in part to any other location unless the move results in the entire sign being brought into compliance with all applicable regulations of this chapter.

(D) *Loss of nonconforming status.* If a sign is destroyed by any means by more than 50% of its value, it shall not be reestablished except in compliance with all applicable regulations of this chapter.

(E) *Signs accessory to nonconforming uses and structures.* Signs accessory to nonconforming uses and structures shall be permitted, subject to the applicable sign standards of § 151.173.

(Ord., § 12.5, passed 10-13-2009)

§ 151.235 NONCONFORMING LANDSCAPING.

A use 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 § 151.167.

(Ord., § 12.6, passed 10-13-2009)

§ 151.236 AMORTIZATION.

The County Board shall be authorized to order the amortization of existing nonconformities in accordance with the requirements of the Illinois Compiled Statutes.

(Ord., § 12.7, passed 10-13-2009)

VIOLATIONS, PENALTIES AND ENFORCEMENT

§ 151.250 RESPONSIBILITY FOR ENFORCEMENT.

The Planning, Building and Development Director shall be responsible for enforcing this chapter, unless otherwise specifically stated.

(Ord., § 13.1, passed 10-13-2009)

§ 151.251 VIOLATIONS.

Unless otherwise expressly allowed by this chapter or state law, any violation of this chapter, including but not limited to the following, shall be subject to the remedies and penalties provided for in this chapter:

(A) To use land or buildings in any way not consistent with the requirements of this chapter;

(B) To erect a building or other structure in any way not consistent with the requirements of this chapter;

- (C) To engage in the development or subdivision of land in any way not consistent with the requirements of §§151.185 through 151.204;
- (D) To transfer title to any lots or parts of a development unless the land development plan or subdivision has received all approvals required under §§ 151.185 through 151.204 and an approved plan or plat, if required, has been filed in the appropriate county office;
- (E) To submit for recording with a county office any subdivision plat, land division, or other land development plan that has not been approved in accordance with the requirements of §§ 151.185 through 151.204 or that does not qualify for an exemption under the Plat Act;
- (F) To install or use a sign in any way not consistent with the requirements of §151.173;
- (G) To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more permits or approvals under this chapter without obtaining all the required permits or approvals;
- (H) To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more permits under this chapter in any way inconsistent with any permit or approval or any conditions imposed thereon;
- (I) To violate the terms of any permit or approval granted under this chapter or any condition imposed on the permit or approval;
- (J) To obscure, obstruct, or destroy any notice required to be posted or otherwise given under this chapter;
- (K) To violate any lawful order issued by any person or entity under this chapter; or
- (L) To continue any violation as defined above, with each week of continued violation to be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

(Ord., § 13.2, passed 10-13-2009)

§ 151.252 CONTINUING VIOLATIONS.

Each week that a violation remains uncorrected after receiving notice of the violation from the county shall constitute a separate violation of this chapter.

(Ord., § 13.3, passed 10-13-2009)

§ 151.253 REMEDIES AND ENFORCEMENT POWERS.

The county shall have the following remedies and enforcement powers:

(A) *Withhold permit.*

(1) The Planning, Building and Development Director may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this chapter or of a condition or qualification of a permit, certificate, approval, or other authorization 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.

(2) The Planning, Building and Development Director may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of a provision of this chapter or of a condition or qualification of a permit, certificate, approval or other authorization 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.

(3) The Planning, Building and Development Director may deny or withhold temporary use permits on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused a violation of a previous temporary use permit. This provision shall apply regardless of whether the property for which the temporary use permit sought is for the property on which the previous violation occurred.

(B) *Permits approved with conditions.* Instead of withholding or denying a permit or other authorization, the Planning, Building and Development Director may grant the authorization subject to the condition that the violation be corrected.

(C) *Revoke permits.* Any development permit or other form of authorization required under this chapter may be revoked by the Planning, Building and Development Director when the Planning, Building and Development Director determines: that there is departure from the plans, specifications, or conditions as required under terms of the permit; that the development permit was procured by false representation or was issued by mistake; or that any of the provisions of this chapter are being violated. Written notice of the revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which the permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

(D) *Stop work.* With or without revoking permits, the Planning, Building and Development Director may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this chapter or of a permit or other form of authorization issued hereunder.

COMMENTARY:

Issuance of a "red tag" or other violation tag constitutes a "stop work order".

(E) *Revoke plan or other approval.* Where a violation of this chapter involves a failure to comply with approved plans or conditions to which the approval of the plans was made subject, the Planning, Building and Development Director may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected), revoke the plan or other approval or condition its continuance on strict compliance with this chapter, the provision of security to ensure that construction is completed in compliance with approved plans, or any other conditions as the Planning, Building and Development Director may reasonably impose.

(F) *Revoke preliminary plat approval.* Revocation of preliminary plat approval may be made by the Planning, Building and Zoning Committee at any time if it finds that errors or omissions were made on any of the submitted documents which may significantly affect the design or engineering of the subdivision or the owner's legal right to divide the property.

(G) *Injunctive relief.* The county may seek an injunction or other equitable relief in court to stop any violation of this chapter or of a permit, certificate, or other form of authorization granted hereunder.

(H) The county may enforce violations of this ordinance in accordance with the Lake County Administrative Adjudication Ordinance (§§94.50 through 94.66).

(I) *Forfeiture and confiscation of signs.* Any sign installed or placed on public property, except in compliance with the regulations of § 151.173 shall be forfeited to the public and subject to confiscation. In addition to other remedies and penalties of this section, the county shall have the right to recover, from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

(J) *Abatement.* The county may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

(K) *Penalties.* The county may seek any other penalties as are provided by the Lake County Administrative Adjudication Ordinance (§§ 94.50 through 94.66) and Illinois law.

(L) *Other remedies and powers.* The county shall have any other remedies and enforcement powers as are and as may be from time to time provided by state law for the violation of zoning, subdivision, sign, or related provisions.

(Ord., § 13.4, passed 10-13-2009; Ord. passed - -)

§ 151.254 CONTINUATION OF PREVIOUS ENFORCEMENT ACTIONS.

Nothing in this chapter shall prohibit the continuation of previous enforcement actions, undertaken by the county pursuant to previous and valid ordinances and laws.

(Ord., § 13.5, passed 10-13-2009)

§ 151.255 REMEDIES CUMULATIVE.

The remedies and enforcement powers established in this chapter shall be cumulative, and the county may exercise them in any order.

(Ord., § 13.6, passed 10-13-2009)

§ 151.256 PERSONS SUBJECT TO PENALTIES.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person who commits, participates in, assists in, or maintains the violations may each be found guilty of a separate offense and be subject to the above penalties.

(Ord., § 13.7, passed 10-13-2009)

§ 151.257 ENFORCEMENT PROCEDURES.

(A) Non-emergency matters.

(1) In the case of violations of this chapter that do not constitute an emergency or require immediate attention, the Planning, Building and Development Director shall give notice of the nature of the violation to the property owner or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice shall have ten days to correct the violation before further enforcement action shall be taken.

(2) Notice shall be given in person, by U.S. mail, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

(B) Emergency matters. In the case of violations of this chapter that constitute an emergency situation as a result of safety or public concerns, or violations that will create increased problems or costs if not remedied immediately, the county may use the enforcement powers available under this chapter without prior notice, but the Planning, Building and Development Director shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the agreement and to applicants for any relevant permit.

(C) Appeals. Enforcement actions taken by the Planning, Building and Development Director may be appealed by the affected party to the Zoning Board of Appeals in accordance with § 151.058. In the case of a violation of §§151.185 through 151.204 or §§ 151.220 through 151.221, appeals of enforcement actions shall be processed in accordance with § 151.192(D).

(Ord., § 13.8, passed 10-13-2009)

§ 151.258 WIND ENERGY FACILITIES.

(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 wind facilities in § 151.113(P), and additional requirements and standards for wind energy facilities as identified in Appendix Q.

(B) Violation, cessation and remedy.

(1) Should a wind energy facility, or should 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 wind energy facility has become inoperable, or otherwise violated the operating requirements defined under § 151.113(P) for 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.* If a wind energy facility is not completely removed within 90 days of the finding of abandonment, Lake County may remove all facility components at the owner's expense. In the case of such removal, Lake County has the right to file a lien for reimbursement, for any and all expenses incurred by Lake County without limitation, including attorney fees and accrued interest.

§ 151.259 SOLAR ENERGY SYSTEMS.

(A) *General.* The provisions in this section are in addition to the general violation, penalties, and enforcement provisions of this subchapter. Lake County shall retain authority to enforce the height and setbacks for solar energy systems in §§ 151.112(UU) and 151.113(U), and additional requirements and standards for solar energy systems as identified in Appendix R.

(1) *Decommissioning plan and assurances.*

(a) Prior to permit issuance, the operator shall prepare a decommissioning plan which shows the final site conditions after a principal use medium/large scale ground-mounted solar energy system has been removed from the property. Decommissioning shall include the removal of all elements listed in § 121.259(A)(2)(a) below. Access roads, fencing, groundcover, and landscaping may remain only if it can be shown to be compatible with the future use of the property.

(b) Prior to permit issuance, the operator shall submit an engineer's estimate of probable cost for decommissioning the principal use medium/large scale ground-mounted solar energy system and restoring the site in accordance with the approved decommissioning plan. Upon review and approval of the estimate by the Planning Director, the operator shall obtain a bond, letter of credit, or other form of surety that meets the requirements of § 151.203(A) in the amount of 130% of the engineer's estimate.

(2) *Removal requirements.*

(a) Any ground-mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the county by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

1. Physical removal of all solar energy systems, structures, equipment, security barriers and electrical wiring lines from the site; and
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and
3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The county may allow the owner or operator to leave landscaping or designated below-grade foundations or electrical wiring in order to minimize erosion and disruption to vegetation.

(b) Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a principal use or accessory use medium/large scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the county. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the county may seek a court order to require the property owner to remove an abandoned, hazardous, or decommissioned ground-mounted solar energy system. The county also retains the right, after the receipt of an appropriate court order, to enter and remove the ground-mounted solar energy system and lien the property for such costs. As a condition of site plan and/or special/conditional use permit approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

(Ord. 19-1378, passed 9-10-2019)

DEFINITIONS

§ 151.270 USE CATEGORIES.

(A) *General.*

(1) *Basis for classifications.* Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

(2) *Principal uses.* Principal uses are assigned to the category that most closely describes the nature of the principal use. The "characteristics" subsection of each use category describes the common characteristics of each principal use.

(3) *Developments with multiple principal uses.* When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore, and bakery, for example, would be classified in the retail sales and service category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

(4) *Accessory uses.* Accessory uses are allowed by right in conjunction with a principal use unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

(5) *Use of examples.* The "examples" subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "wholesale warehouse" but that sells mostly to consumers, is included in the retail sales and service category rather than the wholesale sales category. This is because the actual activity on the site matches the description of the retail sales and service category.

(B) *Similar use interpretations.* The standards of this section shall guide officials in making similar use interpretations.

(1) *Authority.* If an application is submitted for a use type not listed in § 151.111, the Planning, Building and Development Director shall be authorized to make a similar use interpretation, based on the following considerations:

- (a) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use type;
- (b) The relative amount of site area or floor space and equipment devoted to the activity;

- (c) Relative amounts of sales from each activity;
- (d) The customer type for each activity;
- (e) The relative number of employees in each activity;
- (f) Hours of operation;
- (g) Building and site arrangement;
- (h) Vehicles used with the activity;
- (i) The relative number of vehicle trips generated by the use;
- (j) Signs;
- (k) How the use advertises itself; and
- (l) Whether the activity is likely to be found independent of the other activities on the site.

(2) *Use interpretation standards.*

(a) No similar use interpretation shall allow a use in a zoning district when that use is a permitted or a conditional use in any other zoning district.

(b) No similar use interpretation shall permit any use in any zoning district unless evidence shall be presented demonstrating that it will comply with all applicable use standards and all other applicable requirements and standards of this chapter.

(c) No similar use interpretation shall permit any use in a zoning district unless the use is more similar to those uses than to permitted and conditional uses allowed in other zoning districts.

(d) If the proposed use is more similar to a use allowed only as a conditional use in the zoning district in which it is proposed to be located, then any similar use interpretation permitting that use shall require a conditional use permit.

(3) *Effect of similar use interpretation.* No similar use interpretation finding a particular use to be permitted or conditionally permitted in a specific district shall authorize the establishment of the use or the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the county or other governmental agencies having jurisdiction. These permits and approvals include but are not limited to conditional use permits, building permits, and certificates of occupancy.

(C) *Residential use categories.*

(1) *Household living.*

(a) *Characteristics.* Household living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered a form of transient lodging (see the retail sales and service and community service categories).

(b) *Accessory uses.* Accessory uses commonly associated with Household Living are recreational activities, raising of pets, hobbies and parking of the occupants' vehicles. Home occupations are accessory uses that are subject to additional regulations.

(c) *Examples.* Examples of household living use (structure) types include: atrium house, attached dwelling (attached to nonresidential use), duplex, detached house, lot line house, mobile home park, multi-dwelling structure, multiplex, patio house, townhouse, twinhouse, and village houses.

(d) *Exceptions.* Lodging in a multi-dwelling structure or where fewer than two-thirds of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified in the retail sales and service category.

(D) *Public, civic, and institutional use categories.*

(1) *Assisted living.*

(a) *Characteristics.* Assisted living is characterized by occupancy of a structure by a group of people with developmental disabilities. The residents may receive care, training, or treatment. Caregivers may (or may not) reside at the site.

(b) *Accessory uses.* Accessory uses include offices, cafeterias, parking, maintenance facilities.

(c) *Examples.* Examples of assisted living include nursing and convalescent homes; certain group homes for the physically disabled, mentally retarded, or emotionally disturbed; and some residential programs for drug and alcohol treatment.

(2) *Colleges.*

(a) *Characteristics.* This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree or professional accreditation. Colleges tend to be in campus-like settings or on multiple blocks.

(b) *Accessory uses.* Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial.

(c) *Examples.* Examples include community colleges, liberal arts colleges, medical schools not accessory to hospitals, personnel training centers, seminaries, and universities.

(d) *Exceptions.* Business and trade schools are classified as retail sales and service.

(3) *Community service.*

(a) *Characteristics.* Community services are uses of a public, non-profit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community services or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, non-profit, or charitable nature.

(b) *Accessory uses.* Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; and

athletic facilities.

(c) *Examples.* Examples of the community service uses “not otherwise classified” include the following: libraries, museums, neighborhood or community centers, senior centers, and youth club facilities.

(d) *Exceptions.*

1. Private lodges, clubs and private or commercial athletic or health clubs are classified as retail sales and service.
2. Public parks and recreation are classified as parks and open space.

(4) *Day care.*

(a) *Characteristics.* Day care uses provide care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day.

(b) *Accessory uses.* Accessory uses include offices, recreation areas, and parking.

(c) *Examples.* Examples include adult day care programs (for more than seven individuals), child care center (for more than seven individuals), day care facility (seven plus children or adults), family child care, group child care (for more than seven individuals), nursery schools (for more than seven individuals), and preschools (for more than seven individuals).

(d) *Exceptions.* Day care does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. Day care for seven or fewer individuals at any one time is considered “babysitting” and is regulated as a home occupation.

(5) *Group living.*

(a) *Characteristics.* Group living is characterized by the occupancy of a structure by a group of people who do not meet the definition of household living. Tenancy is arranged on a monthly or longer basis. Uses where tenancy may be arranged for a shorter period are not considered group living. They are considered to be a form of lodging (see the “retail sales and service” and “community service” categories). Generally, group living structures have a common eating area for residents.

(b) *Accessory uses.* Accessory uses commonly associated with group living are recreational facilities and parking of vehicles for occupants and staff.

(c) *Examples.* Examples of group living include convents or monasteries, dormitories, fraternities, and sororities.

(d) *Exceptions.*

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

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

(6) *Hospital.*

(a) *Characteristics.* Hospitals include uses providing medical or surgical care to patients and offering overnight care.

(b) *Accessory uses.* Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, emergency heliports, maintenance facilities, and housing facilities for staff or trainees.

(c) *Examples.* Examples include hospitals, trauma centers, and medical centers.

(d) *Exceptions.*

1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the assisted living category;

2. Medical clinics or offices that provide care where patients are generally not kept overnight are classified as offices; and

3. Emergency medical clinics are classified as retail sales and service.

(7) *Parks and open space.*

(a) *Characteristics.* Parks and open space are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping, community gardens, or public squares. Land tends to be occupied by few structures.

(b) *Accessory uses.* Accessory uses may include club houses, maintenance facilities, concessions, caretaker’s quarters, and parking.

(c) *Examples.* Examples of the parks and open space uses “not otherwise classified” include the following: botanical gardens, nature preserves, park/playgrounds, non-commercial parks, pet cemeteries, playgrounds, plazas, public open lands, nature preserves, and recreational trails.

(8) *Religious institutions.*

(a) *Characteristics.* Religious institutions primarily provide meeting areas for religious activities.

(b) *Accessory uses.* Accessory uses include Sunday school facilities, parking, caretaker’s housing, and group living facilities such as convents.

(c) *Examples.* Examples include churches, temples, synagogues, and mosques.

(d) *Exceptions.*

1. Preschools are classified as day care uses; and

2. Schools are classified as schools.

(9) *Schools.*

(a) *Characteristics.* This category includes schools at the primary, elementary, middle, junior high, or high school level that are

recognized by the State Board of Education.

(b) *Accessory uses.* Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

(c) *Examples.* Examples include daytime schools, boarding schools, and military academies.

(d) *Exceptions.*

1. Preschools are classified as day care uses; and
2. Business, music, art, martial art, trade, and other similar schools are classified as schools, private.

(10) *Schools, private.*

(a) *Characteristics.* This category includes schools that are not recognized by the State Board of Education.

(b) *Accessory uses.* Accessory uses include cafeterias, auditoriums, and offices.

(c) *Examples.* Examples include business schools, trade schools, music schools, art schools, and martial arts schools.

(d) *Exceptions.*

1. Public schools are classified as schools; and
2. Preschools are classified as day care uses.

(11) *Utility, major.*

(a) *Characteristics.* Major utilities are major, countywide infrastructure services that typically have employees at the site. Services may be public or privately provided.

(b) *Accessory uses.* Accessory uses may include parking and control, monitoring, data or transmission equipment.

(c) *Examples.* Examples of the utility, major uses "not otherwise classified" include the following: electrical substations; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, steam, water, sewage collection, or other similar service.

(d) *Exceptions.* For government uses see "community service".

(E) *Retail, service, and commercial use categories.*

(1) *Entertainment event, major.*

(a) *Characteristics.* Major entertainment event uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.

(b) *Accessory uses.* Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

(c) *Examples.* Examples include amphitheatres, stadiums, sports arenas, coliseums, auditoriums, exhibition and meeting areas, and fairgrounds.

(d) *Exceptions.*

1. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as retail sales and service.
2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the retail sales and service category.
3. Theaters, including drive-in theaters, are classified as retail sales and service.
4. Recreation or entertainment uses conducted on a continuous basis are classified as outdoor recreation and entertainment or retail sales and service uses.

(2) *Office.*

(a) *Characteristics.* Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

(b) *Accessory uses.* Accessory uses may include cafeterias, health facilities, gift shops, dry cleaning pick-up stations, parking, or other amenities primarily for the use of employees or customers of permitted primary uses.

(c) *Examples.* Examples of the office uses "not otherwise classified" include the following: professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utilities offices; TV and radio studios; medical and dental clinics (including minor emergency centers), medical and dental labs; and blood-collection facilities.

(d) *Exceptions.*

1. Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.
2. Contractors and others who perform services off-site are included in the office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

(3) *Parking, commercial.*

(a) *Characteristics.* Commercial parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.

(b) *Examples.* Examples include short- and long-term fee parking facilities, park-and-ride facilities, and mixed parking lots (partially accessory to a specific use, partly for rent to others).

(c) *Exceptions.*

1. Parking facilities that are accessory to a use, but that charge the public to park for occasional events nearby, are not considered commercial parking facilities.

2. Parking facilities that are accessory to a principal use are not considered commercial parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.

(4) *Recreation and entertainment, outdoor.*

(a) *Characteristics.* Outdoor recreation and entertainment uses are large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.

(b) *Accessory uses.* Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.

(c) *Examples.* Examples of the recreation and entertainment, outdoor uses "not otherwise classified" include the following: archery ranges (outdoor), commercial parks/playgrounds, miniature golf course, recreational uses (outdoor), skating rinks (outdoor), ski or toboggan clubs, polo clubs, commercial swimming pools, outdoor theaters, theme parks, and zoos.

(d) *Exceptions.*

1. Golf courses are classified as parks and open space.

2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as major entertainment events.

(5) *Retail sales and service.*

(a) *Characteristics.* Retail sales and service firms are involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

(b) *Accessory uses.* Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale and parking.

(c) *Examples.* Examples of the retail sales and service uses "not otherwise classified" include uses from the three following groups:

1. *Neighborhood-oriented.* Animal grooming, art supply stores, barber shops, beauty shops, book stores, banks, camera shops, cigar/cigarette/tobacco stores, clothing stores, currency exchanges, dairy products sales, drug stores, dry cleaning drop-off/pickup with on-site services, electronic equipment stores, electronics/computer sales and service, fabric stores, florist sales, fruit and vegetable markets (retail), grocery stores, hair salons, hardware stores, health food stores, hearing aid sales, hobby shops, jewelry stores, laundry drop-off, laundromats, leather goods sales, liquor stores, locksmiths, magazine and newsstands, music, musical instrument, and records sales and service, paint and wallpaper sales, personal care services, pet food stores, pet shops, pharmacies, photography studios, picture frame sales and service, shoe repair, stationery stores, tailors and clothing repair, tanning salons, toy stores, video stores, watch and clock sales and repair.

2. *General (shall include all neighborhood-oriented uses and the following).* Appliance sales and repair, business machine sales and service, catering services, department stores, exterminators, farriers, firewood sales, fish markets, floor covering sales, funeral homes, furnace/water heater sales, furniture stores, furniture repair, golf-cart sales and service, home improvement stores, household product stores, meat markets, mortuaries, pawn shops, plumbing supplies and fixture sales/service (retail), rental of equipment and supplies, shopping centers, taxidermists, union halls, upholsterers, and water softening equipment sales/service.

3. *Recreational-oriented.* Amusement arcades, archery ranges (indoor), bait shop, bars, billiard parlors, bowling alleys, dance halls, lodges, nightclubs, pool halls, private clubs, recreational uses (indoor), resorts, shooting ranges (indoor), skating rinks (indoor), taverns, and theaters (indoor).

(d) *Exceptions.*

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as wholesale sales.

2. Repair and service of consumer motor vehicles, motorcycles and light and medium trucks is classified as vehicle service/repair. Repair and service of industrial vehicles and equipment and heavy trucks is classified as industrial sales and service.

3. Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as wholesale sales.

4. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop which is classified as industrial sales and service.

5. In certain situations, hotels and motels may be classified as a community service use, such as short-term housing or mass shelter. See "community service".

(6) *Self-service storage.*

(a) *Characteristics.* Self-service storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

(b) *Accessory uses.* Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the self-service storage use. The rental of trucks or equipment is also not considered accessory to a self-service storage use.

(c) *Examples.* Examples include facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.

(d) *Exceptions.* A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the warehouse and freight movement category.

(7) *Vehicle repair.*

(a) *Characteristics.* Vehicle repair firms, service passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

(b) *Accessory uses.* Accessory uses may include offices, sales of parts, and vehicle storage.

(c) *Examples.* Examples include alignment shop, auto body shop, auto detailing and tire sales and mounting, auto repair, auto upholstery shop, motorcycle, lawnmower and other small engine repair, recreational vehicle service, transmission or muffler shop.

(d) *Exceptions.*

1. Repair and service of boats and equipment are classified as boat sales/ rental/storage/service.

2. Repair and service of industrial vehicles and equipment and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as industrial sales and service.

(8) *Vehicle service, limited.*

(a) *Characteristics.* Limited vehicle service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed.

(b) *Accessory uses.* Accessory uses may include auto repair and tire sales.

(c) *Examples.* Examples include car washes, quick lubrication services and service stations (full-service or self-service).

(d) *Exceptions.*

1. Truck stops are classified as industrial sales and service.

2. Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.

(F) *Industrial use categories.*

(1) *Industrial sales and service.*

(a) *Characteristics.* Industrial sales and service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

(b) *Accessory uses.* Accessory activities may include offices, parking, and storage.

(c) *Examples.* Examples of the industrial sales and service uses "not otherwise classified" include uses from the two following groups:

1. *Commercial service-oriented.* Agricultural implement sales/service, auto and truck salvaging and wrecking, carpet/rug cleaning plants, dry cleaning/dyeing plants (wholesale), fuel oil distributors, fuel sales (wholesale), gas/butane and propane sales, furniture refinishing, janitorial and building maintenance services, metal and building material sales, mobile home sales, repair of scientific or professional instruments, tool repair, towing service and vehicle storage, truck (heavy) servicing and repair, truck stops, truck/trailer sales, repair or rental, and well drilling services; and

2. *General (shall include all commercial service-oriented uses and the following).* Heavy machinery sales, machine shops, rendering or tanning plants, sewage disposal (individual), systems sales/service, tire re-treading or recapping, and welding shops.

(d) *Exceptions.*

1. Contractors and others who perform services off-site are included in the office category, if major equipment and materials are not stored at the site and fabrication, or similar work is not carried on at the site.

2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

(2) *Manufacturing and production.*

(a) *Characteristics.* Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

(b) *Accessory uses.* Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

(c) *Examples.* Examples of the manufacturing and production uses "not otherwise classified" include the following: advertising display construction/sign shop; bakery; concrete batching and asphalt mixing; custom boatworks; food and related products processing; food processing and packing; lumber mills; manufacture or production of artwork and toys; manufacture or production of chemical, rubber, leather, mulch, clay, bone, plastic, stone, or glass materials or products; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; manufacture, production or fabrication of metals or metal products including enameling and galvanizing, manufactured housing unit production and fabrication; monument works; movie production facilities; ornamental iron work shop; printing, publishing and lithography; pulp and paper mills and other wood products manufacturing; research laboratory, including but not limited to pure research, product development, pilot plants and research manufacturing facilities; sign making; slaughterhouse; meat packing; weaving or production of textiles or apparel; and woodworking, including cabinet makers.

(d) *Exceptions.*

1. Manufacturing of goods to be sold primarily on-site and to the general public are classified as retail sales and service.

2. Manufacture and production of goods from composting organic material is classified as waste-related uses.

(3) *Warehouse and freight movement.*

(a) *Characteristics.* Warehouse and freight movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

(b) *Accessory uses.* Accessory uses may include offices, truck fleet parking, and maintenance areas.

(c) *Examples.* Examples include machinery storage yard, recreational vehicle storage, utility service yard or garage, bulk materials storage, bus barns, cold storage plants, including frozen food lockers, freight terminal, motor/rail, grain elevators, moving companies and general freight storage, parcel services, post office (main), post offices, main, sand, gravel, or other aggregate materials stockpiling, truck, or air freight terminals, warehouse, warehouses (separate from retail business) used by retail stores such as furniture and appliance stores, and wholesale distribution centers.

(d) *Exceptions.*

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as waste-related uses.
2. Mini-warehouses are classified as self-service storage uses.

(4) *Waste-related.*

(a) *Characteristics.* Characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.

(b) *Accessory uses.* Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

(c) *Examples.* Examples of the waste-related uses "not otherwise classified" include the following: energy recovery plants, hazardous-waste collection sites, sanitary landfills, and waste composting.

(5) *Wholesale sales.*

(a) *Characteristics.* Wholesale sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

(b) *Accessory uses.* Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

(c) *Examples.* Examples include auction houses, mail order houses and wholesalers of food, clothing, auto parts, building hardware.

