



| <i>§ 151.270 for Description)</i>       | <i>Use Types</i>  | <i>AG</i> | <i>RE</i> | <i>E</i> | <i>R1</i> | <i>R2</i> | <i>R3</i> | <i>R4</i> | <i>R4a</i> | <i>R5</i> | <i>R6</i> | <i>RR</i> | <i>GO</i> | <i>LC</i> | <i>RC</i> | <i>GC</i> | <i>LI</i> | <i>II</i> | <i>OS</i> | <i>Use Standard</i> | <i>CUP Decision</i> |       |
|---|---|-----------|-----------|----------|-----------|-----------|-----------|-----------|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------------|---------------------|-------|
| Household living (see § 151.270(C)(1))  | Attached dwelling (attached to nonresidential use)              |           |           |          |           |           |           |           |            |           |           |           | P         | P         | P         | P         |           |           |           | § 151.112(H)        |                     |       |
|   | Atrium house <sup>1</sup>                                       |           |           |          |           |           |           | P         | P          | P         | P         |           |           |           |           |           |           |           |           |                     |                     |       |
|   | Cabin or cottage  |           |           |          |           |           |           |           |            |           |           | P         |           |           | P         |           |           |           |           | § 151.112(I)        |                     |       |
|   | Caretaker's dwelling unit (accessory use)                       | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         | P                   | § 151.113(D)        |       |
|   | Duplex <sup>2</sup>   |           |           |          |           |           |           | P         | P          | P         | P         |           |           |           |           |           |           |           |           |                     |                     |       |
|   | House, detached   | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         |           |           |           |           |           |           |           |                     |                     |       |
|   | Lot line house <sup>1</sup>                                     |           |           |          |           | P         | P         | P         | P          | P         | P         |           |           |           |           |           |           |           |           |                     |                     |       |
|   | Mobile home park  |           |           |          |           |           |           |           |            |           | C         | C         | C         |           |           |           |           |           |           |                     | § 151.112(H)        | Co Bd |
|   | Multi-dwelling structure  |           |           |          |           |           |           |           |            | P         | P         |           |           |           |           |           |           |           |           |                     |                     |       |
|   | Multiplex <sup>2</sup>  |           |           |          |           |           |           | P         | P          | P         | P         |           |           |           |           |           |           |           |           |                     |                     |       |
|   | Patio house <sup>1</sup>  |           |           |          |           |           |           | P         | P          | P         | P         |           |           |           |           |           |           |           |           |                     |                     |       |
|   | Townhouse <sup>2</sup>  |           |           |          |           |           |           | P         | P          | P         | P         |           |           |           |           |           |           |           |           |                     |                     |       |
|   | Twinhouse <sup>2</sup>  |           |           |          |           |           |           | P         | P          | P         | P         |           |           |           |           |           |           |           |           |                     |                     |       |
|   | Village house <sup>1</sup>                                      |           |           |          |           | P         | P         | P         | P          | P         | P         |           |           |           |           |           |           |           |           |                     |                     |       |
|   | Accessory dwelling unit (accessory use)                         | P         | P         | P        | P         |           |           |           |            |           |           |           |           |           |           |           |           |           |           |                     | § 151.113(D)        |       |
| Assisted living (see § 151.270(D)(1))   |   | C         | C         | C        | C         | C         | C         | C         | P          | P         | P         | P         |           |           |           |           |           |           |           | § 151.112(F)        | ZBA                 |       |
| College (see § 151.270(D)(2))           |   | C         | C         | C        | C         | C         | C         | C         | C          | C         | C         | C         | P         | P         | P         | P         | P         | P         |           |                     | Co Bd               |       |
| Community service (see § 151.270(D)(3)) | Government use (no assembly space)                              | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |                     |                     |       |
|   | Government use (10,000 sq. ft. or less of assembly space)       | P         | C         | C        | C         | C         | C         | C         | C          | C         | C         | C         | P         | P         | P         | P         | P         | P         | P         | § 151.112(W)        | ZBA                 |       |
|   | Government use (more than 10,000 sq. ft. of assembly space)     | P         | C         | C        | C         | C         | C         | C         | C          | C         | C         | C         | P         | P         | P         | P         | P         | P         | P         | § 151.112(W)        | Co Bd               |       |
|   | Community service not otherwise classified                      |           |           | C        | C         | C         | C         | C         | C          | C         | C         | C         | C         | C         | P         | P         | P         | P         | C         |                     |                     | ZBA   |
| Day care (see § 151.270(D)(4))          |   | P         |           | C        | C         | C         | C         | C         | C          | C         | C         | C         | P         | P         | P         | P         | P         | P         |           | § 151.112(P)        | ZBA                 |       |
| Group living (see § 151.270(D)(5))      |   |           |           |          |           |           |           |           | C          | P         | P         | P         |           |           |           |           |           |           |           | § 151.112(X)        |                     |       |
| Hospital (see § 151.270(D)(6))          |   |           |           |          |           |           |           |           |            |           |           |           | P         |           | P         | P         | P         | P         |           |                     |                     |       |
|   | Noncommercial park, public open land, community park, or nature | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |                     |                     |       |



