

**VILLAGE OF GRAYSLAKE  
ZONING ORDINANCE  
CHAPTER 17**

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## **CHAPTER 17 ZONING**

### **17.04 TITLE, PURPOSE, AND DEFINITIONS**

#### **17.04.010 SHORT TITLE**

This ordinance shall be known and may be cited and referred to as the "Grayslake Zoning Ordinance."

#### **17.04.020 PURPOSES**

This Zoning Ordinance is adopted for the following purposes:

- A.** To promote and protect the health, safety, comfort, morals, welfare, convenience and necessity of the public;
- B.** To secure adequate light, pure air, privacy, and convenience of access to property;
- C.** To divide the area of the municipality into zones, prescribing and regulating therein the location, erection, reconstruction, alteration, and use of buildings, structures and land for residential, business, manufacturing and other specified uses;
- D.** To fix reasonable standards to which buildings and structures shall conform, and to provide that alterations or remodeling of existing buildings or structures be conducted in accordance with current standards as set forth herein;
- E.** To regulate and limit the intensity of use of land;
- F.** To protect against fire, explosions, noxious fumes, and other dangers;
- G.** To avoid or lessen congestion in the public streets;
- H.** To protect the physical and mental health of the public by reducing or abating objectionable smoke, noise, or other objectionable materials or influence whenever possible;
- I.** To establish setback lines along streets, traffic ways, drives, parkways and storm and floodwater runoff channels or basins, and to regulate the location of structures relative to such lines;
- J.** To otherwise avoid or decrease the hazards to persons or damage to property resulting from the accumulation or runoff of storm and floodwater;
- K.** To prevent the overcrowding of land and the undue concentration of structures by regulating and limiting the use and bulk of buildings in relation to the surrounding land;
- L.** To protect the character and maintain the stability of residential, business and industrial areas within Grayslake;
- M.** To prohibit uses or structures which are incompatible with the character of other appropriate existing or intended development within zoning districts;
- N.** To provide the gradual elimination of those existing uses of land, buildings, and structures, and of those buildings and structures that do not conform to the standards of the zone in which they are located;
- O.** To conserve and enhance the taxable value of land and buildings;
- P.** To promote the orderly development of Grayslake in accordance with the Comprehensive Plan;
- Q.** To facilitate the more efficient use of existing utilities and to make more feasible the development of sewer and water extensions;
- R.** To define and limit the powers and duties of the administrative officers and bodies as provided herein.

#### **17.04.030 RULES OF INTERPRETATION**

In the interpretation of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

## A. RULES

The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

1. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.
2. The word "shall" is mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "lot" shall include the words "plot" and "piece" and "parcel."
5. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

## 17.04.040 DEFINITIONS

The following words, terms, and phrases are hereby defined and shall be interpreted as such throughout the Zoning Ordinance.

1. **Accessory Building:** A building customarily incidental to the principal building of a lot. It shall contribute to the comfort, convenience, or necessity of users of the principal building. An accessory building shall not exceed 40% of the floor area of the principal building. An accessory building shall not be constructed prior to the principal building on a zoned lot.
2. **Adult Material:** Any of the following, whether new or used: (1) (a) books, magazines, periodicals, or other printed matter, or digitally-stored materials; or (b) films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind; or (c) live performances, that are distinguished or characterized by an emphasis on the exposure depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities; of (2) instruments, novelties, devices or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical area.
3. **Adult Use:** Any commercial establishment that (1) features as a substantial portion of its business persons who appear semi-nude; (2) features as a substantial and significant portion of its business live performances that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas or simulation of specified sexual activities; (3) contains one or more adult viewing booths; (4) features as a substantial or significant portion of its business offers for sale, rental, or viewing any adult materials; (5) has a segment or section devoted to the sale or display of adult materials; or (6) features as a substantial or significant portion of its business films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.
4. **Adult Viewing Booth:** Any area set off from the remainder of a business by one or more walls or other dividers or partitions used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
5. **Antenna:** Any structure designed for transmitting signals to a receiving station or for receiving television, radio, data or other signals from satellites or other signals from satellites or other sources.
6. **Antenna Support Structure:** Any structure used for the principal purpose of supporting an antenna.
7. **Antenna Surface Area:** An area determined by adding together the actual surface area of each solid element or part of an antenna or its support structure, where "solid" is defined to include all air spaces that are fully bounded by solid elements.

8. **Apartment:** One or more rooms comprising a dwelling unit, serving as the residence of an individual, family or household, generally located in a building containing other apartments or commercial uses.
9. **Apartment Building:** A building containing more than two (2) apartments.
10. **Auto Salvage and Storage Yard:** An open area of land or any building or structure thereon which is used primarily for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials including vehicles or vehicle parts, machinery and equipment not in operable condition or parts thereof, and other metals, paper, rags, rubber tired and bottles.
11. **Buildable Area of A Lot:** That portion of a lot bounded by the required rear and side yards and the building setback line.
12. **Building:** A structure built or maintained for the shelter or enclosure of individuals, animals or property of any kind.
13. **Building Integrated Solar Energy System (BISE):** A solar energy system that is accessory to a principal use and that is an integral part of a principal or accessory building, rather than a separate mechanical device, that replaces or substitutes for an architectural or structural part of the building. Building integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, skylights, shading devices, and similar architectural components.
14. **Building Line:** A line on a lot, parallel to a lot line or street right-of-way line at sufficient distance to provide the required yards, delimiting the area beyond which structures are permitted to be located.
15. **Building Mounted Solar Energy Systems (BMSE):** A solar energy system that is accessory to a principal use and professionally mounted on the roof of a principal building or accessory structure if allowed by the Village's Building Code. A building mounted solar energy system can be flush mounted or non-flush mounted.
16. **BMSE, Flush Mounted:** A building mounted solar energy system that is mounted to a finished roof surface where the solar collector, once installed, projects no further than six (6) inches in height beyond the roof surface.
17. **BMSE Non-Flush Mounted:** A building mounted solar energy system that is mounted to a finished roof surface where the solar collector, once installed, projects more than six (6) inches in height beyond the roof surface.
18. **Building Mounted Wind Energy Systems (BWES):** Wind energy systems that are structurally attached either onto the roof or to the side of a building.
19. **Building Setback Line:** A building line establishing the minimum allowable distance between a street right-of-way line and any structure.
20. **Bulk Material Non-Flammable, Non-Toxic:** Any unpackaged, raw material including sand, gravel, stone, asphalt, concrete or other like material.
21. **Camp, Day or Youth:** A camp providing facilities for groups of young people such as Y.M.C.A. camps, Boy Scout camps and Girl Scout camps.
22. **Central Access Curb-Cut:** A driveway which provides vehicular access to two (2) or more uses or buildings.
23. **Club:** An organization catering exclusively to members, and their guests, on premises and buildings for social, recreational, or athletic purposes which are not conducted primarily for gain; provided that any vending stands, merchandising, or commercial activities are conducted only as required generally for the membership of such club.
24. **Commercial Vehicle:** Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise for hire or not for hire, not including, however, commuter vans or pick-up trucks not being used commercially.

25. **Congregate Housing:** Any use of a dwelling unit for the habitation of six (6) or more persons that do not constitute a family or group family household and that does not serve as an alternative to incarceration.
26. **Construction Debris:** Any scrap of lumber, metal, earth sand, brick, stone, plaster, roofing or siding material or other debris of similar nature which accumulates and is incidental to the construction, demolition or renovation of home buildings, public works or other projects.
27. **Commercial:** A facility not owned by a public body and operated for profit-making purposes.
28. **Cul-de-sac:** A permanent dead-end minor street with a turn-around terminus.
29. **Currency Exchange:** Any establishment other than a financial services institution that is primarily engaged in the business or service of, and providing facilities for, cashing checks, draft, or money orders for a fee or service charge, or which is engaged in the business of selling or issuing money orders under its name, or any other money orders, or engaged in both such activities.
30. **Dwelling:** A building, exclusive of mobile homes, hotels, and motels, containing as the principal use one or more dwelling units.
31. **Dwelling, Single Family:** A detached dwelling, containing one dwelling unit, located on a parcel of land upon which no other principal dwelling is located.
32. **Dwelling, Two Family:** A dwelling containing two (2) dwelling units.
33. **Dwelling Unit:** A structure or part of a structure intended for use by one family or group family household, and that includes cooking space and lawful sanitary facilities reserved for the occupants thereof.
34. **Dwelling Unit, Accessory:** A dwelling unit in a building having a principal use other than as a residence.
35. **Efficiency Dwelling Unit:** A dwelling unit consisting of one principal room exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, providing such dining alcoves does not exceed 125 square feet in area.
36. **Excavation:** Any digging, removing, filling, or temporary changing of the ground elevation for the purpose of excavating earth products, but does not include stockpiling or storage of any excavated material, fill, soil, or other materials, or the use of any such material to increase the grade of any premises.
37. **Family:** Two (2) or more persons related by blood, marriage, legal adoption, or guardianship or not more than five (5) persons not so related together with domestic servants and temporary gratuitous guests living together as a single housekeeping unit.
38. **Financial Services Institution:** Any bank, savings and loan institution, credit union, financial or security brokerage service, depository institution, or similar use, but does not include payday loan services or a currency exchanges.
39. **Floor Area:** The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.
40. **Ground Mounted Solar Energy System (GMSE):** A free-standing solar energy system that is accessory to a principal use and is placed on or mounted to the ground.
41. **Group Family Household:** A group of six (6) but not more than eight (8) persons not constituting a family as defined in this Chapter but living together in a dwelling unit as a single house-keeping unit under a common house-keeping management based on an intentionally structured relationship of mutual responsibility providing an organization and stability essentially equivalent to, and having many aspects in common with, that found in families based on relationships of blood, marriage, legal adoption, and guardianship. For purposes of this definition, whether a group of individuals constitute a group family household shall depend upon all available information, facts and circumstances, specifically, the following factors, but the presence or absence, in whole or part, of any particular factor shall not be deemed controlling:

- a. The group contains within it, and is formed around, two or more persons related by blood, marriage, legal adoption or guardianship; and
  - b. The extent to which the group recognizes one or more of its members as the head or heads of the household; and
  - c. Whether the group includes children as well as adults and if so, the group's mechanism for carrying out the child rearing function; and
  - d. The extent to which group membership is based upon express covenants or agreements of unlimited duration, including the past stability of group membership and expectations for stability in the future; and
  - e. The extent to which a group decision-making process controls not only housekeeping arrangements but also personal aspects of the members' lives; and
  - f. The extent to which the group functions as a single economic unit with members sharing financial resources and obligations; and
  - g. The extent and nature of the division of labor within the group regarding such common household activities as food preparation, house cleaning, and laundry; and
  - h. The extent to which household possessions such as furniture, appliances and automobiles are commonly owned and shared by all members of the group; and
  - i. The extent to which all members of the group have free access to all areas of the dwelling unit; and
  - j. The extent to which some religious, moral or other common belief or purpose forms the basis of the group's association.
42. **Grade:** The average level of the ground adjacent to the exterior walls of the building or the base or exterior of a structure.
43. **Ground Area (Lot Coverage):** The area of a building structure enclosing the livable area, measured to the exterior limits of the foundation of the building or structure exclusive of garages, carports, breezeways and porches.
44. **Height of Structure:** The vertical distance as measured from grade; (a) to the top of the highest roof beams of a flat roof of a building, or (b) to the mean level of the highest gable or slope of a gable, hip, or gambrel roof of a building, or (c) the highest point above grade of any structure without a roof.
45. **Home Occupation, Customary:** Any occupation, which is customarily, in whole or in part, conducted in a residence.
46. **Hotel:** A building designed for transient occupancy by more than twenty (20) individuals containing rooms or suites accessible from a common hall or entrance, providing living, sleeping, and toilet facilities; a general kitchen and a dining room may be provided.
47. **Hotel Suite:** A room or group of rooms located in a hotel and designed to accommodate not more than one (1) family.
48. **Kennel:** Any place, including a pet shop, in or at which any number of dogs are kept for the purpose of sale or in connection with boarding, care, or breeding, for which any fee is charged; or any place in or at which more than four (4) dogs over age four (4) months are kept for any purpose.
49. **Large Solar Energy System (LSES):** A large-scale solar energy system that typically constitutes the principal use of the property and contains multiple solar collectors used for the primary purpose of producing energy to be sold or distributed commercially.
50. **Licensed Massage Therapist:** Means an individual licensed by the Illinois Department of Financial and Professional Regulation and the State of Illinois.

51. **Livable Area:** The floor area of a building or structure or the accumulative sum of the floor areas of a building or structure exclusive of areas where the finished floor elevation is more than 24 inches below the highest foundation elevation; carports, garages, breezeways, porches, exterior storage areas, and overhangs. In a building or structure where a common wall(s) separates various uses or occupancies, area measurements shall be made to center line of the separating walls.
52. **Lot:** A single parcel or tract of land.
53. **Lot Area:** The area of a horizontal plane bounded by a vertical projection of the property lines of a lot excluding any street, easement for street purposes, or right-of-way.
54. **Lot, Corner:** A lot abutting on two streets at their juncture, when the interior angle formed is less than one hundred thirty-five (135) degrees.
55. **Lot, Front of:** That part of an interior lot abutting the street or that part of a corner lot extending across the narrowest part of the lot abutting the street.
56. **Lot, Interior:** A lot other than a corner lot.
57. **Lot Line:** A line marking a boundary or a lot.
58. **Lot Line, Front:** A line dividing a lot from any means of vehicular access.
59. **Lot Line, Rear:** A lot line which is not a front or side lot line.
60. **Lot Line, Side:** A lot line which intersects with a front lot line, or any other lot line, other than a front lot line, which intersects at an interior angle greater than 150 degrees with a line which intersects with a front lot line.
61. **Lot, Rear of:** That part of a lot opposite the front of the lot.
62. **Lot, Recorded:** A lot designated on a subdivision plat or deed, duly recorded pursuant to statute in the County Recorder's Office. A recorded lot may or may not coincide with a zoning lot.
63. **Lot, Zoning:** A parcel of land, composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses along with permitted accessory buildings or uses, meeting all the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in the Zoning Ordinance.
64. **Massage:** Means any method of pressure or friction against, or stroking, kneading, rubbing, tapping, pounding, bathing, touching, binding, painting, irritating, or stimulating of external soft parts of the body with hands or with the aid of any manual, mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptic oils, powder, creams, lotions, soaps, ointments or other similar preparations commonly used in this practice but does not mean the provision by a state licensed barber or cosmetologist or customary barber or cosmetology services including without limitation scalp rubs, hand rubs, feet and lower leg rubs and facials that are authorized by state license.
65. **Massage Establishment:** Means any building, room, place or establishment other than a regularly licensed hospital, dispensary or nursing home, where non-medical or non-surgical manipulative exercises are practiced upon the human body or where activities described in the definition of "massage" are engaged in for a fee or other gratuity.
66. **Medical Cannabis Cultivation Center:** A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with useable medical cannabis.
67. **Medical Cannabis Dispensary:** A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.



- 68. Medical Facility:** Means a facility used for offices of one or more physicians, dentist, clinical psychologists, nurse practitioners, chiropractors, podiatrists, acupuncturists, physical therapists and similar medical or chiropractic professionals licensed by the State of Illinois for the examination and treatment of patients in which one or more medical professionals may be associated together or practicing independently of each other. Medical offices may include apothecaries, dental and medical laboratories, naprapathy, x-ray and other facilities but do not include inpatient facilities devoted primarily to major surgical procedures or accommodations for overnight stay of patients.
- 69. Mobile Home:** Any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets, and designed to permit the occupancy thereof as a dwelling for one or more persons.
- 70. Monopole:** A cylindrical structure serving as an antenna support structure for one or more personal wireless service antennas, and serving no other purpose.
- 71. Motel:** A building designed for transient occupancy containing rooms or suites with separate entrances, providing living, sleeping and toilet facilities.
- 72. Nursery School:** A school or other facility, not part of an elementary school, educating, training and caring for four or more pre-school or kindergarten children, not immediate family members, and not on an over-night basis.
- 73. Nursing Home:** A sheltered care home providing nursing and medical care for its patients.
- 74. Parking Lot:** An open hard surfaced area, other than a street or public way, designed, arranged, and made available for the accommodation of private vehicles of occupants or customers of the building for which it is developed, whether for compensation or for free. This includes areas used or occupied for buying, selling, or renting of merchandise such as motor vehicles, boats, farm implements or similar commodities.
- 75. Payday Loan Service:** Any establishment other than a financial services institution that is primarily engaged in the business or service of offering loan transactions where a post-dated check or other check that the parties agree will be held for a period of time before presentment for payment or deposit is accepted as collateral for the loan.
- 76. Personal Wireless Services:** Commercial mobile telecommunications services, unlicensed wireless telecommunications services, and common carrier wireless telecommunications exchange access services.
- 77. Personal Wireless Services Antenna:** An antenna used in connection with the provision of personal wireless services.
- 78. Photovoltaic Cell:** A semiconductor device that converts solar energy directly into electricity.
- 79. Principal Building:** The main building upon a lot, or the building which houses the principal use of the premises.
- 80. Principal Use:** The specific primary purpose for which a lot or a structure is used.
- 81. Restaurant:** An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state and whose principal method of operation includes one or both of the following characteristics: (1) customers normally provided with an individual menu, (2) are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are generally consumed within the restaurant building, or (3) immediately adjacent to the restaurant in an outdoor setting, or (4) may be consumed away from the premises as carry-out orders.
- 82. Restaurant, Fast Food:** An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state or rapidly prepared for consumption (1) within the building, (2) within a motor vehicle on the premises, or (3) off the premises as carry-out orders. Orders are placed at a counter or window without wait staff.
- 83. Rubbish:** Items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts, unused, inoperable, worn out or discarded appliances or other household items, lumber, scrap iron, tire or other metals

not neatly piled, building material or anything whatsoever that is or may become a hazard to public health and safety or that may harbor insect, rodent or vermin infestation.

84. **Self-contained Solar Energy System (SCES):** A professionally manufactured device that utilizes a solar energy system to produce small amounts of power that are generated exclusively for the device that is typically located in an area that is not in close proximity to a utility power source. Examples include but are not limited to light poles, aeration pumps, and attic fans.
85. **Semi-Nude:** A state of dress or undress in which clothing covers no more than the genitals, pubic region, and areolas of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves and socks.
86. **Senior Citizen Facility:** A multiple family structure constructed, maintained, and operated for the exclusive occupancy of people who are at least 55 years of age and is not considered skilled or assisted living and may provide communal eating, recreational, and other facilities for the exclusive use of the occupants and their guests.
87. **Solar Collector:** A professionally manufactured device structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, or electrical energy.
88. **Solar Collector Surfaces:** Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. The solar collector surface does not include frames, supports and mounting hardware.
89. **Small Wind Energy Systems (SWES):** Free standing, tower mounted wind energy systems with a system height measuring less than 175 feet from the ground.
90. **Shopping Center:** A group of two or more commercial establishments planned, developed, owned and managed as a unit, with all required parking spaces provided on the property.
91. **Specified Anatomical Areas:** (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breast below a point immediately above the top of the areolas but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areolas are not exposed; or (2) human male genitals in a discerning turgid state, even if completely and opaquely covered, or any device or covering that when worn, simulates, human male genitals in a discerning, turgid state.
92. **Specified Sexual Activities:** Specified, sexual activities: (1) actual touching of human genitals, public region, buttocks, anus or female breasts; (2) actual physical sexual acts, normal or perverted, including intercourse, oral copulation or sodomy; (3) actual masturbation; (4) human genitals in a state of sexual stimulation, arousal, or tumescent; or (5) excretory functions as part of or in connection with any of the activities set forth in parts 1, 2, 3, or 4 of this definition.
93. **Staff Doctor:** A doctor employed by a hospital, clinic, or other institution, or a doctor who is "on call" to such institutions during certain specified periods of time in case of emergency or other need.
94. **Story:** That portion of a building or structure included between the surface of any floor and the floor or roof. A basement shall be counted as a story if the floor next above it is more than five (5) feet above the grade.
95. **Story, Half:** That portion of a building or structure under only gable, hip, or gambrel roofs, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.
96. **Stream:** Any continuously or intermittently flowing natural watercourse or channelized drainage ditch used for surface water flow such as the Avon-Fremont Drainage Ditch.
97. **Street:** A place or way, however designated, for vehicular travel which affords principal means of access to abutting property.
98. **Street, Collector:** A street which carries traffic from a minor street to a major street.
99. **Street, Major:** A street, except an expressway or a limited access highway, serving as a traffic artery for travel between areas of concentrated development.