(d) *Exceptions.*

1. Firms that engage primarily in sales to the general public or on a membership basis are classified as retail sales and service.
2. Firms that are primarily storing goods with little on-site business activity are classified as warehouse and freight movement.

(G) *Other use categories.*

(1) *Agriculture.*

(a) *Characteristics.* Agriculture includes activities that primarily involve raising, producing, or keeping plants or farm animals.

(b) *Accessory uses.* Accessory uses include dwellings for proprietors and employees of the use and animal training. Private stables are a permitted accessory use in the AG, RE, E, and R-1 Districts. Equine assisted activities for people with disabilities are a permitted accessory use to stables on sites of at least 200,000 square feet.

(c) *Examples.* Examples of the agriculture uses "not otherwise classified" include the following: animal (farm animal) breeding or raising; dairy farms' farming; value added agricultural processing, truck gardening; tree farming; non-retail greenhouse/nursery; plant nurseries (wholesale); and riding academies.

(d) *Exceptions.*

1. Uses involved in the processing of animal or plant products are classified as manufacturing and production.
2. Livestock auctions are classified as wholesale sales.
3. Plant nurseries that are oriented to retail sales are classified as sales-oriented retail sales and service.
4. Value added agricultural processing is not considered manufacturing and production.

(2) *Aviation and surface transportation facilities.*

(a) *Characteristics.* Aviation and surface transportation facilities includes facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and surface transportation facilities also includes passenger terminals for aircraft, regional bus service, and regional rail service.

(b) *Accessory uses.* Accessory uses include freight handling areas, concessions, offices, parking, and maintenance and fueling facilities.

(c) *Examples.* Examples include airports, bus passenger terminals, bus terminal, helicopter landing facilities, and railroad passenger stations.

(d) *Exceptions.*

1. Bus and rail passenger stations for subregional service such as mass transit stops and park-and-ride facilities are classified as basic utilities.
2. Private helicopter landing facilities that are accessory to another use are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities, with the exception of helicopter landing facilities for hospitals.
3. Helicopter landing facilities that are established and operated by or on behalf of a governmental agency acting pursuant to its statutory purpose are classified as governmental uses.

(3) *Mining.*

(a) *Characteristics.* Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.

(b) *Accessory uses.* Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.

(c) *Examples.* Examples include mining and resource extraction; oil, gas, or geothermal drilling; and quarrying or dredging for sand, gravel, or other aggregate materials.

(4) *Rural business.*

(a) *Characteristics.* Rural businesses are small scale, lower intensity commercial uses that are compatible with rural residential and agricultural areas and do not create a nuisance of residents in the area through excessive traffic, smoke, or noise. The business activity may involve contractors' offices and equipment storage, production of goods or product repair. Rural businesses are similar to rural home occupations except the business activity can occur as the principal use. Few customers visit the site.

(b) *Accessory uses.* Accessory activities may include offices, parking, and storage.

(c) *Examples.* Examples include but are not limited to small-scale operation of contracting businesses such as masonry, plumbing, painting, electrical or general; repair of small engines, appliances, or office machinery; woodworking; furniture or upholstery repair; and artisan workshops.

(5) *Telecommunications facilities.*

(a) *Characteristics.* Tele-communications facilities are signal distribution systems used or operated by a telecommunications carrier under a license from the Federal Communications Commission consisting of a combination of improvements and equipment including one or more antennas; a supporting structure and the hardware by which antennas are attached; equipment housing; and ancillary equipment such as signal transmission cables and miscellaneous hardware. (For related definitions, see 55 ILCS 5/5-12001.1.)

(b) *Accessory uses.* Accessory uses may include transmitter facility buildings.

(c) *Examples.* Examples include broadcast towers, attached telecommunications facilities, telecommunications support towers, and point-to-point microwave towers.

(d) *Exceptions.*

1. Receive-only antennas are not included in this category and amateur radio facilities that are owned and operated by a federally-licensed amateur radio station operator are not included in this category.

2. Radio and television studios are classified in the office category.

(6) *Wind apparatus.*

(a) *Characteristics.* Wind apparatus consists of tower-mounted equipment designed and operated for the purpose of generating electricity through wind-power.

(b) *Accessory uses.* Accessory uses may include ground-based power-storage equipment, monitoring equipment, and transmission equipment.

(c) *Examples.* Examples of wind apparatus include windmills, wind turbines, and other similar structures.

(d) *Exceptions.*

1. For wind apparatus owned and operated by agencies that are under public franchise or ownership to provide the general public with electricity, see "utility, major".

2. For government uses, see "community service".

(Ord., § 14.1, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed - - ; Ord. 19-1378, passed 9-10-2019)

§ 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 registered as an architect and licensed to practice in the State of Illinois.

ARTERIAL STREET. See **STREET, ARTERIAL**.

ASSEMBLY SPACE. Space intended to accommodate a group of people gathered together, for a particular purpose, whether religious, political, educational, or social. **ASSEMBLY SPACE** may include but shall not be limited to meeting rooms/halls, classrooms, worship halls, and social halls.

ASSURANCE, SUBDIVISION (PERFORMANCE, RESTORATION OR MAINTENANCE). A financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be restored, completed, or maintained in compliance with this chapter.

ATRIUM HOUSE. A one-story dwelling unit with private individual access that is attached to another dwelling unit. Each dwelling unit has a private yard or atrium that is enclosed by the house or a wall. (See also atrium house standards of § 151.130.)

ATTACHED DWELLING. A dwelling unit that is attached to one or more dwelling units or to nonresidential uses.

AVERAGE GROUND ELEVATION. The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

BANNER. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution shall not be considered a **BANNER**.

BAR. An establishment in which the principal business is the sale of alcoholic beverages to patrons for consumption on the premises. Same as **TAVERN** or **NIGHTCLUB**.

BASE FLOOD. The flood having a 1% probability of being equaled or exceeded in any given year. The **BASE FLOOD** also is known as the **100-YEAR FREQUENCY FLOOD EVENT**.

BASE FLOOD ELEVATION. The elevation delineating the level of flooding resulting from the 100-year flood frequency. Application of the **BASE FLOOD ELEVATION** at any location shall conform to all applicable standards of § 151.147.

BASE SITE AREA. The portion of a parcel as calculated pursuant to § 151.070(D)(1).

BASEMENT. Any area of a building having its floor subgrade (below grade level) on all sides.

BASIN. A facility which provides temporary or permanent impoundment of water for flood control and other water resource purposes. **BASINS** include stormwater infiltration, retention, and detention facilities. Sub-watershed areas within the county that include the Fox River mainstream (including the Chain O'Lakes), Flint Creek, Tower Lake Drain, Slocum Drain, Mutton Creek, 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.

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) Registered professional wetland scientist (PWS) from the Society of Wetland Scientists;

(b) Minimum of a bachelor's degree in an earth science or biologic science and at least one of the following: three years (cumulative) full-time experience in the Upper Midwest Region on wetland related projects; or the completion of 100 wetland delineations in the Upper Midwest; or a minimum of 300 hours spent in field review of wetlands in the Upper Midwest; or

(c) Six years (cumulative) full-time experience in the Upper Midwest Region on wetlands related projects.

(4) Recertification as a **CERTIFIED WETLAND SPECIALIST** shall be required every three years through the Lake County Stormwater Management Commission. A minimum of 24 work-related professional development hours including Lake County Stormwater Management Commission mandatory training for this type of certification shall be obtained within the three-year period in order to qualify for recertification. Documentation shall be self-monitoring and shall be provided to Lake County Stormwater Management Commission upon application of certification or recertification.

CERTIFY or CERTIFICATION. The act or process of attesting that the specific inspections, calculations, or tests, where required, have been performed and that they comply with the applicable requirements of this chapter.

CHANNEL. See **LINEAR WATER BODY**.

CHANNEL MODIFICATION. Alteration of a channel by changing the physical dimensions or materials of its bed or banks. **CHANNEL MODIFICATION** includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining and significant removal of bottom or woody vegetation from the channel. **CHANNEL MODIFICATION** does not include the clearing of dead or dying vegetation, debris, or trash from the channel.

CLUB, NIGHTCLUB. See **NIGHTCLUB**.

CLUB, PRIVATE. A structure, building or property which is primarily used by an organization serving its members or their guests.

COLLECTOR STREET. See **STREET, COLLECTOR**.

COMMERCIAL ESTABLISHMENT. Any place where admission, services, performances, or products are provided for or upon payment of any

form of consideration.

COMMERCIAL MESSAGE. Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMERCIAL VEHICLE. A vehicle that is used or intended to be used primarily for commercial purposes.

COMMUNITY SEWER SYSTEM. A sewage treatment system which serves more than one dwelling unit.

COMMUNITY WATER SYSTEM. A water system which serves more than one dwelling unit.

COMPENSATORY STORAGE. A volume of storage created to offset the loss or displacement of flood storage capacity due to a development activity. (See also § 151.149.)

COMPOSTING. The biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost.

COMPREHENSIVE PLAN. All plans for the orderly development of the county including all accompanying maps, charts, and explanatory material adopted by the County Board, and all amendments thereto.

CONCENTRATED SOLAR THERMAL TECHNOLOGY. A solar energy technology that uses lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area.

CONDITIONAL APPROVAL REGULATORY FLOODWAY MAP CHANGE. Preconstruction approval by Illinois Department of Transportation, Office of Water Resources and Federal Emergency Management Agency of a proposed change to the regulatory floodway map. This preconstruction approval ensures the property owner that once an appropriate use is constructed according to permitted plans, the regulatory floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.

CONDITIONAL LETTER OF MAP REVISION. A letter which indicates that the Federal Emergency Management Agency will revise base flood elevations, flood insurance rate zones, flood boundaries or regulatory floodway as shown on an effective Flood Hazard Boundary Map or Flood Insurance Rate Map, once the as-built plans are submitted and approved.

CONDUIT. A general term for any channel, watercourse, sewer, or culvert used for the conveyance or movement of water, whether open or closed.

CONSERVATION DISTRICT. Soil and Water Conservation District of Lake County.

CONSERVATION RESIDENTIAL DEVELOPMENT. The development of land for residential uses that requires the reservation of open space pursuant to the requirements of §§ 151.125 through 151.132. A **CONSERVATION RESIDENTIAL DEVELOPMENT** may contain one or more of the following housing types: detached house (single family), lot-line house, village house, twinhouse, patio house, atrium house, townhouse, multiplex and/or multi-dwelling structure, as fully described in § 151.130.

CONTRACTOR. Any person or firm engaged in construction, building services, or maintenance, on a contract basis.

CONTRACTOR'S MODEL HOME. A temporary retail sales and/or service use consisting of a building, or portion thereof, designed as a dwelling unit and constructed in a residential development for the purpose of temporary marketing and/or sales of lots or dwelling units within the development in which it is located.

CONTROL, HORIZONTAL AND VERTICAL GROUND. A system of photo-identifiable points with established positions or elevations, or both, which are used as fixed references in positioning and correlating map features.

CONTROL STRUCTURE. A structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

CONVENTIONAL RESIDENTIAL DEVELOPMENT. The development of land for detached house (single family) dwelling units that requires no minimum reservation of open space pursuant to the requirements of §§ 151.125 through 151.132.

CORNER LOT. See **LOT, CORNER**.

CORRAL/PADDOCK. An enclosure for confining and/or exercising animals which is generally located adjacent or in close proximity to a stable or barn.

CRITICAL DURATION. The design storm duration for a given frequency storm which produces the greatest peak flow, volume, or stage by analyzing all durations presented in Appendix K.

CUL-DE-SAC. A street ending in a turnaround, designed and intended as a permanent or temporary terminus.

CUSTOMARY HOME OCCUPATIONS. A business, profession, or trade commonly practiced within a principal residence.

CUTOFF. The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cutoff) at a specific angle above the ground.

CUTOFF ANGLE. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

DAM. All obstructions, wall embankments, or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included.

DAMAGE. For the purpose of interpreting the provisions of §§ 151.145 through 151.154 only, **DAMAGE** shall mean a measurable rise in flood heights on property currently subject to flooding, flooding of property currently not subject to flooding unless it is contained within the streambanks or a deed- or plat-restricted area or increases in velocity to the point where the rate of land lost to erosion and scour is significantly increased.

DAY. A work day on which county offices are open for business, exclusive of weekends and holidays, as established by the County Board.

DAY, CALENDAR. A calendar day.

DAY CARE FACILITY.

(1) Any facility which is established and maintained for the general care of children or adults. Whether established for gain or otherwise, a day care facility receives or arranges for care or placement of more than seven individuals unrelated to the operator of the facility.

(2) The term **DAY CARE FACILITY** includes facilities commonly called **CHILD CARE CENTERS, DAY NURSERIES, NURSERY SCHOOLS, ADULT DAY CARES** and **KINDERGARTENS** but does not include any state operated institution for child care, any juvenile detention housing, any licensed nursing home, or any bona fide boarding school.

DECISION-MAKING BODY. The entity that is authorized to finally approve or deny an application or permit required under this chapter.

DEDICATION. The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee interest, including an easement.

DEED OR PLAT RESTRICTION. Permanent easements, covenants, deed-restricted open spaces, outlots dedicated to a public entity, reserved plat areas, and conservation easements dedicated to meet the requirements of this chapter, or public road rights-of-way that contain any part of the stormwater management system of a development.

DENSITY, MAXIMUM. The maximum number of dwelling units allowed per acre of site area, after subtracting land area in regulatory floodplains, wetlands, water bodies and public rights-of-way from the base site area. See § 151.131(F).

DEPRESSIONAL STORAGE AREAS. Non-riverine depressions in the earth where stormwater collects.

DESIGN STORM. A selected storm event, described in terms of the probability of occurring once within a given number of years, for which stormwater or flood control improvements are designed and built.

DESIGNATED CAREGIVER. A person who:

- (1) Is at least 21 years of age;
- (2) Has agreed to assist with a patient's medical use of cannabis;
- (3) Has not been convicted of an excluded offense; and
- (4) Assists no more than one registered qualifying patient with his or her medical use of cannabis.

DESIGNATED EROSION CONTROL INSPECTOR.

(1) A person responsible for, at a minimum, verifying compliance and ongoing maintenance of the approved soil erosion and sediment control plan measures of a development and who is recommended to meet the minimum qualification requirements of subsections (1)(a), (1)(b), and (1)(c) as follows:

(a) Provide a one-page statement of qualifications in the areas noted below and a request to be included on the Lake County Stormwater Management Commission Designated Erosion Control Inspector qualified listing. The signed statement will be considered as evidence of qualifications.

(b) Pass the Designated Erosion Control Inspector Exam that is administered by the Lake County Stormwater Management Commission.

(c) Complete a Lake County Stormwater Management Commission-approved soil erosion and sediment control course and meet the requirements of one of the following:

1. Have an official designation as a Certified Professional in Erosion and Sediment Control (CPESC) or Certified Erosion, Sediment and Stormwater Inspector (CESSWI);

2. Two years cumulative experience in the Upper Midwest Region on soil erosion and sediment control inspections.

(2) The listing of Designated Erosion Control Inspectors shall be officially updated every three years by the Lake County Stormwater Management Commission. 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, DECI 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 registered professional engineer licensed to practice in the State of Illinois.

ENGINEER OF RECORD. An engineer that designed and certified the final engineering plans or the engineer responsible for the design of engineering improvements in the subdivision and certifies those improvements.

EQUINE. A horse, pony, mule, or ass.

EROSION. The process whereby soil is removed by precipitation, flowing water, wave action, or wind.

EXCAVATION. Any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered,

removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

EXCEPTIONAL FUNCTIONAL VALUE WETLAND. See **WETLAND, EXCEPTIONAL FUNCTIONAL VALUE**.

FAMILY. See **HOUSEHOLD**.

FARM ANIMALS. Any animal customarily raised on farms, including alpaca, llama, burros, cattle, bison, mink, chickens, turkeys, ducks, geese, donkeys, emus, goats, horses, mules, ostriches, swine, sheep, or lambs.

FARM HOUSING. Temporary housing that is intended to accommodate individuals primarily engaged in the occupation of agriculture. The term includes housing occupied by farm workers, farm employees or farm owners engaged in the full-time occupation of agriculture, and their families.

FARMED WETLAND. Wetlands that are farmed currently, or have been farmed within five years previous to the permit application date, as defined in 7 C.F.R. Part 12 (61 FR 47025).

FEDERAL EMERGENCY MANAGEMENT AGENCY. The Federal Emergency Management Agency and its regulations codified as 44 C.F.R. 59-79 effective as of October 1, 1986. This incorporation does not include any later editions or amendments.

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.

FILLING. The act of depositing fill on land, whether submerged or not.

FILLING, DEEP. Filling of the regulatory floodplain which raises the land surface elevation above that of the base flood elevation (see also § 151.149).

FILLING, SHALLOW. Filling of the regulatory floodplain to realign contours, protect seawalls, or make yards or lands more useful which does not raise the land surface elevation above the base flood elevation (see also § 151.149).

FINAL DEVELOPMENT PLAN. The specific design of all physical planning and engineering elements necessary to develop the land in substantial compliance with the approved preliminary development plan.

FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAPS. A map prepared by Federal Emergency Management Agency or U.S. Department of Housing and Urban Development that depicts the Special Flood Hazard Area within a community. This map includes insurance rate zones and regulatory floodplains and may or may not depict regulatory floodways.

FLOODPLAIN MANAGEMENT. An overall program of corrective and preventive measures for avoiding or reducing future flood damage.

FLOODPLAIN, REGULATORY. May be either riverine or non-riverine depressional areas. Floodplain boundaries shall be delineated by projecting the base flood elevation onto the best available topography and by superimposing the Special Flood Hazard Area onto the base map. **REGULATORY FLOODPLAINS** include:

- (1) Any riverine area inundated by the base flood where there is at least 640 acres of tributary drainage area;
- (2) Any non-riverine area with a surface area of one-fourth acre or more, or with a storage volume of three-fourths acre-foot or more when inundated by the base flood; or
- (3) Any area indicated as a Special Flood Hazard Area on the Federal Emergency Management Agency Flood Insurance Rate Map or Letter of Map Revision and located with the best available topographic information to be inundated by the base flood.

FLOODPLAIN STUDY. A study, formally adopted by the Lake County Stormwater Management Commission, excluding base flood determinations performed for a specific development site, that examines, analyzes, evaluates, or determines the hydraulic and hydrologic characteristics of flood hazards for a basin or partial basin area. To be used as a regulatory instrument, the study shall, at a minimum, meet the Federal Emergency Management Agency criteria specified in Guidelines and Specifications for Flood Hazard Mapping Partners, most current version.

FLOOD-PRONE AREA. Any area inundated by the base flood, including such areas outside of the regulatory floodplain.

FLOOD-PRONE AREA. Any area inundated by the base flood.

FLOOD-PROOFING. Any combination of structural and non-structural additions, changes or adjustments to structures or property which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOOD-PROOFING CERTIFICATE. A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

FLOOD PROTECTION ELEVATION. The base flood elevation plus two feet of freeboard.

FLOOD TABLE LAND. The land area immediately adjacent to flood-prone areas with greater than 100 acres of tributary drainage area, the elevation of which is greater than the base flood elevation by two feet or less.

FLOODWAY, REGULATORY. The channel, including on-stream lakes, and that portion of the regulatory floodplain adjacent to a channel as designated by Illinois Department of Transportation, Office of Water Resources, which is needed to store and convey the existing and anticipated future 100-year frequency flood discharge with no more than a one-tenth foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10% increase in velocities. The location of the regulatory floodway shall be as delineated on the maps listed in Appendix M, as may be amended by the Federal Emergency Management Agency. Where interpretation is needed to determine the exact location of the regulatory floodway boundary, Illinois Department of Transportation, Office of Water Resources shall be contacted.

FLOOR AREA. The sum of the gross area for each of a building's stories under roof measured from the exterior limits or faces of the structure. Parking structures providing spaces to meet minimum off-street parking standards of § 151.165 shall not be counted as **FLOOR AREA**.

FLOOR AREA FACTOR. An intensity measurement expressed as the total floor area per net site area.

FOOTCANDLE. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle.

FORESTED WETLAND. A wetland area with 30% or greater aerial coverage of trees. Trees referred to as woody plants that are greater than three inches in diameter at breast height (DBH) and with a height of greater than 20 feet.

FORESTRY. The clearing of forested or woodland areas, including mature woodlands and young woodlands as defined by this chapter.

FRAMEWORK PLAN. A component of the Comprehensive Plan.

FREEBOARD. An increment of height added to the base flood or other high water elevation to provide a factor of safety for uncertainties in calculations, unknown local conditions, wave actions, and unpredictable effects such as those caused by ice or debris jams.

FREEWAY. A high volume traffic corridor which, together with other freeways, carries a high proportion of total area travel with a minimum of total mileage, and to which access is partially or fully controlled, often by public purchase of access rights or by designation pursuant to state statutes.

FUNCTIONAL ASSESSMENT. An assessment of a wetlands flood storage, water quality, and other beneficial functions.

GARAGE. A structure or part thereof, designed, used, or intended to be used for the parking and storage of motor vehicles.

GARDEN CENTER. A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

GENERAL CONSTRUCTION OR DEMOLITION DEBRIS. Non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and the demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous, painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials or as defined in § 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;
 - (b) Wetland mitigation areas created to meet the requirements of this chapter or § 404 of the Clean Water Act; and
 - (c) Wetland areas created or restored using public funds.

JUNK YARD. Any land or structure, exclusive of recycling centers, used for a salvaging operation, including, among other things, the storage and sale of waste paper, rags, scrap metal, and discarded materials, or the dismantling, storage, and salvaging of unlicensed, inoperative vehicles.

KENNEL. A location where the number of dogs or any other animal, except for farm animals, exceeds the residential pet limits established by the Lake County Health Department, or any place in or at which dogs or any other animals, except farm animals, are kept on a regular basis for the purpose of sale or in connection with boarding, training, care, or breeding or adoption.

LANDSCAPE ARCHITECT. A person with a degree in landscape architecture from an accredited university or college.

LANDSCAPE CONTRACTOR. A business principally engaged in the decorative and functional alteration, planting and maintenance of grounds. The business may engage in the installation and construction of underground improvements but only to the extent that the improvements (e.g., irrigation or drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

LANDSCAPE WASTE. All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees.

LANDSCAPE WASTE COMPOSTING FACILITY. An establishment for the composting of waste materials accumulated as the result of the care of lawns, shrubbery, vines, and trees. However property on which the principal use is residential and on which composting of these materials, accumulated exclusively on-site, is conducted, shall not be considered a **LANDSCAPE WASTE COMPOSTING FACILITY**.

LETTER OF MAP AMENDMENT. Official determination by Federal Emergency Management Agency that a specific structure is not in a Special Flood Hazard Area, amends the effective Flood Hazard Boundary Map or Flood Insurance Rate Map.

LETTER OF MAP REVISION. A letter issued by Federal Emergency Management Agency or Illinois Department of Transportation, Office of Water Resources that revises base flood elevations, flood insurance rate zones, flood boundaries, or regulatory floodways as shown on an effective Flood Hazard Boundary Maps or Flood Insurance Rate Maps.

LETTER OF NO IMPACT (LONI). Written confirmation from Lake County Stormwater Management Commission or isolated wetland certified community that no wetland impacts will occur from a proposed development, based on a review of plans or other applicable information provided by the applicant as specified in this chapter.

LINEAR WATER BODY. A natural or artificial watercourse that periodically or continuously contains moving water, or that forms a connecting link between two or more bodies of water. **LINEAR WATER BODIES** have a definite bed and banks that serve to confine the water and include any river, stream, creek, brook, branch, flowage, ditch, conduit, culvert, gully, ravine, swale, wash, or natural or man-made 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, not including the bottom of window wells.

LOWEST FLOOR. Lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, or building access in an area other than a basement area is not considered a building's lowest floor; provided, that the requirements of § 151.149(H) are met.

LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

LUMINAIRE, CUTOFF-TYPE. A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than 90 degrees.

MAINTAINABLE OUTLET. A stormwater conveyance system (such as a storm sewer or overland flow path) that provides positive drainage to a natural watercourse or stormwater management system. The natural watercourse or stormwater management system shall have adequate downstream capacity. Stormwater management systems shall be within a recorded drainage easement or right-of-way.

MANUFACTURED HOME. A dwelling manufactured off-site which complies with the provisions of the 2012 International Residential Code (see Chapter 150).

MARINA. A boat basin and recreational facility, located on waterfront property or having direct water access, providing moorings for boats, and one or more of the following facilities: boat launching ramps, boat livery, boat sales, maintenance shops, marine supply store, and fuel dock.

MATURE WOODLAND. See **WOODLAND, MATURE**.

MAXIMUM EXTENT PRACTICABLE (MEP).

(1) For the purposes of this chapter, the maximum extent practicable (MEP) is defined as the highest level of Runoff Volume Reduction (RVR) that is achievable for the development as determined by the applicant and approved by the Planning, Building and Development Director (see Appendix R for runoff volume reduction quantities). The MEP RVR quantitative standard for the development shall not be required to exceed the minimum performance standards identified in § 151.146(D). For public road developments, the MEP shall not necessitate the need to acquire right-of-way or deed and plat restricted areas outside of the right-of-way.

(2) In making the determination that the RVR quantitative standard for the development is the MEP, the following objectives should be considered, when applicable, including, but not limited to:

- (a) Prevention or reduction of existing, adjacent flood-related problems;
- (b) Examination of adequate downstream capacity from the development;
- (c) Preservation of existing wetland hydrology;
- (d) Protection of adjacent streams from degradation due to increased volumes and prolonged bankfull flows;
- (e) Minimization of off-site water quality impacts;
- (f) Enhancements of aquifer recharge on-site;
- (g) Evaluate geographic features of the site (e.g., topography, soil structure, natural resources);
- (h) Utilize best available and feasible technology;
- (i) Maximize performance of the design; and
- (j) Provide for sustainability through maintenance and management of the installed practices.

MEDIAN FAMILY INCOME. As defined by the U.S. Department of Housing and Urban Development.

MEDICAL CANNABIS INFUSED PRODUCT. Food, oils, ointments, or other products containing usable cannabis that are not smoked.

MEDICAL CANNABIS CONTAINER. A sealed, traceable, food compliant, tamper resistant, tamper evident container or package used for the purpose of containment of medical cannabis from a cultivation center to a dispensing organization.

MEDICAL CANNABIS CULTIVATION CENTER (CULTIVATION CENTER). A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing

organizations with usable medical cannabis.

MEDICAL CANNABIS DISPENSING ORGANIZATION (DISPENSING ORGANIZATION, DISPENSARY ORGANIZATION, DISPENSARY). A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

MINIMUM FLOOR ELEVATION. The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

MINI-WAREHOUSE. See **WAREHOUSE, MINI.**

MITIGATION. Measures taken to eliminate or minimize damage from development activities, such as construction in wetlands or regulatory floodplain filling, by replacement of the resource or other means of compensation.

MOBILE HOME. A transportable, factory-built structure that was manufactured prior to enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401) or a manufactured home built subsequent to and in compliance with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401) and that is designed to be used as a single dwelling unit.

MOBILE HOME PARK. A contiguous parcel of land which has been developed for the placement of mobile homes and is owned in its entirety by an individual, a firm, trust, partnership, public or private association or corporation.

MOTEL. A building designed for transient occupancy containing rooms or suites with separate entrances, providing living, sleeping, and toilet facilities. Individual cooking facilities may be provided.

MULTI-DWELLING (STRUCTURE). A structure that contains more than eight dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. **MULTI-DWELLING** includes structures commonly called apartments and condominiums. (See also **MULTI-DWELLING STRUCTURE** standards of § 151.130.)

MULTIPLEX. An attached dwelling or a stacked dwelling containing no fewer than three and no more than eight dwelling units within a single building, each (building) of which is located on its own individual lot. (See also **MULTIPLEX** standards of § 151.130.)