|   |  |   |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |              |               |               |       |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
|---|--|---|--|--|--|--|--|--|--|---|---|---|---|---|---|---|---|--------------|---------------|---------------|-------|---|---|---|---|--|-------|--------------|-------|--------------|--------------|--------------|---|---|---|---|---|---|---|--|--------------|-----|
| Office (see § 151.270(S)(2))                                | retail nurseries   |   |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   | 151.112(KK)  |               |               |       |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Offices not otherwise classified   |   |  |  |  |  |  |  |  | P | P | P | P | P | P |   |   |              |               |               |       |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
| Parking, commercial (see § 151.270(E)(3))                   |  |   |  |  |  |  |  |  |  |   |   | P | P | P | P |   |   | § 151.112(N) |               |               |       |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
| Recreation and entertainment, outdoor (see § 151.270(E)(4)) | Amusement park   |   |  |  |  |  |  |  |  |   |   | C | C |   |   |   | P | § 151.112(E) | Co Bd         |               |       |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Camps  | C |  |  |  |  |  |  |  |   |   | C | C |   |   |   | P | § 151.112(J) | Co Bd         |               |       |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Golf driving range   |   |  |  |  |  |  |  |  |   |   |   |   | P | P | P | P | § 151.112(U) |               |               |       |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Marina   |   |  |  |  |  |  |  |  |   |   |   |   |   | P |   |   |              |               |               |       |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Model airplane club  | C |  |  |  |  |  |  |  |   |   |   |   | C |   |   |   | C            | § 151.112(JJ) | Co Bd         |       |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Racetrack, animal  |   |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |              | § 151.112(MM) | Co Bd         |       |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Racetrack, motor vehicle/ motorcross/BMX /go-cart                                      |   |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |              | § 151.112(NN) | Co Bd         |       |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Shooting range (outdoor)   | C |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |              | C             | § 151.112(SS) | Co Bd |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Outdoor recreation and entertainment not otherwise classified                          | C |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |              |               |               | P     | P | P | P | C |  | Co Bd |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Adult entertainment establishment  |   |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |              |               |               |       |   |   |   |   |  |       | § 151.112(A) |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Antique sales  |   |  |  |  |  |  |  |  |   |   | C | P | P | P | P | P |              |               |               |       |   |   |   |   |  |       |              |       | ZBA          |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Art gallery  |   |  |  |  |  |  |  |  |   |   | C | P | P | P | P | P |              |               |               |       |   |   |   |   |  |       |              |       | ZBA          |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Bicycle shop   |   |  |  |  |  |  |  |  |   |   | C | P | P | P | P | P |              |               |               |       |   |   |   |   |  |       |              |       | ZBA          |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Boat sales/rental/ storage/ service  |   |  |  |  |  |  |  |  |   |   |   |   |   |   | P | C | P            | P             |               |       |   |   |   |   |  |       |              |       | ZBA          |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Casino/commercial watercraft   |   |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |              |               |               |       |   |   |   |   |  | C     | § 151.112(L) | Co Bd |              |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Consumer vehicle sales/rental (e.g., cars, pickup trucks, SUVs, motorcycles) (outdoor) |   |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |              |               |               |       |   |   |   |   |  |       |              |       | § 151.112(N) | ZBA          |              |   |   |   |   |   |   |   |  |              |     |
|   | Consumer vehicle sales/rental (e.g., cars, pickup trucks, SUVs, motorcycles) (indoor)  |   |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |              |               |               |       |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Crematorium  |   |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |              |               |               |       |   |   |   |   |  |       |              |       |              |              | § 151.112(O) |   |   |   |   |   |   |   |  |              |     |
|   | Drive-in theater   |   |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |              |               |               |       |   |   |   |   |  |       |              |       |              | § 151.112(Q) | Co Bd        |   |   |   |   |   |   |   |  |              |     |
|   | Furniture repair, cleaning or refinishing  |   |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |              |               |               |       |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Garden center  |   |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |              |               |               |       |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   |   |   |   |  |              |     |
|   | Gift shop  |   |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |              |               |               |       |   |   |   |   |  |       |              |       |              |              |              | C | P | P | P | P | P |   |  | ZBA          |     |
| Greenhouse/ nursery, retail                                 | C  |   |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |              |               |               |       |   |   |   |   |  |       |              |       |              |              |              |   |   |   |   | P | P | P |  | § 151.112(V) | ZBA |

|  |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |                |   |                |   |   |   |   |   |   |               |               |               |              |
|--|---|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|---|----------------|---|----------------|---|---|---|---|---|---|---------------|---------------|---------------|--------------|
| Retail sales and service (see § 151.270(E)(5))     | Health club   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | C | P              | P | P              | P | P |   |   |   |   | ZBA           |               |               |              |
|  | Hotels and motels   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   | P              | C | P              | P | P | P |   |   |   |               | ZBA           |               |              |
|  | Ice cream shop  |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | P | P              | P | P              | P | P |   |   |   |   |               |               |               |              |
|  | Kennels, animal shelter/obedience school (without outdoor runs)         | P |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |                |   |                | P | P | P |   |   |   | § 151.112(AA) |               |               |              |
|  | Kennels, animal shelter/obedience school (with outdoor runs)            | C |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |                |   |                |   |   | C | C | C |   |               | § 151.112(AA) | ZBA           |              |
|  | Lumber and building material sales                                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |                |   |                |   |   | P | P | P |   |               |               |               |              |
|  | Medical cannabis dispensary   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |                |   |                |   |   | P | P | P |   |               |               | § 151.112(GG) |              |
|  | Office equipment and supplies   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   | P              | P | C              | P | P | P |   |   |   |               |               | ZBA           |              |
|  | Photocopy, blueprint services   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   | P              | P | C              | P | P | P |   |   |   |               |               | ZBA           |              |
|  | Recreational vehicle sales  |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |                |   |                | P | C | P | P |   |   |               | § 151.112(N)  | ZBA           |              |
|  | Restaurant or coffee shop   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   | P              | P | P              | P | P | P |   |   |   |               |               |               |              |
|  | Recreational vehicle park   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |                |   |                |   |   |   |   |   |   |               | § 151.112(OO) | Co Bd         |              |
|  | Sporting goods store  |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   | C              | P | P              | P | P | P |   |   |   |               |               | ZBA           |              |
|  | Veterinary clinic   | P |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |                |   |                |   |   | P | P | P | P |               |               |               |              |
|  | General retail sales and service not otherwise classified               |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   | C              | C | P              | P | P | P |   |   |   |               |               | ZBA           |              |
|  | Neighborhood-oriented retail sales and service not otherwise classified |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   | C <sup>4</sup> | P | C <sup>4</sup> | P | P | P |   |   |   |               |               | ZBA           |              |
|  | Recreational-oriented retail sales and service not otherwise classified |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   | C              | C | P              | P | P | P |   |   |   |               |               | ZBA           |              |
| Self-service storage (see § 151.270(E)(6))         |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |                |   |                |   |   | C | P | P |   |               |               | ZBA           |              |
| Vehicle repair (see § 151.270(E)(7))               |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |                |   |                |   |   |   | C | P | P |               |               | § 151.112(VV) | ZBA          |
| Vehicle service, limited (see § 151.270(E)(8))     |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |                |   | P              | C | P | P |   |   |   |               | § 151.112(RR) | ZBA           |              |
| Manufacturing and production (see § 151.270(F)(2)) | Asphalt, concrete or redi-mix plant                                     |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |                |   |                |   |   |   | C | C |   |               |               | § 151.112(G)  | Co Bd        |
|  | Boat construction   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |                |   |                |   |   |   | P | P |   |               |               |               | § 151.112(Y) |
|  | Manufacturing and production not otherwise classified                   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |                |   |                |   |   |   | P | P |   |               |               |               | § 151.112(Y) |
|  | Medical cannabis cultivation centers                                    |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |                |   |                |   |   |   |   | P | P |               |               |               |              |