- 100. Street, Minor:** A street in a residential area used primarily for access to abutting properties.
- 101. Structure:** Anything constructed, erected, or placed, which requires location in or on the ground or is attached to something having a location on the ground.
- 102. Substantial or Significant Portion of its Business:** The specified products account for (1) 30% or more of the retail value of the establishment's annual gross sales; (2) 30% or more of the establishment's display or floor area, not including storerooms, stock areas, bathrooms, basements, or any other portion of the establishment not open to the public; (3) 30% or more of the retail dollar value of the establishment's merchandise displayed at any one time; (4) 30% or more of the establishment's inventory (whether measured by retail dollar value or number of items); (5) 30% or more of the establishment's stock in trade; or (6) 30% or more of the establishment's stock in trade at any one time. In the case of perform "substantial or significant portion of its business" means that live performances by persons appearing semi-nude, or live performances that are otherwise distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas or the conduct of simulation of specified sexual activities are taking place 30% or more of the time during which the establishment is open for business.
- 103. Temporary Outdoor Storage Container:** A temporary outdoor storage container is a fully enclosed, detached, and self-supporting structure, by itself incapable of motion or movement, that is designed and used primarily for temporary storage of materials related to the principal use where the unit is stored. The storage container must be manufactured/assembled off-site and is transportable by means other than its own, to a location where it is set into place on grade and not upon a foundation or wheels. It shall be made of metal or a similar stable, durable, and acceptable material and shall not include a foundation, electricity, plumbing, or other mechanical systems as part of its assembly or use. The contained shall be locked when not in use.
- 104. Tent:** A structure with or without a foundation, the roof and one half (1/2) or more of the sides are constructed of nylon cotton canvas or membrane material not satisfying the standards and requirements of the Village's building regulations applicable for a permanent structure.
- 105. Use:** The purpose or activity for which land, or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained.
- 106. Wind Energy System (WES):** A Wind energy production, conversion, and distribution system consisting of a wind turbine, tower or other structure on which the turbine is mounted and associated electronic, electric or other mechanical equipment; provided however, that such WES shall be limited to Building Mounted Wind Energy Systems and Small Wind Energy Systems.
- 107. Yard:** The area between any lot line and the setback required there from.
- 108. Yard, Front:** The yard extending along the front lot line.
- 109. Yard, Rear:** The yard extending along the rear lot line or lines.
- 110. Yard, Side:** The yard extending along the side lot lines.
- 111. Zone:** An area of Grayslake delimited on the zoning map and subject to a specific set of regulations established in the Zoning Ordinance.
- 112. Zoning Officer:** That person designated by the Village Board of Trustees.

## **17.08 ZONES AND ZONE REGULATIONS**

### **17.08.010 ESTABLISHMENT OF ZONES**

The intent of this section is to create a series of zones of such number and character as are necessary to achieve compatibility of uses within each zone, to implement the intent of the Official Comprehensive Land Use Plan, and to complement the Official Zoning Map of the Municipality. For the purposes of the Zoning Ordinance, all land and water areas in the Municipality are hereby divided into the following zones:

- A. RESIDENTIAL 1 (R1):** The R1 zone is established to provide for low density area in which the principal use of land is for single family residences:
- A-1. RESIDENTIAL 1A (R1A):** The R1A zone is established to permit single family dwellings on lots of 20,000 square feet.
- B. RESIDENTIAL 2 (R2):** The R2 zone is established to provide areas for single family dwellings in areas where community water supply and community sewage disposal facilities essential to public health are available or can be made available in the future.
- B-1. RESIDENTIAL 2A (R2A):** The R2A zone is established to provide for single-family dwellings and other uses authorized in the R2 zone on lot sizes smaller than those authorized in the R2 zone and larger than those authorized in the R3A zone, but of a similar urban character. In these areas, community water supply and sewage disposal facilities are available or can be made available in the future.
- C. RESIDENTIAL 3A (R3A):** The R3A zone is established to provide areas for single family dwellings on lot sizes smaller than the R2 zone, but of a similar urban character. In these areas, community water supply and sewage disposal facilities are available or can be made available in the future.
- D. RESIDENTIAL 3B (R3B):** The R3B zone is established to provide for single-family dwellings and other uses authorized in the R2 zone on lot sizes smaller than those authorized in the R2 zone and larger than those authorized in the R3A zone, but of a similar urban character. In these areas, community water supply and sewage disposal facilities are available or can be made available in the future.
- E. RESIDENTIAL 4 (R4):** The R4 zone is established to provide the full range of residential housing types in a higher density environment where all of the facilities for urban living, including community sewer and water facilities, are available.
- F. RESIDENTIAL 4A (R4A):** The R4A zone is established to provide areas for low density attached dwelling units where all the facilities for urban living, including community water and sewer, are available.
- G. RESIDENTIAL 5 (R5):** The R5 zone is established to provide high density urban living in certain particularly desirable areas where all of the facilities for urban living, including community sewer and water facilities are available.
- H. RESIDENTIAL 6 (R6):** The R6 zone is established to provide high density urban living in certain particularly desirable areas where all of the facilities for urban living including community sewer and water facilities are available.
- I. CENTRAL BUSINESS (CB):** This business zone is established to provide pedestrian-oriented areas for commercial establishments which offer a wide range of goods and services.
- J. CENTRAL BUSINESS A (CBA):** This business zone is established to provide pedestrian oriented areas for commercial establishments which offer a wide range of goods and services with required off street parking.

- K. COMMERCIAL TRANSITION (CT):** The Commercial Transition District is characterized by residential structures suitable for use as small businesses or offices. Typically, the CT District is located on primary and secondary thoroughfares or is adjacent to other commercial areas where single-family structures are being, or should be, converted to low intensity commercial uses, while remaining compatible with the contiguous single-family neighborhood. Also permitted in this district are new structures which can architecturally blend in with neighboring residential buildings. The uses permitted are characterized by a low volume of traffic and limited outdoor advertising so as to protect the abutting and surrounding residential districts. This district is normally small in size and often serves as a buffer between residential and other commercial areas. No new principal residential structures are permitted to be constructed in this district, except to replace an existing such structure.
- K-1. COMMERCIAL TRANSITION LIMITED (CTL):** The CTL Zone is characterized by residential structures suitable for use as small businesses or offices. Typically, the CTL District is located on primary and secondary thoroughfares or is adjacent to other commercial areas where single family structures are being, or should be, converted to low intensity commercial uses, while remaining compatible with the contiguous single family neighborhood. Also permitted in this District are new structures which architecturally blend in with neighboring residential buildings. The uses permitted are characterized by a low volume of traffic and limited outdoor advertising so as to protect the abutting and surrounding residential districts. The permitted uses are more restrictive in nature than those allowed in the Commercial Transition (CT) zone. This District is normally small in size and often serves as a buffer between residential and other commercial areas. Intense landscape buffering will be required when abutting a residential zone. No new principal residential structures are permitted to be constructed except to replace an existing such structure. In addition to the standards enumerated above, this District will be characterized by more restrictive parking and lighting requirements.
- L. SHOPPING CENTER BUSINESS (SCB):** This business zone is established to control business development of the shopping center variety wherein two or more businesses are grouped together with a common parking lot and common driveways for access to the parking and the establishments.
- M. GENERAL BUSINESS (GB):** This business zone is established to provide areas for commercial establishments in free-standing buildings with all required off-street parking located on site.
- N. OFFICE AND RESEARCH (OR):** The OR zone is established to provide large, open, landscaped sites, generally adjacent to primary highways, for "show place" operations such as research laboratories.
- O. LIMITED INDUSTRIAL (LI):** This industrial zone is established to provide areas for industrial, office, and administrative uses, having few, if any, adverse effects on neighboring properties.
- P. GENERAL INDUSTRIAL (GI):** This industrial zone is established to provide areas in which manufacturing and related commercial operations are the principal use of land. Such uses may have some adverse effects on surrounding properties and are not compatible with residential, limited industrial and retail uses.
- Q. LIMITED INDUSTRIAL (LIA):** This industrial zone is established to provide areas for smaller industrial, office and administrative uses, having few, if any, adverse effects on neighboring properties.
- R. AGRICULTURAL (AG):** The AG Zone is established as a zone in which agricultural and certain related uses are encouraged as the principal uses of the land. The specific intent is to facilitate the proper use of lands best suited to agriculture through preventing the admixture of urban and rural uses which creates incompatibility and conflict, places unbalanced tax loads on agricultural land to help pay for urban services, and contributes to the premature termination of agricultural pursuits.
- S. OPEN SPACE (OS):** The Open Space Zoning District is hereby established to recognize the existence and encourage the preservation of major open space and recreational areas in the Village. The zone is intended to apply to all public open space of notable quality.
- W. MIXED USE (MX):** The Mixed Use Zoning District is established to provide for the development of parcels in excess of 500 acres that, due to their size, can sustain a wide array of uses that might otherwise be allowed in any of the other zoning districts of the Village. Parcels zoned in the MX District will be permitted to develop as of right under the regulations applicable to the AG zoning district regulations. Pursuant to a planned development approval based on a master plan for the entire parcel, however, properties in the MX zone may be developed and used for any use otherwise permitted or specifically permitted under the Zoning Ordinance provided that such use is expressly authorized as part of the planned development approvals. Any planned development approval shall also establish all applicable bulk, yard, space, height, and other requirements governing the development of properties within the MX District.

**SECTION 17.12 - ZONING USE TABLE**

**ZONING CLASSIFICATIONS**

- 1. **AGRICULTURAL**
- 2. **INDUSTRIAL**
- 3. **INSTITUTIONAL**
- 4. **RECREATIONAL**
- 5. **RESIDENTIAL**
- 6. **RETAIN/SERVICE**
- 7. **SPECIAL/TEMPORARY**

TABLE 1

**USE TABLE<sup>1</sup>**

**TABLE 1 - PAGE 1 OF 4**

c - special / conditional use permit  
 x - permitted by right  
 t - permitted with temporary use permit

**RESIDENTIAL**

**NON RESIDENTIAL**

R1	R1A	R2	R2A	R3	R3A	R3B	R4	R4A	R5	R6	<b>AGRICULTURAL</b>				CB	CBA	CT	CTL	SCB	GB	OR	LI	LIA	GI	AG	OS		
												Animal Farm, Hatchery, or Breeding Station														c		
												Apiary															c	
												Conservation Club															c	
												Dairy Farm and Processing															c	
x	x	x	x	x	x	x	x	x	x	x		Field Crop or Sod Farm				x	x	x	x	x	x	x	x	x	x	x	x	x
												Grain Elevator														c	c	
												Greenhouse or Nursery									x	x	x				x	
												Medical Cannabis Cultivation Center											c		c			
												Orchard															x	
R1	R1A	R2	R2A	R3	R3A	R3B	R4	R4A	R5	R6	<b>INDUSTRIAL</b>				CB	CBA	CT	CTL	SCB	GB	OR	LI	LIA	GI	AG	OS		
												Bulk Material Storage																
												Non Flammable or Non Toxic											x		x			
												Flammable and Toxic													c			
												Chemical, Pharmaceutical, or Scientific Product										c	x	c	x			



												Jr. High and Elementary																						
												Solid Waste Disposal Site																						
												Training Center, Armed Forces																						
R1	R1A	R2	R2A	R3	R3A	R3B	R4	R4A	R5	R6	<b>RECREATIONAL</b>										CB	CBA	CT	CTL	SCB	GB	OR	LI	LIA	GI	AG	OS		
											Band Shell																					c	c	
											Bowling Alley										x	x				x	x							
											Camp, Day or Youth																						x	x
											Carnival or Circus										t	t	t			t	t	t	t	t	t	t	t	t
											Club Indoor										c	c				c	c							
											Club Outdoor															c	c							
											Fairground and Exposition Grounds															c	c						c	
											Game Room															x	x							
x	x	x	x	x	x	x	x	x	x	x	Golf Course																x							
											Golf Driving Range																c							
											Health Club or Gym										x	x				x	x							
											Miniature Golf																c							
											Park, Commercial																c							
x	x	x	x	x	x	x	x	x	x	x	Park, Public										x	x	x	x	x	x	x	x	x	x	x	x	x	x
x	x	x	x	x	x	x	x	x	x	x	Playground										x	x	x	x	x	x							x	X
x	x	x	x	x	x	x	x	x	x	x	Recreational Facility (i.e. Ball field, Picnic Shelters, etc.)																						x	X
											Skating Rink, Ice or Roller															x	x						c	C
											Sports Arena															c	c		c	c	c			
											Sports Training Facility															c	c		c	c	c	c	c	c
											Stable, Commercial or Private																						c	c
R1	R1A	R2	R2A	R3	R3A	R3B	R4	R4A	R5	R6	<b>RESIDENTIAL</b>										CB	CBA	CT	CTL	SCB	GB	OR	LI	LIA	GI	AG	OS		
							x		x	x	Apartment House																							
											Apartments as Accessory Uses in Business Buildings but not on the ground floor										x	x	x	x										
c	c	c	c	c	c	c	c	c	c	c	Congregate Housing													c	c									
x	X	x	x	x	x	x	x	x	x	x	Group Family Household													x	x									
											Mobile Home Park																							
c	C	c	c	c	c	c	c	c	c	c	Senior Citizen Facility										c	c	c	c	c	c	c	c	c	c	c	c	c	c
x	X	x	x	x	x	x	x	x	x	x	Single Family Dwelling													x	x									
							x	x	x	x	Two Family Dwelling													x										
R1	R1A	R2	R2A	R3	R3A	R3B	R4	R4A	R5	R6	<b>RETAIL/SERVICE</b>										CB	CBA	CT	CTL	SCB	GB	OR	LI	LIA	GI	AG	OS		
											Agricultural Implement, Sales and Service															x	x							
											Apparel Store										x	x				x	x							
											Appliance Sales & Service										x	x	x				x	x						
											Automobile or Motorcycle Sales, Supply and															x	x							





R1	R1A	R2	R2A	R3	R3A	R3B	R4	R4A	R5	R6	SPECIAL/TEMPORARY	CB	CBA	CT	CTL	SCB	GB	OR	LI	LIA	GI	AG	OS
											Airport or Heliport						c	c	c		c	c	
											Amphitheater											c	
t	t	t	t	t	t	t	t	t	t	t	Christmas Tree Sales	t	t	t		t	t	t	t	t	t	t	
t	t	t	t	t	t	t	t	t	t	t	Contractor's Project Office	t	t	t		t	t	t	t	t	t	t	
											Hatchery, Fish or Chicken											c	
											Military Camp											c	
											Mixed Use Development on a lot containing 50 or more acres, pursuant to a Planned Unit Development.											c	
											Outdoor Clothing Drop Off Stations					t	t		t	t	t		
t	t	t	t	t	t	t	t	t	t	t	Outdoor Storage Containers	t	t	t	t	t	t	t	t	t	t		
C	c	c	c	c	c	c	c	c	c	c	Personal Wireless Services <sup>3,4,5</sup> Antennas with or without support. Structures and related electronic equipment and equipment structures	c	c	c	c	c	c	c	c	c	c	c	c
											Public and Private Utilities		c	c		c	c	c	c	c	c	c	
t	t	t	t	t	t	t	t	t	t	t	Real Estate Project Sales Office	t	t	t		t	t	t	t	t	t	t	
t	t	t	t	t	t	t	t	t	t	t	Sidewalk or Parking Lots Sales, Tent Sales & Other Outdoor Commercial Events	t	t	t	t	t	t	t	t	t	t	t	t
x	x	x	x	x	x	x	x	x	x	x	Solar Energy Systems: Building Mounted (BMSE)	c	c	c	c	c	c	c	c	c	c	c	c
x	x	x	x	x	x	x	x	x	x	x	Solar Energy Systems: Building Integrated (BISE)	c	c	c	c	c	c	c	c	c	c	c	c
c	c	c	c	c	c	c	c	c	c	c	Solar Energy Systems: Ground Mounted (GMSE)					c	c	c	c	c	c	c	c
x	x	x	x	x	x	x	x	x	x	x	Solar Energy Systems: Self Contained (SCES)					c	c	c	c	c	c	c	c
											Tents								t	t	t		
											Wholesale Brewery Production Activities	c											
											Wind Energy Systems: Building Mounted					c	c	c	c	c	c		
											Wind Energy Systems: Small					c	c	c	c	c	c		

Note: <sup>1</sup> - Residential uses will be allowed as an accessory use. No accessory residence will be more than 1000 square feet in size.

Note: <sup>2</sup> - Truck terminals are prohibited in all zoning classifications after February 4, 2020.

Note: <sup>3</sup> - All personal wireless services antennas with or without antenna support structures, and related electronic equipment and equipment structures shall be allowed as a special permit only subject to the standards contained in Section 17.24.010 of this Code and shall be deemed a principal use on a lot even where that lot contains an other than principal use.

Note: <sup>4</sup> - See Section 17.20.030H12 of this Code.

Note: <sup>5</sup> - See Section 17.24.C12

Note - No outdoor storage of non-motorized equipment - i.e. pallets, trailers, soil, unplanted landscaping material, will be allowed in any zone. Non-motorized equipment materials that is associated with a construction project may temporarily be stored on the lot where construction is underway for the duration of the construction project.

Note: A Special Use Permit shall be required for any public park to be located in the LC-NC/SE and LCNC/GI zoning classification.

## **17.16.010 LOT AREA, YARD, AND BULK REQUIREMENTS IN ALL ZONES**

- A. LOT AREA:** Any principal use together with all accessory uses shall be located on a lot having a minimum area as shown in Column 3, Table 2.
- B. LOT WIDTH:** Each lot shall have a width at the building setback line as shown in Column 4, Table 2. The minimum lot width for apartment houses and attached dwellings shall be the sum of the lot width requirement for the first dwelling unit plus the lot width requirement for the second-dwelling unit plus the lot width requirements for each additional dwelling unit as shown in Column 4, Table 2.
- C. FRONT YARD:** Each lot shall have a front yard not less than as shown in Column 5, Table 2; except as otherwise provided under Non-conforming Recorded Lot.
- D. REAR YARD:** Each lot shall have a rear yard not less than as shown in Column 6, Table 2; except as otherwise provided under Non-conforming Recorded Lot.
- E. SIDE YARD:** Each lot shall have two yards, the total of which is not less than that shown in Column 7, Table 2. No side yard shall be less than the minimum side yard shown in Column 8, Table 2; except as otherwise provided in the footnotes to Table 2 and under Non-conforming Recorded Lot.
- F. YARDS ABUTTING STREETS:** Any side or rear yard which abuts a street shall be not less than as shown in Column 9, Table 2; except as otherwise provided under Non-conforming Recorded Lot.
- G. YARDS ABUTTING RESIDENTIAL ZONES:** Any side or rear yard abutting a residential zone shall be not less than as shown in Column 10, Table 2.
- H. STRUCTURAL COVERAGE:** The total ground area occupied by any principal building together with all accessory buildings shall not exceed the percent of the total area of the lot shown in Column 11, Table 2.
- I. FLOOR AREA RATIO:** The combined floor area ratio for any principal building together with all accessory buildings shall not exceed the ratio shown in Column 12, Table 2.
- J. HEIGHT OF PRINCIPAL BUILDING:** No principal building or structure shall exceed the height restrictions in feet as shown in Column 13, Table 2; except as specifically provided otherwise in the footnotes to Table 2.
- K. HEIGHT OF ACCESSORY STRUCTURES:** No accessory building or structure shall exceed the height in feet as shown in Column 15, Table 2, or the height in stories in Column 16, Table 2.