NATIVE VEGETATION (OR PLANT SPECIES). Plant species grown in the Chicago region, specifically this county, prior to European settlement of the region. (See *Plants in the Chicago Region*, Indiana Academy of Sciences.)

NATURAL. When used in reference to streams, channels, and linear water bodies, means those streams, channels, and linear water bodies formed by the existing surface topography of the earth prior to changes made by man. A modified stream, channel, or linear water body that has regained **NATURAL** characteristics over time as it meanders and reestablishes vegetation may be considered **NATURAL**.

NATURAL RESOURCES. All areas of wetlands, floodplains, linear and nonlinear water bodies, woodlands, and significant trees, as defined in this chapter.

NET SITE AREA. The buildable portion of a lot, as calculated in accordance with § 151.070(D).

NGVD. National Geodetic Vertical Datum of 1929. Superseded by NAVD 88, effective September 18, 2013.

NIGHTCLUB. An establishment serving liquor and/or food while providing space for music, dancing, floor shows, or comedy acts. 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.

NONRESIDENTIAL ZONING DISTRICT. All zoning districts except those classified as residential zoning districts. See Residential Zoning District.

NON-RIVERINE REGULATORY FLOODPLAIN. Regulatory floodplains not associated with streams, creeks, or rivers, such as isolated depressional storage areas or lakes.

NRI. Natural resources information report, as required by Illinois Statutes, 70 ILCS 405/22.02a.

NURSERY. A place where the primary activity is the growing of plants, flowers, trees, and shrubs for sale.

ON-STREAM DETENTION. Any detention facility that has off-site tributary drainage area.

OPEN SPACE RATIO. A ratio derived by dividing open space by the net site area.

OPEN WATERS. Permanently inundated isolated waters of Lake County that are greater than three feet in depth below the normal water level or normal pool elevation.

ORDINARY HIGH WATER MARK. The point on the bank or shore at which the presence and movement of surface waters are continuous so as to leave a distinctive mark, such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other recognized characteristics.

OVERLAND FLOW PATH. An area of land which conveys stormwater for all events up to and including the base flood event. The **OVERLAND FLOW PATH** can be estimated using readily available topographic information and shall take into account all on-site and off-site tributary areas in accordance with § 151.146(H).

OWNER. The person having the right of legal title or beneficial interest in or a contractual right to purchase a parcel of land. For the purpose of providing notices required by this chapter, the **OWNER** is the person who last paid taxes on any parcel as identified by county property tax records.

OWNERSHIP PARCEL. Any legally described parcel of land. This includes contiguous lots or parcels of land, owned in whole, or in part, by the same property owner.

PARCEL. Any legally described piece of land.

PARCEL IDENTIFICATION NUMBER. Permanent index number used to identify properties for tax assessment.

PARK, COMMERCIAL. Any park or recreation area for which an admission fee is charged.

PARK, COMMUNITY. Any non-commercial recreation area or park created as part of, or within the area covered by, a county approved subdivision plat.

PARK, NON-COMMERCIAL. A park or recreation area that is open to public and for which no fee is charged.

PASTURE. An area of grass or other vegetative cover grown for the purpose of grazing animals.

PATIO HOUSE. A dwelling unit located on its own lot that may be attached to or detached from other dwelling units. A **PATIO HOUSE** lot is enclosed by a solid wall located at the lot line, broken only by driveways and pedestrian access points, thus creating a private yard area between the house and the wall. (See also the **PATIO HOUSE** standards of § 151.130.)

PEAK FLOW. The maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from a specified storm or flood.

PEDESTRIANWAY. A right-of-way designated for use by pedestrian traffic.

PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERMITTEE. Any person to whom a permit is issued.

PERSON. Any individual, public or private firm or corporation, the State of Illinois and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer, or employee of any of the foregoing.

PLAT. Plat of subdivision, whether preliminary or final.

POND. A natural or artificial body of water of less than two acres that retains water year-round.

PRINCIPAL BUILDING. See **BUILDING, PRINCIPAL**.

PRINCIPAL USE. See **USE, PRINCIPAL**.

PRIVATE CLUB. See **CLUB, PRIVATE**.

PRIVATE STABLE. See **STABLE, PRIVATE**.

PROTECTED USE. Any of the following:

- (1) A church, synagogue, mosque, or other place of worship;
- (2) A public or private nursery, elementary, or secondary school;
- (3) A child care facility, licensed by the Illinois Department of Children and Family Services;
- (4) A public park, playground, playing field, forest preserve, or other recreational area;
- (5) A public or private cemetery; or
- (6) A public housing facility.

PUBLIC BODIES OF WATER. All open public rivers, streams, and lakes specifically designated by Illinois Department of Transportation, Office of Water Resources, that are capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, or which in their natural condition were capable of being improved and made navigable, or that are connected with or discharged their waters into navigable lakes or rivers within, or upon, the borders of the State of Illinois, together with all bayous, sloughs, backwaters, lakes that are open to the main channel or body of water and directly accessible thereto.

PUBLIC FLOOD CONTROL PROJECT. A flood control project within a deed- or plat-restricted area, which will be operated and maintained by a public agency to reduce flood damages to existing buildings or structures. A land stewardship not-for-profit corporation or other similar entity may also own, operate or maintain a **PUBLIC FLOOD CONTROL PROJECT**. In this circumstance, there shall also be an executed agreement with a public agency to take over ownership, operation or maintenance if the corporation dissolves or fails to meet the operation, and maintenance requirements for the project area. The project shall include a hydrologic and hydraulic study of the existing and proposed conditions of the watershed area affected by the project. Nothing in this definition shall preclude the design, engineering, construction, or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

PUBLIC PARK. Park, noncommercial.

PUBLIC ROAD DEVELOPMENT. Any development activity which takes place in a public right-of-way, or part thereof, that is administered and funded in whole or in part, by a public agency under its respective roadway jurisdiction. Rehabilitative maintenance and in-kind replacement are considered to be a **PUBLIC ROAD DEVELOPMENT** if located in a regulatory floodplain. A **PUBLIC ROAD DEVELOPMENT** located within a regulatory floodway and which has been approved by the Illinois Department of Transportation, Division of Highways (IDOT/DOH), Bureau of Local Roads and Streets is exempt from the hydraulic analysis requirements of this chapter. Individual recreational trail systems being constructed that are not part of another development project and linear railroad development projects shall be considered **PUBLIC ROAD DEVELOPMENTS** with respect to the requirements of this chapter.

PUBLICLY DEDICATED ROAD RIGHT-OF-WAY. Any street which is dedicated for public road purposes.

RATED NAMEPLATE CAPACITY. The maximum rated output of electric power production of the photovoltaic system in watts of direct current (DC).

REAR LOT LINE. See **LOT LINE, REAR.**

REAR SETBACK. See **SETBACK, REAR.**

REASONABLY FEASIBLE ALTERNATIVE. An option that does not involve physical or economic hardships that would render a development project infeasible and that is not unreasonable in the determination of the Planning, Building and Development Director.

RECONSTRUCTION. The act of rebuilding a structure.

RECORD DRAWINGS. Construction drawings revised to show significant changes made during the construction process, usually based on marked-up prints, drawings and other data furnished by the contractor to the Enforcement Officer.

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis and that has a total area of 400 square feet or less when measured at the largest horizontal projection. The vehicle must be designed to be self-propelled or permanently towable by a light-duty truck. Furthermore, the vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling. **TRAVEL TRAILER, MOTOR-HOME, CAMPING TRAILER,** and **PICKUP COACH** are deemed synonymous with **RECREATIONAL VEHICLE. RECREATIONAL VEHICLES** must be road-ready at all times when located within the floodplain.

RECREATIONAL VEHICLE PARK. A parcel on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.

RECREATIONAL VEHICLE, ROAD-READY. A recreational 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, LARGE-SCALE. A ground-mounted solar energy system that occupies at least 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

SOLAR ENERGY SYSTEM, MEDIUM-SCALE. A ground-mounted solar energy system that occupies more than 1,750 square feet but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 to 250 kW DC).

SOLAR ENERGY SYSTEM, SMALL-SCALE. A ground-mounted solar energy system that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

SOLAR PANEL. A device that is used to convert radiant solar energy into electrical current.

SOUND FREQUENCY. The number of oscillations per second in hertz (Hz). How we perceive sound is partly dependent on what the frequency is. High frequency sound has more oscillations per second, whereas low frequency sound has fewer.

SOUND LEVEL. The A-weighted sound pressure level in decibels (dB) (or the C-weighted level if specified) as measured using a sound level meter that meets the requirements of a Type 2 or better precision instrument according to ANSI S1.4. The average **SOUND LEVEL** is time-averaged over a 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.

SURVEYOR. A registered professional land surveyor licensed to practice in the State of Illinois.

SWALE. A linear depression in the ground surface which conveys drainage water with side slopes at or less steep than a 3H to 1V slope.

TECHNICAL REFERENCE MANUAL (TRM). The Lake County Stormwater Management Commission Technical Reference Manual. This manual contains design guidance for a development site to meet the Watershed Development Ordinance performance standards.

TEMPORARY USE. See **USE, TEMPORARY.**

TERMINAL, TRUCK. A structure or land primarily used for the temporary storage of goods awaiting transfer or wholesale distribution by means of motor carrier transportation.

TOPDRESSING. The placement of not more than four inches of topsoil within the regulatory floodplain for the purposes of preventing soil erosion and establishing vegetative cover. (See also § 151.149.)

TOWER. A tall structure, mounted in the ground, on which a wind turbine is mounted.

TOWNHOUSE. A dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units. 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.

TWINHOUSE. A structure that contains two primary dwelling units, each located on its own lot. The two dwelling units share a common wall along the common lot line. (See also the **TWINHOUSE** standards of § 151.130.)

USE. The purpose or activity for which land, or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY. A use that customarily:

- (1) Is subordinate to and services a principal building or a principal use legally existing on the same zoning lot;
- (2) Is subordinate in area, extent, and purpose to the principal building or principal use;
- (3) Contributes to the comfort, convenience, or necessity of the occupants, business, or industry of the principal structure or principal use served; and
- (4) Is located on the same zoning lot as the principal structure or principal use served.

USE, NONRESIDENTIAL. Any use not classified as a residential use.

USE, PRINCIPAL. The specific primary purpose for which land is used.

USE, RESIDENTIAL. A use of land which provides space for the permanent occupancy of either individuals or households within dwellings.

USE, TEMPORARY. A use established for a fixed period of time with the intent to discontinue the use upon the expiration of that time.

VALUE ADDED AGRICULTURAL PROCESSING. The small-scale processing and/or packaging of raw agricultural products resulting in an increase in the value of the agricultural product.

VALUE ADDED AGRICULTURAL PRODUCT. An agricultural product that has been modified from its raw physical state or form in order to enhance the value for sale to the consumer.

VILLAGE HOUSE. A dwelling unit that is located on its own lot, not attached to any other dwelling units, surrounded by very shallow front and side yards and located in a conservation residential development that complies with the **VILLAGE HOUSE** standards of § 151.130.

WAREHOUSE, MINI. A building or group of buildings that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. No service or repair activities other than the rental of dead storage units are permitted on the premises.

WATER DEPENDENT. Structures of facilities relating to the use of, or requiring access to, the water or shoreline. Examples of **WATER DEPENDENT** uses include but are not limited to pumping facilities, wastewater treatment facilities, facilities and improvements related to recreation boating or commercial shipping.

WATERCOURSE. Any natural or man-made depression into which water flows either regularly or intermittently.

WATERS OF THE UNITED STATES. For the purpose of this chapter, the term **WATERS OF THE UNITED STATES** refers to those areas that are under the U.S. Army Corps of Engineers jurisdiction.

WATERSHED. The land area above a given point on a channel that contributes stormwater to that point. In this county the four major **WATERSHEDS** are officially defined as: the Lake Michigan Watershed, the North Branch of the Chicago River Watershed, the Des Plaines River Watershed, and the Fox River Watershed.

WATERSHED BENEFIT. A decrease in flood damages to structures upstream or downstream of the development site created by installation of the stormwater management system. The benefit must be beyond the benefit provided by meeting the minimum Watershed Development Ordinance standards and TRM guidance.

WATERSHED DEVELOPMENT PERMIT. A permit established by the Watershed Development Ordinance and issued, through the Lake County Stormwater Management Commission or certified communities, prior to the approval of a building permit signifying conformance with provisions of the Watershed Development Ordinance.

WEEKEND. Saturday and Sunday. National holidays observed on a Friday or Monday may be included.

WET DETENTION FACILITY. A **WET DETENTION FACILITY** designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

WETLAND. A specific type of natural or man-made drainageway as follows: land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, under normal conditions, a prevalence of vegetation adapted for life in saturated soil conditions (known as hydrophytic vegetation). A **WETLAND** is identified based upon the three attributes: hydrology, soils, and vegetation as mandated by the current federal wetland determination methodology.

WETLAND, EXCEPTIONAL FUNCTIONAL VALUE (ADID). Any wetland identified as such in the U.S. Environmental Protection Agency Advanced Identification Study of the county (ADID) or any wetland that through a functional assessment meets the criteria defined in that study for determining exceptional functional value.

WETLAND IMPACT. Isolated waters of Lake County or Waters of the United States that are hydrologically disturbed or otherwise adversely affected by flooding, filling, excavation, or drainage which results from implementation of a development activity.

WETLAND, MAPPED. Any area suspected of being a wetland because it is mapped as such on the Lake County Wetland Inventory or Advanced Identification (ADID) maps.

WHOLESALE. The sale of goods to retailers or jobbers rather than consumers.

WOODLAND, MATURE. An area or stand of trees whose total combined canopy covers an area of 20,000 square feet or more, at least 50% of which is composed of trees having a diameter breast height of 16 inches or more. An active commercial nursery or Christmas tree operation shall not be considered a **MATURE WOODLAND**. In addition, no woodlands dominated (more than 50% of the canopy cover) by non-native tree species such as *Acer negundo* (box elder), *Robinia pseudoacacia* (black locust), *Rhamnus cathartica* (common buckthorn), *Eleagnus angustifolia* (Russian olive), *Eleagnus umbellata* (autumn olive), *Populus alba* (white poplar) and *Ulmus pumila* (siberian elm) shall be considered a **MATURE WOODLAND**.

WOODLANDS, YOUNG. An area or stand of trees whose total combined canopy covers an area of 20,000 square feet or more, at least 50% of which is composed of trees having a diameter breast height of at least three inches and less than 16 inches. An active commercial nursery or Christmas tree operation shall not be considered a **YOUNG WOODLAND**. In addition, no woodlands dominated (more than 50% of the canopy cover) by non-native tree species such as *Acer negundo* (box elder), *Robinia pseudoacacia* (black locust), *Rhamnus cathartica* (common buckthorn), *Eleagnus angustifolia* (Russian olive), *Eleagnus umbellata* (autumn olive), *Populus alba* (white poplar) and *Ulmus pumila* (siberian elm) shall be considered a **YOUNG WOODLAND**.

YARD. The space between a lot line and building line.

YOUNG WOODLAND. See **WOODLANDS, YOUNG**.

ZONING LOT. See **LOT, ZONING**.

(Ord., § 14.2, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed 10-9-2012; Ord. passed - -; Ord. passed - -; Ord. 15-0701, passed 7-14-2015; Ord. 15-1028, passed 10-13-2015; Ord. 19-1378, passed 9-10-2019; Ord. 21-0744, passed 5-11-2021; Ord. 22-1060, passed 8-9-2022)

SPECIAL AREA REGULATIONS

§ 151.285 GENERAL.

(A) *General.* The GW, Gateway Zoning District regulations implement Chapter 12 of the County Regional Framework Plan, entitled "Gateway Economic Development Plan". The GW, Gateway Zoning District regulations provide a development option which landowners within the Route 173/I-94 interchange area may pursue as an alternative to the regulations provided elsewhere in this chapter. Property owners seeking to zone property to the GW, Gateway Zoning District and to develop properties within the GW, Gateway Zoning District shall be required to:

- (1) Generally maintain consistency with the Conceptual Land Use Map;
- (2) Utilize public sanitary sewer disposal and appropriate water supply as approved by the Lake County Public Works Department to service the development; and
- (3) Use the planned unit development method as provided in §151.051 for developing properties.

(B) *Uses and development standards.* The following uses and development standards shall be applicable within the GW, Gateway Zoning District.

(1) *Office/research uses and development standards.*

(a) *Principal uses.* Offices, as defined in § 151.270(E)(2) and research uses (referring to the conduct of research in various fields of science, such as but not limited to chemistry, pharmaceuticals, medicine, electricity, computer sciences, transportation, and engineering);

(b) *Accessory uses.* Those uses listed in § 151.270(E)(2)(b), those retail, sales and service uses that serve only the principal use, and pilot plants or test production facilities that serve only the principal use.

(c) *Prohibited uses.* Heavy manufacturing (referring to basic processing and manufacturing of materials or products predominantly from raw material with the potential for significant external effects to the community and environment), light assembly (referring to processing, compounding, assembling, and packaging finished or semi-finished products in a manner which produces little or no external effects), and warehouse uses.

(d) Maximum floor area ratio (FAR): 0.40.

(e) Maximum impervious surface ratio (ISR): 0.60.

(f) Maximum building height: 50 feet.

(g) Minimum lot size: 80,000 square feet.

(h) Minimum lot width: 190 feet.

(i) Building setbacks:

1. Street - 50 feet;
2. Interior side - 30 feet; and
3. Rear - 30 feet.

(2) *Office/light assembly uses and development standards.*

(a) *Principal uses.* Offices as defined in § 151.270(E)(2), research uses (referring to the conduct of research, development and testing in various fields of science, such as but not limited to chemistry, pharmaceuticals, medicine, electricity, computer sciences, transportation, and engineering, and including pilot plants or limited test production facilities) and light assembly uses (referring to processing, compounding, assembling, and packaging finished or semi-finished products in a manner that produces little external effects to the community or to the environment).

(b) *Accessory uses.* Warehouse, wholesale, distribution, and retail sales and service uses that serve only the principal use; accessory uses shall occupy no more than 50% of the gross building area.

(c) *Prohibited uses.* Heavy manufacturing (referring to basic processing and manufacturing of materials or products predominantly from raw material with the potential for significant external effects to the community and environment) and motor freight terminals.

(d) Maximum floor area ratio (FAR): 0.40.

(e) Maximum impervious surface ratio (ISR): 0.60.

(f) Maximum building height: 50 feet.

(g) Minimum lot size: 80,000 square feet.

(h) Minimum lot width: 190 feet.

(i) Building setbacks:

1. Street - 35 feet;
2. Interior side - 20 feet; and
3. Rear - 25 feet.

(3) *Retail/service uses and development standards.*

(a) *Principal uses.*

1. All types of retail sales and service uses allowed (by right or by conditional use permit) under §§151.110 through 151.114 of this chapter.

2. Non-retail uses (specifically office, financial, clinic, or government) are limited to 25% of the ground floor area; these uses may occupy 100% of the upper floors.

(b) Maximum floor area ratio (FAR): 0.40.

(c) Maximum impervious surface ratio (ISR): 0.70.

(d) Maximum building height: 35 feet.

(e) Minimum lot size: 20,000 square feet.

(f) Minimum lot width: 100 feet.

(g) Building setbacks:

1. Street - 50 feet;
2. Interior side - 12 feet; and
3. Rear - 12 feet.

(4) *Residential use and development standards.*

(a) *Principal uses.* Single family detached dwellings.

- (b) *Accessory uses.* Those uses accessory to single family detached dwellings allowed under §§151.110 through 151.114 of this chapter.
- (c) *Density:* Maximum one-half dwelling unit per acre.
- (d) *Minimum lot size:* 80,000 square feet.
- (e) *Minimum lot width:* 190 feet.
- (f) *Building setbacks:*
 - 1. Street - 50 feet;
 - 2. Interior side - 30 feet;
 - 3. Rear - 50 feet; and
 - 4. Accessory uses/structures - ten feet from all property lines.
- (g) *Maximum impervious surface ratio (ISR):* 0.25.
- (h) *Maximum building height:* 35 feet.

(C) *Building and site design standards.*

(1) *Natural resources and open space.*

(2) *Protection.* Natural resources shall be protected in accordance with the provisions of §§151.070 through 151.072 of this chapter. The resource protection areas shall remain as permanent open space.

COMMENTARY:

Each development should enhance existing natural resource areas and provide open space areas. In addition to natural open space areas, it may also be appropriate to provide formal open space, such as a village square or building courtyards, as a focal point of the development. All open space areas should feature amenities such as benches and walkways. Buildings should be oriented to take advantage of open space views and access.



Encouraged: Formal (pictured) and informal open space

(3) *Stormwater management.* Stormwater detention shall be provided to comply with the provisions of §§151.145 through 151.154 of this chapter.

COMMENTARY:

A unified stormwater management system should be designed for the entire development site. To the greatest extent possible, stormwater conveyance and storage should utilize the naturally occurring drainage patterns and wetlands. Detention basins with native wetland vegetation are encouraged; basins with hard, man-made edges are discouraged. Stormwater management facilities should comply with best management practices as provided in the Lake County Stormwater Management Commission's *Technical Reference Manual*.



Discouraged: Square, man-made shorelines

COMMENTARY:

The stormwater management system should be integrated into the open space and pedestrian circulation plan. Incorporation of fountains to create water features is encouraged. Buildings should be oriented to take advantage of views of attractive water features and wetlands.



Encouraged: Building oriented towards water feature



Encouraged: Natural contours and pedestrian circulation

(4) *Access and circulation.*

(a) *Automobile access and circulation.* Automobile access and circulation shall be designed to meet the requirements of the highway authority having jurisdiction.

1. The primary access roads shall be designed as boulevards for a distance of at least 200 yards from the intersections with Route 173. The central median shall be planted with a variety of deciduous and evergreen plantings to ensure year-round foliage. Annuals shall be used to ensure maximum color during spring, summer, and fall.

2. Internal roadways shall be designed to allow circulation between various buildings and uses within the entire development without exiting onto Route 173. Roadways shall be designed to minimize conflicts between automobile and truck traffic.

3. An entrance monument shall be provided for both the north and south primary access roads. The entrance monuments shall be designed to complement the building architecture and shall be consistent with the signage and landscaping.

COMMENTARY:

Following are guidelines to be considered in designing automobile access:

a. The northeast quadrant as defined in Chapter 12 of the Lake County Regional Framework Plan may have a new access point to Route 173, approximately centered between the existing Mill Creek Road and I-94. The northeast quadrant may have one primary access point onto Mill Creek Road and a secondary access point primarily intended to serve truck traffic to the area designated on the Conceptual Land Use Map for office/light assembly/warehouse uses.

b. The southeast quadrant as defined in Chapter 12 of the Lake County Regional Framework Plan may have a new access point onto Route 173 directly parallel to the northeast quadrant access point. The southeast quadrant may also have one primary access point onto Mill Creek Road. A secondary access point for truck traffic may also be permitted.

(b) *Pedestrian circulation.* Walking paths shall be provided within and between various uses contained within the overall development through the provision of sidewalks along internal roadways and/or footpaths through the open space areas. The sidewalk and footpath network shall be designed to provide for future possible connections to adjacent developments.

(5) *Building design.* Building design standards, including building massing, shall be consistent with the architectural standards provided in § 151.171. The following architectural guidelines for buildings are intended to require development that is compatible in scale and appearance with the character of the Route 173 Interchange area.

COMMENTARY:

A uniform design pallet of building materials, colors, and architectural design should be applied throughout the entire subject area. Building elements and other uses, such as vehicle parking, that are incompatible with the surrounding character, should be strictly screened from view from adjacent properties and roadways, including I-94. Architectural plans should also incorporate green building design. These guidelines are not all-inclusive; it may be necessary to address additional design elements during the review of individual project proposals.

1. Building Facades

All building facades that are visible from adjacent major roadways should be designed to be aesthetically pleasing. This includes the side and rear facades of buildings that are visible from Route 173, I-94, and US 41. Aesthetically pleasing design can be accomplished by employing the same design elements to the side and rear facades that are often only given to front facades.

2. Building Massing

Big box architecture is discouraged. Large wall expanses (whether long or tall) should be eliminated through vertical and horizontal articulation (changes so the wall is not a straight horizontal or vertical line) and the use of architectural projections, such as porticos, and recesses. Large wall expanses can also be broken through the use of pilasters, columns, canopies, and windows. Changes in building heights and rooflines can also be utilized to often the visual impacts of long building walls. Changes in facade materials and colors can improve the appearance of large buildings, but, alone these changes are not sufficient to eliminate the visual impacts of large wall expanses.



Discouraged: Long, blank building walls visible from adjacent major roadway



Preferred: Building wall divided by entranceways

3. Building Height

Building heights should gradually transition from low buildings to tall buildings. Where necessary, this transition can occur within a single building by designing the building with a larger, single-story base and a taller (multi-story or high-ceilinged warehouse) center.

4. Building Entrances and Windows

Building entrances should allow for easy access from parking areas and public open space. Primary building entrances should be easily identifiable through the use of design elements such as canopies, porticos, recesses, or archways. Buildings doors and windows should be pedestrian scaled.

In addition to providing natural lighting for occupants, windows should be utilized to soften building appearances, displaying merchandise, and inviting customers into buildings. Windows should be appropriately sized, arranged, and designed to enhance the overall appearance of the building. Multi-paned windows, windows with a vertical orientation, and windows with a well defined frame or sill are preferred.



Encouraged: Recessed entranceways



Discouraged: Featureless, window-dominated entranceway

5. Facade Materials and Colors

In order to complement the character of the Route 173 interchange area, the use of natural building materials and colors is encouraged. Desirable building materials include brick, terra cotta, and natural stone, such as limestone and river stone. The exclusive use of synthetic materials, such as EIFS/Drivit, and pre-cast concrete is discouraged.



Encouraged: Natural stone façade

Building colors should be natural, earth tones. Dark tones should be utilized at building base and lighter tones for upper levels. The color selection for architectural elements such as roofs, awnings, cornices, eaves, and sills should complement the main building color.

6. Roof Styles and Materials

Roof styles can add visual interest to all buildings, but should remain consistent with the overall building design. Buildings should be designed with a fascia and cornices that provide a transition between the wall and roof. Arched and pitched roofs and roof features such as dormers and cupolas are encouraged. Flat rooflines are discouraged unless part of a green roof design.



Encouraged: Pitched roof with appropriate fascia and cornice



Discouraged: Parapet conveys a two-dimensional appearance



Discouraged: Flat roof and no significant fascia or cornice

7. Mechanical and service area screening

All rooftop mechanical equipment should be visually screened from sight from all public access areas and adjacent properties and roadways. Ground level mechanical equipment, trash collection, and loading areas should be appropriately screened from view from all public access areas and adjacent properties and roadways.

(6) *Lighting standards.* Lighting shall comply with the provisions of §§ 151.165 through 151.173 of this chapter. Lighting shall ensure the safety and security of building occupants and customers. A uniform lighting plan shall be designed for the entire area. Lighting shall be designed and scaled to create an attractive, friendly pedestrian environment. Pathways shall be lit with low bollard lights. All light fixtures shall be shielded. All lighting shall be designed to minimize glare on adjacent properties.

(7) *Parking.* Parking spaces shall be provided for each building in accordance with the off-street parking standards contained in §§ 151.165 through 151.173 of this chapter. Parking shall not be allowed in the required street setbacks unless otherwise approved as part of the conditional use permit. Parking areas shall comply with the parking lot landscaping requirements of §§ 151.165 through 151.173.

COMMENTARY:

Parking lots should be located to the side and rear of buildings, when possible. Shared parking is encouraged. Parking lots should provide well-defined walkways that minimize pedestrian-vehicle conflicts. Consideration should be given to using semi-pervious paving and bio-swales to reduce stormwater runoff and improve water quality.