|   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |                              |                               |       |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|------------------------------|-------------------------------|-------|
| Warehousing and freight movement  | 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(BB)                | ZBA                           |       |
| Waste-related use (see § 151.270(F) (4))  | Landscape waste composting facilities   | C |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | C | C | C                            | § 151.112(DD)<br>§ 151.112(Y) | Co Bd |
|   | Landscape waste transfer station  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | C | C |                              | § 151.112(EE)<br>§ 151.112(Y) | Co Bd |
|   | Recycling center  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | C | C | P                            | § 151.112 (PP) § 151.112(Y)   | Co Bd |
|   | Construction and demolition recycling facilities  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | C | C |                              | § 151.112(M)                  | ZBA   |
|   | Waste-related use not otherwise classified  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | C |                              | § 151.112(Y)                  | Co Bd |
| Wholesale sales (see § 151.270(F) (5))  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | C | P | P                            | § 151.112(Y)                  | Co Bd |
| Agriculture (see § 151.270(G)(1))   | Agricultural supplier's storage and service center  | C |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | C | P | P                            | § 151.112(B)                  | 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 | P                            | § 151.112(C)                  |       |
|   | Apiary (accessory use on lots less than 200,000 sq. ft.)  | P | P | P | P | P | P | P |   |   |   |   |   |   |   |   |   |   |   |   | P                            | § 151.112(C)                  |       |
|   | Crop raising (sites of less than 200,000 sq. ft.)   | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P                            |                               |       |
|   | Forestry  | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C                            | § 151.112(S)                  | Co Bd |
|   | 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 | P                            |                               |       |
|   | Agricultural education <sup>4</sup> (accessory use to a principal agricultural use on sites of 200,000 sq. ft.) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P                            |                               |       |
| Agriculture uses not otherwise classified (on sites of 200,000 sq. ft. or more) | P   | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |                              |                               |       |
| Aviation and surface transportation facility (see § 151.270(G)(2))              | Airport   | C |   |   |   |   |   |   |   |   |   |   |   | C |   | C | C | C | C | C | § 151.112(D)                 | Co Bd                         |       |
|   | Bus terminal  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | C | P | P                            |                               | Co Bd |
|   | Heliport  | C |   |   |   |   |   |   |   |   |   |   |   | C |   | C | C | C | C | C | § 151.112(D)                 | 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)<br>§ 151.148(B) |                               |       |
| Mining (see § 151.270(G)(3))  | Mining and resource extraction  | C |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | C | C | § 151.112(HH)                | Co Bd                         |       |

|   |                           |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |               |       |
|---|---------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---------------|-------|
| Telecommunication facilities (see § 151.270(G)(4))  |                           | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | § 151.112(TT) |       |
| Wildlife rehabilitation   | Principal use             | C |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | C             | Co Bd |
|   | Accessory residential use | C | C | C | C | C | C | C |   | C | C | C |   |   |   |   |   |   |   | § 151.113(M)  | Co Bd |
| 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 Agricultural education <sup>5</sup> (accessory use to a principal agricultural use on sites of 200,000 sq. ft).   |                           |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |               |       |
| 6 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.   |                           |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |               |       |

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

**§ 151.112 USE STANDARDS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Minimum setbacks shall be as follows:

|         |         |
|---------|---------|
| Street: | 30 feet |
| Side:   | 30 feet |
| Rear:   | 50 feet |

COMMENTARY:  
 Notwithstanding the setback requirements contained in subsection (C)(1)(c), pastures enclosing an undivided area of at least 40,000 square feet may extend to the lot line. All other fenced enclosures must meet the setbacks provided in this subsection (C)(1)(c). On parcels eligible for the statutory agricultural exemption there shall be no limit under this chapter on the number of farm animals.

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

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

(b) Minimum setbacks shall be as follows:

|         |         |
|---------|---------|
| Street: | 30 feet |
| Side:   | 30 feet |
| Rear:   | 50 feet |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

- (a) Eight thousand, five hundred square feet for the first dwelling unit;
- (b) Plus 5,000 square feet for the second dwelling unit; and
- (c) Plus 3,000 square feet for each additional dwelling unit.

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

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

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

| <i>Cabin or Cottage</i> | <i>Minimum Lot Area (Sq. Ft.)</i> |
|-------------------------|-----------------------------------|
| First unit              | 8,500                             |
| Second unit             | 5,000                             |
| Each additional unit    | 3,000                             |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Existing cemeteries may continue to operate in a manner consistent with the existing development in the area presently covered by a conditional use permit. Any expansion to land not covered by the existing conditional use permits must comply with the requirements of this subsection (K), except that existing cemeteries shall be permitted to expand to whatever extent additional area is available to them without regard to the minimum size requirement for a new cemetery.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMENTARY:

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

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

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

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

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

- (a) Number of employees anticipated at the facility;
- (b) Proposed hours of operations for receipt of general construction or demolition debris and for processing and shipment of general construction or demolition debris;
- (c) Proposed daily average/maximum volume (in tons) of general construction or demolition debris to be received at the facility;
- (d) Identification of the maximum number of vehicles (by vehicle type) proposed to utilize the facility on a daily basis;
- (e) Description of any processing equipment (i.e., grinders/shredders/balers) proposed to be utilized to prepare the recyclable general construction or demolition debris for stockpiling or shipment and the location and design of any noise-buffering elements, sheltering and operating controls to minimize noise impacts;
- (f) Description of operating methods employed to control odor, accidental combustion of materials, vectors, dust, and litter;
- (g) Description of the method and equipment utilized to load recyclable and non-recyclable general construction or demolition for shipment from the facility; and
- (h) Specification of typical and maximum anticipated height of stockpiled recyclable construction or demolition debris for each recyclable material by type. Identification of the buffering and/or screening measures employed to minimize the visual impact of the proposed stockpiles from surrounding land uses.