**LOT AREA, YARD, AND BULK REGULATION**

TABLE 2 PAGE 1 OF 4

ZONE	USE	LOT SIZE				YARDS						BULK			
		Area	Width	Front	Rear	Total Side	Minimum Side	Abutting a Street	Abutting a Residential Zone	Structural Coverage	F.A.R. (Floor Area) Ratio	Height of Principal Building	Height of Accessory Building <sup>8</sup>		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
		Sq. Ft.	Feet	Feet	Feet	Feet	Feet	Feet	Feet	%	-	Feet	Stories	Feet	Stories
R1	Any permitted school or health-medical use	200,000	300	75	100	200	100	75	100 <sup>5</sup>	10		35	2.5	20	1
	Single-family dwelling	40,000	190	50	25	45 <sup>6</sup>	15 <sup>6</sup>	50		20	.40	35	2.5	20	1
	Other Permitted Use	40,000	190	50	25	45	15	50	75 <sup>5</sup>	20	.30	30	2.0	16	1
R1A	Single-family dwelling, Other permitted uses	20,000	120	40	50	40	20	40	20	20	--	35	2.5	20	1
R2A	Any permitted school or health-medical use	200,000	300	75	120	200	100	75	100 <sup>5</sup>	10	--	50	3.0	20	1
	Single-family dwelling	15,000	100	30	15	25 <sup>6</sup>	10 <sup>6</sup>	30	--	25	.40	35	2.5	16	1
	Other permitted use	80,000	190	30	20	60	20	30	75 <sup>5</sup>	25	--	50	3.0	15	1
R2	Any permitted school	200,000	300	50	20	60	20	50	100 <sup>5</sup>	30	--	50	3.0	20	1
	Any permitted health-medical use	200,000	300	75	100	200	100	75	100 <sup>5</sup>	30	.40	50	3.0	16	1
	Single Family Dwelling	12,000	80 <sup>1</sup>	30	15	20 <sup>6</sup>	8 <sup>6</sup>	30	--	30	.40	35	2.5	16	1
	Any other permitted use	80,000	190	30	20	60	20	30	75 <sup>5</sup>	30	.40	50	3.0	16	1
R3B	Any permitted school	200,000	300	50	20	60	20	50	100 <sup>5</sup>	30	--	50	3.0	20	1
	Any permitted health-medical use	200,000	300	75	100	200	100	75	100 <sup>5</sup>	30	.40	50	3.0	16	1
	Single-family dwelling	10,000	80 <sup>1</sup>	30	15	16 <sup>6y</sup>	8 <sup>6</sup>	30	--	30	.40	35	2.5	16	1
	Any other permitted use	80,000	190	30	20	60	20	30	75 <sup>5</sup>	30	.40	50	3.0	16	1
R3	Any permitted school	200,000	300	50	20	60	20	50	75 <sup>5</sup>	30	.40	50	3.0	20	1
	Any Permitted health-Medical use	200,000	300	75	100	200	100	75	75 <sup>5</sup>	30	.40	50	3.0	16	1
	Single-family dwelling	7500	60	25	6	18 <sup>6</sup>	6 <sup>6</sup>	25	-	30	.40	35	2.5	16	1
	Any other permitted use	80,000	190	25	20	60	20	25	75 <sup>5</sup>	30	.40	50	3.0	16	1
R3A	Any permitted school	200,000	300	50	20	60	20	50	75 <sup>5</sup>	30	.40	50	3.0	20	1
	Any permitted health-medical use	200,000	300	50	20	60	20	50	75 <sup>5</sup>	30	.40	50	3.0	20	1
	Single-family dwelling	8,500	70 <sup>1x</sup>	25	15	16 <sup>6y</sup>	8 <sup>6</sup>	25	--	30	.40	35	2.5	16	1
	Any other permitted use	80,000	190	25	20	60	20	25	75 <sup>5</sup>	30	.40	50	3.0	16	1
R4A*	One family dwelling	10,000	80	30	10	20	8	30	.40	30	.30	35	2.5	16	1
	Two family dwelling	10,000	80	30	10	20	8	30	--	30	.30	35	2.5	16	1

TABLE 2 PAGE 2 OF 4

ZONE	USE	LOT SIZE				YARDS						BULK			
		Area	Width	Front	Rear	Total Side	Minimum Side	Abutting a Street	Abutting a Residential Zone	Structural Coverage	F.A.R. (Floor Area) Ratio	Height of Principal Building	Height of Accessory Building		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
		Sq. Ft.	Feet	Feet	Feet	Feet	Feet	Feet	Feet	%	-	Feet	Stories	Feet	Stories
	<i>*No more than 2 dwelling units per building shall be permitted the R4A zone</i>														
R4*	Any permitted school	200,000	300	50	20	60	20	50	75 <sup>5</sup>	30	.40	50	3.0	20	1
	Any permitted health-medical use	200,000	300	75	100	200	100	75	75 <sup>5</sup>	30	.40	50	3.0	16	1
	Single family dwelling	10,000	80	30	10	20 <sup>6</sup>	8 <sup>6</sup>	30	--	30	.30	35	2.5	16	1
	Two family dwelling	10,000	80	30	10	20	8	30	--	30	.40	35	2.5	16	1
	<b>Apartment House:</b>														
	Minimum lot areas	10,000	80	30	10	20	8	30	--	30	.40	35	2.5	16	1
	Per efficiency unit	3,200													
	Per 1 bedroom unit	3,200													
	Per 2 bedroom unit	3,600													
	Per 3 or 4 bedroom unit	4,200													
	Any other permitted use	80,000	190	30	20	60	20	30	--	30	.40	35	2.5	16	1
	<i>*No more than 8 dwelling units per building shall be permitted in the R4 zone</i>														
R5*	Any permitted school	200,000	300	50	20	60	20	50	75 <sup>5</sup>	30	.50	50	3.0	20	1
	Any permitted health-medical use	200,000	300	75	100	200	100	75	75 <sup>5</sup>	30	.50	50	3.0	16	1
	Single family dwelling	10,000	80	30	10	20 <sup>6</sup>	8 <sup>6</sup>	30	--	30	.40	35	2.5	16	1
	Two family dwelling	10,000	80	30	10	20	8	30	--	30	.30	35	2.5	16	1
	Minimum Apartment House	11,000	75	30	10	20	8	30	--	40	.40	35	2.5	16	1
	<b>Apartment House:</b>														
	Per efficiency unit	2,200													
	Per 1 bedroom unit	2,200													
	Per 2 bedroom unit	2,700													
	Per 3 or 4 bedroom unit	3,500													
	Any other permitted use	80,000	190	30	20	60	20	30	--	30	.40	35	2.5	16	1
	<i>*No more than 16 dwelling units per building shall be permitted in the R5 zone</i>														

TABLE 2 PAGE 3 OF 4

ZONE	USE	LOT SIZE				YARDS						BULK				
		Area	Width	Front	Rear	Total Side	Minimum Side	Abutting a Street	Abutting a Residential Zone	Structural Coverage	F.A.R. (Floor Area) Ratio	Height of Principal Building	Height of Accessory Building			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
		Sq. Ft.	Feet	Feet	Feet	Feet	Feet	Feet	Feet	%	-	Feet	Stories	Feet	Stories	
R6*	Any permitted school	200,000	300	50	20	60	20	50	75 <sup>5</sup>	30	.50	50	3.0	20	1	
	Any permitted health-medical use	200,000	300	75	100	200	100	75	75 <sup>5</sup>	30	.50	50	3.0	16	1	
	Single family dwelling	10,000	80	30	10	20 <sup>6</sup>	8 <sup>6</sup>	30	--	30	.40	35	2.5	16	1	
	Two family dwelling	10,000	80	30	10	20	8	30	--	30	.30	35	2.5	16	1	
	<b>Apartment house:</b>															
	Minimum unit	11,000	75	30	10	20	8	30	--	40	.45	80	--	16	1	
	Per efficiency unit	1,800														
	Per 1 bedroom unit	1,800														
	Per 2 bedroom unit	2,200														
	Per 3 or 4 bedroom unit	2,900														
	Group dwelling	20,000	90	30	9	23	9	30	--	30	.40	35	2.5	16	1	
Any other permitted use	80,000	190	30	20	60	20	30	--	30	.40	35	2.5	16	1		
	<i>*No more than 20 dwelling units per building shall be permitted in the R6 zone</i>															
CB	Attached dwelling unit as accessory uses in business buildings, but not on the ground floor frontage	--	--	--	30	24 <sup>2</sup>	12 <sup>2</sup>	--	30	80	2.4	50	4.0	16	1	
	Any other permitted use	--	--	--	30	24 <sup>2</sup>	12 <sup>2</sup>	--	30	80	2.4	50	4.0	16	1	
CBA	Attached dwelling unit as accessory uses in business buildings, but not on the ground floor frontage	--	--	--	30 <sup>2</sup>	24 <sup>2</sup>	12 <sup>2</sup>	--	30	80	2.4	50	4.0	--	--	
	Any other permitted use	--	--	7	30	24 <sup>2</sup>	12 <sup>2</sup>	--	30	80	2.4	50	4.0	16	1	
CT																
CTL	Any permitted use	7,500	50	25	6	18	6	25	--	25	.40	35	2.5	16	1	
SCB	Any permitted use	40,000	130	50	30	30	15	50	75	25	.40	50	--	20	--	

TABLE 2, PAGE 4 OF 4

ZONE	USE	LOT SIZE				YARDS						BULK			
		Area	Width	Front	Rear	Total Side	Minimum Side	Abutting A Street	Abutting A Residential Zone	Structural Coverage	F.A.R. (Floor Area) Ratio	Height of Principal Building	Height of Accessory Building		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
		Sq. Ft.	Feet	Feet	Feet	Feet	Feet	Feet	Feet	%	-	Feet	Stories	Feet	Stories
GB	<b>Any permitted use:</b>														
	With community sewers	10,000	50	50	30	24	12	50	50	30	.40	40	3.0	20	1
	Without community sewers	20,000	100	75	30	24	12	75	50	30	.40	40	3.0	20	1
	Without community sewers serving or processing food	40,000	130	75	30	24	12	75	50	30	.40	40	3.0	20	1
OR	Any permitted use	40,000	130	50	30	30	15	50	75	50	.50	75	--	30	--
LI	Any permitted use	40,000	130	50	30	30	15	50	75	60	.60 <sup>3</sup>	95 <sup>4</sup>	--	40	--
LIA	Any permitted use	15,000	75	50	30	30	15	50	75	60	.60 <sup>3</sup>	95 <sup>4</sup>	--	30	1
GI	Any permitted use	80,000	190	70	30	30	15	75	100	45	.65 <sup>3</sup>	95 <sup>4</sup>	--	40	--
AG	Any permitted special Farm use, Health medical use, Veterinary clinic, Commercial, or Private Stable	200,000	300	75	100	200	100	75	100	10	--	35	2.5	20	1
	Any other permitted use	200,000	300	30	60	60	30	30	30	10	--	35	2.5	20	1
OS	Any permitted school	200,000	300	50	20	60	20	50	75	30	.40	50	3.0	20	1
	Any other permitted use	NA	NA	50	20	60	20	20	75	30	NA	35	2.5	16	1

**FOOTNOTES TO TABLE 2**

- <sup>1</sup> For this use in this zone, the width listed shall be the average width of lot; the minimum width at the building setback line shall be fifty (50) feet.
- <sup>2</sup> Side yards are not required in this zone if the lot line is not a zoning boundary line and the proposed construction meets fire codes. Side yards, if provided, however, shall be not less than 3 feet in width and shall be paved or finished with planned landscaping.
- <sup>3</sup> The combined floor area ratio for any principal and accessory buildings located on a lot having an area greater than ten (10) acres may have a floor area ratio of one (1.00).
- <sup>4</sup> Any structure maybe as high as forty-five (45) feet. Additional height is permitted provided that no structure shall intercept the plane making an angle of forty (40) degrees from the horizontal toward the interior of the lot and originating at each property line, and provided that no structure shall exceed ninety-five (95) feet in height.
- <sup>5</sup> All non-residential uses adjoining a residential district, public, or institutional facility shall include landscaping as depicted on the following page. The developer/builder will submit a plan in substantial conformance with the depiction. If the 30 ft. or 25 ft. width screening area is chosen, either a 6 ft. board on board privacy fence or a 4 ft. - 6 ft. berm will be provided in addition to the landscaping. The screening area plan will be submitted along with the site plan and/or building permit application. This type of screening must also be provided in the event a permitted non-residential use is constructed in a residential zone. No planting, screening, or landscaping shall be so placed or of such design as to in any manner screen or obscure vision of pedestrians or vehicular traffic or adversely affect drainage in such a manner as to endanger the public or present a hazard to safety.
- <sup>6</sup> For single family dwellings with attached garages in subdivisions platted and recorded on or before the effective date of this Ordinance, required total side yards may be reduced to 20% of the lot width, with a minimum side yard dimension of 10% of the lot width, but in no case shall any side yard be less than six (6) feet.
- <sup>7</sup> If the existing front yards of structures on lots lying wholly or partially within 300 feet on the same side of the street on the same block of any lot proposed for the construction of a structure exceed the required front yard as stated herein, then the greater distance shall be required, except that if the existing front yards are not uniform, then the average such distance shall apply.
- <sup>8</sup> An accessory building will not exceed 40% of the floor area of the principal building

**REQUIRED PLANT UNITS/100'**

**4 Canopy Trees**

**6 Understory Trees**

**24 Shrubs**

**12 Evergreen Trees/ Conifers**

Plat Unit  
Multiplier

100'

Structure  
Required

**.6**

40'

**.8**

30'

**1.0**

25'

**.75**

20'

**F<sub>3</sub>**

**.7**

**Lower Intensity Use**

↑

15'

↓

**Higher Intensity Use**

**F<sub>4</sub>**



**17.20.010**

**SUPPLEMENTARY ZONE REGULATIONS**

These supplementary regulations are listed or described here rather than repeated several times throughout the document, since they apply to several zones. These regulations pertain to certain specific uses, authorized certain exemptions, or related to unusual conditions.

**A. RESIDENTIAL PERFORMANCE STANDARDS**

It is the purpose of this section to establish regulations and minimum standards for residential uses.

- 1. Single Family Dwellings:** All single family dwellings in R zones shall be constructed to contain a minimum ground area to provide a minimum livable area in accordance with the following standards:

Zone	Minimum Ground Area of Building in Square Feet	Minimum Livable Area of Building in Square Feet
R1 R1A	850	1,550
R2	850	1,150
R3B	850	1,150
R3A, R4, R4A, R5, R6	850	850

- 2. Multiple Family Dwelling Units:**

- a.** Each dwelling unit within a multiple family unit building shall be constructed to contain a minimum livable area, in accordance with the following standards:

Dwelling Unit Type	Minimum Livable Area of Dwelling Unit in Square Feet
Minimum Apartment Size	500
One (1) Bedroom Apartment	620
Two (2) Bedroom Apartment	740
Three (3) Bedroom Apartment	840

- b.** Each individual dwelling unit in a building containing more than one dwelling unit shall have its own lavatory contained in the individual dwelling unit

- 3. Alteration and/or Conversion of Residential Buildings:** A single family dwelling located in a residential (R) zone shall not be altered and/or converted to increase the number of dwelling units unless it is in compliance with the following regulation:

- a.** No building shall be altered and/or converted unless, after conversion, the zoning lot on which it is located would provide the minimum square feet of lot area per dwelling unit as required in Section 17.16.010.
- b.** No building shall be altered and/or converted unless after conversion, it would comply with all height, yard, lot-width, floor area ratio and lot coverage requirements on the residential zone in which it is located.
- c.** No building shall be altered and/or converted unless, after conversion, every dwelling unit would contain at least the square feet of usable floor area within each dwelling unit as required in Subsection (A, 2) of this ordinance.
- d.** No structural alteration of the building exterior shall be made except as may be necessary for the purposes of sanitation or safety. After alteration and/or conversion each floor containing dwelling units (or unit) shall have two separate means of exit leading directly

to the outside at ground level, placed as remotely from each other as possible. At least one (1) stairway leading to the second or higher floor shall be completely enclosed within the converted building.

**4. Group Family Households:**

- a. Shall not be located less than 1000 feet from any other group family household facility or 1500 from any congregate housing facility; and
  - b. Shall provide evidence of any licenses or certifications required by any licensing or regulatory authorities other than the Village to the Village Manager.
5. Any non-residential structure permitted in a residential zone shall have exterior elevations constructed of masonry, decorative block, brick, or wood, or the equivalent.
6. All trash enclosures must be constructed of the same material as the principal building.
7. No storage of construction debris or rubbish is allowed on any property within the Village.

**B. INDUSTRIAL PERFORMANCE STANDARDS**

It is the purpose of this section to establish regulations and standards for the installation and operation of industrial uses, based upon consideration of the objectionable characteristics of such uses and the zones in which they are permitted. Further, this section is intended to prescribe procedures and methods of measurement of industrial characteristics subject to such standards.

Any use permitted in the OR, LI, LIA and GI zones, whether such use is permitted as a principal use or an accessory use, shall be subject to these requirements:

1. **Permit Procedure:** Before a building permit is issued for a use in an OR, LI, or GI zone, the applicant shall furnish the Building Department sufficient information to enable the Building Department to assure the Village that all performance standards set forth in the Zoning Ordinance can and will be complied with at all times. All information and evidence submitted in applications to indicate conformity to performance standards shall constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.

The Building Department, in order to determine whether or not the applicant will meet such standards, shall require the applicant to submit the following information:

- a. A plot plan showing the location of all present and proposed structures, drives, parking lots, waste disposal areas, bulk storage areas, streets, streams, or other significant features on or within two hundred (200) feet of the proposed site.
- b. A description of the activity to be conducted regarding waste products, external effects or other conditions which are regulated herein; provided, however, that the applicant shall not be required to reveal any trade secrets or sufficient detail with regard to a process which would cause any secret process or manufacturing procedure for a closely guarded proprietary compound or product to become public knowledge and be available to competitors.
- c. The type and location of abatement devices to control, or recording instruments to measure, conformance with required standards, not including devices and instruments which are inherent in the manufacturing process.

- d. Such other data and certification as may reasonably be required by the Building Department to reach a determination.

When a new or altered use in an OR, LI, LIA or GI zone is proposed that may, in the opinion of the Building Department, involve a possible violation of the regulations in Subsection (B 2) the Building Department shall, as a condition precedent to issuing a building permit, require the deposit in escrow of one thousand (\$1000) dollars for a period of one (1) year from the date of the new or altered use or occupancy. The Building Department shall notify the Zoning Board of Appeals of such required deposit in escrow. Escrow deposits or remainders of escrow deposits shall be returned to the depositors at the expiration of the escrow period.

**2. Performance Standards:**

- a. The OR, LI, LIA and GI zones all of the rules and regulations of the Illinois Pollution Control Board shall apply.
- b. All air emissions shall be in accordance with the air emission standards of the Village.
- c. All trash containment must be enclosed and of the same exterior materials as the principal building.
- d. Any utility facility on the roof of a building must be screened by a parapet wall or other screening as approved by the Village.
- e. A landscape plan must be approved prior to occupancy.