Discouraged: Large, unbroken parking areas

(8) *Outdoor storage.* Outdoor storage of materials and equipment shall be prohibited. This storage shall occur within structures unless otherwise approved as part of the conditional use permit.

(9) *Sign standards.* Signs shall meet the standards provided in §§151.165 through 151.173 of this chapter, except freestanding signs shall be of a monument type not exceeding 12 feet in height. Pole signs shall be prohibited.

COMMENTARY:

1. Sign Massing and Landscaping

Freestanding signs shall emphasize horizontal rather than vertical massing. The base of the freestanding sign should be landscaped.

2. Sign Composition

Softer, subtler alternatives to prominent corporate logos should be used. For multi-tenant buildings and developments, consistent lettering, colors, and sign designs should be used on all wall signs and monument signs.



Preferred: Consistent wall signage on multi-tenant buildings



Preferred: Softer alternative to typical corporate sign

The sign text should consist of no more than two fonts or sizes. Italicized, bold, and plain text should not be mixed. The use of images, pictures, and logos should be minimized but, if used, should be simplified in appearance and integrated into the site's overall architectural and color schemes. Solid lettering is preferred over highlighted or accented lettering.



Discouraged: Highlighted and accented lettering

3. Sign Colors

The sign and any background should together consist of no more than two colors or shades of the same color. The sign color scheme should match or complement the color scheme of the building. Primary, white and “day-glo” colors should be avoided.



Preferred: Mounted sign letters consisting of only one color

4. Sign Materials

Plastic or glass surfaces that result in polished, glossy, shiny, or reflective sign surfaces should not be used. Wood, stone, brick, masonry, or metal materials which produce matte, natural brushed, patina-like, or burnished surfaces should be used.

5. Sign Lighting

Natural (soft halogen or incandescent) lighting should be used. Over-bright or fluorescent lighting should be avoided. Internal illumination and protruding overhead lights or lamps should be avoided. Lighting devices should be hidden or integrated into architectural features or landscaping. Lighting should be focused and only so bright as to effectively illuminate the sign surface. For mounted letters, back-lighting should be used.



Preferred: Back-lighting softly illuminates mounted letters

For freestanding signs, ground-based external lighting should be used. Ground-based light sources should be concealed within landscaping.

(10) Landscaping and screening.

(a) Landscaping and screening shall meet the standards provided in §151.167 of this chapter.

(b) All development shall contain adequate exterior transition areas that are bermed and landscaped so as to preclude views of buildings, loading areas, truck parking lots, and other undesirable views from adjacent uses, properties, and roadways. For screening purposes, fences may be used in conjunction with berms and landscaping.

(c) Loading docks and truck parking areas shall be screened from view from all public (customer) access areas, including public access areas on the same property or development. In order to minimize undesirable views, loading docks and truck parking areas shall be located back-to-back between adjacent office, light assembly, and warehouse buildings.

COMMENTARY:

The following guidelines should be used to design landscaping. The guidelines are not all-inclusive; additional landscaping may be required based on new concerns or changing conditions.

Desirable views of office and retail buildings should be preserved from adjacent roadways and properties with compatible uses. Partial views of well-designed office, light assembly, and warehouse building front facades as well as side and rear facades that achieve aesthetically pleasing 360-degree design, may be permissible from adjacent roadways and properties with compatible uses.



Preferred: Large building setback and landscaped berm



Discouraged: Inadequate building setback and landscaping

The view of parking lots should be partially obscured or softened through landscaping, staggered landscaped berms, or preserved natural vegetation. Extensive area of mowed or manicured turf grass should be avoided.



Preferred: Landscaped berm reduces visibility of parked cars



Discouraged: Wide, trimmed grass strip

Existing woodlands should be preserved and enhanced. Trees should be planted in random clusters, rather than straight rows. Like species should be grouped only to maintain continuity. Formal landscaping should be limited to small areas. Landscape areas should incorporate a complementary mix of deciduous and evergreen species, while emphasizing deciduous species.



Preferred: Deciduous/Evergreen mix, with deciduous predominating

Landscaping should cluster varieties of species sizes (canopies interspersed with understories, bushes, and groundcover), emphasize hardy native species (limit predominance of non-native or ornamental species), minimize the use of formal hedges and incorporate groundcover and/or bushes into landscaping, while limiting the predominance of groundcover and/or bushes.



Discouraged: Predominance of bushes, particularly if only one species

Landscaping should maximize seasonal colors by including perennial flowers and opportunities for planning annual flowers that bloom in spring, summer, and fall.

Earthen berms should undulate naturally and have varying heights and setbacks. Berms should be landscaped with a variety of plant species, as otherwise required in these landscaping guidelines. Extensive areas of turf grass on berms should be avoided.

At intersections, provide soft massings of landscaping to complement signage and to provide a focal point, while not impairing visibility of buildings nor impairing traffic safety. Bike and pedestrian pathways should be integrated into landscaping to soften visibility, separate from vehicle traffic, and promote safety.

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

(12) *Development calculations*. It is the purpose of this provision to promote the improvement and expansion of I-94 in the county, increase the accessibility of I-94 to all residents of the county, reduce the public costs associated with the improvements, and reduce the congestion of the existing I-94 interchanges and associated roadways by allowing for increased building intensities at selected suitable locations in exchange for private assistance in providing the improvements. The projects may not be achievable in a timely fashion without the private sector participation.

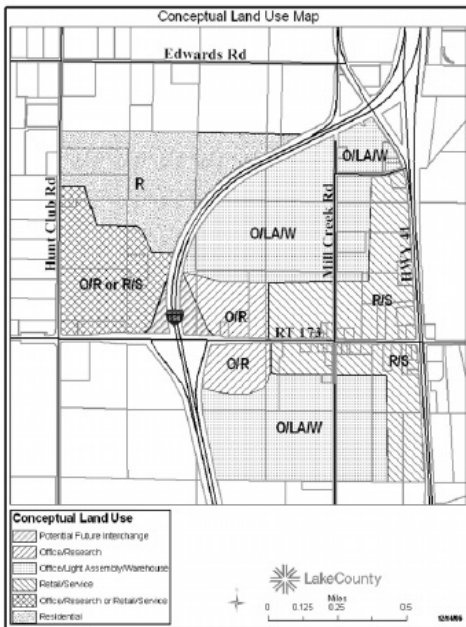
(a) *Eligibility*. Any land lying within GW, Gateway Zoning District containing area that is required for I-94 purposes by the Tollway Authority may use these provisions.

(b) *Standards*. For properties abutting I-94 or its ramps, or containing area required by the Tollway Authority for the installation of new ramps to I-94 or approaches thereto or for widening of I-94, these provisions permit the floor area ratio, impervious surface ratio, and density to be increased in accordance with the following:

1. The maximum floor area ratio, impervious surface ratio, and density specified in this section may be calculated on the entire site prior to the contribution of land to the Tollway Authority.

2. The yard setbacks required by this section shall be measured from the original property lines as they existed prior to the contribution, provided no yard shall be reduced to less than 30 feet.

(13) *Conceptual Land Use Map*. A Conceptual Land Use Map is included for the Gateway Economic Development Area. The map is intended for illustrative purposes. The most important feature of the map is the preservation of parcels immediately adjacent to the Route 173 and I-94 interchange for high-quality office/research development and the preservation of land along the Route 173 and U.S. 41 frontages for retail/services development. The interior portions of the planning area are designated for office/light assembly/warehouse uses. The residential use is restricted to the northwest quadrant, away from the interchange and major arterial streets. Property owners may submit planned unit development applications that vary from the Conceptual Land Use Map as long as they are consistent with the intent of the map and uses and development standards specified in subsection (B) of this section.



(14) Procedure for development.

(a) *Planned unit development.* Property owners seeking to zone property to the GW, Gateway Zoning District or to develop properties within the GW, Gateway Zoning District shall be required to use the planned unit development procedure as provided in § 151.051 of this chapter for developing properties. Any modifications to an approved planned unit development shall be subject to the planned unit development modification provisions of § 151.051(D). Any change of use to a use of an equal or lesser intensity within the same use category under the provisions of subsection (B) above shall be allowed, provided all the use and development standards are met.

(b) *Nonresidential development.* Nonresidential developments shall be subject to the provisions of §§ 151.070 through 151.072, site capacity, site plan review and natural resource protection standards. Any subdivision of land shall comply with the subdivisions provisions of §§ 151.185 through 151.204.

(c) *Residential development.* Residential developments shall be subject to the provisions of §§ 151.185 through 151.204, subdivisions and §§ 151.220 and 151.221, school and park contributions.

(d) *Application review; approval.* All applications for rezoning, planned unit development, subdivision, building, or other development permits relating to any parcel within the Route 173/I-94 Interchange area as well as the review of the applications, shall be in accordance with the applicable plans, codes, ordinances, and regulations developed in accordance with the Route 173/I-94 Interchange intergovernmental agreement.

(Ord., § 15.1, passed 10-13-2009)

APPENDIX A: PLANT MATERIALS LIST

Appendix A					
Botanical Name	Common Name	Woodland Replacement	Street Tree	Parking Lot	Transition Area
Appendix A					
Botanical Name	Common Name	Woodland Replacement	Street Tree	Parking Lot	Transition Area
CANOPY TREES					
Acer nigrum	Black Maple	Y	N	Y	Y
Acer pseudoplatanus	Sycamore Maple	Y	N	N	Y
Acer miyabei	Miyabe Maple	Y	Y	N	Y
Acer rubrum	Red Maple Varieties	Y	Y	Y	Y
Acer saccharum	Sugar Maple	Y	N	N	Y
Aesculus glabra	Ohio Buckeye	Y	N	N	Y
Aesculus hippocastanum	Horsechestnut	Y	N	N	Y
Carya species	Hickory	Y	N	N	Y
Celtis occidentalis	Hackberry	Y	Y	Y	Y
Cladrastis lutea	Yellowwood	Y	N	N	Y
Fagus grandifolia	American Beech	Y	N	N	Y
Fagus sylvatica	European Beech	Y	N	N	Y
Ginkgo biloba (male)	Ginkgo	N	Y	N	Y
Gymocladus dioicus	Kentucky Coffeetree	Y	N	N	Y

<i>Juglans cinerea</i>	Butternut	Y	N	N	Y
<i>Liquidambar styraciflua</i>	Sweetgum	Y	N	N	Y
<i>Liriodendron tulipifera</i>	Tuliptree	Y	N	Y	Y
<i>Metasequoia glyptostroboides</i>	Dawn Redwood	Y	N	N	Y
<i>Nyssa sylvatica</i>	Tupelo	Y	N	N	Y
<i>Platanus acerifolia</i>	Planetree	Y	Y	Y	Y
<i>Platanus occidentalis</i>	American Sycamore	Y	Y	Y	Y
<i>Pyrus calleryana</i>	Flowering Pear	N	Y	N	Y
<i>Quercus alba</i>	White Oak	Y	Y	Y	Y
<i>Quercus bicolor</i>	Swamp White Oak	Y	Y	Y	Y
<i>Quercus coccinea</i>	Scarlet Oak	Y	N	N	Y
<i>Quercus ellipsoidalis</i>	Hill's Oak	Y	N	N	Y
<i>Quercus imbricaria</i>	Shingle Oak	Y	N	Y	Y
<i>Quercus macrocarpa</i>	Bur Oak	Y	Y	Y	Y
<i>Quercus muehlenbergii</i>	Chinkapin Oak	Y	Y	Y	Y
<i>Quercus prinus</i>	Chestnut Oak	Y	Y	Y	Y
<i>Quercus robur</i>	English Oak	Y	Y	Y	Y
<i>Quercus rubra</i>	Red Oak	Y	Y	Y	Y
<i>Quercus velutina</i>	Black Oak	Y	Y	Y	Y
<i>Taxodium distichum</i>	Bald Cypress	Y	N	N	Y
<i>Tilia americana</i>	American Basswood	Y	Y	Y	Y
<i>Tilia cordata</i>	Little Leaf Linden	Y	Y	Y	Y
SHRUBS					
<i>Aronia</i>	Chokeberry	Y		Y	Y
<i>Betula pumila</i>	Dwarf Birch	Y		N	Y
<i>Cephalanthus occidentalis</i>	Buttonbush	Y		Y	Y
<i>Chaenolmeles speciosa</i>	Flowering Quince	N		N	Y
<i>Clethra alnifolia</i>	Summersweet	Y		Y	Y
<i>Cornus species</i>	Dogwood	Y		N	Y
<i>Corylus americana</i>	American Filbert	Y		Y	Y
<i>Corylus cornuta</i>	Beaked Hazelnut	Y		Y	Y
<i>Cotoneaster species</i>	Cotoneaster	Y		Y	Y
<i>Deutzia</i>	Deutzia	Y		Y	Y
<i>Forsythia</i>	Forsythia	N		Y	Y
<i>Euonymus species</i>	Euonymous	Y		Y	Y
<i>Hamamelis vernalis</i>	Vernal Witchhazel	Y		Y	Y
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea	Y		Y	Y
<i>Ilex opaca</i>	American Holly	Y		Y	Y
<i>Ilex verticillata</i>	Winterberry	Y		Y	Y
<i>Itea virginica</i>	Sweetspire	Y		Y	Y
<i>Juniperus species</i>	Juniper	Y		Y	Y
<i>Lindera benzoin</i>	Spicebush	Y		Y	Y
<i>Myrica pennsylvanica</i>	Northern Bayberry	Y		N	Y
<i>Physocarpus opulifolius</i>	Common Ninebark	Y		Y	Y
<i>Potentilla fruticosa</i>	Bush Cinquefoil	Y		Y	Y
<i>Rhus species</i>	Sumac	Y		Y	Y
<i>Ribes</i>	Current	Y		Y	Y
<i>Rosa species</i>	Rose varieties	Y		Y	Y
<i>Salix discolor</i>	Pussy Willow	Y		N	Y
<i>Sambucus canadensis</i>	Elderberry	Y		N	Y

Spirea species	Spirea	N		N	Y
Symphoricarpos albus	Snowberry	Y		Y	Y
Syringa species	Lilac	N		N	Y
Taxus species	Yew	N		N	Y
Thuja species	Arborvitae	N		N	Y
Viburnum species	Viburnum	Y		Y	Y
EVERGREEN TREES					
Abies concolor	Concolor Fir	Y	N	N	Y
Juniperus virginiana	Red Cedar	Y	N	N	Y
Picea abies	Norway Spruce	Y	N	Y	Y
Picea glauca	White Spruce	Y	N	Y	Y
Picea omorika	Serbian Spruce	Y	N	Y	Y
Picea pungens	Colorado Spruce	Y	N	Y	Y
Pinus nigra	Austrian Pine	Y	N	Y	Y
Pinus resinosa	Red Pine	Y	N	Y	Y
Pinus strobus	White Pine	Y	N	Y	Y
Pinus sylvestris	Scotch Pine	Y	N	Y	Y
Pseudotsuga menziesii	Douglas Fir	Y	N	N	Y
Tsuga canadensis	Canadian Hemlock	Y	N	N	Y
UNDERSTORY TREES					
Acer ginnala	Amur Maple	Y	N	Y	Y
Amelanchier species	Serviceberry	Y	N	Y	Y
Betula alleghaniensis	Yellow Birch	Y	N	Y	Y
Betula nigra	River Birch	Y	N	Y	Y
Alnus	Alder	Y	N	N	Y
Carpinus caroliniana	American Hornbeam	Y	N	Y	Y
Cercis canadensis	Eastern Redbud	Y	N	Y	Y
Crataegus species	Hawthorn	Y	N	Y	Y
Hamamelis virginiana	Common Witchhazel	Y	N	Y	Y
Larix decidua	Larch	Y	N	Y	Y
Malus	Crabapple	N	N	Y	Y
Magnolia species	Magnolia	Y	N	Y	Y
Ostrya virginiana	Hophornbeam	Y	N	Y	Y

Landscape Design and Construction Using Best Management Practices

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

A. Planning Guidelines:

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

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

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

1. Use the planning stage to combine design with resource management.
2. Amend poor soils for improved erosion control and growing conditions.
3. Choose plants that require minimal water and hardy growing conditions

4. Minimize turf areas to decrease mowing and fertilizing/herbicide requirements.
5. Apply efficient irrigation practices and monitor during the growing season.
6. Apply and maintain proper mulch.
7. Use porous paving materials for walkways, roads, and parking areas.
8. Follow a site specific maintenance plan.

B. Installation:

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

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

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

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

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

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

Select the Proper Plants. Plants are selected for a function or to visually enhance a site. Local climate, maintenance, availability, soil properties, available water, all should be considered in plant selection in addition to the plant characteristics.

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

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

C. Maintenance: Tree and Plant Care

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

Perennial Care

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

1. Prepare soil before planting by loosening it to 12 inches. If a heavy clay or sandy soil is present, add 2 to 3 inches of compost on the soil surface and then till in to a 12-inch depth.
2. Apply 1 to 2 inches of organic mulch between plants to reduce evaporation and control weeds and soil temperature.
3. Fertilizing perennials is generally not needed if proper soil preparation is done prior to planting. Fertilizer increases growth requiring additional water.
4. Choose plants to match the site conditions and consider plants with lower water needs.
5. Irrigation practices affect root depth. By watering less frequently and more thoroughly, deeper roots are produced, decreasing irrigation requirements.

Turf Management

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

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

8. Follow a maintenance schedule to prevent stress, disease, and turf injury.

Mulching

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

1. Reduce water loss through evaporation;
2. Reduce soil erosion and sediment transport;
3. Suppress weeds; and
4. Provide uniform soil temperature.

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

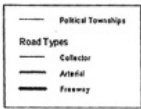
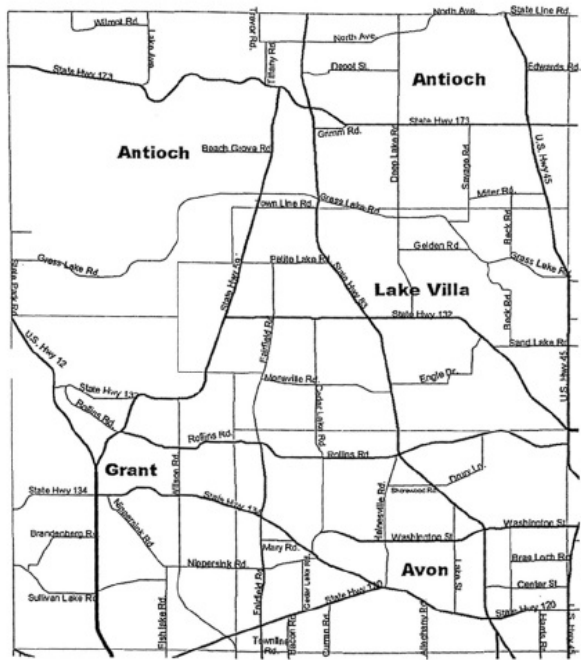
(Ord., Appendix A, passed 10-13-2009; Ord. 19-1378, passed 9-10-2019)

APPENDIX B: STREET CLASSIFICATION MAPS

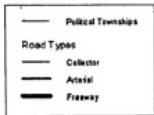
Major Roads: Northeast Quadrant



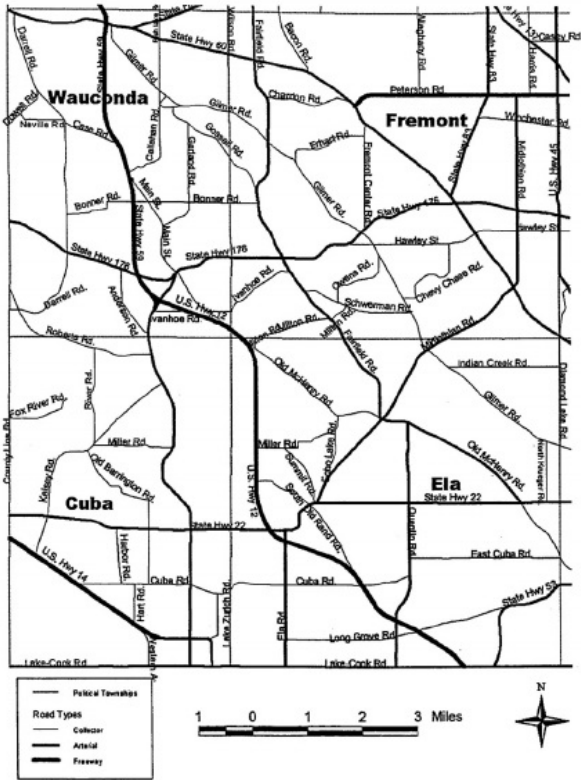
Major Roads: Northwest Quadrant



Major Roads: Southeast Quadrant



Major Roads: Southwest Quadrant



(Ord., Appendix B, passed 10-13-2009)

APPENDIX C: GENERAL NOTES

N. The review and approval of these Final Engineering Plans and specifications by the Lake County Division of Transportation and/or the _____ Township Highway Commissioner does not constitute a release from or grant of variation from the standards and specifications required in the Lake County, Illinois, Subdivision Ordinance, latest edition. The owner, the owner's designated representatives, and/or all successors and assigns shall be solely responsible for all work and improvements within the limits of the right-of-way. Unless otherwise specified, approved in writing by the Division of Transportation and the _____ Township Highway Commissioner, all work and materials necessary to construct roadway and drainage improvements within the limits of the right-of-way shall be in conformance with the Lake County, Illinois, Subdivision Ordinance and the latest editions of and revisions to the following Illinois Department of Transportation specification books and manuals.

- Standard Specifications for Road and Bridge Construction
- Supplemental Specifications and Recurring Special Provisions
- Standard Specifications for Traffic Control Items
- State of Illinois Manual on Uniform Traffic Control Devices for Streets and Highways
- Highway Standards

O. The construction, including materials use, shall be in accordance with the above references of the Illinois Department of Transportation specifications.

P. The Lake County Division of Transportation and/or the _____ Township Highway Commissioner shall not be held liable for any errors or omissions in these Final Engineering Plans or for any additional work which may be needed due to errors or omissions in these Final Engineering Plans.

Q. The owner, the owner's designated representatives, and/or all successors and assigns shall be solely responsible for any additional work, and all costs thereof, required because of errors or omissions in these Final Engineering Plans and for the correction of any construction, maintenance, or safety problems which become apparent during construction or by inspections made by the Resident Engineer or the Lake County Division of Transportation.

R. The Resident Engineer shall be responsible for establishing the proper lines and grades for all construction work including earthwork, paving, curbing, and drainage. The Resident Engineer shall also be responsible for all other engineering work including inspections and any testing required by the Lake County Division of Transportation. An inspector, as provided or approved by the Resident Engineer, shall be present during critical phases of the construction work.

(Ord., Appendix C, passed 10-13-2009)

APPENDIX D: SURFACE WATER DRAINAGE STATEMENT

Note: To view Appendix D forms in PDF, please click [FORMS](#)

STATE OF ILLINOIS)

)SS

COUNTY OF LAKE)

To the best of our knowledge and belief, the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof or that if such surface water drainage will change, reasonable provisions have been made for collection and discharge or surface waters into public or private area and/or drains which the developer has a right to use and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of substantive damage to the adjoining property because of the

construction of the subdivision.

Dated this _____ day of _____, 20____.

Owner or Attorney

(SEAL)

Engineer

(Ord., Appendix D, passed 10-13-2009)

APPENDIX E: CERTIFICATES AND APPROVALS

Note: To view Appendix E forms in PDF, please click [FORMS](#)

OWNER'S CERTIFICATE:

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

This is to certify that the undersigned is/are the sole owner(s) of the land described in the annexed plat herein, that no other person has any right, title, or interest in said land and that he/she/they has/have caused the same to be surveyed and subdivided as indicated thereon for the uses and purposes therein set forth, and does hereby acknowledge and adopt the same under the title thereon indicated.

Dated at _____, Illinois, this _____ day of _____, A.D. 20____.

Owners

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

I, _____, a Notary Public in and for said county, in the State aforesaid, do hereby certify that _____, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument as such owner(s), appeared before me this day in person and acknowledged that he/she/they signed and delivered the annexed plat as his/her/their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal, this _____ day of _____, A.D., 20__ at _____, Illinois.

(SEAL)

Notary Public

SURVEYOR'S CERTIFICATE:

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

This is to certify that I, _____, a Registered Illinois Land Surveyor, No. _____, have surveyed and subdivided the property as described and shown by the annexed plat, which is a correct representation of said survey and subdivision. All distances are shown in feet and decimals thereof. All lots meet the requirements of the Lake County Unified Development Ordinance in regard to lot area, width, and buildable area.

Further, I certify this subdivision is (is not) situated within five hundred (500) feet of a surface drain or water course serving a tributary area of 640 acres or more.

The above described tract is/is not located within the area designated as a flood hazard as shown in the flood insurance rate map Community Panel No. _____, dated _____ as published by the Federal Emergency Management Agency.

This is also to certify that the Village of _____ is within 1-1/2 miles of the proposed subdivision.

Given under my hand and seal at _____, Illinois, this _____ day of _____, A.D., 20____.

(SEAL)

Registered Illinois Land Surveyor

OWNER'S SCHOOL DISTRICT CERTIFICATE:

This is to certify that I _____ as owner of the property described as the _____ Subdivision and legally described on the plat of the same name, have determined to the best of my knowledge the school district in which each of the following lots lay.

Signature of Owner

LOT NUMBER(S)

SCHOOL DISTRICTS

ELEMENTARY HIGH SCHOOL UNIT DISTRICT

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

I, _____, a Notary Public in and for said county, in the State aforesaid, do hereby certify that _____, owner of the property commonly known as _____ Subdivision, appeared before me this day in person and acknowledged the execution of this statement as his free and voluntary act.

Given under my hand and notarial seal, this _____ day of _____ A.D., 20__ at _____, Illinois.

(SEAL)

LAKE COUNTY CLERK'S CERTIFICATE:

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

I, _____, County Clerk of Lake County, Illinois, do hereby certify that there are no delinquent general taxes and no redeemable tax sales against any of the land included in the annexed plat. I further certify that I have received all statutory fees in connection with the annexed plat.

Given under my hand and seal of the County Clerk at Waukegan, Illinois this _____ day of _____, A.D. 20__.

(SEAL)

County Clerk

CERTIFICATE OF THE COUNTY ENGINEER:

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

I, _____, County Engineer of said County, do hereby certify that the annexed plat has been examined by me and found to comply with the highway requirements as set forth in the regulations governing plats of subdivided lands adopted by the County Board of Lake County, Illinois.

Dated this _____ day of _____, A.D. 20__ at _____.

County Engineer

CERTIFICATE OF HIGHWAY ACCESS AUTHORITY:

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

This plat is hereby approved this _____ day of _____, A.D. 20__ by the County Engineer of Lake County pursuant to Chapter 765, Act 205, Section 2 of the Illinois Compiled Statutes, as amended, as to roadway access to County Highway _____ also known as _____. Direct access either to or from County Highway _____ shall be restricted as shown on this plat and shall be subject to the Lake County Highway Access Regulation Ordinance which requires, in part, that application be made and an access permit be obtained from the County Engineer of Lake County prior to any access installation.

County Engineer

PLANNING BUILDING AND ZONING COMMITTEE CERTIFICATE:

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

Approved this _____ day of _____ A.D. 20__.

Lake County Plat Committee

Chair

CERTIFICATE OF TOWNSHIP HIGHWAY COMMISSIONER:

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

I, _____, Highway Commissioner of the Town of _____, do hereby certify

that all matters pertaining to the highway requirements, as prescribed in the regulations governing plats adopted by the County Board of Lake County, have been complied with.

Dated this _____ day of _____, A.D. 20__.

Highway Commissioner

CERTIFICATE OF THE REGIONAL SUPERINTENDENT OF SCHOOLS:

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

I, _____, Regional Superintendent of Schools, Lake County, Illinois, do hereby certify that all agreements and requirements required by § 151.220 of the Unified Development Ordinance of Lake County, Illinois have been reached and met by the developer. I have on file the terms of all such agreements or conditions by which the requirements of § 151.220 have been met. Agreements to contribute cash are attached and recorded together with the subject plat as document number _____.