COMMENTARY:

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

(N) *Consumer vehicle sales (retail sales and service, sales-oriented use category), commercial parking lots and recreational vehicle sales/rental.* All parked, displayed, or stored vehicles shall be set back at least five feet from the right-of-way and all property lines. Concrete wheel stops or other permanent barriers shall be installed to prevent vehicles from encroaching on required setbacks. In lieu of providing side and rear setbacks, landowners of adjoining properties shall be entitled to enter into an agreement that provides for a waiver or partial waiver of the requirements. The agreement shall be in the form of a covenant or deed restriction and shall require approval of the Planning, Building and Development Director. Once approved, the agreement shall be recorded by the Lake County Recorder of Deeds and shall run with the land.

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

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

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

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

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

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

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

(Q) *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.
- (R) *Electrical generation plants (private) (major utility use category)*. The following standards shall apply to all private electrical generation facilities with power generation potential of 30 megawatts or more:
- (1) Petitioner shall submit a site plan prepared and certified by a registered surveyor licensed in this state that complies with the site plan review submission requirements of this chapter.
  - (2) The facility's operational area shall be located at least 1,000 feet from all parcel boundary lines that adjoin any zoning district other than Limited Industrial (LI) or Intensive Industrial (II). The term "operational area" shall mean all electrical generation equipment, cooling equipment, exhaust or venting equipment, and any structures housing the equipment.
  - (3) Fencing shall be provided around the boundary of the property to prevent unauthorized access.
  - (4) All current state and federal permits, waivers of permits, licenses, and certificates of insurance shall be on file with the Planning, Building and Development Department throughout the life of the conditional use.
  - (5) All equipment on the subject property shall operate in accordance with the Illinois Environmental Protection Agency's Class "C" nighttime noise regulations (Title 35 Ill. Adm. Code Subtitle H, Chapter I) throughout the life of the conditional use permit, as measured at the boundaries of the nearest property zoned for residential purposes.
  - (6) The conditional use permit shall establish reasonable standards to prevent contamination of water resources due to spillage or leakage of chemicals, fuels, and other products that are stored on-site. The conditional use permit process shall also consider the possibility of accidental explosion in establishing the standards.
  - (7) Any increase in the schedule, intensity, or energy output of operations, as established under the original conditional use permit, shall require an amendment to the conditional use permit.
  - (8) If all operations at the facility cease for a period of 24 consecutive months, removal of all equipment, structures, foundations, tanks, towers, and fences shall be completed within the next 12 calendar months; the site shall be returned to its previous landscape by that time. A bond or letter of credit in the amount of 150% of an independent engineer's estimate of site cleanup (removal of structures, foundations, tanks, towers, and fences) shall be submitted to the Planning, Building and Development Department prior to the issuance of a building permit.
  - (9) All electrical generation plants shall employ best available control technology, as specified by the Illinois Environmental Protection Agency.
- (S) *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.
- (T) *Golf course (parks and open space use category)*.
- (1) A golf course may include swimming pools, snack shops, or refreshment stands on the course and a club house that may contain dining/banquet facilities, locker room and shower facilities, a pro shop, and a lounge. It may also include a golf practice range as accessory to the golf course, provided that it is an integral part of the golf course, is not lighted or operated other than daylight hours, and is not operated at hours other than those during which the golf course is open for play. These lighting regulations and operating hour restrictions shall apply only when the facility is located in or adjacent to a residential zoning district.
  - (2) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
- (U) *Golf driving range (recreation and entertainment, outdoor use category)*.

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

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

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

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

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

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

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

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

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

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

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

(W) *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.

(X) *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.

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

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

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

(Z) *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.

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

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

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

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

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

(d) State license shall be prominently displayed.

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

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

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

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

(BB) *Dredging material stockpiling and processing (warehousing and freight movement).*

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

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

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

(b) Any buildings, structures or fixed equipment.

(c) The extent of paved or impervious surfaces.

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

(e) Fencing, berm or screening features.

(f) A site restoration plan.

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

(3) *Access.*

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

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

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

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

(a) Number of employees anticipated at the facility.

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

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

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

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

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

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

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

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

- (a) Hours and days of operation.
- (b) Vehicle trips generated per day.
- (c) Noise and dust emissions.

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

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

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

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

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

**COMMENTARY:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (b) The facility is located on a farm that produces manure as a byproduct of its principal business;
  - (c) The compost produced from the facility contains a minimum of 5% animal manure that is produced on the farm;
  - (d) The farm associated with the facility contains at least 500 acres and grows a majority of the feed used in its operation; and
  - (e) The facility is located at least one-eighth mile from the nearest public road or non-farm residence.
- (3) All new landscape waste composting sites shall be located on a site with a minimum area of at least 400,000 square feet.
- (4) The location of the portion of the site where active biological decomposition of the landscape waste is taking place shall be located a minimum of 500 feet from any existing residence, school, park, or playground and shall be set back no less than 200 feet from any property line.
- (5) The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
- (6) Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
- (7) Limits on the days and hours during which landscape waste may be accepted and processed may be imposed as part of the conditional use permit review process.
- (8) A gate shall be constructed to bar access to the site by vehicles during the hours that the facility is closed for the receipt of landscape waste. This gate shall be locked during all non-receiving hours.
- (9) Conditions may be imposed requiring that soil samples be taken prior to the commencement of operations at the site to establish a base line for future monitoring. The conditions may specify the timing and frequency of the soil samples.
- (10) Conditions may be imposed requiring that surface waters leaving the site be tested prior to the beginning of composting operations for quantities and concentrations of heavy metals, organic compounds, solvents, fertilizers, and other potentially harmful substances.
- (11) Conditions may be imposed limiting the volume of landscape waste accepted daily.
- (12) Conditions may be imposed requiring fencing of a certain type and height in certain locations.
- (13) Adequate provision shall be made for the disposal of all composted material.
- (14) The operation of a landscape waste composting facility shall not be permitted unless all permits required by the Illinois Environmental Protection Agency have been obtained.
- (15) The main road from which access is taken shall always be kept free of dust, dirt, mud, and other debris.
- (EE) *Landscape waste transfer station (waste-related use category).*
- (1) The use shall be subject to the site capacity calculations/site plan review procedures of § 151.070.
  - (2) The site shall contain a minimum of 200,000 square feet.
  - (3) All structures, activities, and storage areas shall be set back a minimum of 30 feet from all property lines.
  - (4) Landscaping and fencing requirements shall be established as part of the conditional use permit.
- (FF) *Medical cannabis cultivation centers (manufacturing and production use category).*
- (1) *Minimum distance from protected uses.* No medical cannabis cultivation center shall be established, maintained, or operated on any lot that has a property line within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use.
  - (2) *Measurement.* For the purposes of subsection (FF)(1) above, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on an applicable cultivation center is located to the nearest point on a property line of any protected use (as defined in subsection (FF)(1) above).
  - (3) *Site plan review.* The use shall be subject to the Site Capacity Calculation/Site Plan Review procedures.
  - (4) *Compliance with state regulations and rules.* Each cultivation center shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto.
  - (5) *Single use site.* No cultivation center may be established in multiple use or tenant property or on a site that shares parking with other uses.
  - (6) *Setbacks.* Each cultivation center shall be a minimum of 50 feet from its surrounding property lines.
  - (7) *Parking.*
    - (a) Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by cultivation center staff and are continually recorded in a tamper proof format.
    - (b) The electronic security system shall be available 24 hours per day, and seven days per week to the Department and law enforcement agencies via a secure web-based portal.
  - (8) *Signage.*
    - (a) All commercial signage for a cultivation center shall be limited to one flat wall sign not to exceed ten square feet in area, and one identifying sign, not to exceed two square feet in area, which may only include the cultivation center address. Such signs shall not be directly illuminated.