**3. Enforcement:** The Building Department shall enforce the provisions of this section.

- a. If, during the one (1) year period that the escrow deposit is held, the Building Department believes there is a reasonable probability that the regulations of this section are being violated, the Department may employ a qualified technician or technicians to perform investigations, measurements, and analyses to determine whether or not the regulations are being violated and may pay their reasonable fee out of the aforementioned escrow deposit, regardless of the outcome of the investigations. If the reasonable fees of such technician or technicians exceed the amount of any available escrow deposit, and if a violation of this section is discovered, the fees may be recovered as a penalty in the same manner specified herein.
- b. In cases not covered by escrow deposit but in which, in the opinion of the Building Department, there is reasonable probability that any use or occupancy violates the regulations of this section, the Department is hereby empowered to employ a qualified technician, or technicians to perform investigations, measurements and analyses to determine whether or not the regulations of this section are being violated. In the event that a violation is found to exist, the violators shall be liable for the reasonable fees of the technicians employed to perform such investigations, measurements, and analyses. Such fees may be recovered as a penalty in the same manner specified herein.
- c. In addition, the Village may require the installation, maintenance, and operation by the offending industry of continuous measuring recording instruments to demonstrate the operation and to ensure continuous compliance with the prescribed standards.

**C. COMMERCIAL PERFORMANCE STANDARDS**

It is the purpose of this section to establish regulations and minimum standards for commercial uses in addition to the provisions of Sections 17.12 and 17.16.

- 1.** No vehicular access shall be allowed for any property in the GB and SCB Zone which abuts a major street, as shown on the Comprehensive Plan or the Official Map of the Village, except via central access curb-cuts, provided:

  - a.** Such central access curb-cuts shall be allowed only as specifically approved by the Village Board of Trustees.
  - b.** Any central access curb-cut shall be no closer than 400 feet to any street or any other central access curb-cut on the same side of the major street.
  - c.** Any central access curb-cut shall align with any street or central access curb-cut on the opposite side of the major street or be off-set therefrom by a minimum of 200 feet.
  - d.** All accesses shall be in conformance with the Village's Roadway Access Ordinance.
- 2.** All property which shall have vehicular access provided via a central access curb-cut shall provide and record easements for access purposes. Such easements shall be at least 20 feet wide and shall be located contiguous to the front property line. No discontinuous changes in grade elevation shall be permitted along such easements from one parcel of property to another.
- 3.** For non-residential uses in the Commercial Transition (CT) and the Commercial Transition Limited (CTL) zone, the following additional performance standards shall apply:

  - a.** Outdoor storage or display of products or equipment shall be prohibited.
  - b.** All commercial activities shall be conducted wholly within the principal building on the lot.
  - c.** No principal building shall be altered in such a manner as to change its residential character as a dwelling unit.
  - d.** No perceptible noise, odor, smoke, electrical interference, or vibrations shall emanate from any building or structure on the lot.
  - e.** No more than two commercial vehicles shall be parked on any lot. No such permitted commercial vehicle shall exceed nine feet in height nor eighteen feet in length. No such permitted commercial vehicle shall be stored on a lot for a period exceeding twenty-four hours unless such commercial vehicle is owned by the owner of the lot on which it is stored. Notwithstanding the provisions of this paragraph 3.e., no commercial vehicle shall be parked to the rear of any building and lot where the rear lot line of such lot abuts property used for residential purposes nor shall any commercial vehicle be parked in a side yard when the side lot line abuts property used for residential purposes.
- 4.** Any use that utilizes outdoor speakers or outdoor paging system and abuts a residential use must receive a Special Use Permit.
- 5.** All trash containment must be enclosed and of the same exterior materials as the principal building. All uses in the Central Business (CB) and Central Business-A (CBA) zones shall be exempt.
- 6.** Any utility facility located on the roof of a building shall be screened by a parapet wall or other screening approved by the Village.
- 7.** A landscape plan must be approved prior to occupancy.

**D. RESIDENTIAL UNITS IN THE CB DISTRICT AND CBA DISTRICT**

Any residential units constructed in the Central Business Zoning District shall be built in conformance with the following requirements:

1. No dwelling unit shall be built or located on the ground floor of any building containing commercial uses.
2. No residential unit shall be built or located on any story higher than the second story in a non-elevator building.
3. There shall be one parking space for every efficiency dwelling unit and every one-bedroom dwelling unit, and there shall be two parking spaces for every two or more bedroom dwelling units.
4. For property that is zoned Limited Industry (LI) or General Business (GB) and contiguous to property zoned Central Business (CB) or Central Business A (CBA) may be redeveloped as mixed uses, including residential and non-residential upon issuance of a Special Use Permit in accordance with this ordinance. For purposes of this section redevelopment shall be defined as any structure that is damaged, altered or enlarged in excess of 100% of its building value.
5. Property that is zoned Central Business (CB) or Central Business A (CBA) may be redeveloped upon issuance of a Special Use Permit: For purposes of this section redevelopment shall be defined as any structure that is damaged, altered or enlarged in excess of 80% of its building area.
6. An applicant redeveloping properties described in subparagraphs 4 and 5 of this section shall be entitled to develop a minimum of 75% of the requirements included in the Lot Area Yard and Bulk Regulations Section of the Grayslake Zoning Ordinance for the particular zoning district in which the property is classified.
7.
  - (a) For properties described in the above subparagraphs 4 and 5, the height of a building may exceed that required by Section 17.16.010.
  - (b) For properties described in the above subparagraphs, the lot area setback requirements in Section 17.16.010 may be waived or modified.
  - (c) For properties described in the above subparagraphs 4 and 5, the structural coverage and floor area ratio (F.A.R.) requirements in Section 17.16.010 may be waived or modified.

**E. ADULT USES**

1. Adult uses, as this term is defined in this title, shall be authorized as a Conditional Permit uses in the Village, subject to the following restrictions:
  - (a) No adult use shall be established within one thousand (1,000) feet of any other adult use.
  - (b) No adult use shall be established within seven hundred fifty (750) feet of any church, pre-school, elementary school, middle school, secondary school, park (including aquatics center, ball fields, and the like) or playground.

For purposes of this subsection, distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point or lot line of the zoning lot on which the adult use is located to the nearest point on a lot line of the zoning lot on which a use described in Subsection 17.20.01E1(a) or 17.20.01E1(b) is located.

2. An adult use that applies for a Conditional Use Permit shall be granted that permit if it complies with all applicable requirements of Section 17.24.010. Adult uses are deemed compatible with the existing or planned future development of the areas described in Paragraph 1 of this subsection. Any conditions placed on the issuance of a Conditional Use Permit to an adult use by the Village shall relate solely to the adult use's land use characteristics and not to the content of any protected speech engaged in at the adult use.
3. Every adult use shall comply with all of the applicable regulations of Title 8 (nuisances) of this Code.

**F. MESSAGE THERAPY ESTABLISHMENTS**

- (a) Massage establishments shall be allowed by right in all non-residential zones as an accessory use to a licensed medical facility. The use must conform to the zoning standards for accessory uses. The medical facility would be the establishment license.
- (b) Any current establishment that is operating in conformance with Village ordinance prior to the adoption of this ordinance will be allowed to continue to operate as long as they conform to Section 5.32 of the Village Code.
- (c) Any massage therapy establishment shall comply with Chapter 5.32 (Massage Therapy Establishments) and Chapter 8 (Nuisances) of the Grayslake Village Code.

**G. BACK YARD HENS**

1. Back yard hens will be allowed only on properties in single family zoning classifications.
2. Chicken coops will be set back a minimum of eight (8) feet from the property lines.
3. Chicken coops will be set back a minimum of twenty (20) feet from a principal residence.
4. The maximum height of coops shall be eight (8) feet.
5. Additional regulations addressing back yard hens are located in Chapter 6.04 (Animal Control) of the Village Code.

**H. RETAIL SALES OF FIREARMS AND AMMUNITION**

No retail sales of firearms or ammunition shall occur within 500 feet of the following:

- Public or private school
- Park or other recreational facility
- Place of worship
- Library
- Any liquor license holder

**I. MEDICAL CANNABIS CULTIVATION CENTERS**

**1. Location Restrictions**

- a. **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 pre-school 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 (as denoted under the heading "Residential" in the Use Table set forth in Section 17.12.10 of this Code).**

- b. Medical cannabis cultivation centers shall not be established on multiple-use or multiple-tenant property or on a property that shares parking with other users.
2. Manufacture and Production Standards
- a. Unless otherwise stated herein or provided by state law, the cultivation center shall conform to all Village rules, regulations and ordinances.
  - b. All medical cannabis cultivation centers shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq., (“Medical Cannabis Act”) and all rules and regulations adopted in accordance therewith.
  - c. Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be continually viewed by cultivation center staff and shall be continually recorded in a tamper proof format.
3. Setbacks/Lot Area/Bulk Regulations. A medical cannabis cultivation center shall conform to the setback, lot area, and bulk regulations applicable to the zoning district in which the cultivation center is located.
4. Signage
- a. Other than signage expressly required by state law, all signage for a medical cannabis cultivation center shall be limited to one flat wall sign not to exceed ten square feet in area, and one identifying sign, which can only include the center’s address, not to exceed two square feet in area; such signs shall not be directly illuminated.
  - b. Electronic message boards and temporary signs are not permitted in connection with a cultivation center.
5. Age and Access Limitations. Cultivation centers shall not employ anyone under the age of eighteen (18). Access shall be limited exclusively to cultivation center staff and local and state officials and those specifically authorized under the Medical Cannabis Act.
6. Security and Video Surveillance
- a. The cultivation center shall be an enclosed locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft. The facility shall be enclosed by a high security fence. The fence must be adequately secure to prevent unauthorized entry and include gates connected into an access control system.
  - b. The 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 shall be continually recorded in a tamper proof format. The operator shall promptly make such records available to the Grayslake Police Department upon request.
  - c. The adequacy of lighting, security, and video surveillance installations shall be subject to review and approval by the Village, with assistance from appropriate local law-enforcement officials.
  - d. Loading of all medical cannabis products shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the building.

- e. A cultivation center is subject to inspection by the Grayslake Police Department and/or the Grayslake Building Department at any time during regular business hours.
- 7. 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.
- 8. Conduct on Site
  - a. Retail sales of medical cannabis or medical cannabis infused products are strictly prohibited at cultivation centers.
  - b. It shall be unlawful to cultivate, manufacture, process or package any product, other than useable cannabis and cannabis-infused products intended for human consumption in accordance with the Medical Cannabis Act.
- 9. Interpretation. The provisions of this Subsection 17.20.010.G are intended to be interpreted in a manner consistent with the provisions and limitations of the Medical Cannabis Act.

**J. MEDICAL CANNABIS DISPENSARIES**

- 1. Location Restrictions
  - a. No medical cannabis dispensary may be located within 1,000 feet of the property line of a pre-existing public or private pre-school or elementary or secondary school or day care center, day care home, group day care home, part day care child facility and may not be located in a house, apartment, condominium, or an area zoned for residential use (as denoted under the heading “Residential” in the Use Table set forth in Section 17.12.10 of this Code).
  - b. Dispensaries shall not be established in multiple-use or multiple-tenant property or on a property that shares parking with other uses.
  - c. Dispensaries shall be a minimum of 1,000 feet from all other dispensaries as measured from the parcel boundaries.
- 2. Setbacks/Lot Area/Bulk Regulations. A medical cannabis dispensary shall conform to the setback, lot area, and bulk regulations applicable to the zoning district in which the cultivation center is located.
- 3. Other Standards
  - a. Unless otherwise stated herein, or provided by state law, dispensaries shall conform to all Village rules, regulations, and ordinances.
  - b. All Medical Cannabis Dispensary establishments shall comply with the Medical Cannabis Act and all rules and regulations adopted in accordance thereto.
- 4. 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 will not be screened from the roadway with vegetation, fencing or other obstructions above the height of 4 feet. Landscape buffering/fencing shall be provided next to adjacent properties.



- b. Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by dispensary staff and continually recorded in a tamper proof format.
- 5. Exterior Display. No medical cannabis 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, other than lighting required for security and surveillance.
- 6. Signage and Advertising
  - a. Other than signage expressly required by state law, all signage for a medical cannabis dispensary shall be limited to one flat wall sign not to exceed ten square feet in area, and one identifying sign, which can only include the dispensary address, not to exceed two square feet in area; 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, banners, flags, attention attracting devices, and temporary signs are not permitted in connection with a dispensary.
  - c. A sign shall be posted in a conspicuous place at or near all entrances to limited access areas of the dispensary and shall include the following language: "Only cardholders, designated caregivers, staff, and those specifically authorized by the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq., may enter these premises." The required text shall be no larger than one inch in height. "Limited access area" means a building, room, or other area under the control of a medical cannabis dispensary and upon the state-registered premises with access limited to qualifying patients, designated caregivers, dispensary owners, and other dispensary agents or service professionals conducting business with the dispensary.
  - d. Unless otherwise required by state law, any additional merchandise packaging provided by the 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.
- 7. Drug Paraphernalia Sales. Medical cannabis 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 Medical Cannabis Act.
- 8. Age and Access Limitations. It shall be unlawful for any medical cannabis dispensary to allow any person who is not at least eighteen (18) years of age on the premises, unless otherwise authorized by state law. Dispensaries shall not employ anyone under the age of eighteen (18). Access shall be limited exclusively to dispensary staff, cardholders, designated caregivers, local and state officials and those specifically authorized under the Medical Cannabis Act.
- 9. Hours of Operation. Medical cannabis dispensaries shall operate only between 6:00 a.m. and 8:00 p.m.
- 10. Drive-Thru Windows A medical cannabis dispensary may not have a drive-thru service.
- 11. Security and Video Surveillance
  - a. The medical cannabis dispensary shall be an enclosed, locked facility and shall provide and maintain adequate security on the premises including

lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft.

- b. The medical cannabis 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 shall be continually recorded in a tamper proof format. The operator shall promptly make such surveillance records available to the Grayslake Police Department upon request.
- c. A sign shall be posted in a prominent location which includes substantially 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 adequacy of lighting, security, and video surveillance installations shall be subject to review and approval by the Village, with assistance from appropriate local law-enforcement officials.
- e. A medical cannabis dispensary shall report all suspected criminal activity to the Grayslake Police Department immediately upon discovery.
- f. Deliveries shall occur during normal business hours within a secure enclosed delivery bay. No delivery shall be visible from the exterior of the building.
- g. A medical cannabis dispensary is subject to inspection by the Grayslake Police Department and/or the Grayslake Building Department at any time during regular business hours.

12. Conduct on Site

- a. Loitering is prohibited on the dispensary property.
- b. Smoking, inhaling or consuming cannabis products in the medical cannabis dispensary or anywhere on the property occupied by the dispensary is prohibited. A sign, at least 8.5 x 11 inches shall be posted inside the dispensary building in a conspicuous place and visible to clients and shall include the following language: “Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on dispensary property”.

13. Interpretation. The provisions of this Subsection 17.20.010.G are intended to be interpreted in a manner consistent with the provisions and limitations of the Medical Cannabis Act.

**6. 17.20.020 FLOOD PLAIN CONTROL AND STORM WATER DETENTION**

**REGULATION**

- A. All flood plain control and storm water control shall be in conformance with the Lake County Watershed Development Ordinance.
- B. Except as approved as part of a Special use Permit and with respect to Village owned rights-of-way, no development in the Village may establish or maintain any required detention or retention facility or other required stormwater management systems other than on the same zoning lot served by such detention or retention facility or other required storm water management system. Further, no zoning lot in the Village may have a detention or retention facility or other required storm water management systems established or maintained upon it for purposes of serving any development on a lot parcel, tract, or property not located within the corporate limits of the Village.

**17.20.030 MISCELLANEOUS REQUIREMENTS**

**A. CENTRAL SEWER AND WATER SERVICES**

All permanent buildings and structures intended for human occupancy shall be connected to central sewage treatment and water supply utility systems, except that single family dwellings may have private water wells and septic fields, provided the following requirements are met:

- 1. A community sanitary sewer main or water main is not available within 250 feet of any boundary line of the lot.
- 2. No lot shall have an area less than 40,000 square feet and a width of less than 190 feet. If a lot of such a size cannot comply with the regulations of the Lake County Health Department as they pertain to septic fields, the lot shall be enlarged in increments of at least the minimum lot size established for the zoning district in which the lot is located.
- 3. Connection to a community sewer main or water main shall be made within one year from the time that they become available and upon notice by the Village.
- 4. House connections to the utility systems shall be installed at the time that the dwelling is constructed.

**B. ACCESSORY USES**

An accessory use shall be permitted on the same zoning lot as a principal use, provided that the following conditions are met:

- 1. The accessory use customarily is incidental to the principal use.
- 2. The accessory use shall be subordinate in size, floor area, intensity, extent, and purpose to the principal use.
- 3. The accessory use shall contribute to the comfort, convenience or necessity of the principal use.

**C. YARD AND BUILDING SETBACK EXCEPTIONS**

- 1. The following shall be allowed to project into or to be constructed in any required yard or beyond the building setback line.
  - a. Air conditioner compressor pads or air conditioner units shall be placed no closer than five (5) feet from the side property line and shall have landscape screening to screen the unit from the street and the nearest adjoining property.

- b. Awnings and canopies in accordance with the Building Officials Code of America (BOCA) Building Code as adopted by the Village of Grayslake.
- c. Bay window, not to exceed two (2) feet;
- e. Chimneys, not to exceed two (2) feet;
- e. Clotheslines posts, in the rear yard only;
- f. Driveways;
- g. Fences, in accordance with the Grayslake Fence Ordinance;
- h. Guardhouse or gatehouse;
- i. Flagpoles;
- j. Garbage disposal equipment, non-permanent, in the rear yard only, except during a construction project.
- k. Island and pumps for gasoline service station, minimum setback of twenty (20) feet;
- l. Landscape features;
- m. Mailboxes;
- n. Marquees in accordance with the Building Officials Code of America (BOCA) Building Code as adopted by the Village of Grayslake;
- o. Overhanging roof, eaves, gutter, cornice, or other architectural feature, not to exceed three (3) feet;
- p. Planting boxes;
- q. Playground equipment, including tennis courts, in the rear yard only;
- r. Sidewalks and steps;
- s. Signs in conformance with Grayslake Sign Ordinance;
- t. Steps or stairs to a dwelling, non-enclosed, not to exceed four (4) feet;
- u. Swimming pools and tool sheds in the rear yard only;
- v. Terraces (open) and porches (non-enclosed) not to exceed four feet.
- w. Trees, shrubs, flowers and other plants;
- x. Yard and service lighting fixtures, poles;
- y. Window air conditioners;
- z. Dog runs; rear yard only, minimum 3 ft. from any property line.

**2. Utility Exemption**

Except as expressly provided in this Chapter, nothing in this Chapter shall impose restrictions on the type or location of any poles, wires, cables, conduits, vaults, laterals, or any other similar distributing equipment of a public utility. All such uses shall, however, comply with the subdivision and other applicable codes, ordinances, and regulations of the Village. Notwithstanding, the following regulations shall apply:

- All utility facilities shall have a maximum height of 6 ft.
- All utility facilities shall be screened by landscaping from adjoining properties.
- No utility facility shall be placed in drainage easement.

**D. ANNEXED LAND**

All land which may hereafter be annexed to the Village of Grayslake shall be automatically classified in the R1 Residential District. Within 90 days if no application for reclassification of the property has been filed, the Zoning Board of Appeals shall on its own motion schedule a public hearing on the advisability of the zoning classification of the property. If following the hearing, the Board of Appeals believes the R1 residential classification is improper, the Board shall transmit to the Board of Trustees a written report giving their findings and recommendations for proposed reclassification of the property. This provision shall not apply, however, to land affected by a valid annexation agreement adopted pursuant to Division 1 of Article 7 of Chapter 65 of the Illinois Compiled Statutes 1994.