Dated this _____ day of _____, A.D. 20__.

Regional Superintendent of Schools

CERTIFICATE OF THE HEALTH OFFICER:

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

I, _____, Health Officer of said County, do hereby certify that the plat has been examined

by me and found to comply with Lake County Board of Health Individual Sewage Disposal System Ordinance of the County of Lake, as set forth in the regulations governing plats of subdivided land adopted by the County Board of Lake County, Illinois.

Dated this _____ day of _____, 20__.

Health Officer of Lake County

CERTIFICATE OF MUNICIPALITY:

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

I, _____ Clerk of the (City) (Village) of _____, do hereby certify that the annexed plat was duly approved by the (City) (Village) of _____ on the _____ day of

_____, 20__.

Dated this _____ day of _____, A.D. 20__.

Clerk

PLAT SUBMITTED BY CERTIFICATE:

The person listed in the following note is hereby granted permission to record this plat on behalf of

_____, Professional Land Surveyor.

Signed: _____

This plat submitted for recording by:

Name: _____

Business: _____

Address: _____

City: _____

State/Zip: _____

Date: _____

(Ord., Appendix E, passed 10-13-2009)

APPENDIX F: ASSIGNMENT OF SPECIFIC USE TYPES TO USE CATEGORIES

The following table assigns specific use types to their respective use category.

Appendix F	
<i>Use Type</i>	<i>Use Category</i>
Appendix F	
<i>Use Type</i>	<i>Use Category</i>
RESIDENTIAL USES	
Accessory Dwelling Unit	Accessory Use (see § 151.113)
Assisted Living	Group Living
Atrium House	Household Living
Attached Dwelling (attached to nonresidential use)	Household Living
Convent or Monastery	Group Living
Caretaker's Dwelling Unit	Accessory Use (see § 151.113)
Dormitories	Group Living
Duplex	Household Living
Fraternities and Sororities	Group Living
Group Homes for the Physically Disabled, Mentally Retarded, or Emotionally Disturbed	Group Living
House, Detached	Household Living
Lot Line House	Household Living
Mobile Home Park	Household Living
Monasteries and Convents	Group Living
Multi-Dwelling Structure	Household Living
Multiplex	Household Living
Nursing and Convalescent Homes	Group Living
Patio House	Household Living
Residential Programs for Drug and Alcohol Treatment	Group Living
Townhouse	Household Living
Twinhouse	Household Living
Village House	Household Living
NONRESIDENTIAL USES	
Adult Day Care Programs (For More than 8 Individuals)	Day Care
Adult Use	Retail Sales and Service, Recreational-Oriented
Advertising Agency	Office
Advertising Display Construction/Sign Shop	Manufacturing and Production
Agricultural Implement Sales, Service	Industrial Service, Commercial Service-Oriented
Agricultural Supplier's Storage and Service Center	Agriculture
Agriculture Uses	Agriculture
Airports	Aviation and Surface Transportation
Alignment Shop	Vehicle Repair
Amphitheater	Entertainment Event, Major
Amusement Parks	Recreation and Entertainment, Outdoor
Animal (farm animal) Breeding or Raising	Agriculture
Animal Grooming	Retail Sales and Service, Neighborhood-Oriented
Antique Sales	Retail Sales and Service, Neighborhood-Oriented
Apiary	Agriculture
Appliance Repair	Retail Sales and Service, General
Appliance Sales	Retail Sales and Service, General
Arcades, Amusement	Retail Sales and Service, Recreational-Oriented
Archery Range (Indoor)	Retail Sales and Service, Recreational-Oriented
Archery Range (Outdoor)	Recreation and Entertainment, Outdoor
Art Gallery, Commercial	Retail Sales and Service, Neighborhood-Oriented
Art Supply Stores	Retail Sales and Service, Neighborhood-Oriented
Asphalt, Concrete or Redi-Mix Plant	Manufacturing and Production
Auction House	Wholesale Sales
Auditoriums	Entertainment Event, Major
Auto and Truck Salvage and Wrecking	Industrial Service, Commercial Service-Oriented
Auto Body Shop	Vehicle Repair
Auto Detailing and Tire Sales and Mounting	Vehicle Repair
Auto Repair	Vehicle Repair
Auto Sales	Retail Sales and Service

Auto Upholstery Shop	Vehicle Repair
Bait Shop	Retail Sales and Service, Recreational-Oriented
Bakery	Manufacturing and Production
Bank, Branch or Drive-In	Retail Sale and Service, Neighborhood-Oriented
Banks (Headquarters)	Office
Barber Shop	Retail Sale and Service, Neighborhood-Oriented
Bars	Retail Sales and Service, Recreational-Oriented
Beauty Shop	Retail Sale and Service, Neighborhood-Oriented
Bicycle Shops	Retail Sales and Service, Neighborhood-Oriented
Billiard Parlor	Retail Sales and Service, Recreational-Oriented
Blood-collection Facilities	Office
BMX (Bicycle) tracks	Recreation and Entertainment, Outdoor
Boarding Schools and Military Academies	Schools
Boat Sales	Retail Sales and Service
Boat Construction	Manufacturing and Production
Book Stores	Retail Sales and Service, Neighborhood-Oriented
Botanical Gardens	Parks and Open Space
Bowling Alleys	Retail Sales and Service, Recreational-Oriented
Building, Heating, Plumbing or Electrical Contractors	Industrial Service, Commercial Service-Oriented
Bulk Materials Storage	Warehousing and Freight Movement
Bus Barns	Warehousing and Freight Movement
Bus Parking	Industrial Service
Bus Passenger Terminals	Aviation and Surface Transportation
Bus Terminal	Aviation and Surface Transportation
Business Machine Sales, Service	Retail Sales and Service, General
Business, Martial Arts and Other Trade Schools	School, Private
Cabin or Cottage	Household Living
Camera Shop	Retail Sales and Service, Neighborhood-Oriented
Camp	Parks and Open Space
Car Washes	Vehicle Service, Limited
Carpet and Rug Cleaning Plant	Industrial Service, Commercial Service-Oriented
Catering Service	Retail Sales and Service, General
Cemetery, Mausoleum	Parks and Open Space
Casino/Commercial Watercraft	Retail Sales and Service
Child Care Center (For More than 7 Individuals)	Day Care
Churches	Religious Institutions
Cigar, Cigarette, Tobacco Store	Retail Sales and Service, Neighborhood-Oriented
Clothes Pressing and Repair Shop/Tailor	Retail Sales and Service, Neighborhood-Oriented
Clothing Store	Retail Sales and Service, Neighborhood-Oriented
Club, Private	Retail Sales and Service, Recreational-Oriented
Coin-Operated Arcade	Retail Sales and Service, Recreational-Oriented
Cold Storage Plants, Including Frozen Food Lockers	Warehousing and Freight Movement
Coliseums	Entertainment Event, Major
Commercial Watercraft/Casino	Retail Sales and Service, Entertainment-Oriented
Community Colleges	Colleges
Concrete Batching and Asphalt Mixing	Manufacturing and Production
Consumer Vehicle Sales	Retail Sales and Service
Contractor's Equipment Sales or Storage	Industrial Service
Cottage or Cabin	Household Living
Crematorium	Retail Sales and Service
Currency Exchange	Retail Sales and Service, Neighborhood-Oriented
Construction, Boat	Manufacturing and Production
Dairy Farms	Agriculture
Dairy Products Sales	Retail Sales and Service, Neighborhood-Oriented
Dance Halls	Retail Sales and Service, Recreational-Oriented
Dance or Music Classes	School, Private
Data Processing	Office
Day Care Facility (7+ children or adults)	Day Care
Department Store	Retail Sales and Service, General
Drive-in Theater	Retail Sales and Service

Drug Store	Retail Sales and Service, Neighborhood-Oriented
Dry Cleaning and Dyeing Plant	Industrial Service, Commercial Service-Oriented
Dry Cleaning Pickup (with on-premises cleaning)	Retail Sales and Service, Neighborhood-Oriented
Electric Motor Repair	Industrial Service, Commercial Service-Oriented
Electrical Substations	Utility, Major
Electrical Switching Facilities and Primary Substations	Utility, Major
Electronic Equipment Stores	Retail Sales and Service, Neighborhood-Oriented
Electronics/Computer Sales, Service	Retail Sales and Service, Neighborhood-Oriented
Emergency Medical Care	Hospital
Energy Recovery Plants	Waste-Related Use
Exhibition Centers	Entertainment Event, Major
Exterminators	Industrial Service
Fabric Stores	Retail Sales and Service, Sales-Oriented
Fairgrounds	Entertainment Event, Major
Family Child Care	Day Care
Farming, Truck Gardening, Forestry, Tree Farming	Agriculture
Farrier	Retail Sales and Service, General
Feed and Grain Sales	Industrial Service
Financial Services (Brokerage, Mortgage, Loans)	Office
Firewood Sales	Retail Sales and Service, General
Fish Market	Retail Sales and Service, General
Floor Covering Sales	Retail Sales and Service, General
Florist Sales	Retail Sales and Service, Neighborhood-Oriented
Food and Related Products Processing	Manufacturing and Production
Food Processing and Packing	Manufacturing and Production
Forestry	Agriculture
Freight Terminal, Motor/Rail	Warehousing and Freight Movement
Fruit and Vegetable Market, Retail	Retail Sales and Service, Neighborhood-Oriented
Fuel Oil, Coal Sales	Industrial Service, Commercial Service-Oriented
Fuel Oil Distributors	Industrial Service, Commercial Service-Oriented
Funeral Home, Mortuary	Retail Sales and Service, General
Furnace and Water Heater Sales, Display	Retail Sales and Service, General
Furniture Repair, Cleaning or Refinishing	Retail Sales and Service
Furniture Stores	Retail Sales and Service, General
Garden Center	Retail Sales and Service
Garden Supply Stores	Retail Sales and Service
Gas, Butane and Propane Sales	Industrial Service, Commercial Service-Oriented
Generating Plants	Utility, Major
Gift Shop	Retail Sales and Service, Neighborhood-Oriented
Go-Cart Track	Recreation and Entertainment, Outdoor
Golf Course	Parks and Open Space
Golf Driving Range	Recreation and Entertainment, Outdoor
Golf, Miniature	Recreation and Entertainment, Outdoor
Government Use	Community Service
Grain Elevators	Warehousing and Freight Movement
Greenhouse/Nursery, Non-Retail	Agriculture
Greenhouse/Nursery, Retail	Retail Sales and Service
Grocery Store or Supermarket	Retail Sales and Service, Neighborhood-Oriented
Group Child Care (For More than 7 Individuals)	Day Care
Hair, Tanning, and Personal Care Services	Retail Sales and Service, Neighborhood-Oriented
Hardware Stores	Retail Sales and Service, Neighborhood-Oriented
Hazardous-waste Collection Sites	Waste-Related Use
Health Clubs	Retail Sales and Service, Recreational-Oriented
Health Food Store	Retail Sales and Service, Neighborhood-Oriented
Hearing Aid Sales	Retail Sales and Service, Neighborhood-Oriented
Heavy Machinery Sales	Industrial Service, General
Helicopter Landing Facilities	Aviation and Surface Transportation
Hobby Shop	Retail Sales and Service, Neighborhood-Oriented

Home Improvement Stores	Retail Sales and Service, General
Hospital/Trauma Center	Hospital
Hotels and Motels	Retail Sales and Service, General
Household Product Stores	Retail Sales and Service, General
Ice Cream Shop	Retail Sales and Service, Neighborhood-Oriented
Janitorial and Building Maintenance Services	Industrial Service, Commercial Service-Oriented
Jewelry Stores	Retail Sales and Service, Neighborhood-Oriented
Junk Yard	Industrial Service
Kennels, Animal Boarding/Obedience School	Retail Sales and Service
Landscape Contractor's Storage Yard	Industrial Service
Landscape Waste Composting	Waste-Related Use
Laundromats	Retail Sales and Service, Neighborhood-Oriented
Laundry Drop-off	Retail Sales and Service, Neighborhood-Oriented
Dry-cleaning and Carpet Cleaning Plants	Industrial Service, Commercial Service-Oriented
Leather Goods Sales	Retail Sales and Service, Neighborhood-Oriented
Liberal Arts Colleges	Colleges
Libraries	Community Service
Liquor Store	Retail Sales and Service, Neighborhood-Oriented
Locksmith	Retail Sales and Service, Neighborhood-Oriented
Lodges	Retail Sales and Service, Recreational-Oriented
Lumber and Building Material Sales	Retail Sales and Service
Lumber Mills	Manufacturing and Production
Machine Shops	Industrial Service, General
Machinery Storage Yard	Warehousing and Freight Movement
Magazine and News Stand	Retail Sales and Service, Neighborhood-Oriented
Mail Order Houses	Wholesale Sales
Manufacture or Assembly of Machinery, Equipment, Instruments, Including Musical Instruments, Vehicles, Appliances, Precision Items and Other Electrical Items	Manufacturing and Production
Manufacture or Production of Artwork and Toys	Manufacturing and Production
Manufacture or Production of Chemical, Rubber, Leather, Clay, Bone, Plastic, Stone, or Glass Materials or Products	Manufacturing and Production
Manufacture, Production or Fabrication of Metals or Metal Products Including Enameling and Galvanizing	Manufacturing and Production
Manufactured Housing Unit Production and Fabrication	Manufacturing and Production
Marina	Recreation and Entertainment, Outdoor
Meat Market	Retail Sales and Service, General
Medical and Dental Clinics (Including Minor Emergency Centers)	Office
Medical Centers	Hospital
Medical Schools Not Accessory to Hospitals	Colleges
Metal and Building Materials Sales	Industrial Service, Commercial Service-Oriented
Mini-warehouses	Self-Service Storage
Miniature Golf Course	Recreation and Entertainment, Outdoor
Mining and Resource Extraction	Mining
Mobile Home Sales	Industrial Service, Commercial Service-Oriented
Model Airplane Club	Recreation and Entertainment, Outdoor
Monument Works	Manufacturing and Production
Mortuaries	Retail Sales and Service, General
Moto-Cross (Motorcycle) tracks	Recreation and Entertainment, Outdoor
Motorcycle Sales	Retail Sales and Service
Movie Production Facilities	Manufacturing and Production
Moving Companies and General Freight Storage	Warehousing and Freight Movement
Museum	Community Service
Music, Musical Instrument, and Records, Sales and Service	Retail Sales and Service, Neighborhood-Oriented
Nature Preserves	Parks and Open Space
Neighborhood or Community Centers	Community Service
Nightclubs	Retail Sales and Service, Recreational-Oriented
Nursery Schools (For More than 8 Individuals)	Day Care

Office Equipment and Supplies	Retail Sales and Service, Neighborhood-Oriented
Offices, Business, Professional or Sales	Office
Offices for Non-retail Nurseries	Office
Oil, Gas, or Geothermal Drilling	Mining
Ornamental Iron Work Shop	Manufacturing and Production
Paint and Wallpaper Sales	Retail Sales and Service, Neighborhood-Oriented
Parcel Services	Warehousing and Freight Movement
Park/Playground, Commercial	Recreation and Entertainment, Outdoor
Park/Playground, Non-commercial	Parks and Open Space
Park and Ride Facilities	Parking, Commercial
Parking Facilities and Parking Lots	Parking, Commercial
Parking Garage	Parking Commercial
Parks	Parks and Open Space
Pawn Shop	Retail Sales and Service, General
Personnel Training Centers	Colleges
Pet Cemetery	Parks and Open Space
Pet Food Stores	Retail Sales and Service, Neighborhood-Oriented
Pet Shop	Retail Sales and Service, Neighborhood-Oriented
Petroleum or Chemical Refining/Production	Industrial Service
Pharmacies	Retail Sales and Service, Neighborhood-Oriented
Photocopy and Blueprint Services	Retail Sales and Service, Neighborhood-Oriented
Photography Studios	Retail Sales and Service, Neighborhood-Oriented
Picture Frame Sales and Service	Retail Sales and Service, Neighborhood-Oriented
Plant Nurseries (Wholesale)	Agriculture
Plant Sales (Retail)	Retail Sales and Service, General
Playgrounds	Parks and Open Space
Plazas	Parks and Open Space
Plumbing Supplies and Fixture Sales/Service, Retail	Retail Sales and Service, General
Pool Halls	Retail Sales and Service, Recreational-Oriented
Post Office (Main)	Warehousing and Freight Movement
Post Offices, Main	Warehousing and Freight Movement
Preschools (For More than 8 Individuals)	Day Care
Printing, Publishing, and Lithography	Manufacturing and Production
Public Facilities of Agencies That Are under Public Franchise or Ownership to Provide the General Public with Electricity, Gas, Heat, Steam, Water, Sewage Collection, or Other Similar Service	Utility, Major
Public Open Land, Park, or Nature Preserve	Parks and Open Space
Pulp and Paper Mills and Other Wood Products Manufacturing	Manufacturing and Production
Quarrying or Dredging for Sand, Gravel or Other Aggregate Materials	Mining
Quick Lubrication Services	Vehicle Service, Limited
Racetrack, Animal	Recreation and Entertainment, Outdoor
Racetrack, Motor Vehicle	Recreation and Entertainment, Outdoor
Radio Station/Studio	Office
Railroad Passenger Stations	Aviation and Surface Transportation
Recreational Trails	Parks and Open Space
Recreational Uses (Indoor)	Retail Sales and Service, Recreational-Oriented
Recreational Uses (Outdoor)	Recreation and Entertainment, Outdoor
Recreational Vehicle Parks (30-day Maximum Stay)	Retail Sales and Service
Recreational Vehicle Sales	Retail Sales and Service
Recreational Vehicle Service	Vehicle Repair
Recreational Vehicle Storage	Warehousing and Freight Movement
Recycling Center	Waste-Related Use
Religious Institution	Religious Institution
Rendering or Tanning Plants	Industrial Service
Repair of Scientific or Professional Instruments	Industrial Service, Commercial Service-Oriented
Research Laboratory, including but not limited to Pure Research, Product Development, Pilot Plants, and Research Manufacturing Facilities	Manufacturing and Production
Resort	Retail Sales and Service, Recreational-Oriented

Restaurants	Retail Sales and Service
Riding Academies	Agriculture
Sand, Gravel, or Other Aggregate Materials Stockpiling	Warehousing and Freight Movement
Sanitary Landfills	Waste-Related Use
School, Business	Private Schools
School, Industrial	Private Schools
School, Public	Schools
Seminaries	Colleges
Seminary	Colleges
Senior Centers	Community Service
Service Station (Full-service, Mini-service and Self-service)	Vehicle Service, Limited
Sewage Disposal (Individual) Systems Sales, Service	Industrial Service, General
Shoe Repair	Retail Sales and Service, Neighborhood-Oriented
Shooting Range (Indoor)	Retail Sales and Service, Recreational-Oriented
Shooting Range (Outdoor)	Recreation and Entertainment, Outdoor
Shopping Centers	Retail Sales and Service, General
Sign Making	Manufacturing and Production
Skating Rinks (Indoor)	Retail Sales and Service, Recreational-Oriented
Skating Rinks (Outdoor)	Recreation and Entertainment, Outdoor
Ski or Toboggan Club, Polo Club	Recreation and Entertainment, Outdoor
Slaughterhouse, Meat Packing	Manufacturing and Production
Sporting Goods Sales	Retail Sales and Service, Neighborhood-Oriented
Sports Arena	Entertainment Event, Major
Stable, Private	Accessory Use (see § 151.113)
Stables, Public (Commercial)	Agriculture
Stadiums	Entertainment Event, Major
Stationary and Video Stores	Retail Sales and Service, Neighborhood-Oriented
Swimming Pool, Commercial	Recreation and Entertainment, Outdoor
Synagogues and Mosques	Religious Institutions
Tailor	Retail Sales and Service, Neighborhood-Oriented
Taverns	Retail Sales and Service, Recreational-Oriented
Taxidermists	Retail Sales and Service, General
Telecommunications Facilities	Telecommunications Facilities
Television Repair	Retail Sales and Service, General
Television Station/Studio	Office
Temples	Religious Institutions
Theater, Indoor	Retail Sales and Service, Recreational-Oriented
Theater, Outdoor	Recreation and Entertainment, Outdoor
Theme Parks	Recreation and Entertainment, Outdoor
Tire Retreading or Recapping	Industrial Service
Tool Repair	Industrial Service, Commercial Service-Oriented
Towing Service and Vehicle Storage	Industrial Service, Commercial Service-Oriented
Toy Store	Retail Sales and Service, Neighborhood-Oriented
Transmission or Muffler Shop	Vehicle Repair
Travel Agency	Office
Truck (Heavy) Servicing and Repair	Industrial Service, Commercial Service-Oriented
Truck (Light and Medium) Sales	Retail Sales and Service
Truck, or Air Freight Terminals	Warehousing and Freight Movement
Truck Stops	Industrial Service, Commercial Service-Oriented
Truck/Trailer Parking	Industrial Service
Truck/Trailer Sales, Terminal, Repair, Rental	Industrial Service, Commercial Service-Oriented
TV and Radio Studios	Office
Union Hall	Retail Sales and Service, General
Universities	Colleges
Upholsterer	Retail Sales and Service, General
Utility Service Yard or Garage	Warehousing and Freight Movement
Veterinary Clinic	Retail Sales and Service
Warehouse	Warehousing and Freight Movement
Warehouses (Separate from Retail Business) Used by Retail Stores such as Furniture and Appliance Stores	Warehousing and Freight Movement
Waste Composting	Waste-Related Use
Watch, Clock, Sales and Repair Shop	Retail Sales and Service, Neighborhood-Oriented

Water and Wastewater Treatment Plants	Utility, Major
Water Softening Equipment Sales, Service	Retail Sales and Service, General
Water Tanks	Utility, Major
Weaving or Production of Textiles or Apparel	Manufacturing and Production
Welding Shops	Industrial Service, General
Well Drilling Service	Industrial Service, Commercial Service-Oriented
Wholesale Distribution Centers	Warehousing and Freight Movement
Wholesalers of Food, Clothing, Auto Parts, Building Hardware	Wholesale Sales
Woodworking, Including Cabinet Makers	Manufacturing and Production
Youth Club Facilities	Community Service
Zoos	Recreation and Entertainment, Outdoor

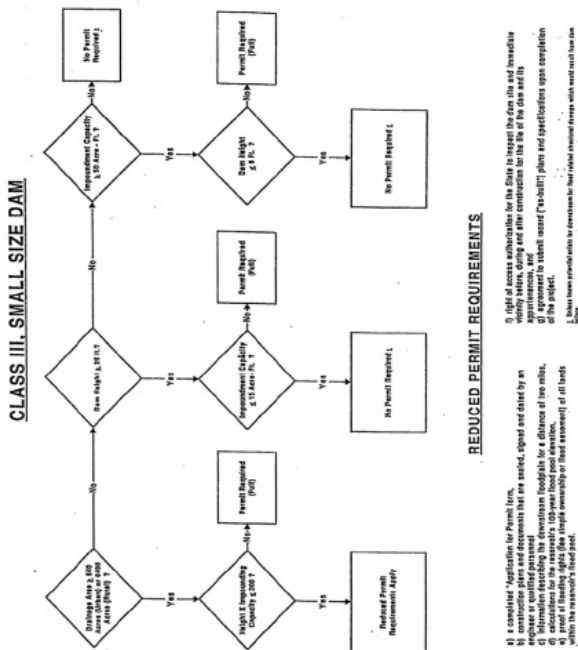
(Ord., Appendix F, passed 10-13-2009)

APPENDIX G: PARTIAL LIST OF AGENCIES FROM WHICH PERMITS MAY BE REQUIRED

- (A) Municipal/County Building Department;
- (B) Illinois Department of Natural Resources;
- (C) Illinois Department of Transportation, Division of Highways, District 1;
- (D) Illinois Environmental Protection Agency;
- (E) Illinois Department of Conservation;
- (F) Illinois Historic Preservation Agency;
- (G) Lake County Soil and Water Conservation Districts;
- (H) Lake County Health Department;
- (I) Lake County Division of Transportation;
- (J) U.S. Army Corps of Engineers;
- (K) United States Fish and Wildlife Service; and
- (L) Fox Waterway Agency.

(Ord., Appendix G, passed 10-13-2009)

APPENDIX H: IDOT/DNR DAM SAFETY PERMITTING GUIDELINES



(Ord., Appendix H, passed 10-13-2009)

APPENDIX I: PUBLIC BODIES OF WATER IN LAKE COUNTY

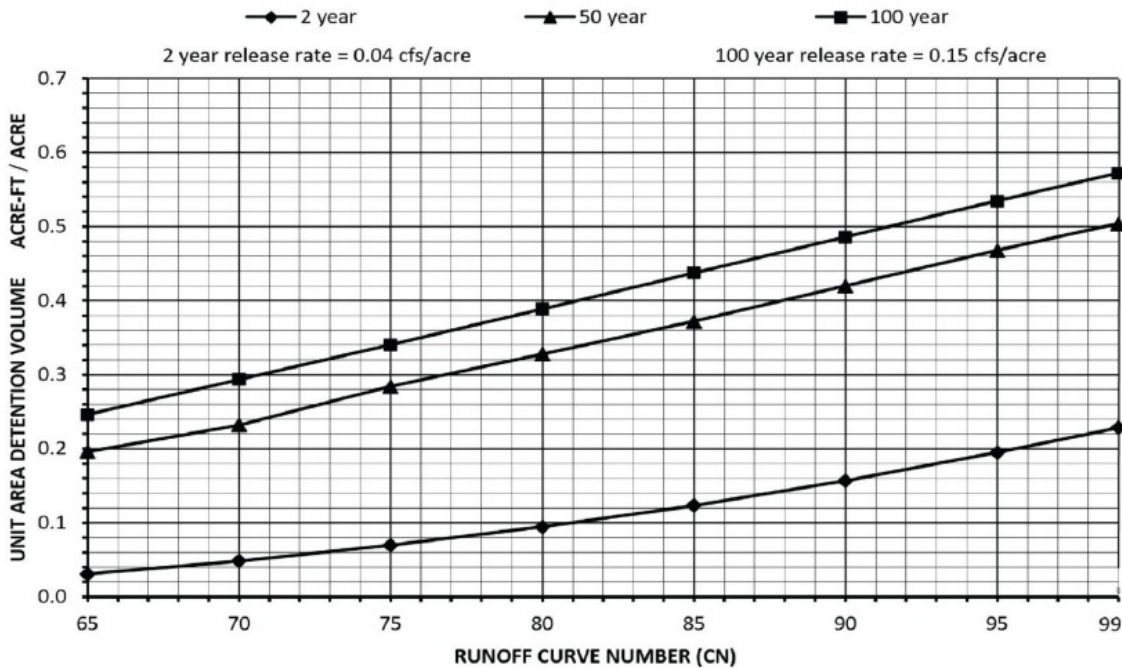
The following public bodies of water are navigable in their natural condition or are improved for navigation and open to public use. The entire length and surface area in Illinois, including all backwater lakes and sloughs open to the main channel or body of water at normal flows or stages, are open to the public:

- 1) Lake Michigan;
- 2) Fox River (Illinois River Basin);
- 3) Fox Chain-O-Lakes (Lake and McHenry Counties): Bluff Lake, Lake Catherine, Channel Lake, Fox Lake, Grass Lake, Lake Marie, Nippersink Lake, Dunns Lake, Pistakee Lake, Lake Jerilyn, Lac Louette, and Redhead Lake; and

4) The following public bodies of water are navigable waters that are dedicated to public use. This list is incomplete. It is believed there are numerous channels and slips in subdivisions on the margins of public bodies of water that have been dedicated by plat. Additional channels and slips have been dedicated by common law: Petite Lake and Spring Lake and connecting channels between Bluff Lake and Fox Lake in Lake County.