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

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

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

(10) *Security and video surveillance.*

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

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

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

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

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

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

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

(12) *Conduct on site.*

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

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

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

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

(1) *Minimum distance from protected uses.*

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

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

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

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

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

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

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

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

(8) *Parking.*

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

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

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

(10) *Signage and advertising.*

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

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

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

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

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

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

(12) *Age and access limitations.* Each dispensary shall prohibit any person who is not at least 18 years of age from entering the dispensary facility. Dispensaries shall not employ anyone under the age of 18. Access to the dispensary facility shall be limited exclusively to dispensary staff, cardholders, designated caregivers, local and state officials, and those specifically authorized under Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.).

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

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

(15) *Security and video surveillance.*

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

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

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

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

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

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

(16) *Conduct on site.*

(a) Loitering is prohibited on the dispensary property.

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

(HH) *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.

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

- (1) *Land; ownership.* A mobile home park shall consist of a contiguous parcels of land that has been developed for the placement of mobile homes and is owned in its entirety by an individual, firm, trust, partnership, public or private association or corporation. No lots shall be individually sold.
- (2) *Site capacity/site plan review.* The use shall be subject to the site capacity calculation/site plan review procedures of § 151.070. Site capacity/site plan review shall be conducted concurrently with any required conditional use permit review.
- (3) *Mobile homes.* Mobile homes shall be permitted only in approved mobile home parks, except where the agricultural exemption applies or when occupied as a temporary shelter in accordance with § 151.114. Mobile home/manufactured housing sales are classified in the “wholesale sales” use category. The sales activities shall be allowed only in zoning districts that allow wholesale sales uses.
- (4) *Application and licensing requirements; inspections.*
  - (a) No person shall construct or expand any mobile home park unless they hold a valid permit according to § 4, Public Act 77-1472 Mobile Home Parks, State of Illinois and a permit is issued by the Planning, Building and Development Department in the name of the person for the specific proposed construction, alteration or extension.
  - (b) No person shall operate any mobile home park unless they hold a valid license issued annually by the Planning, Building and Development Department in the name of the person for the specific mobile home park. All applications for licenses shall be made to the Planning, Building and Development Department according to the provisions and licensing application forms provided by the Planning, Building and Development Department.
  - (c) Licensing inspections shall be performed annually by the Planning, Building and Development Department.
- (5) *Minimum park size.* Mobile home parks shall be at least nine acres in size. Any addition to an existing mobile home park shall be sufficient to provide for a total site area of at least nine acres.
- (6) *Density and open space.* Mobile home parks shall comply with the maximum density standard and minimum open space ratio established for the underlying zoning district.
- (7) *Minimum lot area and width.* Every mobile home shall be located on a mobile home site having at least 4,000 square feet of land area exclusive of park streets. The minimum lot or site width shall be 40 feet.
- (8) *Setbacks.* Minimum setbacks/ separations shall be as follows:

**Table 151.112(II)**

|    | <b>Setback/Separation</b>  | <b>Minimum Distance<br/>(Feet)</b> |
|----|--|------------------------------------|
| 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(II) above, provided that the following minimum setbacks/separation distances are maintained:

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

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

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

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

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

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

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

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

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

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

(b) Suitable landscaping, fencing and benching; and

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

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

(15) *Sewage disposal.*

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

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

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

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

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

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

(JJ) *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.

(KK) *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.

(LL) *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.

(MM) *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.

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

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

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

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

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

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

(a) Refreshment stands or booths;

(b) Souvenir stands or booths;

(c) Vehicle fuel and supplies sales limited to owners or operators of vehicles to be raced;

(d) Temporary campgrounds;

(e) Playgrounds and day care facilities; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) *Minimum size.*

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

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

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

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

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

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

(6) *Density and open space.*

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

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

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

(8) *Required setbacks and separation.*

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

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

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

**Table 151.112(OO)(8)**

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

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

(10) *Streets and vehicular access.* Each recreational vehicle site shall have direct access from an internal park street. All internal streets shall be privately owned and maintained so that emergency vehicles can safely access all area of the site during the recreational vehicle park's operating season. All internal streets shall have a minimum right-of-way width of 33 feet and minimum pavement width of 18 feet. The streets shall be

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

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

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

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

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

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

(13) *Sewage disposal.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) *Setbacks.*

1. All internal setback requirements of this chapter;

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

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



**Table 151.112(OO)(19)**

| <b>Required Plant Material/100 Feet</b> |  |
|---|--|
| 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.

(PP) *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.

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

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

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

(RR) *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.

(SS) *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.

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

**COMMENTARY:**

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

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

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

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

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

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

(UU) *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.

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

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

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

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

### **§ 151.113 ACCESSORY USES.**

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

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

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

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

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

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

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

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

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

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

(c) Nonresidential or agricultural-exempt uses, or hoophouses or greenhouses, exclusively used for growing 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.