**E. CUSTOMARY HOME OCCUPATIONS**

Home occupations are permitted in Residential Districts, provided that the home occupation shall be conducted in such a manner that it does not change in any way the residential neighborhood atmosphere or infringe on the rights of abutting and adjoining homeowners or residences and further providing that:

1. The occupation shall normally be conducted wholly within the principal building.
2. No person other than members of the immediate family residing in the dwelling may be employed.
3. A separate entrance shall not be provided in conjunction with the conduct of the occupation.
3. No alteration of any kind shall be made to the principal building which changes its residential character as a dwelling unit.
5. No outdoor storage shall be allowed.
6. The occupation shall not involve more than a total of 300 square feet of the area of a dwelling unit.
7. There shall be no commodity sold or services rendered that require delivery or shipment of merchandise; goods or equipment by other than passenger-size motor vehicles, three-quarter ton step-up van or similar sized trucks.
8. There shall be no perceptible noise, odor, smoke, electrical interference or vibrations emanating from the structure in which the home occupation functions.
9. The home occupation shall be conducted in such a manner that it does not create parking or traffic congestion for the abutting or adjoining neighbors or for the immediate neighborhood, or in any way presents a nuisance by excessive traffic, customer activity or so forth.

**10.** The following uses are hereby prohibited as home occupations:

- a.** Automobile, snowmobile, motorcycle, or recreational vehicle repair and service.
- b.** Landscaping material sales or service.
- c.** Any industrial uses as defined in the Use Table.
- d.** Industrial machinery repair and service.
- e.** Any use requiring a conditional use in the Use Table.
- f.** Children's day care facility with five (5) or more children.
- g.** Construction material sales.
- h.** Outdoor storage of materials, equipment, or other items associated with the above referenced items.
- i.** Retail sales of firearms and ammunition.

**F. TEMPORARY USES**

The following regulations govern the operation of certain transitory or seasonal uses:

- 1. Permits. No temporary use shall be established or maintained unless a temporary use permit shall have first been issued in accordance with this Subsection F.
- 2. Application for a temporary permit shall be made to the building department and shall contain the following information:
  - a. A survey or legal description of the property to be used, rented, or leased for the temporary use;
  - b. A description of the proposed use including sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to service the proposed use.
- 3. Standards for Issuance of Temporary Use Permit. In reviewing an application for a temporary use permit, the building department will review the proposed location of the temporary use, the ground coverage and floor area proposed for the temporary use, the proposed height of the temporary use, the impact of the temporary use on parking and traffic in the area, and any other issue related to the proposed temporary use. A temporary use permit shall be denied if the building department determines that the public health, safety, or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof. A temporary use permit may be denied if the building department determines that the applicant has failed to comply with the terms or conditions of any previously issued temporary use permit or that the permanent use of the property fails to comply in all respects with the provisions of this Code and all other Village ordinances regulating the development, use, and maintenance of such property.
- 4. Conditions. A temporary use permit may be conditioned upon such special requirements as the building department may determine are necessary to achieve the purposes of this code and to protect the health, safety and welfare.
- 5. Revocation. A temporary use permit shall be revoked if any of the standards and conditions imposed pursuant to this Subsection F, or such permit, are violated.
- 6. Uses. The following temporary uses shall be located only in those districts as specified in Table 17.12 of this Title, and are subject to the following specific regulations and time limits, in addition to the regulations of any zone in which the use is located:
  - a. Carnival or Circus. A temporary use permit may be issued for a carnival or circus for a period not longer than fifteen (15) days;

- b. Christmas Tree Sales. A temporary use permit may be issued for the display and open-lot sale of Christmas trees for a period not longer than thirty (30) days;
- c. Contractor's Project Office and Equipment Sheds. A temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. The permit shall be valid for not more than one year but is renewable. The office or shed shall be removed upon completion of the construction project;
- d. Real Estate Project Sales Office. A temporary use permit may be issued for a temporary real estates sales office in any new subdivision. The permit shall be valid for not more than one year but is renewable. The permit shall be valid for not more than six months per year. No sales shall be made within thirty (30) feet of any street right-of-way;
- e. Seasonal Sale of Farm Produce. A temporary use permit may be issued for the operation of a roadside stand for the same of farm produce grown exclusively on the premises. The permit shall be valid for not more than six months per year. No sales shall be made within thirty (30) feet of any street right-of-way;
- f. Tent Theater or Tent Meeting. A temporary use permit may be issued for a tent or other temporary structure to house religious and cultural functions and for commercial and industrial promotions for a period of not more than fifteen (15) days;
- g. Sidewalk and Parking Lot Sales, Tent Sales, and Other Outdoor Retails Events. A temporary use permit may be issued for the display and sale of retail goods. The temporary use permit shall be valid for not more than five days and no more than three such permits shall be issued for the same property in any calendar year;
- h. Outdoor Storage or Display of Construction of Bulk Materials. A temporary use permit may be issued for the storage and display of materials sold at retail in pre-packaged containers or the storage and display of flowers, shrubs, trees, and other plant materials outside a fully enclosed building storage pursuant to Paragraph 17.20.030H123 of this Code. Such temporary use permits shall be limited in the temporary use permit, but in no event shall a temporary use permit be allowed for more than 120 days in any calendar year. The duration of such temporary use permit shall be determined based on the type of materials proposed for storage or display, the location of the lot on which such storage or display is to occur, and the manner in which the applicant proposes to so store or display the permitted materials.

7. Use Limitations.

- a. General Limitations. Every temporary use shall comply with the limitations made applicable to specified temporary uses by Paragraph 6 of this Section. No temporary use shall be permitted in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area, as a whole, in which it is located.
- b. Hours and Days of Operation. The Building Department may designate the specific hours and days of the week during which a temporary use may operate on the basis of the nature of the temporary use and the character of the surrounding area.
- c. Public Safety. No temporary use shall be permitted that can be expected to create any undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with any restrictions and conditions that may be imposed to eliminate any such threat. If required by the building department, the operator of the temporary use shall employ a fire watch team and/or appropriate security personnel.

- d. Traffic. No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.
- f. Conflicts with Other Temporary Uses. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.
- g. Parking. Before approving any temporary use, the Building Department shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Building department, unreasonably reduce the amount of off-street parking space available for use in connection with permanent uses located on the zoning lot in questions.
- h. Additional Conditions. Every temporary use shall, in addition, comply with and the Building Department may impose such other conditions as may be reasonably necessary to achieve the purposes of this Code or to protect the public health, safety and welfare.
- i. Notwithstanding anything to the contrary in this Section 17.20.030.F, a Temporary Use Permit otherwise authorized under Subsection F.6. may be approved by an Ordinance approved by the Village Board of Trustees, even if such temporary use does not satisfy certain of the standards, conditions, or restrictions set forth in this Subsection F, provided that the Board of Trustees find in its legislative determination that the temporary use in question will otherwise promote the public welfare. Any such approval ordinance may establish special terms, conditions, and restrictions that the Village Board of Trustees determines are necessary or desirable to protect the public health and safety.

**G. HEIGHT EXCEPTIONS**

The following structures or parts thereof are exempt from the height limitations set forth in the several zones, except as limited by any height restrictions imposed by any airport authority, port district, or other municipal corporation operating an airport, and as limited by regulations for airports and heliports, contained in Section 17.24.010 of this Ordinance. These structures must be constructed in conformance with all state and federal rules and regulations.

- 1. Public utility poles, towers, and wires;
- 2. Radio and television antennae and towers;
- 3. Water tanks and standpipes.

**H. OTHER USES AND REGULATIONS**

- 1. **Fallout Shelters:** Fallout shelters are permitted as principal or accessory uses and structures in any zone, subject to the yard and lot coverage regulations of the zone. These shelters may contain or be contained in any other structures or may be constructed separately. In addition to shelter use, they may be used for any principal or accessory use permitted in the zone, subject to the applicable zone regulations, but shall not be used for principal or accessory uses prohibited expressly or by implication in the zone.
- 2. **Tents:**
  - a. No tent shall be used, erected, or maintained as living quarters. Tents used in commercial or industrial zones or tents used for camping purposes wherever permitted shall be of a temporary nature.



- b. No tent or membrane structure shall be used, erected or maintained as living quarters.
  - c. Tents or membrane structures used for camping wherever permitted shall be temporary in nature.
  - d. Tent or membrane structures shall be located in the rear yard only.
  - e. Tents or membrane structures shall not be located within twenty (20) feet of any lot lines, buildings or parked vehicles.
  - f. Tents or membrane structures must be completely enclosed except for an entrance.
  - g. Tents or membrane structures shall not exceed the height of the principal building.
  - h. Tent or membrane structures shall not exceed 20% of the size of the building.
  - i. The color of the structure shall be consistent with that of the principal building.
  - j. The structure will remain in good repair.
  - k. The structure will remain structurally sound as determined by the Building Department.
  - l. Tent and membrane structures that have been installed prior to the adoption of this ordinance can remain for a period of five years from the date of the adoption of this ordinance.
3. **Number of Buildings Per Lot:** In the R-1, R-1A, R-2A, R-2, R-3A, R-3B and R-3 districts, only one (1) single family dwelling shall be permitted on any one (1) zoning lot. In any other district, more than one (1) principal building on a zoning lot may be allowed, provided that the site plans for the buildings are approved by the Village Board, after a review by the Plan Commission, and provided further that the buildings are laid out in conformance with the standards contained in this Ordinance and in the Grayslake Subdivision Control Ordinance.
4. **Division of a Lot:** No recorded lot shall be divided into two (2) or more lots unless such division results in the creation of lots each of which conforms to all of the applicable regulations of the zone in which the property is located. No further reduction in the size of a recorded lot, which would render the lot unable to meet the requirements of the Zoning Ordinance, shall be permitted.
5. **Principal Uses Without Buildings:** Where a permitted use of land involves no structures, the use shall comply with all yard and minimum lot area requirements applicable to the zone in which located.
6. **Adequate Access:** Each lot shall have direct access to an improved, approved street.
7. **Horses:** Horses may be kept in any residential district provided that there shall be two acres of land for the first horse and one acre of land for each additional horse.
8. **Sight Clear Distance:** On any corner lot, within the triangular area formed by the two (2) street center lines and a third line connecting two (2) points, one (1) of which is located on each of the two (2) street center lines, one hundred (100) feet from their junction, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2½) feet and ten (10) feet above the plane surface formed by the center line grades of the aforementioned streets.
9. **Accessory Structures:** No accessory structure shall be placed closer than five (5) feet to any property line in a residential zone
10. **Antenna With Surface Areas of Ten (10) Square Feet or Less:** Antenna and antenna support structures having a combined surface area not greater than ten (10) square feet, and no single dimension exceeding twelve (12) feet, shall be permitted as an accessory use.
11. **Antenna, Other than Amateur Radio Facilities, With Surface Areas Exceeding Ten (10) Square Feet:** Except for amateur radio facilities permitted pursuant to Paragraph 9-101 D8 of this Section, antenna and antenna support structures having a combined surface area greater than ten (10) square feet, or having any single dimension exceeding twelve (12) feet, shall be permitted as an accessory use only in compliance with the following regulations:

- a. *Number Limited in Residential Districts.* No more than one (1) such antenna and antenna support structure may be located on any zoning lot in any residential district.
- b. *Height Limited.* Unless attached to a building pursuant to Subparagraph (c) below, no such antenna or antenna support structure shall exceed 65 feet in height in the Industrial Districts or twelve (12) feet in height in any other district.
- c. *Attachment to Buildings Limited.* No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:
  - 1) **Size.** The antenna and antenna support structure shall not exceed fifteen (15) square feet in area or twelve (12) feet in any dimension.
  - 2) **Height.** The antenna and antenna support structure shall not extend more than three (3) feet above the highest point of the building on which it is mounted or the maximum permissible building height, whichever is less.
  - 3) **Mounting.** The antenna and antenna support structure shall not be attached or mounted upon any building appurtenance, such as a chimney. The antenna and antenna support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and antenna support structure shall be designed to withstand a wind force of 80 miles per hour without the use of supporting guy wires.
  - 4) **Color.** The antenna and antenna support structure shall be of a color that blends with the roof or building side on which it is mounted.
  - 5) **Grounding.** The antenna and antenna support structure shall be bonded to a grounding rod.
  - 6) **Other Standards.** The antenna and antenna support structure shall satisfy such other design and construction standards as the Village Manager reasonably determines are necessary to ensure safe construction and maintenance of the antenna and antenna support structure.
- d. *Setback from Street.* No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is an accessory that is nearest to such street.
- e. *Guy Wires Restricted.* No guy or other support wires shall be used in connection with such antenna or support structure except when used to anchor the antenna or support structure to an existing building to which such antenna or support structure is attached.

**12. Amateur Radio Facilities with Surface Area Exceeding Ten (10) Square Feet:** Any antenna and antenna support structure having a combined surface area greater than ten (10) square feet or having any single dimension exceeding twelve (12) feet that is capable of transmitting as well as receiving signals and is licensed by the Federal Communications Commission as an amateur radio facility must satisfy each of the following conditions:

- a. *Number Limited.* No more than one (1) such antenna support structure with a surface area greater than ten (10) square feet or any single dimension exceeding twelve (12) feet may be located on any zoning lot.

- b.** *Height Limited.* No such antenna or antenna support structure shall, if ground-mounted, exceed 70 feet in height, or if attached to a building pursuant to Subparagraph (c) below, the height therein specified.
- c.** *Attachment to Buildings Limited.* No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:

  - 1)** Height. The antenna and antenna support structure shall not extend more than 25 feet above the highest point of the building on which it is mounted.

- 2) **Mounting.** The antenna and antenna support structure shall not be attached or mounted upon any building appurtenance, such as a chimney. The antenna and antenna support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and antenna support structure shall be designed to withstand a wind force of 80 miles per hour without the use of supporting guy wires.
  - 3) **Grounding.** The antenna and antenna support structure shall be bonded to a grounding rod.
  - 4) **Other Standards.** The antenna support structure shall satisfy such other design and construction standards as the Village Manager reasonably imposes.
- d. *Setback from Street.* No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.
  - e. *Setbacks from Adjacent Buildings.* No such antenna or its support structure shall be located in any required side yard or nearer than one-half the height of the antenna and support structure to any habitable building or any adjacent property.
13. **Outdoor Storage or Display of Construction Materials and Bulk Materials.** The outdoor storage or display of bulk or construction materials is prohibited in all districts, unless such materials are stored in a fully enclosed building; this restriction shall not apply to flowers, shrubs, trees, and other plant materials authorized pursuant to a Temporary Use Permit. Materials sold at retail in pre-packaged containers may be stored outside a fully enclosed building pursuant to a Temporary Use Permit in accordance with Subsection 17.20.030F of this Code. Materials in pre-packaged containers may be stored or displayed in a partially enclosed structure provided that the stored materials (i) do not exceed 20 ft. in height and (ii) do not occupy more than 10 percent of the total lot area of the lot upon which the materials are stored and provided further that a special use permit has been issued in accordance with the standards for special use permits contained in Section 17.24 of this Code. Notwithstanding the nonconforming regulations contained in Chapter 17.36 of this Code, any activity that becomes nonconforming as a result of this regulation shall be discontinued and shall cease not later than February 28, 2007.
14. **Hours of Operation for Industrial Uses.** When a lot zoned within the LI or GI district abuts property zoned in the R1, R2, R3, R3A, or R3B zoning districts (and such area is not separated therefrom by a street, railway, or body of water), no business occupying such lot in the LI or GI District (in whole or in part) shall be permitted to conduct operations between the hours of 11:00 p.m. and 5:00 a.m. on the following day, unless pursuant to a special use permit granted in accordance with Section 17.24.C.11A of this Chapter. For purposes of this section, “operations” shall include any business activity or other activities in which personnel or guests are present on the business’ premises, including without limitation delivery, shipping, and stocking activities; provided, however, that operations shall not include security or caretaking activities not involving a total of more than three individuals. The limitations of this subsection shall not apply in any case where a LI or GI zoned lot is held in common ownership with the abutting property zoned in the R1, R2, R3, R3A, or R3B zoning districts as of July 1, 2006.
15. **Outdoor Clothing Drop Off Stations.** Prior to the delivery of outdoor clothing drop off stations, the applicant shall make application for the placement of outdoor clothing drop off stations with the Building Department per Section 17.20.030 of this Ordinance. In addition to those requirements, the following supplemental information shall be provided prior to the approval of the Temporary Use permit:

- a. The application shall contain the name of the applicant to whom the outdoor clothing drop off station is supplied and whether the person owns, rents, occupies, or controls the property.
- b. The application shall contain the delivery and removal dates of the container and the entity supplying the station.
- c. The application shall include the approval of the property owners.
- d. The application shall include the width, length, and height of the container along with a sketch showing the location of the placement of the station.
- e. No more than one container per parcel.
- f. The station shall be placed within the yard setback line. Stations shall not be located in the public right-of-way or in a location that obstructs the view of pedestrians or vehicular traffic entering or exiting the right-of-way.
- g. The station shall not be permitted on the same property for more than thirty (30) consecutive days. A one-time extension of 90 days may be granted by the Building Department. A letter must be sent to the Building Department requesting the extension and the reason for it.
- h. The Temporary Use Permit can be canceled immediately in the event the station overflows or otherwise becomes unsightly.
- i. The station shall only be placed on an improved parking lot constructed of a hard, dustless surface, generally asphalt or concrete provided the placement does not impede the flow of traffic or occupy required off-street parking spaces.
- j. Any other material deemed necessary by the Building Department.

**16. Outdoor Storage Containers.** Prior to the delivery of the outdoor storage container(s), the applicant shall make application for the placement of the outdoor storage container(s) with the Building Department per Section 17.20.030 of this Ordinance. In addition to those requirements, the following supplemental information shall be provided prior to the approval of the Temporary Use Permit:

- a. The application shall contain the name of the applicant to whom the outdoor storage container is supplied and whether the person owns, rents, occupies, or controls the property.
- b. The application shall include the approval of the owner of the property.
- c. The application shall contain the delivery and removal dates of the container and the entity supplying the station.
- d. The application shall include the length, width, and height of the container, along with a sketch showing the location of the placement of the container.
- e. The size of the container shall not exceed 8 ft. in width, 16 ft. in length, and 9 ft. in height.
- f. No more than one container per parcel.
- g. The container shall be placed within the yard setback line. Containers shall not be located in the public right-of-way or in a location that obstructs the view of pedestrian or vehicular traffic entering or exiting the right-of-way.

- h. The temporary storage container shall not be permitted on the same property for more than 30 days. A one-time extension of 14 days may be granted by the Building Department. A letter must be sent to the Building Department requesting the extension and the reason(s) for it. Exceptions may be granted if construction is occurring on the property.
- i. If the container is located on a single parcel, it shall only be placed on an improved driveway constructed of a hard, dustless surface, generally asphalt, brick pavers, or concrete.
- j. If the container is located on an attached single family or multi-family parcel, it shall only be placed on an improved parking lot constructed of a hard, dustless surface, generally asphalt or concrete provided the placement does not impede the flow of traffic or occupy required off street parking spaces.
- k. Any material deemed necessary by the Building Department.

## 17.24 STANDARDS FOR SPECIAL USES

In order to accomplish the general purposes of the Plan, certain unusual uses need special consideration. They require special regulations to achieve compatibility with existing development. Often the effects of these uses on the surrounding environment cannot be foreseen until a specific site has been proposed. Special uses are not permitted automatically but are subject to the regulations of this section, after all of the procedural requirements have been fulfilled, as controlled by Section 17.40.050.

### A. REQUIREMENTS

No special use permit shall be issued unless the following standards are met:

1. **Location:** The site shall be so situated that the proposed use is compatible with the existing or planned future development of the area.
2. **Zone Requirements:** All regulations of the Zone in which a conditional use is located shall apply to such uses, except where specifically amended by the conditions under which the special use permit is granted.
3. **Lot Area:** A special use shall be located on a lot or a zoning lot which conforms to the zone regulations, unless the area requirement is specified in this section.

### B. CONDITIONS AND GUARANTEES

Prior to the granting of any special use, the Zoning Board may recommend, and the Village Board may impose, such conditions and restrictions upon establishment, locations, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Subsection 17.24 herein. In all cases for which special uses are granted, the Village Board of Trustees shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the granting of the special use are being, and will be, complied with.