(Ord., Appendix I, passed 10-13-2009)

APPENDIX J: DETENTION VOLUMES VS. CURVE NUMBER



(Ord., Appendix J, passed 10-13-2009; Ord. 22-1060, passed 8-9-2022)

APPENDIX K: RAINFALL TABLES

Rainfall Depth-Duration Frequency Tables for Lake County

Rainfall is in inches

Storm Duration	2- month	3- month	4- month	6- month	9- month	1- year	2- year	5- year	10- year	25- year	50- year	100- year	500- year
5 minutes	0.19	0.22	0.24	0.27	0.31	0.33	0.40	0.52	0.62	0.77	0.90	1.03	1.35
10 minutes	0.35	0.40	0.43	0.49	0.56	0.61	0.73	0.95	1.13	1.42	1.65	1.89	2.47
15 minutes	0.42	0.49	0.53	0.61	0.69	0.75	0.90	1.16	1.39	1.74	2.03	2.32	3.04
30 minutes	0.58	0.66	0.73	0.83	0.94	1.03	1.24	1.59	1.91	2.39	2.78	3.17	4.16
1 hour	0.74	0.84	0.93	1.05	1.20	1.30	1.57	2.02	2.42	3.03	3.53	4.03	5.28
2 hours	0.91	1.04	1.14	1.30	1.48	1.61	1.94	2.49	2.99	3.74	4.35	4.97	6.52
3 hours	1.00	1.15	1.26	1.44	1.63	1.77	2.14	2.75	3.30	4.13	4.80	5.49	7.20
6 hours	1.18	1.35	1.48	1.68	1.91	2.08	2.51	3.23	3.86	4.84	5.63	6.43	8.43
12 hours	1.37	1.56	1.71	1.95	2.21	2.41	2.91	3.74	4.48	5.61	6.53	7.46	9.78
18 hours	1.48	1.69	1.85	2.11	2.39	2.61	3.14	4.04	4.84	6.06	7.05	8.06	10.57
24 hours	1.57	1.80	1.97	2.24	2.55	2.77	3.34	4.30	5.15	6.45	7.50	8.57	11.24
48 hours	1.72	1.97	2.16	2.46	2.79	3.04	3.66	4.71	5.62	6.99	8.13	9.28	12.10
72 hours	1.87	2.14	2.34	2.67	3.03	3.30	3.97	5.08	6.05	7.49	8.64	9.85	12.81
120 hours	2.08	2.38	2.61	2.97	3.37	3.67	4.42	5.63	6.68	8.16	9.39	10.66	13.81
240 hours	2.63	3.01	3.30	3.76	4.27	4.65	5.60	7.09	8.25	9.90	11.26	12.65	16.00

References: ISWS Bulletin 75 Precipitation Frequency Study for Illinois

James R. Angel and Momcilo Markus

Illinois State Water Survey, March 2020

*Multiplication Factor - Average ratios of X-hour/24-hour rainfall for Illinois, 1989 Bulletin 70

**6 County - A multiplicative factor is not available for these storm events. Therefore, the 6-county Bulletin 70 data is used for regulatory studies.

HUFF RAINFALL DISTRIBUTIONS

The Huff quartiles represent the typical rainfall distribution for four different storm duration ranges. The First quartile applies to storms less than or equal to six hours long. Second is for storms greater than six hours and less than or equal to 12, while the third Huff quartile is for storms greater than 12 hours and less than or equal to 24 hours. Fourth quartile storms apply to storm durations greater than 24 hours.

Portion of the Storm	First Quartile	Second Quartile	Third Quartile	Fourth Quartile		First Quartile	Second Quartile	Third Quartile	Fourth Quartile		First Quartile	Second Quartile	Third Quartile	Fourth Quartile
0/24	0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00
1/24	8.36	2.29	2.05	2.31		6.41	1.48	1.33	1.48		4.59	0.88	0.72	0.90
2/24	17.73	4.82	4.31	4.79		15.69	3.57	3.02	3.34		13.49	2.38	1.85	2.29
3/24	28.11	7.78	6.67	7.12		27.45	6.39	5.13	5.72		25.94	4.93	3.47	4.36
4/24	38.33	11.33	9.12	9.78		38.91	10.02	7.53	8.56		39.17	8.52	5.57	7.10
5/24	47.45	15.79	11.71	12.53		49.34	14.71	10.01	11.69		51.04	13.19	8.28	9.93
6/24	55.50	21.39	14.36	15.23		58.55	20.89	12.65	14.19		60.79	19.59	10.96	12.84
7/24	62.25	28.41	16.91	17.91		65.88	28.91	15.24	17.19		69.26	27.46	13.79	15.46
8/24	67.22	36.44	19.64	20.33		71.10	37.55	18.17	19.69		74.80	37.17	16.35	17.83
9/24	70.82	45.29	22.78	22.83		74.92	46.86	21.46	22.27		78.74	47.77	19.66	20.12
10/24	74.17	54.35	26.33	25.41		78.30	56.25	25.36	24.81		82.20	58.18	23.46	23.12
11/24	76.97	62.38	30.93	28.35		81.16	64.84	29.90	27.46		85.13	67.64	28.07	25.76
12/24	79.81	69.76	36.35	31.25		83.75	72.90	35.60	30.33		87.38	75.86	34.06	28.26
13/24	82.55	75.48	43.92	33.90		86.20	79.07	43.42	32.42		89.58	82.04	42.30	30.99
14/24	85.18	80.38	52.11	36.33		88.64	83.97	52.18	34.28		91.45	86.92	52.02	33.68
15/24	87.40	84.70	61.02	38.61		90.81	87.58	61.88	36.89		93.35	90.33	62.76	36.12
16/24	89.47	87.81	69.89	41.24		92.58	90.67	71.81	39.73		94.80	93.09	72.80	39.07
17/24	91.17	90.22	78.19	45.08		93.99	92.76	80.43	43.85		95.99	94.82	82.27	42.93
18/24	92.70	92.17	84.92	51.29		95.19	94.59	87.25	49.87		96.94	96.25	89.19	48.98
19/24	94.03	93.81	89.74	59.31		96.35	95.97	92.01	58.93		97.70	97.34	93.60	59.22
20/24	95.36	95.29	93.11	69.19		97.27	97.10	95.04	69.85		98.35	98.21	96.33	71.66
21/24	96.56	96.57	95.34	80.05		98.03	97.99	96.90	82.36		98.86	98.83	97.97	85.18
22/24	97.74	97.74	97.06	89.71		98.74	98.72	98.22	92.59		99.28	99.30	98.98	94.64
23/24	98.85	98.84	98.56	96.04		99.37	99.39	99.21	97.96		99.66	99.67	99.58	98.77
24/24	100.00	100.00	100.00	100.00		100.00	100.00	100.00	100.00		100.00	100.00	100.00	100.00

References: Floyd A. Huff and James R. Angel, 1989 'Frequency Distributions and Hydroclimatic Characteristics of Heavy Rainstorms in Illinois', Illinois State Water Survey, Bulletin 70.

(Ord., Appendix K, passed 10-13-2009; Ord. 22-1060, passed 8-9-2022)

APPENDIX L: WATERSHED-SPECIFIC RELEASE RATES

Appendix L					
WATERSHED			Release Rates (cfc/acre)		Comments
MAJOR TRIBUTARIES		100-Year Storm Event	2-Year Storm Event		
MINOR TRIBUTARIES					
Appendix L					

WATERSHED		Release Rates (cfc/acre)		Comments
MAJOR TRIBUTARIES		100-Year Storm Event	2-Year Storm Event	
MINOR TRIBUTARIES				
FOX RIVER				
Fox River Mainstem		0.150	0.040	WDO Maximum Allowable
Flint Creek		0.150	0.040	WDO Maximum Allowable
	Honey Lake Drain	0.150	0.040	WDO Maximum Allowable
Mutton Creek		0.150	0.040	WDO Maximum Allowable
Sequoit Creek		0.150	0.040	WDO Maximum Allowable
Slocum Lake Drain		0.150	0.040	WDO Maximum Allowable
	Bang's Lake Drain	0.150	0.040	WDO Maximum Allowable
Manitou Creek Mainstem		0.090	0.020	Watershed Average Rate Based on 8/1/96 LCSCMC adoption of the 11/3/82 FIS flow rate analysis.
	Eagle Creek	0.090	0.020	Watershed Average Rate Based on 8/1/96 LCSCMC adoption of the 11/3/82 FIS flow rate analysis.
	Fish Lake Drain	0.090	0.020	Watershed Average Rate Based on 8/1/96 LCSCMC adoption of the 11/3/82 FIS flow rate analysis.
	Round Lake Drain	0.090	0.020	Watershed Average Rate Based on 8/1/96 LCSCMC adoption of the 11/3/82 FIS flow rate analysis.
Tower Lake Drain		0.150	0.040	WDO Maximum Allowable
DES PLAINES RIVER				
Des Plaines River Mainstem		0.150	0.040	WDO Maximum Allowable
Aptakisic Creek		0.150	0.040	WDO Maximum Allowable
Buffalo Creek Mainstem		0.150	0.040	WDO Maximum Allowable
	Tributary B to Buffalo Creek	0.150	0.040	WDO Maximum Allowable
Bull Creek Mainstem		0.150	0.040	WDO Maximum Allowable
	Bull Creek Tributary	0.150	0.040	WDO Maximum Allowable
Gurnee Tributary		0.150	0.040	WDO Maximum Allowable
Indian Creek Mainstem		0.150	0.040	WDO Maximum Allowable
	Diamond Lake Drain	0.150	0.040	WDO Maximum Allowable
	Forest Lake Drain	0.150	0.040	WDO Maximum Allowable
	Seavey Creek	0.150	0.040	WDO Maximum Allowable
	South Branch Indian Creek	0.150	0.040	WDO Maximum Allowable
	West Branch Indian Creek	0.150	0.040	WDO Maximum Allowable
Mill Creek Mainstem		0.150	0.040	WDO Maximum Allowable
	Hastings Creek	0.150	0.040	WDO Maximum Allowable
	North Mill Creek	0.150	0.040	WDO Maximum Allowable
Newport Drainage Ditch		0.150	0.040	WDO Maximum Allowable
Suburban Country Club Tributary		0.150	0.040	WDO Maximum Allowable

LAKE MICHIGAN				
	Bluff/Ravine	0.150	0.040	WDO Maximum Allowable
	Dead River	0.150	0.040	WDO Maximum Allowable
	Bull Creek	0.150	0.040	WDO Maximum Allowable
	Kellogg Creek	0.150	0.040	WDO Maximum Allowable
	Pettibone Creek	0.150	0.040	WDO Maximum Allowable
	Waukegan River	0.150	0.040	WDO Maximum Allowable
NORTH BRANCH CHICAGO RIVER				
	Middle Fork	0.150	0.040	WDO Maximum Allowable
	Skokie River	0.150	0.040	WDO Maximum Allowable
	West Fork	0.150	0.040	WDO Maximum Allowable

(Ord., Appendix L, passed 10-13-2009; Ord. 22-1060, passed 8-9-2022)

APPENDIX M: FEMA FLOOD INSURANCE STUDY MAPS AND PROFILES

COMMUNITY NAME	COMMUNITY MEMBER	DATE OF CURRENT EFFECTIVE MAP (OR MAP INDEX)	LAKE COUNTY DFIRM PANEL NUMBERS	EFFECTIVE FIS STUDY DATE
ANTIOCH	170358#	SEP 18, 2013	17097C0010 K	FEB 17, 2016
		SEP 18, 2013	17097C0026 K	FEB 17, 2016
		SEP 18, 2013	17097C0027 K	FEB 17, 2016
		SEP 18, 2013	17097C0028 K	FEB 17, 2016
		SEP 18, 2013	17097C0029 K	FEB 17, 2016
		SEP 18, 2013	17097C0032 K	FEB 17, 2016
		SEP 18, 2013	17097C0034 K	FEB 17, 2016
		SEP 18, 2013	17097C0035 K	FEB 17, 2016
		SEP 18, 2013	17097C0055 K	FEB 17, 2016
BANNOCKBURN	170359#	SEP 18, 2013	17097C0259 K	FEB 17, 2016
		SEP 18, 2013	17097C0267 K	FEB 17, 2016
		SEP 18, 2013	17097C0278 K	FEB 17, 2016
		SEP 18, 2013	17097C0286 K	FEB 17, 2016
BARRINGTON HILLS	170058#	SEP 18, 2013	17097C0215 K	FEB 17, 2016
		SEP 18, 2013	17097C0216 K	FEB 17, 2016
		SEP 18, 2013	17097C0217 K	FEB 17, 2016
		SEP 18, 2013	17097C0219 K	FEB 17, 2016
BARRINGTON	170057#	SEP 18, 2013	17097C0216 K	FEB 17, 2016
		SEP 18, 2013	17097C0217 K	FEB 17, 2016
		SEP 18, 2013	17097C0219 K	FEB 17, 2016
		SEP 18, 2013	17097C0236 K	FEB 17, 2016
		SEP 18, 2013	17097C0238 K	FEB 17, 2016
BEACH PARK	171022#	SEP 18, 2013	17097C0059 K	FEB 17, 2016
		SEP 18, 2013	17097C0067 K	FEB 17, 2016
		SEP 18, 2013	17097C0069 K	FEB 17, 2016
		SEP 18, 2013	17097C0078 K	FEB 17, 2016

		SEP 18, 2013	17097C0086 K	FEB 17, 2016
		SEP 18, 2013	17097C0087 K	FEB 17, 2016
		SEP 18, 2013	17097C0088 K	FEB 17, 2016
		SEP 18, 2013	17097C0089 K	FEB 17, 2016
BUFFALO GROVE	170068#	SEP 18, 2013	17097C0253 K	FEB 17, 2016
		SEP 18, 2013	17097C0254 K	FEB 17, 2016
		SEP 18, 2013	17097C0261 K	FEB 17, 2016
		SEP 18, 2013	17097C0262 K	FEB 17, 2016
		SEP 18, 2013	17097C0263 K	FEB 17, 2016
		SEP 18, 2013	17097C0264 K	FEB 17, 2016
		SEP 18, 2013	17097C0266 K	FEB 17, 2016
		SEP 18, 2013	17097C0270 K	FEB 17, 2016
DEERFIELD	170361#	SEP 18, 2013	17097C0267 K	FEB 17, 2016
		SEP 18, 2013	17097C0270 K	FEB 17, 2016
		SEP 18, 2013	17097C0278 K	FEB 17, 2016
		SEP 18, 2013	17097C0286 K	FEB 17, 2016
		SEP 18, 2013	17097C0287 K	FEB 17, 2016
		SEP 18, 2013	17097C0288 K	FEB 17, 2016
		SEP 18, 2013	17097C0289 K	FEB 17, 2016
DEER PARK	171028#	SEP 18, 2013	17097C0217 K	FEB 17, 2016
		SEP 18, 2013	17097C0236 K	FEB 17, 2016
		SEP 18, 2013	17097C0237 K	FEB 17, 2016
		SEP 18, 2013	17097C0238 K	FEB 17, 2016
		SEP 18, 2013	17097C0241 K	FEB 17, 2016
FOX LAKE	170362#	SEP 18, 2013	17097C0004 K	FEB 17, 2016
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		SEP 18, 2013	17097C0020 K	FEB 17, 2016
		SEP 18, 2013	17097C0106 K	FEB 17, 2016
		FEB 17, 2016	17097C0107 L	FEB 17, 2016
FOX RIVER GROVE	170477#	SEP 18, 2013	10797C0205 K	FEB 17, 2016
GRAYSLAKE	170363#	SEP 18, 2013	17097C0043 K	FEB 17, 2016
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		FEB 17, 2016	17097C0133 L	FEB 17, 2016
		SEP 18, 2013	17097C0134 K	FEB 17, 2016
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		FEB 17, 2016	17097C0141 L	FEB 17, 2016
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		SEP 18, 2013	17097C0151 K	FEB 17, 2016
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GREEN OAKS	170364#	SEP 18, 2013	17097C0158 K	FEB 17, 2016
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		SEP 18, 2013	17097C0169 K	FEB 17, 2016
GURNEE	170365#	SEP 18, 2013	17097C0044 K	FEB 17, 2016
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		SEP 18, 2013	17097C0068 K	FEB 17, 2016
		SEP 18, 2013	17097C0069 K	FEB 17, 2016
		SEP 18, 2013	17097C0132 K	FEB 17, 2016
		SEP 18, 2013	17097C0151 K	FEB 17, 2016
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		SEP 18, 2013	17097C0156 K	FEB 17, 2016
		SEP 18, 2013	17097C0157 K	FEB 17, 2016
HAINESVILLE	171005#	FEB 17, 2016	17097C0127 L	FEB 17, 2016
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		FEB 17, 2016	17097C0131 L	FEB 17, 2016
		FEB 17, 2016	17097C0133 L	FEB 17, 2016
HAWTHORN WOODS	170366#	FEB 17, 2016	17097C0139 L	FEB 17, 2016
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		SEP 18, 2013	17097C0234 K	FEB 17, 2016
HIGHLAND PARK	170367#	SEP 18, 2013	17097C0277 K	FEB 17, 2016
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		SEP 18, 2013	17097C0287 K	FEB 17, 2016
		SEP 18, 2013	17097C0289 K	FEB 17, 2016
		SEP 18, 2013	17097C0291 K	FEB 17, 2016
		SEP 18, 2013	17097C0293 K	FEB 17, 2016
		SEP 18, 2013	17097C0295 K	FEB 17, 2016
HIGHWOOD	171033#	SEP 18, 2013	17097C0279 K	FEB 17, 2016
		SEP 18, 2013	17097C0283 K	FEB 17, 2016

INDIAN CREEK	170369#	SEP 18, 2013	17097C0251 K	FEB 17, 2016
ISLAND LAKE	170370#	SEP 18, 2013	17097C0112 K	FEB 17, 2016
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		SEP 18, 2013	17097C0118 K	FEB 17, 2016
KILDEER	170371#	SEP 18, 2013	17097C0233 K	FEB 17, 2016
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		SEP 18, 2013	17097C0241 K	FEB 17, 2016
LAKE BARRINGTON	170372#	SEP 18, 2013	17097C0118 K	FEB 17, 2016
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		SEP 18, 2013	17097C0206 K	FEB 17, 2016
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		SEP 18, 2013	17097C0208 K	FEB 17, 2016
		SEP 18, 2013	17097C0209 K	FEB 17, 2016
		SEP 18, 2013	17097C0215 K	FEB 17, 2016
		SEP 18, 2013	17097C0216 K	FEB 17, 2016
LAKE BLUFF	170373#	SEP 18, 2013	17097C0167 K	FEB 17, 2016
		SEP 18, 2013	17097C0169 K	FEB 17, 2016
		SEP 18, 2013	17097C0186 K	FEB 17, 2016
		SEP 18, 2013	17097C0188 K	FEB 17, 2016
		SEP 18, 2013	17097C0190 K	FEB 17, 2016
LAKE COUNTY UNINCORPORATED AREAS	170357#	DFIRM PANEL NUMBERS LISTED SEPARATELY AT END OF APPENDIX		
LAKE FOREST	170374#	SEP 18, 2013	17097C0169 K	FEB 17, 2016
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		SEP 18, 2013	17097C0259 K	FEB 17, 2016
		SEP 18, 2013	17097C0276 K	FEB 17, 2016
		SEP 18, 2013	17097C0277 K	FEB 17, 2016
		SEP 18, 2013	17097C0278 K	FEB 17, 2016
		SEP 18, 2013	17097C0279 K	FEB 17, 2016
		SEP 18, 2013	17097C0285 K	FEB 17, 2016
LAKE VILLA	170375#	SEP 18, 2013	17097C0028 K	FEB 17, 2016
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		SEP 18, 2013	17097C0036 K	FEB 17, 2016
		SEP 18, 2013	17097C0037 K	FEB 17, 2016
		SEP 18, 2013	17097C0038 K	FEB 17, 2016
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		SEP 18, 2013	17097C0041 K	FEB 17, 2016
		SEP 18, 2013	17097C0043 K	FEB 17, 2016
LAKE ZURICH	170376#	FEB 17, 2016	17097C0227 L	FEB 17, 2016
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		SEP 18, 2013	17097C0229 K	FEB 17, 2016
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		SEP 18, 2013	17097C0241 K	FEB 17, 2016
LAKEMOOR	170915#	SEP 18, 2013	17097C0102 K	FEB 17, 2016
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		SEP 18, 2013	17097C0108 K	FEB 17, 2016
LIBERTYVILLE	170377#	SEP 18, 2013	17097C0134 K	FEB 17, 2016
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		SEP 18, 2013	17097C0166 K	FEB 17, 2016
		SEP 18, 2013	17097C0168 K	FEB 17, 2016
		SEP 18, 2013	17097C0252 K	FEB 17, 2016
LINCOLNSHIRE	170378#	SEP 18, 2013	17097C0254 K	FEB 17, 2016
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		SEP 18, 2013	17097C0258 K	FEB 17, 2016
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		SEP 18, 2013	17097C0262 K	FEB 17, 2016
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		SEP 18, 2013	17097C0267 K	FEB 17, 2016
LINDENHURST	170379#	SEP 18, 2013	17097C0035 K	FEB 17, 2016
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		SEP 18, 2013	17097C0042 K	FEB 17, 2016
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LONG GROVE	170380#	SEP 18, 2013	17097C0144 K	FEB 17, 2016
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		SEP 18, 2013	17097C0242 K	FEB 17, 2016
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		SEP 18, 2013	17097C0253 K	FEB 17, 2016
		SEP 18, 2013	17097C0254 K	FEB 17, 2016
		SEP 18, 2013	17097C0261 K	FEB 17, 2016
		SEP 18, 2013	17097C0263 K	FEB 17, 2016
METTAWA	170381#	SEP 18, 2013	17097C0164 K	FEB 17, 2016
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		SEP 18, 2013	17097C0169 K	FEB 17, 2016
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		SEP 18, 2013	17097C0257 K	FEB 17, 2016
MUNDELEIN	170382#	FEB 17, 2016	17097C0139 L	FEB 17, 2016
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NORTH BARRINGTON	170383#	SEP 18, 2013	17097C0207 K	FEB 17, 2016
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		SEP 18, 2013	17097C0236 K	FEB 17, 2016
NORTH CHICAGO	170384#	SEP 18, 2013	17097C0159 K	FEB 17, 2016
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		SEP 18, 2013	17097C0190 K	FEB 17, 2016
OLD MILL CREEK	170385#	SEP 18, 2013	17097C0034 K	FEB 17, 2016
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		SEP 18, 2013	17097C0064 K	FEB 17, 2016
PARK CITY	170386#	SEP 18, 2013	17097C0156 K	FEB 17, 2016
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		SEP 18, 2013	17097C0159 K	FEB 17, 2016
PORT BARRINGTON	170478#	SEP 18, 2013	17097C0114 K	FEB 17, 2016
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		SEP 18, 2013	17097C0206 K	FEB 17, 2016
RIVERWOODS	170387#	SEP 18, 2013	17097C0259 K	FEB 17, 2016
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ROUND LAKE BEACH	170389#	SEP 18, 2013	17097C0038 K	FEB 17, 2016

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		FEB 17, 2016	17097C0131 L	FEB 17, 2016
ROUND LAKE HEIGHTS	170390#	SEP 18, 2013	17097C0038 K	FEB 17, 2016
ROUND LAKE PARK	170391#	FEB 17, 2016	17097C0127 L	FEB 17, 2016
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		FEB 17, 2016	17097C0137 L	FEB 17, 2016
		FEB 17, 2016	17097C0141 L	FEB 17, 2016
ROUND LAKE	170388#	FEB 17, 2016	17097C0107 L	FEB 17, 2016
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		FEB 17, 2016	17097C0126 L	FEB 17, 2016
		FEB 17, 2016	17097C0127 L	FEB 17, 2016
		FEB 17, 2016	17097C0128 L	FEB 17, 2016
		FEB 17, 2016	17097C0129 L	FEB 17, 2016
		FEB 17, 2016	17097C0136 L	FEB 17, 2016
		FEB 17, 2016	17097C0137 L	FEB 17, 2016
THIRD LAKE	170392#	SEP 18, 2013	17097C0043 K	FEB 17, 2016
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		SEP 18, 2013	17097C0132 K	FEB 17, 2016
		SEP 18, 2013	17097C0151 K	FEB 17, 2016
TOWER LAKES	170393#	SEP 18, 2013	17097C0206 K	FEB 17, 2016
		SEP 18, 2013	17097C0207 K	FEB 17, 2016
VERNON HILLS	170394#	SEP 18, 2013	17097C0163 K	FEB 17, 2016
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VOLO	171042#	SEP 18, 2013	17097C0106 K	FEB 17, 2016
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WADSWORTH	170395#	SEP 18, 2013	17097C0055 K	FEB 17, 2016
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WAUCONDA	170396#	SEP 18, 2013	17097C0116 K	FEB 17, 2016
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		SEP 18, 2013	17097C0207 K	FEB 17, 2016
WAUKEGAN	170397#	SEP 18, 2013	17097C0066 K	FEB 17, 2016
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WHEELING	170173#	SEP 18, 2013	17097C0264 K	FEB 17, 2016
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WINTHROP HARBOR	170398#	SEP 18, 2013	17097C0076 K	FEB 17, 2016
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		SEP 18, 2013	17097C0081 K	FEB 17, 2016
ZION	170399#	SEP 18, 2013	17097C0057 K	FEB 17, 2016
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LAKE COUNTY UNINCORPORATED AREAS	170357#	SEP 18, 2013	17097C0004 K	FEB 17, 2016
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LAKE COUNTY UNINCORPORATED AREAS	170357#	SEP 18, 2013	17097C0039 K	FEB 17, 2016
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		SEP 18, 2013	17097C0058 K	FEB 17, 2016
		SEP 18, 2013	17097C0059 K	FEB 17, 2016
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		SEP 18, 2013	17097C0068 K	FEB 17, 2016
		SEP 18, 2013	17097C0069 K	FEB 17, 2016
		SEP 18, 2013	17097C0076 K	FEB 17, 2016
		SEP 18, 2013	17097C0077 K	FEB 17, 2016
		SEP 18, 2013	17097C0078 K	FEB 17, 2016
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LAKE COUNTY UNINCORPORATED AREAS	170357#	SEP 18, 2013	17097C0087 K	FEB 17, 2016
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		FEB 17, 2016	17097C0128 L	FEB 17, 2016
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		FEB 17, 2016	17097C0131 L	FEB 17, 2016
		SEP 18, 2013	17097C0132 K	FEB 17, 2016
		FEB 17, 2016	17097C0133 L	FEB 17, 2016
		SEP 18, 2013	17097C0134 K	FEB 17, 2016
LAKE COUNTY UNINCORPORATED AREAS	170357#	FEB 17, 2016	17097C0136 L	FEB 17, 2016
LAKE COUNTY UNINCORPORATED AREAS	170357#	FEB 17, 2016	17097C0137 L	FEB 17, 2016
		FEB 17, 2016	17097C0138 L	FEB 17, 2016
		FEB 17, 2016	17097C0139 L	FEB 17, 2016
		FEB 17, 2016	17097C0141 L	FEB 17, 2016
		SEP 18, 2013	17097C0142 K	FEB 17, 2016
		FEB 17, 2016	17097C0143 L	FEB 17, 2016
		SEP 18, 2013	17097C0144 K	FEB 17, 2016
		SEP 18, 2013	17097C0151 K	FEB 17, 2016
		SEP 18, 2013	17097C0152 K	FEB 17, 2016
		SEP 18, 2013	17097C0153 K	FEB 17, 2016
		SEP 18, 2013	17097C0154 K	FEB 17, 2016
		SEP 18, 2013	17097C0156 K	FEB 17, 2016
		SEP 18, 2013	17097C0157 K	FEB 17, 2016
		SEP 18, 2013	17097C0158 K	FEB 17, 2016
		SEP 18, 2013	17097C0159 K	FEB 17, 2016
		SEP 18, 2013	17097C0161 K	FEB 17, 2016
		SEP 18, 2013	17097C0162 K	FEB 17, 2016
		SEP 18, 2013	17097C0163 K	FEB 17, 2016