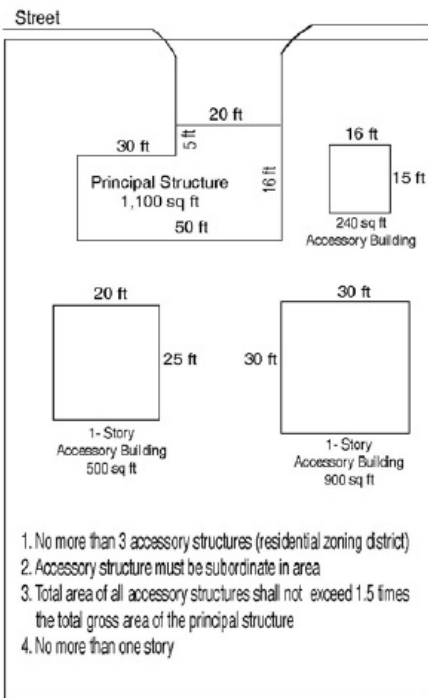
(7) (a) No more than three accessory buildings associated with a principal residential use shall be located on a single parcel in a residential district.

(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 plants for local food production in residential zoning districts, open gazebos, swimming pools, cabanas, or similar structures shall not be counted as buildings for purposes of this provision. (See Figure 151.113.)

*Figure 151.113: Accessory Structures*



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

(9) Uses prohibited as accessory uses:

- (a) Uses specifically prohibited by subsections (E)(5) and (L) of this section;
- (b) Recreational use of motorized vehicles as residential accessory uses;
- (c) Temporary hoophouses, greenhouses, or other frame-designed structures not meeting applicable building codes except as allowed under the state's agricultural exemption or for exclusively growing plants for local food production in residential zoning districts;
- (d) Temporary storage structures, including trailers and freight containers not meeting building codes; and
- (e) Donation drop-off containers.

(C) *Height and setback standards.*

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

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

(2) *Setbacks.*

- (a) *Residential development.* In residential zoning districts, accessory uses and structures shall meet the front setback requirement of the

underlying zoning district. No accessory use or structure may be located within six feet of any side or rear property line.

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

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

(1) *Where allowed*.

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

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

(2) *Other ordinance standards*.

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

**COMMENTARY:**

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

(b) *Caretaker's residences*. Caretaker's dwelling units shall be subject to all setback, height, and impervious coverage standards that apply to principal structures in the underlying zoning district.

(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.

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

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

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

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

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

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

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

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

(12) *Operational impacts.*

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

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

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

(14) *Retail sales and display.*

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

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

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

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

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

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

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

(F) *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.

(G) *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. Manure should not be applied on land that is closer than 100 feet to a residential lot line. A 100-foot wide area of vegetation cover should be maintained between any unvegetated exercise area, manure pile, or application area and any surface water which is all or in part off-site, or any well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption, and prevent water contamination. Special events, such as shows, exhibitions, and contests, shall only be permitted in accordance with an approved temporary use permit.

(H) *Hoophouses.*

(1) Hoophouses and greenhouses on residentially zoned properties shall be used for the primary exclusive purpose of growing plants for local food production. Hoophouses shall not exceed, in the aggregate, 50 square feet in area for each 10,000 square feet in lot area, with a minimum lot size of 10,000 square feet. 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) 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.

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

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

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

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

(J) *Fences and walls.*

(1) *Fences and walls.* Fences and walls shall be permitted in any required setback (except within required visibility triangles, see § 151.172). The finished/ornamental side of the fence shall face outward; provided, however, that this requirement may be waived by the Planning, Building and Development Director if it is determined no practical benefit is served based upon an assessment of site conditions. The maximum height of walls and fences shall be six feet, or six feet six inches when the fence is required to be elevated due to the drainage requirement. In instances when greater height is deemed necessary to provide adequate visual screening, buffering and security, the Planning, Building and Development Director shall be authorized to allow a maximum fence or wall height of eight feet. However, an eight-foot high fence or a wall may be allowed separating residential and nonresidential uses without the Planning, Building and Development Director's authorization. The finished/ornamental side of the fence shall face outward. Fences for tennis courts, volleyball courts, or similar recreational purposes located at or beyond all required setback lines shall not exceed the maximum height provided in subsection (C)(1). If a recreational fence is greater than six feet in height, it shall be a minimum of 90% open. Fences and walls shall be permitted in any required setback (except within required intersection, visibility triangles, see § 151.172, or within designated open space areas, unless otherwise permitted pursuant to § 151.072(A)(1).

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

(K) *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.

(L) *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.

(M) *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.

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

(1) *Height.*

(a) *Residential Zoning Districts.*

1. As measured from its highest point, building-mounted turbines shall be allowed up to the height of 15 feet above the highest point of the building structure, but in no case shall exceed 45 feet above the structure's average ground elevation in a residential zoning district.
2. Tower-mounted turbines shall be permitted by right up to the heights of: 45 feet on parcels less than 40,000 square feet; 75 feet on parcels 40,000 to 200,000 square feet; and 100 feet on parcels larger than 200,000 square feet, as measured from the base of the tower to the top of a fully extended blade. Proposed turbines over these limits shall require a delegated conditional use permit. Turbines shall be limited to 125 feet in height if located within 500 feet of a nonparticipating residentially zoned property.
3. The blade tip of a tower-mounted horizontal axis turbine shall have ground clearance of not less than 25 feet at its lowest point. The blade tips of a vertical access turbine shall have ground clearance of not less than 15 feet at their lowest point.

(b) *Nonresidential Zoning Districts.*

1. As measured from its highest point, building-mounted turbines shall be allowed at the height of 15 feet above the highest point of the building structure, in a nonresidential zoning district.
2. The turbine height for a tower-mounted turbine (as measured at its highest point) shall be less than 200 feet in a nonresidential zoning district. Tower-mounted turbines shall be limited to 125 feet in height if located within 500 feet of a nonparticipating residentially zoned property.
3. The blade tip of a tower-mounted horizontal axis turbine shall have ground clearance of not less than 25 feet at its lowest point. The blade tips of a vertical access turbine shall have ground clearance of not less than 15 feet at their lowest point.

(2) *Setbacks.*

- (a) Tower-mounted turbines shall be set back a minimum distance equal to 150% of (1.5 times) the turbine height, from the exterior surface of the base of the tower to nonparticipating property lines.
- (b) Tower-mounted turbines for which the generated electricity is exclusively used on-site shall be set back a minimum distance equal to 110% of (1.1 times) the turbine height, from the exterior surface of the base of the tower to nonparticipating property lines.
- (c) Tower-mounted turbines shall be set back a minimum distance equal to 110% of (1.1 times) the turbine height, from third party transmission lines and communication towers.