### C. USES

The following uses shall be subject to the regulations of the section and to any additional requirements imposed in the public interest to cover circumstances unique to the selected site.

#### 1. Airports and Heliports

- a. The area shall be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Agency and the Illinois Division of Aeronautics for the class of airport proposed, in accordance with their published Rules and Regulations.
- b. There shall be an adequate number of off-street parking spaces at least equal to the number of spaces in the hangars plus tie-down spaces, plus spaces for accessory uses.
- c. Any proposed runway or landing strip shall be situated so that the approach zones are free of any flight obstructions such as towers, chimneys, other tall structures, or natural obstructions outside the airport site.
- d. There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Agency. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.

- e. Flight patterns shall be indicated in relation to residential uses, present and future. Flight patterns shall be designated to minimize impact on existing and future residential areas.

## **2. Cemetery**

- a. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity. In addition, the site shall have direct access to a public thoroughfare.
- b. Any new cemetery shall be located on a site containing at least twenty (20) acres.
- c. All burial buildings shall be set back at least eighty (80) feet from all streets bounding the cemetery; and there shall be two (2) side yards and a rear yard of at least fifty-five (55) feet each. A burial building as any building used for the interment of bodies or other remains of persons who have died, including mausoleums, vaults, or columbaria.
- d. All graves or burial lots shall be set back at least thirty (30) feet from all streets bounding the cemetery and there shall be two (2) side yards and a rear yard of at least twenty-five (25) feet each.
- e. Existing cemeteries may continue to operate in a manner consistent with the existing development in the area presently covered by a special use permit. Any expansion to land not covered by an existing special use permit must comply with the requirements of this paragraph.

## **3. Excavation of Earth Products**

- a. An application for excavation operations shall be accompanied by a map or maps drawn at a scale of one (1) inch equals one hundred (100) feet showing the general plan for the proposed operations and rehabilitation of the site including the following:
  - 1) Existing topography at two (2) foot vertical contour intervals with an outline of the area to be excavated;
  - 2) Locations of existing and proposed watercourses and drainage systems including lakes, ponds, and retention areas;
  - 3) The schedule of rehabilitation measures;
  - 4) The proposed locations of sorting, grading, crushing, and similar equipment necessary to the operation and initial distribution of the excavated products;
  - 5) The proposed locations of any buildings, scale-house, or equipment storage areas.
- b. The operation and rehabilitation of excavative product areas shall be in accordance with the following conditions:
  - 1) Excavation shall not take place within thirty (30) feet of any street or boundary line.
  - 2) Buildings, structures, and storage or repair areas shall be located in conformance with yard requirements of the zone in which they are located.
  - 3) Access ways and roads shall be maintained in a dust free condition either by oiling or by spraying with calcium chloride.



- 4) The operation shall be surrounded by a solid fence at least six (6) feet in height.
  - 5) All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, damage to any street by slides, sinking, or collapse of supporting soil adjacent to an excavation. No excavative operation shall be conducted in a manner so as to lower the water table on surrounding properties or to cause an increase in the grade of the premises after completion of the excavative operation.
  - 6) No excavation or removal shall be permitted if the finished condition would have pits with side slopes of greater than thirty (30) degrees from the horizontal plane, serious erosion problems which could extend to neighboring properties, or drainage problems which adversely affect neighboring properties.
  - 7) 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 six (6) inches (except for areas under water) and shall be seeded with grass or other ground cover to prevent erosion.
  - 8) All excavative operations shall be conducted in conformance with Village ordinances related to erosion control and drainage, including the Lake County Watershed Development ordinance.
  - 9) All excavated materials must be promptly removed from the premises. No on-site stockpiling or storage of excavated materials or any other material, including without limitation fill soil, shall be permitted on the premises, except for temporary storage of topsoil to be spread over the premises after completion of operations, pursuant to Paragraph vii of this Section 17.24.080C4.
- c. A corporate surety bond shall be furnished to the Municipality to assure compliance with the approved rehabilitation map. The bond shall be in the amount of fifty thousand (\$50,000.00) dollars plus five hundred (\$500.00) dollars per acre of land to be excavated. A termination date for the completion of operations and the rehabilitation of the tract shall be imposed at the time of approval based upon the estimated length of time the operation will be necessary.

#### **4. Fairgrounds or Exposition Grounds**

- a. The site shall contain at least twenty (20) acres and shall have direct access to a major street.
- b. All yards shall be at least one hundred (100) feet each.
- c. Adequate vacant area must be available on the site to provide parking space sufficient to handle all anticipated crowds.

#### **5. Public and Private Utilities, Public Services**

The following regulations shall apply to buildings and structures not included in the Illinois Utility Exemption and not specifically permitted as a matter of right in the various zones, pertaining to water, sewerage, gas, telephone, cable television, and electric utilities; and police, fire, radio, and television stations, including broadcasting antennae:

- a. Lake County Health Department Report: Applications for permission to operate water works or sewage treatment plants shall be accompanied by a report and a recommendation from the Lake County Health Department and the Environmental Protection Agency. Such recommendations as to design and construction, type of treatment, source of water, standards for testing and sampling, and standards for the quality of effluent shall be incorporated in the special use permit.
- b. Lot Area and Location: The required lot area and location shall be specified as part of the special use permit and be determined in relation to the proposed use, the intensity of such use, and the effects of such use upon the environment.
- c. Fencing or Screening: If findings indicate that a hazard may result or that interference with the development or use and enjoyment of surrounding properties may ensue, fencing and screening with a densely planted hedge or other shielding material may be required in a manner consistent with such findings.

**6. Recreational Accessory Use**

- a. Notwithstanding the provisions elsewhere, the following uses are permitted as accessory uses to permitted recreational uses only after the issuance of a special use permit:
  - 1) Cocktail lounge and dining area;
  - 2) Dining facilities and kitchen;
  - 3) Game rooms and outdoor game courts.
- b. The location, size, and intensity of these accessory uses shall be restricted and determined in relation to the effects of such uses upon the environment, including effect upon traffic. The restrictions shall be incorporated in the required special use permit.
- c. In no case shall a recreational accessory use predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.

**7. Solid Waste Disposal Sites**

- a. An application to operate a solid waste disposal site shall be accompanied by the following information:
  - 1) A location map showing existing development within one thousand (1,000) feet of the boundaries of the proposed site.
  - 2) A plot plan showing street names, right-of-way widths, sidewalks; houses, barns, or other structures; and public lands and buildings within five hundred (500) feet of the boundaries of the proposed site.
- b. The operation and rehabilitation of any solid waste disposal site for which a special use permit is issued shall be in accordance with the ordinances of Lake County and the rules and regulations of the Illinois Pollution Control Board.

**8. Mobile Home Parks and Subdivisions**

- a. Any mobile home park or subdivision shall be located on a site containing at least ten (10) acres.

- b.** The site for the mobile home park shall be well drained and free from topographical or geological hindrances and from other conditions unfavorable to a proper residential environment. The park shall not be located near swamps, marshes, or other breeding places of insects, rats, and mice.
- c.** Any mobile home park or subdivision shall have central sewer and water facilities.
- d.** The maximum number of pads in each mobile home park shall be limited to eight (8) mobile home pads per gross acre.
- e.** At least two on-site parking spots shall be provided for every mobile home pad.
- f.** A centrally located laundromat may be located in the mobile home park, provided that it is of a size and scope no larger than the size and scope of the number of mobile home pads in the park.
- g.** No mobile home shall be located within 15 feet of any other mobile home unit, within 5 feet of any driveway or parking space, within 30 feet of any boundary line which is not the right-of-way line of a street, or within 40 feet of the right-of-way of any street.
- h.** All utility wire, pipes, and tanks shall be underground except that oil tanks used as a part of a central distribution system may be above ground if fully screened from view by a wood or masonry wall or fence.
- i.** Each mobile home park shall contain one or more recreational areas to total at least 300 square feet per mobile home unit.
- j.** The standards for the construction of the streets in the mobile home park, whether privately or publicly owned, shall conform to the standards for such streets in the Grayslake Subdivision Control Ordinance.
- k.** A landscape buffer shall be provided around the periphery of the mobile home park. The landscape buffer will be in substantial conformance to that detailed in Section 17.12, Number 5 footnote to Table 2.
- l.** Fire hydrants and street lights shall be provided along the streets in the mobile home park, in conformance with the requirements of the Grayslake Subdivision Control Ordinance.
- m.** The requirements of the Grayslake Subdivision Control Ordinance pertaining to school and park dedications and donations shall be required for all mobile home parks.
- n.** No mobile home park shall be approved if it has an adverse, undue and unreasonable impact on the surrounding land uses.

**9. Congregate Housing**

- a.** Each congregate housing facility shall not be located less than 1500 feet from other congregate housing facility or 1000 feet from any group family household facility; and

- b. Each congregate housing facility shall have not more than one occupant per 100 square feet of floor area devoted to bedroom space. In the event that the applicant for such a special use can demonstrate to the satisfaction of the Village Board of Trustees that more than one existing and occupied dwelling unit within the same block as the proposed congregate housing unit have more than one occupant per 100 square feet of floor area devoted to bedroom space, then the proposed congregate housing unit may have up to \, but not more than, the number of occupants permitted using the ratio of occupants to floor area in such existing and occupied dwelling units; and
- c. Each congregate housing facility shall provide evidence of any licenses or certifications required by any licensing or regulatory authorities other than the Village to the Village Manager.

**10. Personal Wireless Services Antennas**

- a. **Separation from Single Family Dwellings.** Personal wireless services antennas, with or without antenna support structures, and related electronic equipment and structures, shall not be located within 500 feet from the nearest outside wall of any single family dwelling in existence prior to the commencement of construction of such personal wireless services antenna, with or without antenna support structures, and related electronic equipment and structures; provided, however, that personal wireless services antennas with or without antenna support structures, and related electronic equipment and structures that are located on property owned by the Village may be located within 500 feet from the nearest outside wall of any single family dwelling.
- b. **Height:** Personal wireless services antennas, with or without antenna support structures, and related electronic equipment and equipment structures, may extend to the following heights:
  - 1) personal wireless services antenna support structures of a tower design may extend to a height of not more than 75 feet, provided however, where such a structure is located in a zone that allows a maximum height in excess of 75 feet, such a structure may extend to a height not exceeding the maximum permitted height in such zone;
  - 2) omnidirectional or whip antennas may extend not more than 12 feet above the highest point of the roof of the building or structure to which it is attached;
  - 3) directional or panel antennas may not extend above the highest point of the building or structure to which it is attached or more than two feet from the exterior of any wall or roof of the building or structure to which it is attached; and
  - 4) related electronic equipment and equipment structures shall not exceed applicable zone height regulations.
- c. **Location.** Whenever possible, personal wireless services antennas shall be located on lawfully preexisting antenna support structures or on other lawfully existing buildings or structures. No special use permits authorizing construction of a new antenna support structure or addition to or expansion of an existing antenna support structure or existing building or structure shall be authorized unless the applicant is able to demonstrate that no lawfully preexisting antenna support structure or lawfully preexisting building or structure is available, on commercially reasonable terms, and sufficient for the location of an antenna necessary for the provision of personal wireless services.

**d. Design of New Antenna Support Structures for Co-Location.** Unless otherwise authorized by the Board of Trustees for good cause shown, every new personal wireless services antenna support structure shall be designed, constructed, and installed to be of a sufficient size and capacity to allow the location of additional personal wireless services antennas to accommodate at least two additional personal wireless service providers on such structure in the future. Any special use permit for such a support structure may be conditioned upon the agreement of the applicant to allow a co-location of other personal wireless services providers on commercially reasonable terms specified in such special use permit.

**e. Monopoles Preferred: Deck Size.** Every new personal wireless services antenna support structure that is of a tower design shall:

- 1) be a monopole rather than lattice work, unless otherwise authorized by the Board of Trustees for good cause shown; and
- 2) not be illuminated or have any signs installed thereon unless otherwise required by applicable federal law or regulations.

Any deck or such a tower shall be centered on the tower and shall have not more than three sides with each side having dimensions that do not exceed 5 feet vertically and 12 feet horizontally. Where a deck is not three-sided, the distance from the center of the tower to the exterior edge of the deck shall not exceed 5.5 feet, and the total area of the exterior faces of the deck shall not exceed 180 square feet.

**f. Sizes of Antennas.** Personal wireless services antennas located on a lawfully pre-existing antenna support structure or other lawfully existing building or structure shall not exceed the following dimensions:

- 1) omni-directional or whip antennas shall not exceed 3 inches in diameter and 12 feet vertically; and
- 2) directional or panel antennas shall not exceed 12 feet horizontally and 5 feet vertically.

**g. Protection Against Climbing.** Every personal wireless services antenna and antenna support structure shall be protected against unauthorized climbing or other access by the public.

**h. Color.** Every personal wireless services antenna and antenna support structure shall be of neutral colors that are harmonious with, and that blend with, the natural features, buildings and structures surrounding such antenna and antenna support structures; provided, however, that directional or panel antennas and omnidirectional or whip antennas located on the exterior of a building or structure that will also serve as an antenna support structure shall be of colors that match, and cause the antenna to blend with, the exterior of the building or structure.

**i. Equipment Enclosures.** All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services antenna shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, such structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure. No outdoor storage of equipment or materials shall be permitted.

- j. **Licenses and Permits.** The operator of every personal wireless services antenna shall submit to the Village Administrator copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of such antenna and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted.
  
- k. **Buffers and Landscaping.** Ground mounted personal wireless services antennas and antenna support structures and related electronic equipment and equipment structures shall be buffered and screened by a perimeter landscaped open space of not less than 15 feet in width, consisting of a densely planted evergreen hedge of not less than six feet in height and other landscaping materials. Such screening shall be provided and maintained during the duration of the special use permit between any such ground mounted personal wireless services antenna or antenna support structure and each lot line of the property on which such personal wireless services antenna or antenna support structure is located so as to provide the maximum reasonably achievable screening, as determined by the Board of Trustees, of such personal wireless services antenna and antenna support structure from view from adjacent properties and public or private streets. Such screening requirements may be waived by the Board of Trustees where the operator of such personal wireless services antenna demonstrates that such screening will substantially interfere with the provision of personal wireless services, in which case the operator shall provide the maximum reasonably achievable screening as is approved by the Board of Trustees. See applicable district regulations for additional requirements applicable to personal wireless services antennas and antenna support structures.
  
- l. **Compliance with Laws and Plans.** Every personal wireless services antenna and antenna support structure shall comply with all plans approved by the Village and all other codes, ordinances and regulations of the Village.
  
- m. **Limited to Applicant.** Every ordinance granting approval of a special uses permit for a personal wireless services antenna or antenna support structure shall state that any assignment or transfer of the special use permit or any of the rights thereunder may be made only with the approval of an ordinance or resolution adopted by the board of Trustees.
  
- n. **Term Limitation.** Every ordinance granting approval of a special use permit for a personal wireless services antenna or antenna support structure may provide that:
  - 1) where the provider of personal wireless services is not the owner of the land on which such antenna or structure is located, the term of the special use permit is limited to the term of the lease or other agreement granting rights to use the land; and
  
  - 2) the special use permit shall be subject to review by the Board of Trustees, at ten (10) year intervals, to determine whether the technology in the provision of personal wireless services has changed such that the necessity for the special permit at the time of its approval has been eliminated or modified, and whether the special use permit should be modified or terminated as a result of any such change

- o. Abandonment and Removal.** When one or more antennas, antenna support structures, and/or related equipment are not operated for the provision of personal wireless services for a continuous period of twelve (12) months or more, such antenna, antenna support structure, and/or related equipment shall be deemed to be abandoned and the special use permit therefore shall become null and void, regardless of the intent of the owner or operator thereof. For purposes of this paragraph "operate" shall mean the active use of the specially permitted facilities in the provision of the services for which they were designed and constructed for a period of at least seven consecutive days in each of the four preceding calendar quarters.

The owner of any abandoned antenna, antenna support structure, and/or related equipment shall remove such items within ninety (90) days following the mailing of written notice from the Village that removal is required. Such notice shall be sent by certified or registered mail, return receipt requested, by the Village to such owner at the last known address of such owner. If two or more providers of personal wireless services use the antenna support structure and/or related equipment to provide personal wireless services, then the period of non-operation under this provision shall be measured from the cessation of operation at the location of such antenna support structure and/or related equipment by all such providers.

Any owner receiving a notice from the Village pursuant to this subsection may appeal such determination of abandonment by filing a notice of appeal with the Zoning Board of Appeals in accordance with Subsection 17.40.010 of this Ordinance and Section 11-13-12 of the Illinois Municipal Code 65 ILCS 5/11-13/12. The notice of appeal shall set forth all bases on which owner relies to assert that no such abandonment has occurred.

- p. Additional Standards for Review.** In addition to the special use standards contained in this Section 22.206, and the requirements of this Subsection, the following factors may be also considered in the review of a special use permit for personal wireless services antennas, with or without antenna support structures, and related electronic and equipment structures:

- 1) Where the antenna support structure is a tower, the height thereof, its proximity to residential structures and residential district boundaries, and the design characteristics that have the effect of reducing or eliminating, or failing to reduce or eliminate, the visual obtrusiveness thereof;
- 2) The nature of the uses on adjacent and nearby property;
- 3) The surrounding topography, tree coverage and foliage; and
- 4) The availability of suitable lawfully existing structures, as described in Paragraphs (c) and (d) of this Paragraph 11.

- q. Application Requirements.** In addition to such other information and data ordinarily required in connection with an application for a special use permit, an applicant for a special use permit for a personal wireless services antenna or related structures or equipment shall submit to the Village as part of its application at least the following information: A scaled site plan and a scaled elevation view and other supporting drawings, calculations, and documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed necessary to assess compliance with this Paragraph 22.206.C.11.

**11. Pet Sitting Services.**

A Special Use Permit may be granted to allow pet sitting services on a lot. Such services would allow care of pets that are ordinarily housed at another location. The service shall include but not be limited to interactive dog play, dog socialization, and physical activity. In granting a Special Use Permit for pet sitting services, restrictions may be imposed on the maximum number of animals in attendance at the pet sitting service, as well as the maximum number of animals permitted to be boarded overnight as part of the pet sitting services. The Special Use Permit may also place restrictions on outdoor uses in connection with a pet sitting service.

**11.A. Overnight Uses in Certain L1 or G1 District Areas.**

Whenever any premises on a lot within the L1 or G1 District is restricted from overnight uses pursuant to Section 17.20.030.H of this Chapter, a special use permit may be granted to allow the use of such premises during the hours of 11:00 p.m. to 5:00 a.m. the following day (or such portion thereof as may be approved as part of the special use permit), subject to such terms and conditions as may be established to protect abutting residentially zoned properties, which conditions may include but not be limited to: (i) installation of landscaped buffering; (ii) limitations on lighting; (iii) limitations on parking; (iv) limitations on noise, vibration, and/or types of operations; (v) limitations on the number of personnel present on the premises during the hours in question; (vi) provision of special police services to ensure compliance with such conditions; and/or (vii) such other conditions or requirements that the Village Board of Trustees may determine are necessary or appropriate. Any such special use permit may be limited to the applicant without running with the title of the premises. In order to qualify for a special use permit under this subsection, the premises must maintain regular business hours for at least 12 hours per day between the hours of 5:00 a.m. and 11:00 p.m. during which time the number of personnel equal or exceeding the number of personnel on premises than are proposed for the overnight hours in questions. In addition to the standard criteria for issuance of a special use permit, an applicant for a special use under this subsection shall also be required to demonstrate that: (a) the L1 or G1 use is sufficiently distant from any existing residentially zoned property to avoid adverse impacts on such residentially zoned property; and (b) the nature of the L1 or G1 use is not incompatible with the residential uses on nearby properties.