		SEP 18, 2013	17097C0164 K	FEB 17, 2016
		SEP 18, 2013	17097C0166 K	FEB 17, 2016
LAKE COUNTY UNINCORPORATED AREAS	170357#	SEP 18, 2013	17097C0167 K	FEB 17, 2016
		SEP 18, 2013	17097C0168 K	FEB 17, 2016
		SEP 18, 2013	17097C0169 K	FEB 17, 2016
		SEP 18, 2013	17097C0177 K	FEB 17, 2016
		SEP 18, 2013	17097C0180 K	FEB 17, 2016
		SEP 18, 2013	17097C0185 K	FEB 17, 2016
		SEP 18, 2013	17097C0186 K	FEB 17, 2016
		SEP 18, 2013	17097C0188 K	FEB 17, 2016
		SEP 18, 2013	17097C0190 K	FEB 17, 2016
		SEP 18, 2013	17097C0205 K	FEB 17, 2016
		SEP 18, 2013	17097C0206 K	FEB 17, 2016
		SEP 18, 2013	17097C0207 K	FEB 17, 2016
		SEP 18, 2013	17097C0208 K	FEB 17, 2016
		SEP 18, 2013	17097C0209 K	FEB 17, 2016
		SEP 18, 2013	17097C0215 K	FEB 17, 2016
		SEP 18, 2013	17097C0216 K	FEB 17, 2016
		SEP 18, 2013	17097C0217 K	FEB 17, 2016
		SEP 18, 2013	17097C0226 K	FEB 17, 2016
		FEB 17, 2016	17097C0227 L	FEB 17, 2016
		SEP 18, 2013	17097C0228 K	FEB 17, 2016
		SEP 18, 2013	17097C0229 K	FEB 17, 2016
		SEP 18, 2013	17097C0231 K	FEB 17, 2016
		SEP 18, 2013	17097C0232 K	FEB 17, 2016
		SEP 18, 2013	17097C0233 K	FEB 17, 2016
		SEP 18, 2013	17097C0234 K	FEB 17, 2016
		SEP 18, 2013	17097C0236 K	FEB 17, 2016
		SEP 18, 2013	17097C0237 K	FEB 17, 2016
		SEP 18, 2013	17097C0241 K	FEB 17, 2016
LAKE COUNTY UNINCORPORATED AREAS	170357#	SEP 18, 2013	17097C0242 K	FEB 17, 2016
LAKE COUNTY UNINCORPORATED AREAS	170357#	SEP 18, 2013	17097C0251 K	FEB 17, 2016
		SEP 18, 2013	17097C0252 K	FEB 17, 2016
		SEP 18, 2013	17097C0253 K	FEB 17, 2016
		SEP 18, 2013	17097C0254 K	FEB 17, 2016
		SEP 18, 2013	17097C0256 K	FEB 17, 2016
		SEP 18, 2013	17097C0257 K	FEB 17, 2016
		SEP 18, 2013	17097C0258 K	FEB 17, 2016
		SEP 18, 2013	17097C0259 K	FEB 17, 2016
		SEP 18, 2013	17097C0261 K	FEB 17, 2016
		SEP 18, 2013	17097C0262 K	FEB 17, 2016

LAKE COUNTY UNINCORPORATED AREAS	170357#	SEP 18, 2013	17097C0263 K	FEB 17, 2016
		SEP 18, 2013	17097C0266 K	FEB 17, 2016
		SEP 18, 2013	17097C0267 K	FEB 17, 2016
		SEP 18, 2013	17097C0270 K	FEB 17, 2016
		SEP 18, 2013	17097C0277 K	FEB 17, 2016
		SEP 18, 2013	17097C0278 K	FEB 17, 2016
		SEP 18, 2013	17097C0283 K	FEB 17, 2016
		SEP 18, 2013	17097C0285 K	FEB 17, 2016
		SEP 18, 2013	17097C0286 K	FEB 17, 2016
		SEP 18, 2013	17097C0288 K	FEB 17, 2016
		SEP 18, 2013	17097C0291 K	FEB 17, 2016
LAKE COUNTY UNINCORPORATED AREAS	170357#	SEP 18, 2013	17097C0295 K	FEB 17, 2016

(Ord., Appendix M, passed 10-13-2009; Ord. 15-1028, passed 10-13-2015)

APPENDIX N: HIGH-QUALITY AQUATIC RESOURCES

The following are descriptions of high-quality aquatic resources:

1. Advanced Identification (ADID) sites: Aquatic sites that have been determined to provide biological values by the U.S. Army Corps of Engineers, Chicago District and U.S. Environmental Protection Agency (U.S. Environmental Protection Agency, 1992, Advanced Identification (ADID) Study, Lake County, Illinois, Chicago, Illinois) or latest ADID study.
2. Bog: A low nutrient peatland, usually in a glacial depression, that is acidic in the surface stratum and often dominated at least in part by the genus Sphagnum.
3. Ephemeral pool: A seasonally inundated depression within a forested wetland or upland community, usually located on a moraine, glacial outwash plain, or in an area shallow to bedrock; also known locally as a "vernal pool." These areas may not be permanently vegetated.
4. Fen: A peatland, herbaceous (including calcareous floating mats) or wooded, with calcareous groundwater flow.
5. High-quality forested wetland: A forested wetland dominated by native woody vegetation by at least one of the following species or genera: *Carya* spp., *Cephalanthus occidentalis*, *Cornus alternifolia*, *Fraxinus nigra*, *Juglans cinerea*, and *Quercus* spp.
6. Sedge meadow: A wetland dominated by at least one of the following genera: *Carex* (except *Carex blanda*, *Carex grisea*, and *Carex vulpinodea*), *Calamagrostis*, *Cladium*, *Deschampsia*, *Rhynchospora*, *Scleria*, or *Eriophorum*.
7. Seep: A wetland, herbaceous or wooded, with saturated soil or inundation resulting from the diffuse flow of groundwater to the surface stratum.
8. Streams shown on the most recent USGS quadrangle map as a perennial (solid blue line) or intermittent (dashed blue line) that are not determined to be a Waters of the U.S. If a site specific Index of Biological Integrity (IBI) assessment is lower than 35, this stream reach shall not be considered a HQAR.
9. Streamside marsh: An isolated waters of Lake County wetland that is within a ten-year riverine floodplain and dominated by herbaceous species.
10. Wet prairie: A wetland dominated by native graminoid species with a diverse indigenous forb component that is seasonally saturated and/or temporarily inundated.
11. Wetlands supporting federal or Illinois endangered or threatened species: For current state-listed species, reference Illinois Endangered Species Protection Board's *Checklist of Endangered and Threatened Animals and Plants of Illinois* and/or contact the Illinois Department of Natural Resources. For federally listed species, reference the U.S. Fish and Wildlife Service's *Endangered and Threatened Wildlife and Plants* list (latest edition) and/or contact the U.S. Fish and Wildlife Service.
12. Wetlands with a native mean coefficient of conservatism value (native mean C value) of greater than or equal to 3.5 or a native floristic quality index value (FQI) of greater than or equal to 20 as determined using the Chicago Region Floristic Quality Assessment Calculator (U.S. Army Corps of Engineers, Chicago District, most recent version).
13. Wetlands that are within a designated Illinois Natural Areas Inventory Site (INAI).

(Ord., Appendix N, passed 10-13-2009; Ord. passed 10-9-2012; Ord. 22-1060, passed 8-9-2022)

APPENDIX O: TYPICAL CROSS-SECTIONS FOR LOCAL STREETS

Figure 1: Typical Section: (60-foot right-of-way)

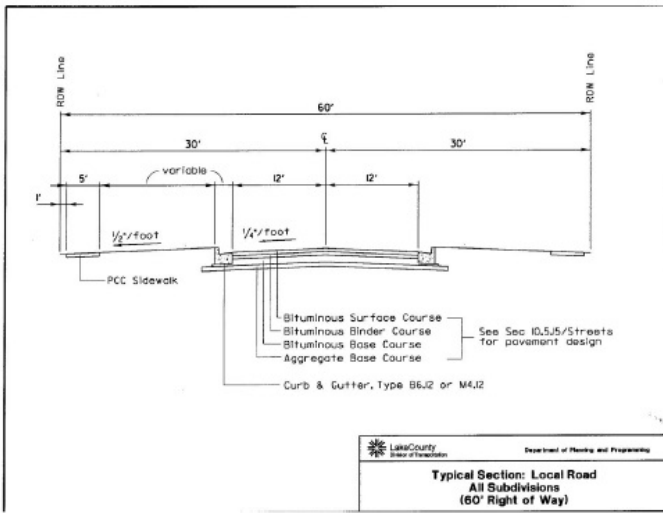


Figure 2: Typical Section: (66-foot right-of-way)

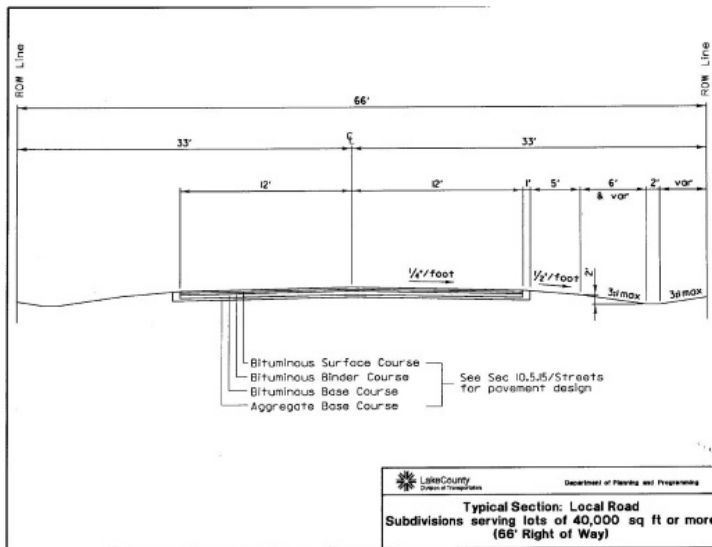
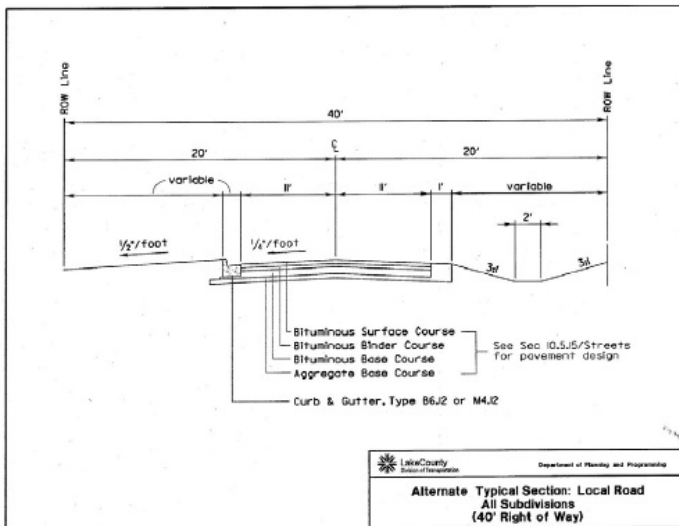


Figure 3: Alternate Typical Section: (40-foot right-of-way)



(Ord., Appendix O, passed 10-13-2009)

APPENDIX P: SCHOOL CONTRIBUTION DOCUMENTS

- “Estimated Ultimate School Population” Table
- “School Classification” Table
- Agreements Regarding the Receipt of Developer Subdivision Contributions and Indemnification
- Agreement Between Developer and County to Delay Payment of Cash Contributions
- Agreements Regarding the Receipt of Developer Subdivision Contributions and Indemnification in the Event of a Private Agreement for School

Contributions

- Developer’s County Liability Waiver Agreement
- Legal Description of Property
- “Objection” Form

ESTIMATED ULTIMATE SCHOOL POPULATION

<i>Appendix P</i>							
<i>Unit Type</i>	<i>Estimated Ultimate School Population per Dwelling Unit</i>						
	<i>Pre-School 4-5 Years</i>	<i>Elem/k-5 5-10 Years</i>	<i>Jr. High Gr. 6-8 11-13 Yrs</i>	<i>Total Gr. k-8 5-13 Yrs</i>	<i>High School Gr. 9-12 14-17 Yrs</i>	<i>Adults 18+ Yrs</i>	<i>Total Per Dwelling Unit</i>
<i>Appendix P</i>							
<i>Unit Type</i>	<i>Estimated Ultimate School Population per Dwelling Unit</i>						
	<i>Pre-School 4-5 Years</i>	<i>Elem/k-5 5-10 Years</i>	<i>Jr. High Gr. 6-8 11-13 Yrs</i>	<i>Total Gr. k-8 5-13 Yrs</i>	<i>High School Gr. 9-12 14-17 Yrs</i>	<i>Adults 18+ Yrs</i>	<i>Total Per Dwelling Unit</i>
Detached House							
2 Bedroom	0.113	0.136	0.048	0.148	0.020	1.700	2.017
3 Bedroom	0.292	0.369	0.173	0.542	0.184	1.881	2.899
4 Bedroom	0.416	0.530	0.298	0.828	0.360	2.158	3.764
5 Bedroom	0.283	0.345	0.248	0.593	0.300	2.594	3.770
Attached House							
1 Bedroom	0.000	0.000	0.000	0.000	0.000	1.193	1.193
2 Bedroom	0.064	0.088	0.048	0.136	0.038	1.752	1.990
3 Bedroom	0.212	0.234	0.058	0.292	0.059	1.829	2.392
4 Bedroom	0.323	0.322	0.154	0.476	0.173	2.173	3.145
Multi-Dwelling Structure							
Efficiency	0.000	0.000	0.000	0.000	0.000	1.294	1.294
1 Bedroom	0.000	0.002	0.001	0.003	0.001	1.754	1.758
2 Bedroom	0.047	0.086	0.042	0.128	0.046	1.693	1.914
3 Bedroom	0.052	0.234	0.123	0.357	0.118	2.526	3.053

SCHOOL CLASSIFICATION

<i>School Classification by School</i>	<i>Number of Students</i>	<i>Site Area (Acres)</i>
Elementary School (grades k-5)	600	11
Junior High (grades 6-8)	900	29
High School (grades 9-12)	1,500	45

AGREEMENTS REGARDING THE RECEIPT OF DEVELOPER SUBDIVISION CONTRIBUTIONS AND INDEMNIFICATION

WHEREAS, Lake County, Illinois, on behalf of itself, its officers, employees and independent contractors (the “County”), through §151.220 of its Unified Development Ordinance has required that developers make contributions to government bodies affected by the subdivision improvements; and

WHEREAS, such contributions may be in land or in money and, when transferred or paid over to those government bodies, inure in part to the benefit of those government bodies and not entirely to the direct benefit of the County; and

WHEREAS, from time to time within the County, and within other municipalities, disputes have arisen regarding the validity and amount of such contributions; and

WHEREAS, the County is willing, at its discretion, to continue seeking the contribution of land or money but wishes to procure a commitment from other government bodies benefitted by the receipt of such contributions that those government bodies will: (a) acknowledge that the requirement that such subdivision contributions be made are totally within the discretion of the County as to their existence, manner and amount; (b) pay the cost of defending any lawsuit that is filed challenging the appropriate amount of the contributions, the time at which they are to be made or any other aspect of the contributions; and (c) comply with the terms of a final and non-appealable judicial determination by a court of competent jurisdiction rendered in connection with the lawsuit; and

WHEREAS, the County is willing, in its discretion, to pay over or require contributions only to other government bodies that execute this

This agreement ("Agreement") is entered into between Lake County (the "County") and _____, ("Developer").

WHEREAS, the County has approved a final plat of subdivision or a final plat of a planned development at the request of Developer for the real estate legally described in Appendix ____1 attached hereto and made a part hereof (the "Land"). Accordingly, pursuant to §151.220 of the Unified Development Ordinance of Lake County ("Ordinance"), certain cash contributions for school lands are immediately due the County (or affected school districts)from the Developer; and

WHEREAS, Developer has, however, requested that the payment of the aforesaid cash contributions be delayed and that the same become due and payable on a per dwelling unit basis at the time the County issues a building permit for the particular dwelling unit.

NOW, THEREFORE, in consideration for the County agreeing to delay the collection of the cash contributions, Developer hereby agrees as follows:

1. The amount of cash contributions owed shall be calculated based upon the Ordinance, or as provided for in such other future ordinance amending or replacing the Ordinance, which is in effect at the time of the issuance of a building permit; and
2. Notwithstanding any present or future law, regulation and/or legal precedent to the contrary, the unit of local government that is the ultimate recipient of the subject cash contributions may expend such contributions for any of the following purposes intended to serve immediate or future needs of the residents and children of the Developer's subdivision or planned development: (a) for the acquisition of land; (b) for site improvements such as, by way of example, streets, curbs, gutters, stormwater control, and utility extensions; (c) for construction of capital facilities, including, by way of example, new buildings and structures, and the expansion or enhancement of existing buildings and structures; and (d) for so-called soft costs directly related to the foregoing items (b) or (c) such as architectural and engineering costs.
3. Developer has reviewed the Ordinance regarding the dedication of school sites or cash contributions in lieu thereof, as well as all of the methodology, formulae, calculations, projections, assumptions, numbers and other factors used to arrive at the land dedication requirements or cash contributions in lieu thereof that are the subject of this Agreement (hereinafter referred to as the "Ordinance and Attendant Calculations") and hereby acknowledges and agrees that:
 - (a) Pursuant to the terms of the Ordinance, Developer has been offered the opportunity to raise in a hearing before the County, any objections relating to acreage requirements, presumptions as to fair market value, the Density Formula, or any other application of the Ordinance; Developer has not raised such objections; Developer has thereby waived the right to assert those objections;
 - (b) Developer hereby waives any future right to object to or to institute any legal action regarding the Ordinance and Attendant Calculations; and
 - (c) Developer hereby acknowledges that the Ordinance and Attendant Calculations have been properly passed, calculated, and imposed.
4. This Agreement constitutes a covenant that is appurtenant to and runs with the land. Either this Agreement or a memorandum thereof may be recorded against legal title to the land by either party hereto; provided, however, it shall be a condition of the County's issuance of the first building permit for a dwelling unit on the land that Developer shall provide satisfactory evidence to the County that this Agreement or a memorandum thereof has been recorded against legal title to the land.
5. Developer represents and warrants to the County that it is the sole holder of record fee title to the Land.

IN WITNESS WHEREOF, the County and the Developer have caused this Agreement to be duly authorized, executed and entered into as of the _____ day of _____, 20____.

Lake County Board Chairman

Developer

Lake County Clerk

AGREEMENTS REGARDING THE RECEIPT OF DEVELOPER SUBDIVISION CONTRIBUTIONS AND INDEMNIFICATION, IN THE EVENT OF A PRIVATE AGREEMENT

WHEREAS, Lake County, Illinois, on behalf of itself, its officers, employees and independent contractors (the "County"), through §151.220 of its Unified Development Ordinance has required that developers make contributions to government bodies affected by the subdivision improvements; and

WHEREAS, those government bodies may instead elect to execute a private agreement with developers regarding the contribution of land or money; and

WHEREAS, from time to time within the County, and within other municipalities, disputes have arisen regarding the validity and amount of such contributions; and

WHEREAS, the County is willing to permit private agreements between government bodies and developers for the contribution of school land or money but wishes to procure a commitment from such other governmental bodies benefitted by the receipt of such contributions that those government bodies will: (a) acknowledge that the requirement by the County of proof of payment for such contributions to such governmental bodies is totally within the discretion of the County; (b) acknowledge that the requirement by the County of proof of payment for such contributions to such governmental bodies does not render the County a party to such private agreements and does not render the County responsible or liable for the terms of such private agreements for any reason, including but not limited to the extent that such private agreements provide for contributions beyond what is authorized by the contribution requirements of § 151.220 of the Lake County Unified Development Ordinance; (c) pay the cost of defending any lawsuit that is filed against the County challenging the appropriate amount of the contributions, the time at which they are to be made, the withholding of County building permits in the absence of proof of payment for such contributions, or any other aspect of the contributions; and (d) comply with the terms of a final and non-appealable judicial determination by a court of competent jurisdiction rendered in connection with the lawsuit; and

NOW, THEREFORE, in consideration for the payment of money or the transfer of land to the _____ ("Benefitting Government"), which the County has authorized to be effectuated via private agreement in accordance with the Lake County Unified Development Ordinance, it is agreed between the County, on behalf of itself and its officers, employees and independent contractors, and the Benefitting Government as follows:

1. Legal Representation and Costs:
 - A. In the event a lawsuit is filed against the County and/or the Benefitting Government by a developer that is subdividing property or any

(b) Developer hereby waives any future right to object to or institute any legal action against the County regarding the County's requirement, as a condition to issuance of a building permit or approval of the Final Plat, that the Developer provide the County with proof of payment of contributions to the affected school district in accordance with said private agreement.

2. This Agreement constitutes a covenant that is appurtenant to and runs with the land. Either this Agreement or a memorandum thereof may be recorded against legal title to the land by either party hereto; provided, however, it shall be a condition of the County's issuance of the first building permit for a dwelling unit on the land that Developer shall provide satisfactory evidence to the County that this Agreement or a memorandum thereof has been recorded against legal title to the land.

3. Developer represents and warrants to the County that it is the sole holder of record fee title to the land.

IN WITNESS WHEREOF, the County and the Developer have caused this Agreement to be duly authorized, executed and entered into as of the _____ day of _____, 20____.

Lake County Board Chair Developer

Lake County Clerk

Legal Description of Property

OBJECTION FORM:

OBJECTION TO THE LAKE COUNTY SCHOOL CONTRIBUTION CALCULATION

This form shall be completed by the developer or the affected school district(s) and submitted to the Lake County Department of Planning, Building and Development when filing an objection to Lake County's School Contribution Calculation. Failure to submit this objection form within the specified time period shall operate as a concurrence with the School Contribution Calculations.

Site PIN ___ - ___ - ___

Development/Subdivision Name: _____

Developer Name: _____

Name of Primary Contact Person: _____ Phone Number: _____

Email: _____

Mailing Address: _____

Lake County School Contribution Calculations for this development include (circle one):

Land Contribution Cash Contribution Both Land and Cash Contribution

Detailed Description of Objection (please attach additional pages and/or documents as necessary)

Applicant Signature Date

(Ord., Appendix P, passed 10-13-2009)

APPENDIX Q: WIND ENERGY FACILITIES

§ 1.0 APPLICATION REQUIREMENTS FOR WIND ENERGY FACILITIES.

See § 151.113(P) Wind Energy Facilities for information on Height and Setbacks and Operating Requirements. See §§151.250 through 151.258 for Violations, Penalties and Enforcement. See 3.0 below in Appendix Q 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 Lake County Recorder of Deeds.

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.

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.

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 feet tall locked fence.

I. *Braking systems.* Wind facilities shall be equipped with automatic and manual braking systems. 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.

§ 2.0 SOUND LEVEL MEASUREMENT.

The Wind Energy Facilities Sound Measurement Worksheet is intended to determine the average sound level (i.e. Source Sound Level) from operating wind energy facilities by correcting for the ambient sound levels. This measurement will determine whether the sound exceeds the

limits stipulated in Section 6.4 for wind facilities.

Sound Level Meters (SLM) must meet the Type 2 grade or better per the latest revision of ANSI S1.4 American National Standard Specification for Sound Level Meters and must have an integrating feature that meets ANSI S1.43 American National Standard Specifications for Integrating Averaging Sound Level Meters.

The procedures outlined here are based in essence on applicable portions of ANSI S12.9 American National Standard Quantities and Procedures for Description and Measurement of Environmental Sound and Part 910 of Title 35: Environmental Protection, Subtitle H: Noise, Chapter 1: Illinois Pollution Control Board.

Frequency Measurement

The A-weighted scale is most often utilized for the measurement of tonal or audible sound levels. These are sounds that range from 20 to 20,000 Hz. and that the human ear can typically hear. The C-weighted scale is utilized especially for measurement of low frequency sound, i.e. more bass tones or infrasound, which may or may not be audible to the human ear. Low frequency sounds can travel farther and may be enhanced in different locations such as in buildings.

Instrumentation Set-Up:

Ensure the battery is in good condition.

Ensure that the Sound Level Meter is calibrated according to manufacturer's instructions. Measurements may be taken at any location on a nonparticipating property, provided the location is not within:

5 feet of small surfaces (e.g., trees, posts, etc),

25 feet of a large reflective surface (e.g., shed, building, etc), or

50 feet of a large reflective surface if the sound is tonal in nature.

A tripod for the microphone or SLM is required if the sound is high-pitched. If the sound is low frequency in nature, a hand-held meter is acceptable as long as the arm is extended.

The microphone on the SLM must be aimed toward the noise source and oriented at an angle recommended by the manufacturer (usually 45-70 feet off the ground).

Sound Level Limit Regulations for Wind Energy Facilities:

The average sound level from wind facilities shall not exceed fifty-five (55) dB(A) during daytime hours or forty-five (45) dB(A) during nighttime hours at any point within neighboring, residentially zoned or used property. The different limits for daytime and nighttime sound levels are consistent with standards established by the Illinois Pollution Control Board. These sound level limits on residential properties are stricter than those established by the Illinois Pollution Control Board, because of the typical tonal, modulating and/or bass sounds experienced with wind facilities. The average sound level from wind facilities shall not exceed sixty-five (65) dB(A) on neighboring industrial properties and sixty (60) dB(A) on other neighboring nonresidential properties, at any time of the day.

- No wind facility shall operate with an average sound level that is more than 5 dB(A) above the non-operational ambient level, as measured within 100 ft. of any residential dwelling on a neighboring property.
- To limit the level of low-frequency sound, the average C-weighted sound level during wind facility operation shall not exceed the A-weighted ambient sound level by more than twenty (20) dB.

SOUND MEASUREMENT WORKSHEET INSTRUCTIONS

Source and Receiver Location:

Identify the types of property from which the sound is coming (Source) and on which the sound is being measured (Receiver).

Nature of Sound:

Identify what is the Source of the sound being measured.

Weather Conditions:

Measurements should not be made when ground level winds exceed 10 mph.

Use an anemometer and compass to measure wind speed and direction and identify them on the Worksheet.

Use a thermometer to determine temperature and a hygrometer to measure relative humidity to identify any adverse conditions. All instruments must be used in accordance with the manufacturer's recommended procedures.

As an alternative, weather conditions can be obtained from an airport or weather station reporting local conditions through an internet site.

Equipment:

Identify the type of sound level meter being used and whether measurements will be using the A-weighted scale to measure tonal or audible sound (20 to 20,000 Hz) or the C-weighted scale to measure low frequency sound (Below 200 Hz).

Calibration Check:

Follow manufacturer's instructions to ensure that the Sound Level Meter is properly calibrated. Place the calibrator on the SLM microphone and adjust the meter as necessary so that it displays the rated output of the calibrator (usually 94.0 dB). This must be repeated before and after each series of measurements to ensure SLM stability.

Measured Sound Levels:

1. *Total sound level.* Collect a 1-2 minute sample of the sound with the wind energy facilities operating. Wait at least one minute collect a second sample. If the samples are within 2 dB, there is repeatability and the two levels can be averaged for a total sound level. If there is more than a 2 dB difference, repeated samples should be taken to determine which levels are most in common and can be averaged. This is repeated for the C scale if low frequency sound is a concern.