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

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

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

| <i>Receiving Property</i> | <i>Hours of Operation</i> | <i>Sound Level Limits</i> |
|---------------------------|---------------------------|---------------------------|
| Residential               | 10:00 p.m. - 7:00 a.m.    | 45 dB(A)                  |
| Residential               | 7:00 a.m. - 10:00 p.m.    | 55 dB(A)                  |



|                       |          |          |
|-----------------------|----------|----------|
| Other non-residential | 24 hours | 60 dB(A) |
| Industrial            | 24 hours | 65 dB(A) |

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

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

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

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

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

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

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

(O) *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.

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

(1) *Number of beehives.* Two full beehives (hives) and two "nucleus hives" shall be permitted on lots up to and including a minimum lot area of 10,000 square feet of area, and one beehive and one nucleus hive shall be permitted for each additional 10,000 square feet. There shall be no limit on the number of hives kept on parcels with an area of 200,000 square feet or more. Nucleus hives, consisting of five or fewer frames, are kept for the purposes of queen and pest management.

(2) *Location and setbacks.*

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

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

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

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

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

(3) *Management practices.*

(a) *Water supply.*

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

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

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

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

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

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

(1) *Number of hens.*

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

| <i>Minimum Lot Size</i> | <i>Maximum Number of Hens Allowed</i> |
|-------------------------|---------------------------------------|
| 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 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.

**§ 151.114 TEMPORARY USES.**

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

| <i>Table 151.114: Temporary Uses</i>                                    |  |           |           |          |           |           |           |           |            |           |           |           |           |           |           |           |           |           |           |
|---|--|-----------|-----------|----------|-----------|-----------|-----------|-----------|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <i>Use Types</i>  |  | <i>AG</i> | <i>RE</i> | <i>E</i> | <i>R1</i> | <i>R2</i> | <i>R3</i> | <i>R4</i> | <i>R4A</i> | <i>R5</i> | <i>R6</i> | <i>RR</i> | <i>GO</i> | <i>LC</i> | <i>RC</i> | <i>GC</i> | <i>LI</i> | <i>II</i> | <i>OS</i> |
| Animal show or animal exhibition (see § 151.114(E))                     |  | P         | P         | P        |           |           |           |           |            |           |           |           | P         | P         | P         | P         | P         | P         | P         |
| Batch plant for road construction (see § 151.114(G))                    |  | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |
| Carnival or circus (see § 151.114(H))                                   |  | P         |           |          |           |           |           |           |            |           |           |           | P         | P         | P         | P         | P         | P         | P         |
| Contractor's model home (see § 151.114(J))                              |  | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |
| Contractor's office and construction equipment sheds (see § 151.114(I)) |  | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |
| Events of public interest (see § 151.114(K))                            |  | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |
| Material staging, stockpiling, and processing (see § 151.114(S))        | Material staging   | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |
|   | Material stockpiling and processing (on residential lots 200,000 sq. ft. or more) <sup>1</sup> | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |
| Real estate sales office (see § 151.114(L))                             |  | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         |           |
| Rodeo (see § 151.114(F))  |  | P         | P         | P        |           |           |           |           |            |           |           |           | P         | P         | P         | P         | P         | P         | P         |
| Shelters, temporary (see § 151.114(N))                                  |  | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |
| Temporary sales (see § 151.114 (M))                                     | Christmas tree sales lots  | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |
|   | Farm produce, seasonal sales of  | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |
|   | Food sales   |           |           |          |           |           |           |           |            |           |           |           |           |           | P         |           |           |           |           |
|   | Garage sales   | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |
|   | Retail nursery stock sales   | P         | P         | P        | P         | P         | P         | P         | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |

P= permitted subject to all other applicable standards of this chapter.

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

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

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

(1) A site plan, drawn to scale, showing the location of structures, improvements, parking areas and other features that exist or are proposed on the site; and

(2) Signed, written permission from the owner of or the agency having jurisdiction over the subject property.

(D) *General standards.* The following standards shall apply to all temporary uses unless otherwise expressly stated.

(1) Access approval from the highway authority with jurisdiction over the subject road shall be required.

(2) No permanent or temporary electrical connection shall be installed without an electrical permit and inspection.

(3) A building permit and inspection shall be obtained prior to the construction of any temporary structures.

(4) Temporary structures shall be located at least four feet from any buildings or structures on the subject property.

(5) The Planning, Building and Development Director shall be authorized to require evidence of approval from the Lake County Health

Department regarding temporary sanitation facilities.

(6) No signs in connection with a temporary use shall be permitted except in accordance with the provisions of § 151.173. All temporary signage shall be removed immediately upon cessation of the temporary use.

(7) Temporary uses or structures shall not encroach into any required landscaping.

(8) Parking areas shall be provided for the temporary use (in addition to required parking for any principal use existing or proposed on the site), and the areas shall be capable of accommodating the number of parking spaces that are required for the most similar use type under § 151.165.

(9) Requests for modifications or waivers from any of the time limits of this section shall require review and approval in accordance with the delegated conditional use permit procedures of § 151.050.

(10) The Planning, Building and Development Director shall have the authority to suspend, revoke, or modify a temporary use permit immediately upon determination that the conditions and requirements set forth in the permit have been violated. Written notice of the Planning, Building and Development Director's determination to suspend, revoke, or modify the permit shall be promptly provided to the applicant. A determination under this subsection (C) shall be final and conclusive unless the applicant takes an appeal to the Zoning Board of Appeals within ten calendar days after receipt of notice of the Planning, Building and Development Director's determination.

(11) The Planning, Building and Development Director shall have the authority to deny temporary use permits to any person who owns, applied for or otherwise caused an uncorrected violation of a provision of this chapter or who has demonstrated a willful history of violations, including any condition attached to a permit or approval previously granted by the county. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

(12) The Planning, Building and Development Director shall have the authority to deny temporary use permits on any land or structure or improvements thereon, upon which there is an uncorrected violation of a provision of this chapter, including any condition attached to a permit or approval previously granted by the county. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

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

(14) Any food service operation that sells, prepares or serves potentially hazardous food must obtain an approved food service permit from the Lake County Health Department and is subject to inspection.

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

(F) *Rodeo.*

(1) Rodeos shall be limited to specified hours and a maximum of seven days per calendar year per zoning lot.