**12. 11.5 Wind Energy Systems (WES)**

A. Purpose. The purpose of this subsection is to:

1. Establish reasonable and uniform regulations for the location, installation, operation, maintenance, and decommissioning of Building-Mounted Wind Energy Systems (BWES) and Small Wind Energy Systems (SWES);
2. Assure that any development and production of wind-generated electricity in the Village is safe and to minimize any potentially adverse effects on adjoining properties and the broader community;
3. Facilitate the development and production of wind-generated electricity in the Village in a manner consistent with the predominately low density, countryside character of the Village;
4. Promote the supply of sustainable and renewable energy resources, in support of national, state, and local goals; and
5. Facilitate energy cost savings and economic opportunities for Village residents and businesses.



- B. Definitions. Notwithstanding section 17.04 of this Code, when used in this subsection the following terms shall have the meanings herein ascribed to them:

**Abandoned WES:** A WES that has not been repaired to operating condition within the applicable timeframe set forth in paragraph C12 of this subsection, or for which the owner has not made all submissions required pursuant to paragraph F of this subsection.

**Ambient Sound:** The all-encompassing sound at a given location, usually a composite of sounds from many sources near and far. For the purpose of this subsection, the “ambient sound level” shall mean the quietest of ten 10-second average sound levels measured when there are no nearby or distinctly audible sound sources (e.g., dogs or jets). Daytime ambient measurements should be made during mid-morning weekday hours, while nighttime measurements should be made after midnight.

**Blade:** The portion of a WES that is designed to capture the wind, causing the shaft to turn.

**Blade Tip:** The farthest extremes of a blade.

**Daytime hours:** The hours of the day from 7:00 am to 10:00 pm.

**Decibel (dB):** The unit of sound level based on a reference where 0 dB represents the threshold of hearing at 1000 Hz for a healthy young adult.

**FAA:** The Federal Aviation Administration of the United States Department of Transportation.

**FCC:** The Federal Communications Commission.

**Height:** When used in reference to a WES, "height" shall mean the vertical distance measured from grade to the highest point of the WES, including the top of the extended blade. When used in reference to any other structure, "height" shall have the meaning set forth in section 17.04 of this Code.

**High Quality Aquatic Resource:** Waters of the United States or Isolated Waters of Lake County that are determined to be critical due to their uniqueness, scarcity, function and/or value, in accordance with the Lake County Watershed Development Ordinance.

**Horizontal Axis Wind Turbine (HAWT):** A Turbine for which the main rotor shaft is arranged horizontally, and typically for which the main rotor shaft and generator are located at the top of the tower on which the WES is mounted and pointed into the wind in order to generate electricity.

**Low-Frequency Sound:** Sound with frequencies below 100 Hz, including audible sound and sound at a frequency below that of human hearing (i.e. infrasound).

**Nacelle:** That part of a turbine containing the shaft, gear box, and generator.

**Nameplate Wattage:** The amount of energy produced from a WES at maximum or optimum wind speeds within one hour, as indicated by the manufacturer.

**Nighttime hours:** The time between 10:00 pm on one calendar day and 7:00 am on the next calendar day.

**Nonparticipating Property:** A property that is not owned by the owner of the property on which the WES is proposed or installed.

**Operable Condition:** For any WES, the condition of being capable of operating at full capacity while meeting all sound, shadow flicker and other applicable conditions set forth in this Code.

**Shadow Flicker:** The on-and-off strobe light effect caused by the shadow of moving blades cast by the sun upon a turbine's blades.

**Shadow Flicker Intensity:** The difference or variation in brightness at a given location in the presence and absence of a shadow.

**Silhouette:** The area covered by moving blades of a WES turbine, as viewed from the front elevation, described in square feet.

**Sound Level:** The A-weighted sound level in decibels (dB) (or the C-weighted level, if specified).

**Structural Engineer:** An Engineer who is licensed and registered to practice structural engineering in the State of Illinois under the Illinois Structural Engineering Act and whose principal professional practice is in the field of structural engineering.

**Sun Glint:** The reflection of sunlight off of a surface of the turbine, tower, or other component of a WES.

**Tower:** The structure on which a turbine is mounted, which structure is a component of a WES.

**Turbine:** The blades, nacelle, and tail of a WES.

**Vertical Axis Wind Turbine (VAWT):** A Turbine of which the main rotor shaft is arranged vertically and that does not need to be pointed into the wind in order to generate electricity.

C. General Regulations. Except as specifically provided otherwise in paragraphs D and E of this subsection, all WES shall comply with the general regulations set forth in this paragraph 11.5C.

1. Compliance with Laws. All WES shall comply with all applicable Village, state, and federal laws and regulations, including, without limitation, the provisions of this subsection 11.5, this Code, and all Village building ordinances and regulations.

2. Compliance with Permits. All WES shall comply with all applicable WES permits issued pursuant to this subsection, including, without limitation, all conditions imposed by the Village as a condition of issuance of the permits.

3. Reserved.

4. Interference with Utilities, Roads, and Neighboring Properties. No WES shall be operated in a manner so as to interfere with any public right-of-way or any utility system in the Village, or so as to interfere with the reasonable use and enjoyment of any other property in the Village.
5. General Engineering Regulations.
  - (a) All WES facilities shall be designed to withstand a minimum wind velocity of 100 miles per hour, with an impact pressure of 40 pounds per square foot.
  - (b) Each WES shall conform to all applicable industry standards, including, without limitation, the standards developed by the American National Standards Institute (ANSI).
  - (c) All WES facilities shall be equipped with automatic and manual braking systems.
  - (d) For turbines greater than twenty kilowatts (kw) of nameplate capacity, the seal of a Structural Engineer shall be required.
6. General Installation Regulations.
  - (a) WES facilities must be installed according to manufacturer specifications.
  - (b) All necessary electrical connections must be made by a licensed electrician.
7. General Sound Level Regulations.
  - (a) The average sound level produced by a WES shall not exceed the following maximums in the following locations:
    - (i) On any Nonparticipating Property located within a Residential District or the College District, or used for residential purposes or for a school: 55 dB(A) during daytime hours, and 45 dB(A) during nighttime hours;
    - (ii) On any Nonparticipating Property used for industrial purposes, 65 db(A) at any time; and
    - (iii) On any other Nonparticipating Property, 60 db(A) at any time.
  - (b) No WES shall operate with an average sound level more than 5 dB(A) above the non-operational ambient level, as measured on any Nonparticipating Property used for residential purposes or for a school that is within 500 feet of the WES, or, if none, on any other Nonparticipating Property.

- (c) To limit the level of low-frequency sound, the average C-weighted sound level during WES operation shall not exceed the A-weighted ambient sound level by more than 20 dB.
- (d) Sound level meters used for sound measurement must meet the requirements of a Type 2 or better precision instrument according to ANSI S1.4 (American National Standard Specification for Sound Level Meters), and must measure the average sound level using an integrating sound level meter that meets the requirements of ANSI S1.43 (American National Standard Specifications for Integrating Averaging Sound Level Meters). Measurement procedures must meet the applicable portions of ANSI S1.29. Average sound-level shall be calculated by time-averaging sound levels for a period of not less than one minute nor more than two minutes. Measurements shall not be made when ground level winds exceed 10 miles per hour.
- (e) For purposes of calculating sound levels, 5 dB(A) shall be added to the measured average sound level from a WES as a penalty when its sound emissions have an adverse character, as determined by the Village's Building Commissioner in his sole discretion, that includes, without limitation, prominent tones (e.g. a humming sound) or an amplitude fluctuation in synchronicity with the blade revolution (e.g. a periodic swishing sound).
- (f) The Village may require the owner of a WES, as the Village may determine necessary and at the owner's sole expense, to obtain field tests or sound propagation modeling, conducted or supervised by an acoustics specialist certified by the Institute of Noise Control Engineering, to determine whether a violation of this paragraph C7 is occurring or has occurred. In the event that a violation is occurring, the owner shall immediately discontinue operation of the WES and promptly remedy the violation.

8. General Shadow Flicker Regulations.

- (a) No shadow flicker caused by any WES shall fall on any Nonparticipating Property that is either located in a residential district or that is used for residential purposes or for a school:
  - (i) at any time upon any building on a Nonparticipating Property that exists as of the date of first operation of the WES; or
  - (ii) for more than 50 hours in a calendar year upon any portion of the buildable area of the Nonparticipating Property.
- (b) No shadow flicker caused by any WES shall fall on any Nonparticipating Property that is not located in a residential district and that is not used for residential purposes or for a school:

- (i) for more than one hour on any calendar day on any window of a building that exists as of the date of first operation of the WES; or
    - (ii) for more than 50 hours in a calendar year upon any portion of the buildable area of any Nonparticipating Property. In the event that an existing WES causes shadow flicker on a particular window of a Nonparticipating Property, no other WES may be constructed or operated in a manner that would cause shadow flicker on that window in excess of the limitations set forth in this subparagraph C8(b).
  - (c) As a condition of any permit issued pursuant to this subsection, the Village may require the Applicant to commit to a schedule for turning WES turbines off, in order to ensure compliance with the applicable shadow flicker regulations set forth in this paragraph C8.
9. Cessation of Operation in Emergency. The owner of the WES shall be required to immediately cease operation of the WES for the duration of any emergency, as determined by the Village. For purposes of this paragraph C9, an emergency shall mean a condition or situation caused by the WES or a natural or manmade disaster that presents an imminent physical threat of danger to life or significant threat to property.
10. Electronic Interference. WES facilities shall not be operated so as to cause electromagnetic degradation in performance of microwave, television, radio, internet or other wireless transmissions, including public emergency communications systems, in a manner contrary to FCC regulations or other federal, state or local laws. For purposes of this paragraph C10, "degradation in performance" shall be determined in accordance with the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electrical Industries Association.
11. Maintenance.
- (a) WES facilities shall be maintained in Operable Condition at all times, except for reasonable maintenance and repair outages.
  - (b) Should a WES become inoperable, or should any part of the WES become damaged, or should a WES violate a permit condition, the owner of the WES shall cease operations immediately and remedy the condition within 90 days after receipt of a notice from the Village regarding the condition; provided, however, that if the condition presents an immediate threat to the public health, safety, or welfare, the owner of the WES shall remedy the condition promptly.

12. Decommissioning.

- 1) A WES that is not in Operable Condition for a period exceeding 30 consecutive days shall be deemed abandoned. The owner of an abandoned WES and the owner of the property on which the WES is located shall cause the removal of all WES structures and facilities within 30 days after receipt of a notice of abandonment from the Village.
- 2) Any abandoned WES that is not removed within 30 days after receipt of a notice of abandonment shall be deemed a public nuisance, which nuisance the Village shall have the right, but not the obligation, to summarily abate by removing such WES at the joint and several expense of the owners of the WES and of the property on which the WES is located. In the case of such removal, the Village shall have the right, but not the obligation, to file a lien for reimbursement of any and all expenses incurred by the Village in connection with the removal, including, without limitation, attorney fees and accrued interest.
- 3) Upon removal of the WES, the subject property shall be restored to its original pre-WES-construction condition.

13. Architectural Standards. The design, materials, and location of all proposed WES facilities shall be compatible with neighboring buildings as determined by the Village's building façade architectural standards as set forth in section 15.48.010 of this Code.

D. Building-Mounted Wind Energy Systems (BWES).

1. Permitted Locations. Building-Mounted Wind Energy Systems is allowed as a special use only on an property located in those non-residential districts designated in the Zoning Use Table in section 17.12 of this code, and only upon issuance of a special use permit in accordance with the following:
  - (a) The owner of the property on which the BWES is proposed to be installed shall submit an application for a special use permit pursuant to paragraph I of this subsection.
  - (b) Upon the approval of a special use permit for the BWES pursuant to this section, the Village shall record the maintenance covenant submitted pursuant to paragraph I of this subsection with the Recorder of Deeds of Lake County, Illinois.
2. Installation. BWES devices may be structurally attached either on the roof or on the side of a building, if in accordance with the Village Building Code. There shall be no maximum number of BWES devices that may be installed on any property, provided that each such device complies with all applicable provisions of this Code.
3. Height. No portion of any BWES facility shall extend more than 15 feet above the highest point of the building on which they are mounted.

4. Diameter. Unless authorized pursuant to a special use permit, the maximum diameter of a BWES shall be as follows:
  - (a) For a BWES that is mounted on a residential building, or on a property abutting a Nonparticipating Property that is located within a Residential District or used for residential purposes, the diameter of the BWES shall not exceed the lesser of 10 feet, or 20 percent of the width of the front elevation of the building on which the BWES is mounted.
  - (b) For all other BWES, the diameter shall not exceed the lesser of 10 feet, or 50 percent of the width of the front elevation of the building on which the BWES is mounted.
5. Color and Sun Glint. BWES facilities shall be finished in a neutral color. The finish shall be flat or matte, so as to reduce incidence of sun glint. The required coloration and finish shall be maintained throughout the life of the BWES.
6. Signage. No BWES shall have any advertising material, writing, picture, or signage, other than warning information or manufacturer identification.

E. Small Wind Energy Systems (SWES).

1. Permitted Locations. A SWES is allowed as a special use only on a property located in those non-residential districts designated in the Zoning Use Table in section 17.12 of this code, and only upon issuance of a special use permit in accordance with the following:
  - (a) The owner of the property on which the SWES is proposed to be installed shall submit an application for a special use permit pursuant to paragraph I of this subsection.
  - (b) Upon the approval of a special use permit for the SWES pursuant to this subsection, the Village shall record the maintenance covenant submitted pursuant to paragraph I of this subsection with the Recorder of Deeds of Lake County, Illinois.
  - (c) Any additional SWES shall be allowed on a property only upon issuance of a special use permit therefor.
2. Use and Energy Production Restrictions. A SWES must be an accessory use to another non-residential use on the subject property and shall not be permitted as a primary “stand-alone” use. The primary purpose of the SWES shall be the production of energy for local distribution and consumption on the property on which the SWES is located. A SWES shall not be constructed for the sole purpose of energy production for wholesale or retail sale purposes; provided, however, that excess energy produced by an SWES may be sold to a local electric utility company.

3. Bulk Restrictions.
  - (a) Setbacks. All portions of all SWES (including, without limitation, the blades of any turbines) shall comply with the generally applicable setback restrictions for the zoning district in which the SWES is located and with the following setback restrictions, to be measured from the base of the SWES tower:
    - (i) SWES facilities may not be constructed within or over any utility, water, sewer, or other type of recorded easement.
    - (ii) SWES facilities may not be constructed within 50 feet of any body of water or wetlands, nor within 100 feet of any High Quality Aquatic Resources.
    - (iii) SWES facilities shall be set back from all property lines, third party transmission lines, and communication towers a minimum distance equal to 110 percent of the height of the SWES.
    - (iv) Guy wires and anchoring systems shall not be located closer than 30 feet from any property line or public right-of-way.
    - (v) No SWES may be located in the front yard of any property.
  - (b) Height.
    - (i) SWES Height. No portion of any SWES constructed in any zoning district other than a residential district shall exceed 175 feet in height; provided, however, that no portion of any SWES shall exceed 100 feet in height if located within 500 feet of a residential district or used for residential purposes.
    - (ii) Blade Tip Height. The blade tip, at its lowest point, shall not be located at a height lower than 15 feet above the ground.
4. Diameter. Unless authorized pursuant to a special use permit, the diameter of a SWES shall not exceed 10 feet.
5. Color and Sun Glint. All SWES facilities shall be finished in either off-white, light gray, or another neutral color. The finish shall be flat or matte, so as to reduce incidence of sun glint. The required coloration and finish shall be maintained throughout the life of the SWES.
6. Signage.
  - (a) No SWES shall have any advertising material, writing, picture, or signage other than warning signage, turbine tower identification, or manufacturer or ownership information.



- (b) Except for meteorological and weather devices, or bird flight diverters on guy wires, no flag, decorative sign, streamers, pennants, ribbons, spinners or waiving, fluttering or revolving devices shall be attached to any portion of the SWES.
  - (c) One or more warning signs, no less than eighteen square inches and no greater than two square feet in area, shall be posted at the base of an SWES tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the emergency telephone number of the owner of the SWES.
  - (d) The sign area of any sign displaying the manufacturer's identification or ownership information shall be no larger than one square foot.
- 7. Climb Prevention. The base of the tower shall not be climbable for a vertical distance of 15 feet from the base, unless the tower is enclosed with a locked fence that is at least eight feet in height.
- 8. Lighting.
  - (a) SWES facilities shall comply with all applicable FAA lighting regulations and any other federal, state or Village lighting regulations.
  - (b) SWES facilities shall not be artificially lighted except as expressly required by the FAA or as necessary for the safety of personnel performing maintenance of, or repairs to, the facilities. Any such artificial lighting shall be shielded so that no glare extends substantially beyond the property lines of the property on which the SWES is located.
  - (c) Any security or emergency lighting shall be used only to the minimum extent necessary.
  - (d) In order to reduce the impact on local wildlife, only red, dual red-and-white strobe, strobe-like, or flashing lights shall be used for SWES facilities.
- 9. Environmental Impact.
  - (a) SWES facilities, and the property on which such facilities are located, shall be maintained in accordance with the environmental plan submitted pursuant to paragraph I of this subsection.
  - (b) In order to reduce potential bird perching and nesting, all towers used for SWES facilities shall be designed as enclosed tubular structures with pointed tops (monopoles), rather than lattice structures, unless alternative mitigation strategies are otherwise approved by the Village.

10. Burial of Electrical Wires. All electrical wires and lines connecting to the SWES facilities shall be installed underground. Reporting to Village. Not less than once every 12 months, the owner of each WES shall submit to the Village a sworn statement that the operation and maintenance of the WES has been performed in compliance with all applicable directions issued by the manufacturer thereof, along with supporting evidence as may be requested by the Village.
- F. Indemnification. The owner of each WES, and the owner of the property on which the WES is located, shall jointly and severally defend, indemnify and hold harmless the Village and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever including attorney's fees arising out of any permit, approval, inspection, or other act or omission of the Village, or any acts or omissions of the owners concerning the operation of the WES project without limitation, whether said liability is premised on contract or on tort.
- G. Subsequent Development. No WES that is constructed and operated in compliance with this subsection shall be deemed to be in violation of this subsection solely as a result of any construction on, or rezoning of, any Nonparticipating Property that occurs after the first date of operation of the WES.
- H. Applications for Wind Energy Systems. In addition to such other data and information ordinarily required in connection with an application for a special use permit, an application for a special use permit for a WES should submit to the Village as part of its application at least the following information:
- (a) Generally Applicable Requirements.
    - (i) Project Proposal.
      - (A) A project summary, including, without limitation, the manufacturer information and number of proposed turbines.
      - (B) Current photographs of the proposed location of the WES.
      - (C) A front elevation depiction of the subject property, showing the location and proposed height of the top of the turbine from top of the building.
    - (ii) Insurance. Proof of homeowner or business general liability insurance, as appropriate, with a minimum coverage level of \$1,000,000 per occurrence.
    - (iii) Electric Utility. Approval letter from the local electric utility company, if the system is to be connected to the energy grid.

- (iv) **Manufacturer's Directions.** A copy of the directions issued by the manufacturer of the proposed WES for the proper installation, operation, and maintenance of the WES.
  - (v) **Certification of Design Compliance.** A certification of design compliance for the proposed WES with respect to the applicable noise, structural, and safety regulations set forth in this subsection, which certification must have been obtained from Underwriters Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.
  - (vi) **Maintenance Covenant.** An executed maintenance covenant, on a form provided by the Village, providing that the owner and all subsequent owners of the subject property will maintain the WES in accordance and compliance with this subsection and with the maintenance directions issued by the manufacturer of the WES.
  - (vii) **Contact Information.** The name of a local contact with authority to operate or repair the proposed WES as needed and at any time, and the telephone number at which such contact may be reached on a 24-hour basis. At all times during which the WES is in Operable Condition, the applicant shall have the duty to notify the Village of any changes to the information required pursuant to this subparagraph I(vii).
- (b) **Additional BWES Requirements.**
- (i) **Engineering Plans.** Engineering plans, which must include, without limitation, the manufacturer's engineering specifications of the turbine, nameplate wattage capacity, dimensions of the turbine unit, mounting mechanisms, expected load and expected sound level production.
  - (ii) **Site Plan.** A site plan, drawn to scale, signed and sealed by a Professional Engineer licensed in the State of Illinois, and including, without limitation, the following:
    - (A) The location of any overhead or underground power lines and utility easements; and
    - (B) The locations and the expected duration of shadow flicker caused by the BWES facility.