2. **Ambient sound level.** Ambient Sound represents the background sound level observed when the source is not operating. Collect a 10-15 second sample of the Ambient Sound during a period when there are no nearby distinct or prominent sounds, such as dogs barking, a plane flying over, or a car passing by. Wait over one minute to collect a second sample. If the samples are within 2 dB, there is repeatability and the two

levels can be averaged. This is repeated for the C scale if low frequency sound is a concern.

3. **Correction.** This figure calculates how to correct the Total Sound Level measurement for Ambient Sound.

a. Enter the difference between the Total and Ambient Sound Levels [Line 1 - Line 2]

b. If the Ambient sound is not at least 2 dB lower than the Total Level on 3a, a determination of violation cannot be made. If the difference is 2 dB enter a "4"; for a difference of 3, enter a "3"; for a difference of 4-5, enter a "2"; for a difference of 6-9, enter a "1"; and for a difference of 10 or more, enter a "0".

4. **Source sound level.** The average sound level from the operating Wind Energy System (Source) is the Total Sound Level minus the Correction factor. [Line 4 = Line 1 - Line 3b]

5. **Increase above ambient sound.** An A-weighted sound level from a sound source that is more than 5 dB above the ambient level represents a significant increase in noise and is an objective indicator of annoyance. This is the difference between Line 4 and Line 2 and is used to assess compliance with the noise ordinance on residential properties. This measurement is intended for use on neighboring properties and should only be taken within 100 feet of a residential dwelling.

6. **Low frequency measurement (if indicated).** Low frequency sound can impact neighbors over a longer distance than more tonal sounds and is possibly perceived indoors. A C-weighted sound level with the turbine(s) operating that is more than 20 dB above the A-weighted ambient sound level is an objective indicator of annoyance due to a significant increase in low frequency noise. If the difference between the C-weighted level of Line 4 and the A-weighted level of Line 2 is less than 20 then Wind Energy System is considered to be in compliance with the noise ordinance.

(Ord. passed - -)

Wind Energy Facilities Sound Measurement Worksheet

Source Property: Residential Nonresidential Industrial

Receiving Property: Residential Nonresidential Industrial

Nature of Sound: _____

Location of Instruments: _____ Date: _____

Wind Speed and Direction: _____ Time: _____

Equipment: _____ Examiner: _____

Calibration Check:

	Before	Cal. Level	After
Sound level with calibrator in place:	_____ dB	94.6 dB	_____ dB

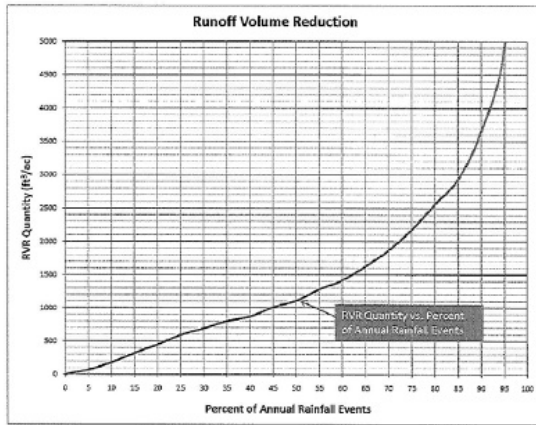
Measured Sound Levels:

	Sample 1	Sample 2	Average
1 Total Sound Level (source on):	dB(A) dB(C)	dB(A) dB(C)	dB(A) dB(C)
2 Ambient Sound Level (quiescent level with source off):	dB(A) dB(C)	dB(A) dB(C)	dB(A) dB(C)
3 Correction for the ambient background sound			
3a. Enter the difference between lines 1 and 2:			dB(C) dB(A)
If Line 3a = 0 or 1 dB the source level cannot be determined			
3b. If Line 3a = 2 dB → enter 4 dB;	3 dB → enter 3 dB		dB(C) dB(A)
= 4-5 dB → enter 2 dB;	6-9 dB → enter 1 dB		
= 10 dB or more → enter 0 dB			
4 Source Sound Level (line 1 minus line 3b):			dB(C) dB(A)
5 Increase Above Ambient Sound (A-wtd level in line 4 minus A-wtd level in line 2):			dB(A)
Measured within 100 ft of residential dwelling			
6 Low Frequency = C _{source} - A _{ambient} (C-wtd level of line 4 minus A-wtd level of line 2):			dB

Sound Limits (dB) on Receiving Properties:	Residential		
	Industrial	Nonresidential	Day / Night
Source Sound Level (A-wtd) - Line 4	65	60	55 / 45
Increase Above Ambient Sound (A-wtd) - Line 5			5
Low Frequency, C _{source} - A _{ambient} - Line 6	20	20	20

APPENDIX R: RUNOFF VOLUME REDUCTION

100% Impervious values		
Percent of Annual Rainfall Events	Runoff Depth (in)	RVR Quantity (% of new impervious)
0	0	0
5	0.02	79
10	0.05	100
15	0.08	120
20	0.12	140
25	0.16	160
30	0.20	180
35	0.25	200
40	0.30	220
45	0.35	240
50	0.40	260
55	0.45	280
60	0.50	300
65	0.55	320
70	0.60	340
75	0.65	360
80	0.70	380
85	0.81	400
90	1.00	420
95	1.35	440
99	2.41	460



Runoff Depth based on Figure 3 of the Center for Watershed Protection Report.
 Runoff Depth = P * I, where:
 P = Rainfall Depth (inches)
 I = Volumetric Runoff Coefficient = 0.85 for 100% impervious cover (0.05 + 0.80I), where I is 100% impervious cover
 RVR Quantity = Runoff Depth (in) / 1.2 (in/ft) * 43560 (ft²/acre)

(Ord. passed 10-9-2012)

APPENDIX S: UNIFIED DEVELOPMENT ORDINANCE MITIGATION REQUIREMENTS AND GUIDELINES FOR ISOLATED WATERS OF LAKE COUNTY IMPACTS

INTRODUCTION

This Appendix contains the minimum requirements and guidelines for preparation of a Project Mitigation Document (PMD) related to the creation or enhancement of wetlands on a development site, or on an offsite property, to meet the mitigation provisions in § 151.146(M)(4). These provisions do not apply for Category IV impacts to Isolated Waters of Lake County. The PMD shall provide at a minimum, information needed by Lake County Planning Building & Development (PB&D) to evaluate the appropriateness and enforceability of a proposed mitigation plan. Additional requirements may apply for impacts to Waters of the United States, as determined by the U.S. Army Corps of Engineers. For the purposes of this Appendix, the term mitigation site refers to the ownership parcel where the mitigation is to occur. Mitigation area refers to the location within the mitigation site where the actual mitigation will occur.

Each PMD shall include specific information in a standard format as outlined in Table 1 and described in Sections A-K below.

Section	Topic
A	Mitigation Goals
B	Mitigation Site Information
C	Mitigation Design
D	Deed or Plat Restriction
E	Construction Schedule
F	Financial Assurance
G	As-Built Plans
H	Performance Standards
I	Monitoring and Management
J	Reports
K	Compliance and Completion

A. MITIGATION GOALS

1. Discuss how the wetland mitigation shall duplicate or improve the hydrologic and biologic features of the impacted wetlands. Describe the specific functions of the wetlands to be created or enhanced versus the functions of the wetlands to be impacted.
2. Describe the acreage and vegetative community type of wetlands and wetland buffers to be created or enhanced to meet the minimum mitigation ratios required in § 151.146(M)(4)(b). Mitigation acreage shall be credited on the following basis:
 - a. 100% for each acre of wetland created or restored. For the purposes of this Appendix, wetland creation includes restoration of historic wetlands which have been filled, drained, or otherwise manipulated to the extent the areas no longer exhibit wetland characteristics. Open water creation shall be credited at 100% for in-kind mitigation (e.g., one acre of open water created for one acre of open water impacted). No mitigation credit shall be given for open water creation to compensate for non-open water impacts.
 - b. 25% for each acre of non-farmed wetland enhanced after a minimum ratio of 1:1 for wetland creation to wetland impact is achieved.
 - c. Enhancement of farmed wetlands meeting the size criterion in §151.146(M)(5)(a) may be used for up to 80% of the total mitigation requirement (e.g., if 2.0 acres of mitigation are required, up to 1.6 acres may be credited for farmed wetland enhancement, as long as the size criterion above is met).
 - d. Enhanced upland areas or enhanced wetland edges used to meet the buffer requirements in §151.146(H)(5) shall be credited at 25% for each acre enhanced. Created or restored wetland edges used to meet the buffer requirements of this Ordinance shall be credited at 75% for each acre created or restored. All high-quality aquatic resources existing on the mitigation site shall, at a minimum, meet the buffer requirements for high-quality aquatic resources; all other existing enhanced, created or restored wetland areas shall, at a minimum, meet the non-high-quality aquatic resource buffer requirements of this Ordinance.

B. MITIGATION SITE INFORMATION

1. *Site Location.* Identify the mitigation site on a general location map (USGS quadrangle map preferred), plat of survey, and major

watershed map (e.g., Fox River Watershed).

2. *Physical Description.* Describe the physical characteristics of the mitigation area. Provide information to support the mitigation site selection, including, but not limited to: wetland determination report meeting the requirements in § 151.146(M)(3), NRCS certified wetland determination (for agricultural land), topographic map with a minimum of 2-foot contour lines, recent and historic aerial photographs, current site photographs, drain tile information, USGS hydrologic atlas, FEMA flood insurance rate map and base flood elevations as required by this Ordinance, and SCS soil survey map and soil unit descriptions.

3. *Land Use.* Describe the past and current land use(s) of the mitigation site parcel. Submit a plan at a minimum scale of 1 in.=100 ft. showing the existing land use(s) and pertinent features, such as buildings, roads, utility lines, drain tiles, culverts, landscaping, lot lines, etc. Include on the plan or provide a narrative of any adjacent land uses that could conflict with the mitigation proposal and any zoning restrictions. Discuss potential adverse impacts to the mitigation site, including stormwater runoff from adjacent properties or nearby development in the watershed. Include a copy of the current zoning map and comprehensive land plan showing proposed land use(s), roads and trail systems.

4. *Ownership.* Identify the current owner(s) of the mitigation site property. If the owner is different from the permittee, provide PB&D with a copy of an executed agreement between the owner(s) and permittee that grants permission by the owner(s) for the permittee to use the property for mitigation and specifies the responsibilities of each party for establishment of the mitigation site. Once mitigation is in place, the permittee shall notify PB&D of any change in ownership. The new owner(s) shall provide written assurance to the issuer of the SDP of the transfer of the permit and intent to comply with the terms and conditions of the permit, specifically the mitigation plan.

5. *Significant Biological Resources.* The permittee shall consult with the Illinois Department of Natural Resources (IDNR) and the U.S. Fish & Wildlife Service (USFWS) regarding the possible presence of threatened or endangered species or critical habitat on the mitigation site. PB&D shall not approve the mitigation area until documentation is provided confirming the proposed mitigation area is in compliance with the IDNR's Endangered Species Consultation Program and the Illinois Natural Areas Preservation Act [520 ILCS 10/11 and 525 ILCS 30/17] and the USFWS' consultation program under the federal Endangered Species Act.

C. MITIGATION DESIGN

1. *Topography.* If grading is proposed, submit a grading plan at a minimum scale of 1 in.=100 ft. showing existing and proposed grades with a minimum of 1-foot contour lines. Identify elevation and location of reference benchmarks. Include cross-sections for the mitigation wetlands with normal water level (NWL) and high water level (HWL) depicted, if applicable.

2. Hydrology.

Identify the source(s) of water for the mitigation wetlands, both surface and subsurface. Describe any water control structures to be used and identify these structures on the grading plan, with invert elevations. Control structures with adjustable inverts are recommended to facilitate management of desired water levels in the mitigation wetlands. Describe the expected hydrologic regime of the mitigation wetlands.

Provide hydrologic modeling results in both summary table and hydrograph form for the 2-year and 100-year, 24 hour storm events, at a minimum, to support the expected hydrologic regime of the mitigation wetlands. Verify that the mitigation design will not adversely impact the hydrology of existing on-site or nearby wetlands.

Discuss factors influencing the quality of stormwater runoff from on-site and off-site sources (e.g., roads, lawns, parking lots, etc.) and incorporate best management practices (BMPs) into the design to treat runoff before it discharges into the wetlands. Identify the BMPs on the grading plan.

Stormwater detention basins shall not be used for creation of wetlands to meet the wetland mitigation requirements of this Ordinance in § 151.146(M)(4).

3. Soils.

A minimum of twelve (12) inches of suitable rooting medium shall be provided on the mitigation wetlands and wetland buffer areas. Use low ground pressure equipment to minimize soil compaction, include information about whether topsoil will be imported from off-site.

If the mitigation site contains a drained hydric soil, include the SCS soil map unit description and describe the drainage system (e.g., drain tile, ditches, channels, etc.). The drainage system shall be shown on the grading plan. Verify the hydric soil map unit by digging a 30-inch deep soil pit in a representative location of the map unit and write a detailed profile description of the soil, including horizons, soil colors using Munsell color charts, and soil texture and structure. Examine the soil profile for the presence of redoximorphic features such as iron/manganese accumulations, oxidized rhizospheres, mottles, and depleted zones. Record the type, relative abundance, location, and color of these features. Record other evidence of soil wetness such as the accumulation of partially decomposed organic matter at the soil surface.

4. *Planting Plan.* Submit a plan at a minimum scale of 1 in.=100 ft. depicting the location and acreage of each wetland and wetland buffer community type to be established. This plan shall also be used as the base map to show the locations of the vegetation monitoring transects and hydrology sampling points discussed in Appendix S, Section I. Provide the list of plants to be established in community by common and scientific name, along with the seeding or planting rate for each species. Seed and plant stock source(s) shall originate from within 150 miles of the mitigation site to maintain local genotypes.

D. DEED OR PLAT RESTRICTION

All mitigation wetlands, as well as other preserved wetlands or waters and wetland buffers on the mitigation site, shall be protected in perpetuity by a deed or plat restriction. The permittee shall provide PB&D with a draft copy of the proposed deed or plat restriction document and associated exhibit(s) showing the restricted areas for approval. Contact PB&D for example wetland and wetland buffer restrictive language.

E. CONSTRUCTION SCHEDULE

Provide a schedule with anticipated start date and duration for each phase of the mitigation site construction, including installation of soil erosion and sediment control measures, earthwork, and planting.

F. FINANCIAL ASSURANCE

The permittee shall provide PB&D with a financial surety for 110% of the total estimated cost for construction, monitoring, and management of the mitigation wetlands and wetland buffers. The amount of the financial surety shall be based upon the wetland consultant's detailed cost estimate for completing the approved mitigation plan, including earthwork, planting, and monitoring and management for a minimum of five (5) full growing seasons after planting is completed. The cost estimate shall be provided to PB&D for approval prior to obtaining the financial surety. The financial surety may be in the form of a performance bond, irrevocable letter of credit, irrevocable trust, escrow account, casualty insurance, or other approved surety.

The financial surety shall be held by PB&D until the mitigation site meets the performance standards in Section H. Such surety may be phased out or reduced by PB&D once it has been demonstrated that the mitigation site is functionally mature and/or self-sustaining in accordance with the performance standards in Section H.

G. AS-BUILT PLANS

1. Upon the completion of earthwork, but prior to planting, the permittee shall provide an as-built topographic map to PB&D for approval. The as-built map shall depict the constructed grades at a minimum of 2-ft contour intervals, along with spot elevations, and the invert elevations of all water control structures. The bench mark(s) used to establish the grades shall also be indicated on the plan. If the constructed grades and invert elevations are not in conformance with the approved grading and utility plan, the permittee shall be responsible for regrading or reinstalling the water control structures at the designed elevations to comply with the approved plan. If the as-built plan and site inspection are determined to be in conformance with the approved design, PB&D shall issue a written approval of the as-built plan and planting activities may commence.

2. Upon the completion of planting activities, the permittee shall provide PB&D with lists of the species actually planted in the mitigation wetlands and wetland buffers, including the common and scientific name of each species, the quantity of each species planted (e.g., weight of seeds/acre, number of plugged plants/acre), the source of the seeds/plants, the planting method(s) used, and the date(s) seeding or planting occurred.

H. PERFORMANCE STANDARDS

Performance standards are predetermined goals for guiding and measuring mitigation success.

1. *Performance Period.* The performance period shall consist of a minimum five (5) years at which time the vegetation performance standards are met, unless the vegetation performance standards can be met earlier for two (2) consecutive growing seasons, at which time the performance period shall be considered complete. Conversely, the performance period may be required to be longer than five (5) years in order to meet the vegetation performance standards if they haven't been met after the standard five-year time frame.

2. *Wetland Vegetation Performance Standards.* The performance standards below apply to emergent, wet prairie and sedge meadow communities. If other community types are proposed (e.g., aquatic, forest, etc.), the permittee shall submit proposed performance standards for each community to PB&D for approval.

a. *Floristic Quality.* By the end of the performance period, a native mean coefficient of conservatism value (native mean C value) of greater than or equal to 3.5 and a native floristic quality index value (FQI) of greater than or equal to 20 shall be achieved for each wetland community as determined using the Chicago Region Floristic Quality Assessment Calculator (U.S. Army Corps of Engineers, Chicago District, most recent version).

b. *Mean Wetness Coefficient.* By the end of the performance period, the mean wetness coefficient (mean W) shall be less than or equal to 0 in each wetland community. Wetness coefficients are listed below, based on the category of each plant species designated in the National Wetland Plant List—Midwest Regional Plant List (U.S. Army Corps of Engineers, most recent version). The mean W for each wetland community is calculated by the following equation: Sum of wetness coefficients for all species/number of species.

Wetness Coefficients	
National Wetland Category	Wetness Coefficient
Obligate (OBL)	-2
Facultative Wetland (FACW)	-1
Facultative (FAC)	0
Facultative Upland (FACU)	1
Upland (UPL)	2

c. *Vegetative Cover.* By the end of the performance period, no area greater than 100 square feet within the created or enhanced wetlands shall be devoid of vegetation, as measured by percent areal coverage. Areas not meeting this standard shall be re-planted.

d. *Invasive Species Dominance.* By the end of the performance period, none of the three dominant plant species in the emergent, wet prairie, or sedge meadow communities shall be non-native or weedy species, including, but not limited to, the following species: *Typha* spp., *Phragmites australis*, *Poa compressa*, *Poa pratensis*, *Lythrum salicaria*, *Salix interior*, *Echinochloa crusgalli*, or *Phalaris arundinacea*. Dominance shall be based on the relative importance value (RIV) of each species, which is calculated by the following equation: Invasive Species Dominance:

$$RIVs = [RFs + RCs] / 2 \times 100, \text{ where:}$$

RIVs is the relative importance value of the individual species in the community,

RFs is the frequency of the individual species occurring in all quadrats/the total frequency of all species (adventive and native) occurring in all quadrats, and

RCs is the coverage of the individual species occurring in all quadrats/the total coverage of all species (adventive and native) occurring in all quadrats.

3. *Wetland Buffer Vegetation Performance Standards.* The performance standards below apply to the prairie community to achieve mitigation credit. If other community types are proposed for the wetland buffers (e.g., forest, savanna, etc.), the permittee shall submit proposed performance standards for each community to PB&D for approval.

a. *Floristic Quality.* By the end of the performance period, a native mean coefficient of conservatism value (native mean C value) of greater than or equal to 2.5 and a native floristic quality index value (FQI) of greater than or equal to 15 shall be achieved for the buffer as determined using the Chicago Region Floristic Quality Assessment Calculator (U.S. Army Corps of Engineers, Chicago District, most recent version).

b. *Vegetative Cover.* By the end of the performance period, no area greater than 100 square feet within the created or enhanced mesic prairie buffers shall be devoid of vegetation, as measured by percent areal coverage. Areas not meeting this standard shall be re-planted.

c. *Invasive Species Dominance.* By the end of the performance period, none of the three dominant plant species in the mesic prairie buffer community shall be non-native or weedy species, including, but not limited to, the following species: *Cirsium arvense*, *Melilotus* spp.,

Aliaria petiolata, *Poa compressa*, *Poa pratensis*, *Ambrosia artemisiifolia*, or *Rhamnus cathartica* and *R. franguia*. Dominance shall be based on the relative importance value (RIV) of each species, which is calculated using the equation in Section H.2.d.

I. MONITORING AND MANAGEMENT

1. *Monitoring.*

a. *Monitoring Plan.* The PMD shall contain a proposed five-year monitoring plan. Such plan shall include, at a minimum, a description of the sampling methodologies to be followed for evaluating hydrology in the mitigation wetlands and assessing vegetation in the mitigation wetlands and buffers, the frequency of sampling, and the report(s) to be generated.

b. *Vegetation Monitoring.* A sufficient number of straight-line sampling transects shall be established in the mitigation wetlands and wetland buffers to achieve a representative amount of plant frequency and coverage data. The beginning and end points of each transect shall be monumented in the field with a metal stake. The location of each transect and the number of proposed quadrats per transect shall be accurately identified on the Planting Plan (Section C.4.), which shall be included in the annual monitoring reports. Each transect shall consist of a series of sample quadrats either 0.25 or 1.0 square meter in size. Vegetation sampling shall be conducted by, or under the supervision of, a Certified Wetland Specialist twice during the growing season with at least one month between sampling dates (e.g., May/June and August/September). Vegetation sampling shall include the following, at a minimum:

(1) Record the number and estimated percent areal coverage of each vascular plant species in each quadrant, including all non-native (adventive) taxa and native taxa. Use this data to perform the calculations in (2)-(4) below, Photograph each end of the transect at the time of sampling,

(2) Calculate the native mean C value, FQI, and mean wetness coefficient for each quadrat,

(3) Calculate native mean C value, and native FQI and mean wetness coefficient for each transect,

(4) Calculate the RIV_n of total native species by the following equation:

$RIV_n = [RF_n + RC_n] / 2 \times 100$, where:

RIV_n is the relative importance value of the total native species in the community,

RF_n is the total frequency of the native species occurring in all quadrats/the total frequency of all species (adventive and native) occurring in all quadrats, and

RC_n is the total coverage of the native species occurring in all quadrats/the total coverage of all species (adventive and native) occurring in all quadrats.

c. *Hydrology Monitoring.* A sufficient number of representative sample points shall be established in each mitigation wetland to assess the hydrologic conditions. The sample points shall be monumented in the field with a metal stake. The location of each sample point shall be accurately identified on the Planting Plan (Section C.4.), which shall be included in the annual monitoring reports. At a minimum, hydrology monitoring shall be conducted on a bi-weekly basis during the first growing season and on a monthly basis during each succeeding growing season of the monitoring period. Hydrology sampling shall include the following, at a minimum:

(1) Depth of inundation (in. or cm.) based on NAVD 88 datum, which superseded the NGVD 29 datum used prior to September 18, 2013, and

(2) Soil moisture condition to a minimum depth of 12 in. (e.g., saturated, moist, dry).

2. *Management.*

a. *Management Plan.* The PMD shall contain a proposed five-year management plan. Such plan shall include a description of the anticipated management practices to be employed each year to meet the performance standards in Section H., and a schedule of all proposed management practices (i.e., a calendar indicating month and year of activity). In addition, the plan shall identify the entity to assume responsibility for long-term management of the mitigation wetlands and wetland buffers after the performance period and the dedicated source of funding for long-term management. At completion of the performance period, PB&D shall require a written agreement between the permittee and the entity identified for long-term management.

b. *Management Practices.* Describe the methods and equipment to be used for each proposed management practice (e.g., prescribed burning, control of invasive plant species by herbicide application or hand removal, mow management, etc.). List all permits or certifications/licenses required for the proposed management practices (e.g., IEPA open burn permit, local fire department permits, IDOA herbicide applicators license, etc.). Personnel who perform the management activities shall have appropriate licenses and qualifications.

J. REPORTS

At a minimum, an annual report prepared by, or under the supervision of, a Certified Wetland Specialist summarizing the results of the previous year's monitoring data shall be submitted to the PB&D by January 31st of the following year. The annual reports shall contain, at a minimum:

1. A narrative summary of the vegetation and hydrology monitoring data;
2. A discussion of the progress of native vegetation establishment relative to the performance standards in Section H.;
3. An appendix containing the monitoring data;
4. Photographs of the sample transects and panoramic views of the mitigation wetlands and buffers;
5. A narrative summary of the management practices employed during the previous year and photographs documenting these activities;
6. Recommendations for proposed management practices to be employed during the following year(s), based on the monitoring results to date; and
7. The proposed schedule for management practices in the following year(s).

K. COMPLIANCE AND COMPLETION

1. *Responsible Parties.*

The permittee shall be responsible for establishment of the mitigation wetlands and wetland buffers and all associated monitoring and management activities for the performance period. The permittee shall take corrective measures as necessary to meet the performance standards in Section H., within the performance period.

After the performance period, the entity identified for long term management shall assume long-term management for the mitigation wetlands and wetland buffers. The permittee's responsibility for the mitigation wetlands and wetland buffers shall be released in writing by PB&D.

2. *Notification.*

After the performance period, the permittee shall provide written notification to PB&D, along with following information: 1) A scaled plan (min. 1 in. = 100 ft.) showing the delineated boundaries and actual acreages of the mitigation wetlands and wetland buffers; and 2) A summary of how the performance standards have been met for each wetland and buffer. Upon notification, PB&D shall review the submitted information and perform a site inspection to evaluate the success of the mitigation site. If the mitigation goals and performance standards have been met, PB&D shall notify the permittee in writing that the permittee's responsibility for the mitigation site is released. A copy of the written release shall be provided to the entity designated for long-term management of the mitigation site.

If PB&D determines that the mitigation goals or performance standards have not been met based on the information submitted and site inspection, PB&D shall notify the permittee in writing of the specific shortfalls. The permittee shall be granted a specified time limit to respond to the identified shortfalls. Failure to fully respond to the identified shortfalls within the specified time limit may result in PB&D's use of the mitigation surety to correct the shortfalls.

(Ord. passed 10-9-2012; Ord. 22-1060, passed 8-9-2022)

APPENDIX T: SOLAR ENERGY SYSTEMS

§ 1.0 APPLICATION REQUIREMENTS FOR SOLAR ENERGY SYSTEMS

See § 151.112(UU) Solar Energy Systems and § 151.113(U) Accessory Solar Energy Systems for information on height, setbacks and lot coverage requirements. See §§ 151.250 through 151.259 for violations, penalties and enforcement. Other local and state regulations shall apply.

A. *Project proposal.*

- 1) Owner name, address, and phone number.
- 2) Photos of existing site conditions for proposed facility
- 3) Project summary including the manufacturer information, number of proposed solar modules, and proposed height of the solar arrays.

B. *Site plan (drawn to scale).*

- 1) Existing and proposed contours, at a minimum of two-foot intervals.
- 2) Location, setbacks, exterior dimensions, and square footage of all structures on the owner's property and abutting properties within 100 feet.
- 3) Location and size of existing waterways, wetlands, 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.

C. *Waivers.*

- 1) All landscape transition yard waiver agreements shall be submitted with the application for the solar energy system.
- 2) Any landscape transition waiver agreement between the property owner and adjacent property owner shall be recorded against the impact properties with the Lake County Recorder of Deeds.

D. *Engineering plans, drawings, and schematics.*

- 1) 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 principal use solar energy systems connected to the utility grid must provide written authorization from the local utility company acknowledging and approving such connection prior to building permit issuance.

F. *Native plantings.*

- 1) In order to prevent erosion, manage run-off, and provide ecological benefit, medium and large-scale ground-mounted solar energy systems shall be planted with "low-profile" native prairie species, and use a mix appropriate for this region and site-specific soil conditions.

COMMENTARY: Pollinator Friendly Solar Site Act, 525 ILCS 55/1, establishes a scorecard for solar site vegetation that provides foraging habitat for game birds, songbirds, and pollinators, and prevents weeds, reduces storm water runoff, and erosion.
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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.

(Ord. 19-1378, passed 9-10-2019)