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

(3) The minimum setbacks for the Agricultural (AG) Zoning District shall apply for any structure or activity associated with the rodeo.

(4) Rodeos shall be permitted only on parcels greater than ten acres in size. A parcel containing a rodeo shall be located at least 500 feet away from any property zoned and used for residential purposes.

(5) Noise levels associated with rodeos shall not exceed 70 dB(A) (SLOW meter response) at the property line of any property zoned and used for residential purposes.

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

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

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

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

(G) *Batch plant for road construction.*

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

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

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

(H) *Carnival or circus.*

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

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

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

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

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

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

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

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

(J) *Contractor's model homes.*

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

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

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

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

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

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

1. Final plat approval is obtained; and

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

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

(K) *Events of public interest.* Events of public interest, including but not limited to picnics, races for motorized vehicles, water craft or air craft races, fishing derbies, dinner dances, fundraisers, survival games, haunted houses, outdoor concerts, auctions, tent meetings, 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.

(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).

(L) *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.

(M) *Temporary sales.* The standards of this subsection (M) shall apply to farm produce sales, retail nursery sales associated with wholesale nurseries, Christmas tree sales, garage sales, and food sales.

(1) *Farm produce sales (seasonal).*

(a) Seasonal sales of farm produce 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 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 is grown on-site.

(b) Temporary sales shall be allowed only during daylight hours, with specific hours of operation specified in the temporary use permit.

(c) All sales shall be conducted at least 30 feet from all streets and public rights-of-way.

(d) A minimum of 30-foot setback shall be maintained from property used or zoned for residential purpose.

(e) The property shall be of sufficient size to provide adequate off-street parking in addition to required parking for any existing use on the property.

(f) Sales shall be conducted in such a manner so as not to interfere with traffic or cause a nuisance.

(g) The access drive to the site shall be located at least 150 feet from the right-of-way of any public road intersection or other major access drive unless there is an existing access within 150 feet of the intersection and the highway authority having jurisdiction grants approval to use the existing access.

(2) *Retail nursery stock sales associated with wholesale nurseries.*

(a) Retail nursery stock sales events associated with wholesale nurseries may be allowed by temporary use permits and shall be limited to 30 days per calendar year.

(b) Retail nursery stock sales shall be allowed only during daylight hours, with specific hours of operation specified in the temporary use permit.

(c) All sales shall be conducted at least 30 feet from all streets and public rights-of-way.

(d) A minimum of 30-foot setback shall be maintained from property used or zoned for residential purposes.

(e) The property shall be of sufficient size to provide adequate off-street parking in addition to required parking for any existing use on the property.

(f) All sales on the property shall be limited to stock grown on-site.

(g) The retail nursery stock sales associated with wholesale nurseries shall comply with § 151.112(V).

(3) *Christmas tree sales.*

(a) Christmas tree sales may be allowed by temporary use permit in all zoning districts for a period not to exceed 45 days per calendar year. Christmas tree sales shall be allowed in residential zoning districts only when located on the site of a permitted nonresidential use. If the principal use of the property is a Christmas tree farm on a property containing a minimum of 200,000 square feet or is a retail greenhouse/nursery or garden center, no temporary use permit shall be required.

(b) All sales shall be conducted at least 30 feet from the right-of-way of any street.

(c) A minimum of 30-foot setback shall be maintained from property used or zoned for residential purpose.

(d) The property shall be of sufficient size to provide adequate off-street parking in addition to required parking for any existing use on the property.

(e) Sales shall be conducted in such a manner so as not to interfere with traffic or cause a nuisance.

(f) The access drive to the site shall be located at least 150 feet from the right-of-way of any public road intersection or other major access drive unless there is an existing access within 150 feet of the intersection and the highway authority having jurisdiction grants approval to use the existing access.

(4) *Garage sales.*

(a) Garage sales shall be allowed in all zoning districts without a permit, provided that no more than two garage sales shall be conducted on a zoning lot in any calendar year.

(b) No garage sale shall be conducted for longer than three consecutive days duration.

(c) Sales events may be conducted during daylight hours only.

(d) No more than two signs may be used to advertise a permitted garage sale event. The sign shall not exceed four square feet in area and must be located within the boundaries of the zoning lot on which the sale takes place or on other private property, with the consent of the owner.

(5) *Food sales.*

(a) Temporary food stands may be allowed by temporary use permit in the General Commercial (GC) Zoning District for a period not to exceed six months per calendar year.

(b) Temporary food stands shall be allowed only during daylight hours, with specific hours of operation specified in the temporary use permit.

(c) All sales shall be conducted at least 30 feet from all public rights-of-way.

(d) A minimum 30-foot setback shall be maintained from adjoining property used or zoned for residential purposes.

(e) The property shall be of sufficient size to provide adequate off-street parking in addition to required parking for any other use on the subject property.

(f) Sales shall be conducted so as not to interfere with traffic or cause a nuisance.

(g) The access drive shall be located at least 150 feet from the right-of-way of any public road intersection or other major access drive unless there is an existing access within 150 feet of the intersection and the highway authority having jurisdiction grants approval to use the existing access.

**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.

(N) *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.

(O) *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.

(P) *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.

(Q) *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.

(R) *Temporary structures for scientific research and testing.* The Planning, Building and Development Director shall be authorized to approve the use of temporary structures for scientific research and testing and ancillary to an existing permitted principal manufacturing and production use on the subject property, provided that the structures meet all applicable density and dimensional requirements of this chapter.

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

(1) *Permitting and public outreach.* The use shall be subject to both a site development and temporary use permit processes. Following application submittal, staff will determine whether public information meeting would be required. A staff administered meeting may be held to

gather information and feedback, as well as offer an opportunity for the public to learn about the use.

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

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

(4) *Access.*

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

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

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

(6) *Site restoration plan.*

(a) A site restoration plan must be submitted to and approved by the county.

(b) The exact termination date for the completion of operations and the restoration of the site shall be established in the temporary use permit review process and imposed at the time of approval based upon the estimated length of time the operation will be conducted.

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

(a) Number of employees anticipated at the facility.

(b) Proposed hours of operations for receipt of material.

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

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

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

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

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

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

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

(a) Hours and days of operation.

(b) Vehicle trips generated per day.

(c) Noise and dust emissions.

(Ord., § 6.5, passed 10-13-2009; Ord. passed 8-14-2012; Ord. passed - -; Ord. 15-0701, passed 7-14-2015)