- (c) Additional SWES Requirements.
- (i) Engineering Plans. Engineering plans, which must include, without limitation, the manufacturer's engineering specifications of the tower, turbine and foundation, detailed drawing of electrical components and installation details, and expected sound level production (see Sound Level standards below). For turbines with a nameplate wattage capacity exceeding 20 kilowatts, the plans must be sealed by a Structural Engineer.
  - (ii) Site Plan. A site plan, drawn to scale, signed and sealed by a Professional Engineer licensed in the State of Illinois, and including, without limitation, the following:
    - (A) The existing and proposed contours, at a minimum of two foot intervals;
    - (B) The location, setbacks, exterior dimensions and square footage of all structures on the subject property and all nonparticipating properties located within 100 feet of the subject property if the proposed WES will be of a height not greater than 100 feet, and within 500 feet of the subject property if the proposed WES will be of a height greater than 100 feet;
    - (C) The location and size of existing waterways, wetlands, one hundred-year floodplains, sanitary sewers, field drain tiles, storm sewer systems, aquifers, and water distribution systems;
    - (D) The location of any overhead or underground power lines and utility easements; and
    - (E) The locations and the expected duration of shadow flicker caused by the SWES facility.
  - (iii) Soil Studies. For all proposed turbines to be constructed at a height greater than 100 feet, or of a structural weight greater than 5,000 pounds, the applicant shall submit a soil analysis measured at the proposed location for the base of the proposed tower and a drawing stamped by a Structural Engineer, in order to demonstrate that the soils are able to support the structural weight of the proposed SWES. For purposes of this subparagraph I(c)(iii), structural weight shall include the tower, wind turbine generator, and any other components otherwise supported by the base foundation of the proposed SWES.

(iv) Environmental Impact Studies and Plans.

(A) For any proposed SWES in excess of 75 in height, the applicant shall request, and submit to the Village, evaluations regarding the impact of the proposed SWES on the local environment and local wildlife from the Illinois Department of Natural Resources, the United States Fish and Wildlife Service, and the Lake County Soil and Water Conservation District.

(B) Upon request of the Village, the applicant shall submit an environmental plan to mitigate or eliminate any adverse impact of the proposed SWES on the local environment and local wildlife, which plan shall be subject to the approval of the Village in consultation with the Illinois Department of Natural Resources and the United States Fish and Wildlife Service.”

**13. Solar Energy Systems (SES)**

A. Purpose. The purpose of this subsection is to:

1. Establish reasonable and uniform regulations for the location, installation, operation and maintenance of solar energy systems.
2. Assure that any development and production of solar energy systems is safe and minimizes any potentially adverse effects on the community.
3. Promote the supply of sustainable and renewable energy resources in support of national, state and local goals.
4. Facilitate energy cost savings and economic opportunity for residents and businesses in Lake County.

B. General Regulations. Except as specifically provided otherwise in Paragraphs C & D of this subsection, all SES shall comply with the general regulations set forth in this paragraph 11.6B

1. Compliance with Laws. All SES shall comply with all applicable Village, State and Federal laws and regulations, including, without limitation, the provisions of this subsection 11.6, this Code, and all Village building ordinances and regulations.
2. Compliance with Permits. All SES shall comply with all applicable SES permits issued pursuant to this subsection, including, without limitation, all conditions imposed by the Village as a condition of issuance of the permits.
3. Interference with Utilities, Roads, and Neighboring Properties. No SES shall be operated in a manner so as to interfere with any public right-of-way or any utility system in the Village, or so as to interfere with the reasonable use and enjoyment of any other property in the Village.
4. General Engineering Regulations. All SES shall conform to all applicable industry standards.
5. General Installation Regulations.
  - a) SES facilities must be installed according to manufacturer specifications.
  - b) No SES shall be constructed or installed without obtaining all required municipal permits.
  - c) All construction and installation shall be in accordance with the 2009 International Building Code (as amended), the 2011 National Electrical Code (as amended), the 2009 International Residential Code and the Zoning Ordinance.
6. Maintenance.
  - a) SES facilities shall be maintained in an operable condition at all times, except for reasonable maintenance and repair outages.
  - b) Should a SES become inoperable, or should any part of the SES violate a permit condition, the owner of the SES shall cease operation immediately and remedy the condition within 90 days after receipt of a notice from the Village regarding the condition; provided, however, that is if the condition presents an immediate threat to the public health, safety or welfare, the owner of the SES shall remedy the condition promptly.
7. Signage.
  - a) No SES shall have any advertising material, writing, picture, or signage other than manufacturer or ownership information.
  - b) No flag, decorative sign, streamers, pennants, ribbons, spinners or waiving fluttering or revolving devices shall be attached to any portion of a SSES.
  - c) The sign area of any sign displaying the manufacturer's identification or ownership information shall be no larger than one square foot.
8. Decommissioning.
  - a) A SES that is not in operable condition for a period exceeding 30 consecutive days, shall be deemed abandoned. The owner of an abandoned SES and the owner of the property on which the SES is located shall cause the removal of all SES structures and facilities within 30 days after receipt of a notice of abandonment from the Village.
  - b) Any abandoned SES that is not removed within 30 days after receipt of notice of abandonment shall be deemed a public nuisance, which nuisance the Village shall have the right, but not the obligation, to summarily abate by removing the SES at the joint and severable expense of the owners of the SES and of the property on which the SES is located. In the case of such removal, the Village shall have the right, but not the obligation, to file a lien for reimbursement of any and all expenses incurred by the Village in connection with the removal, including without limitation, attorney fees and accrued interest.

- c) Upon removal of the SES, the subject property shall be restored to its original pre SES-construction condition.
9. Architectural Standards.
- a) The design, materials and location of all proposed SES facilities shall be compatible with the building(s) on the property as well as building on adjoining properties as determined by the Village's building façade architectural standards as set forth in Section 15.48.010 of this Code.
  - b) Exposed framing systems and support structures for SSES shall be color compatible with the principal structure colors.
  - c) Exposed framing systems and support structures for SSES be of a color compatible with the roofing material color.
10. Residual Energy. Energy produced in excess of on-site consumption may be sold back to the electric utility service provider that serves the proposed site for use with the existing energy grid. For the purposes of this ordinance a solar energy system including building mounted and ground mounted systems.

C. Additional Regulations for Specific Types of SES

1. Building Mounted Solar Energy Systems (BMSE)

- a) Permitted Locations. BMSE are allowed on property located in any residential or non-residential zoning districts designated in the Zoning Use Table in Section 17.12 of this Code.
- b) Installation. BMSE may be structurally attached to the roof of a building, if in accordance with the 2009 International Building Code (as amended). The BMSE shall occupy a maximum of 80% of the roof area unless otherwise determined by the Grayslake Fire Department, but in no case shall exceed the maximum height requirement of the zoning district in which it is located.
- c) Height. No portion of a BMSE shall extend more than five (5) feet above the roof but in no case shall exceed the maximum height requirement of the zoning district in which it is located.
- d) BMSE and associated equipment shall be screened from view with landscaping or screen walls consistent with the principal structure design, materials and colors.
- e) BMSE can be installed on the principal structure of a lot or an accessory structure if allowed by Village Building Codes.
- f) A preliminary roof evaluation by a registered structural engineer shall be provided.
- g) Panels shall be designed to prohibit sun reflection towards vehicular traffic and any habitable portions of adjacent structures reflection onto an adjacent roof is unacceptable.

2. Building – Integrated Solar Energy System (BISE).

- a) Permitted Locations. BISE are allowed in any residential or non-residential zoning districts designated in the Zoning Use Table in Section 17.12 of this Code.

3. Ground Mounted Solar Energy Systems (GMSE).

- a) Permitted Locations. Ground mounted systems are allowed in any residential or non-residential zoning districts designated in the Zoning Use Table in Section 17.12 of this Code.
- b) Installation. Ground mounted systems shall be installed in conformance with the following:

1. Shall be set back a distance equal to or more than one times the system height of ten (10) feet.
2. No ground mounted system shall be located in the front yard or corner side yard.
3. No part of a ground mounted system shall be located or protrude into a dedicated easement.
4. Shall be screened from adjoining properties in a manner not to adversely effect its operation.
5. Ground mounted solar panels shall not exceed 2% of the total lot area.

D. Indemnification. The owner of any Solar Energy System and the property owner on which Solar Energy System is located, shall jointly and severally defend, indemnify and hold harmless the Village and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney's fees arising out of any permit, approval, inspection, or other act or omission of the Village, or any acts or omissions of the owners concerning the operation of any solar energy system without limitation, whether said liability is premises on contract or on tort.

E. Application Requirements. An applicant for an SES must submit to the Village as part of its application at least the following information:

1. Generally Applicable Requirements

- a) Name, address and telephone number of the applicant.
- b) Name, address and telephone number of the person, firm or corporation constructing and installing the SES.
- c) Elevation drawings(s) and/or photographs and site plan showing location, size and design details of the SES.
- d) Manufacturer specifications of the solar collectors and devices including wattage capacity, dimensions of collectors, mounting mechanisms and/or foundation details and structural requirements.
- e) Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
- f) A certificate of compliance demonstrating the system has been tested and approved by the Underwriters Laboratories (UL) or other approved independent testing agency.
- g) The Village will recognize and allow any new solar energy that is certified by ANSI, UL, or any equivalent certification entity.
- h) Any other information required by the Village to show full compliance with this and other applicable laws, ordinances, rules and regulations.
- i) The applicant for any type of solar energy system shall notify all adjoining property owners of the application. This shall include any property owners across a public right-of-way.
- j) The typical Special Use Permit application fee is hereby waived.

**14. Standards for All Other Special Use Permits**

**General Standards.** No Special Use Permit shall be recommended or granted pursuant to this Section unless the applicant shall establish that:

- a. Code and Plan Purpose - The proposed use and development will be in harmony with the general and specific purposes for which this code was enacted and for which the regulations



of the district in question were established and with the general purpose and intent of the Official Comprehensive Plan.

- b. No Undue Adverse Impact - The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, parking, utility facilities, and other matters affecting the public health safety, and general welfare.
- c. No Interference with Surrounding Development - The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.
- d. Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, water and sewers, parks, libraries, and schools, or the applicant will provide adequately for such services.
- e. No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
- f. Compliance with Standards. The proposed use and development complies with all additional standards imposed on, or by the particular provision of this Code authorizing such use.

**15. Considerations.**

In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Zoning Board of Appeals and the Board of Trustees shall consider:

- a. Public Benefit. Whether and what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.
- b. Alternative Locations. Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.
- c. Mitigation of Adverse Impacts. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development of the immediate vicinity through building design, sign design, landscaping, and screening.

**16. Conditions on Special Use Permits.**

The Zoning Board of Appeals may recommend and the Board of Trustees may impose such conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this code upon the premises benefited by a Special Use Permit as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services and to insure compliance with the standards in this Section. Such conditions shall be expressly set forth in the ordinance granting the special use. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the Special Use Permit.

**17. Bus Terminal Facility.**

A special use permit may be granted to allow bus terminal facilities on a lot, provided that all of the following conditions and standards are satisfied:

- a. Bus terminal facilities shall be limited to the storage, fueling, and the maintenance and repair of buses, as well as accessory office space and indoor storage, but only in conformity with the terms of this Section 17.24.17 and the terms of any special use permit approved for such use.
- b. Outdoor storage of buses shall be permitted, but: (i) all such outdoor storage of buses shall be a minimum of 500 feet from any publicly dedicated roadways; and (ii) buses shall not be visible from adjacent publicly dedicated roadways. In addition, adequate screening in the form of a board-on-board fence and/or landscaping as more particularly established in the special use permit for such use shall be provided from rights-of-way and adjacent lots.
- c. A bus terminal facilities use may only be located on a zoning lot no smaller than three acres nor larger than five acres in size. A special use permit for a bus terminal facility may not be granted for any zoning lot located within one mile of another bus terminal facility.
- d. All maintenance and repair work shall occur indoors. No outside storage of parts, materials, or supplies shall be authorized.
- e. All buses on site shall have current registration. Storage of inoperable buses shall not be authorized, except that an inoperable bus may be temporarily stored on the site for a period not more than 14 days.
- f. Although bus terminal facilities have significant potential adverse impacts, those impacts are mitigated to the extent that a bus terminal facility serves local school districts. In determining whether an application for a special use permit for bus terminal facilities satisfies the considerations in Section 17.24.C.14.a of the Zoning Code, significant weight shall be given to whether the proposed use will be serving School District 127 and School District 46.
- g. Upon cessation of bus terminal facilities operations on a zoning lot, the special use permit will become null and void. Cessation of bus terminal facilities operations shall mean the non-movement of buses in and out of the zoning lot for a period of 30 or more consecutive days (absent force majeure conditions), irrespective of intent. Any bus terminal facilities without a valid special use permit (whether due to cessation of operations or otherwise) shall be deemed a legal non-conforming use, but such status as a legal non-conforming use shall be amortized over a 60-day period, after which time the bus terminal facilities use must stop and all buses removed from the zoning lot

**18. Wholesale Brewery Production Activities.**

Wholesale brewery production activities shall only operate pursuant to a special use permit and shall be subject to the following conditions and standards:

- a. Wholesale brewery production activities shall include the receipt of raw materials, production, sale, shipment, distribution, and any other activities relating to the production of beer or other brewed products (whether alcoholic or non-alcoholic).
- b. Any wholesale brewery production activities involving alcoholic beverages shall only be permitted pursuant to a license issued by the State of Illinois.
- c. Wholesale brewery production activities may only take place on the same premises where the brewed products are also sold at retail pursuant to a "restaurant" category liquor license issued by the Village.

d. No wholesale brewery production activities may take place on any premises that are within 1,000 feet of another premises on which wholesale brewery production activities have been authorized.

e. Operational and other conditions or restrictions may be imposed as part of any special use permit for wholesale brewery production activities.

## 17.28 OFF STREET PARKING AND LOADING

The following regulations are established to increase safety and lessen congestion in the public streets, to adequately provide for parking and loading needs associated with the development of land and increased automobile and truck usage, to set standards for off-street parking and loading facilities according to the amount of traffic generated by each use, and to eliminate the on-street storage of vehicles along major traffic routes.

### A. OFF-STREET PARKING

1. **Requirements:** The following off-street parking spaces are required for all uses in all zones, except for non-residential uses in the Central Business (CB) Zone.

	<u>USE</u>	<u>SPACES REQUIRED</u>
1.	single and two-family dwellings on lots 7,500 square feet or larger	2 per dwelling unit
2.	townhouses, multi-plex residential buildings, and single-family and two-family dwellings on lots less than 7,500 square feet	2 per dwelling unit plus 2 for every five units
3.	apartment buildings, two stories and higher	1.5 per every efficiency unit and one bedroom unit and 2.0 per every two or more bedroom unit
4.	accessory residential units in the Central Business District	1.0 per every efficiency and one bedroom unit and 2.0 per every two or more bedroom unit
5.	rooming house, fraternities, sororities, number of dormitories, convalescent homes	4 times maximum lawful occupants
6.	hotels	1.2 per room in addition to spaces required for restaurant facilities
7.	mobile home subdivisions and parks	2 per mobile home
8.	churches, theaters, facilities for spectator sports, auditoriums, concert halls	.35 times the seating capacity
9.	golf courses	7 per hole
10.	barber shops and beauty parlors	2 plus 1.5 per chair
11.	bowling alleys	5 per lane in addition to

spaces required for  
restaurant facilities

**12.** drive-in restaurants with indoor seating

1 per 100 sq. ft. of floor  
space but no less than  
10 spaces

<b>13.</b>	restaurants (except drive-ins)	1.2 per 100 square feet of floor area, or a space for every three seats and three employees, whichever is greater.
<b>14.</b>	furniture, appliances, household equipment, carpet and hardware stores, repair shops, including shoe repair, contractor's showrooms, museums and galleries	1 per 800 square feet of floor
<b>15.</b>	funeral parlors	1 per 50 square feet of floor area or 1 space for every 5 seats of seating capacity, whichever is greater
<b>16.</b>	<b>A.</b> gas stations	2 per island (in addition to stopping places adjacent to pumps)
	<b>B.</b> gas stations/retail stores	2 per island plus 1 per 200 sq. ft. of retail area
<b>17.</b>	medical offices	1 per 100 square feet of waiting room area and 1 per doctor, dentist or employee
<b>18.</b>	banks and other financial institutions	1 per 200 sq. ft. of floor space plus 5 stack spaces per teller window
<b>19.</b>	warehouses	1 per 500 square feet of floor area

For uses not specifically listed above, the requirements listed below are applicable:

<b>20.</b>	free standing retail stores and service (including supermarkets & convenience stores)	1 per 200 sq. ft. of floor space and outdoor sales space
<b>21.</b>	shopping centers	1 per 200 sq. ft. of floor space and outdoor sales space
<b>22.</b>	offices	1 per 300 square feet of floor space
<b>23.</b>	other commercial and industrial uses	.75 times maximum number of employees on premises at any one time

### **Calculation Of Number Of Required Spaces:**

In any determination of the total parking requirements of any use, building, or structure, any fraction less than one-half may be dropped and any fraction of one-half or more shall be counted as one parking space.

If a use is not specifically listed, the Village shall determine the number of spaces required based on standard practices for that particular use.

If a building or structure or groups of buildings or structures contain uses which vary in their parking requirements, the number of parking spaces shall be the sum of the individual requirements of each use. However, where peak parking requirements occur at distinctly different times of the week, as determined by the Building Department, joint parking facilities may be shared by two or more users.

### **2. Design, Development and Maintenance**

- a.** Required off-street parking spaces shall be located on the same lot as the use served, except when the Plan Commission recommends and the Board of Trustees authorizes, for a specific use, the location of all or a part of the required off-street parking spaces on a lot that does not contain the principal use, building or structure.
- a-1.** A building permit will be required for a driveway, parking area, and/or walkway construction.
- b.** No parking space or area shall be located within five (5) feet of any property line, except as allowed under the provisions of this subsection.
- c.** No parking space or area for any multi-family residential use, building, or structure shall be located within the required front yard unless specifically authorized by the Village Board.
- d.** No parking space or area for any multi-family residential use, building, or structure shall be located within eight (8) feet of any building or structure.
- e.** Driveways may be located in the required front yards of single family residences subject to Building Department approval. Driveways must have a minimum width of 8 ft., maximum width of 24 ft. at the right of way, with a maximum 30 ft. opening at the street. Circular driveways will be allowed only on lot widths of 80 ft. or more, with a maximum width of 16 ft. throughout the driveway. Circular driveways may be allowed on lots of less than 80 ft. if approved by the Village Board.
- e-1.** Where it is physically impossible to provide additional parking area anywhere behind the building setback line for any single family use, an additional eight (8) feet in width may be added to the driveway in the front yard to a maximum driveway width of eighteen (18) feet. An additional paved parking pad of no more than 20% of the total lot width will be allowed adjacent to the existing driveway. This parking pad must be paved and not gravel or some other material.
- f.** No parking space or area shall be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
- g.** All parking spaces or areas shall be graded for proper drainage and provided with an all-weather surfacing maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris.

- h.** Off-street parking areas for more than four (4) vehicles that adjoin or are across the street from property zoned for any residential use, shall have a dense evergreen planting, fence, masonry wall, and/or such other screening, including the height and locations, as may be determined by the Plan Commission and Village Board.
- i.** Parking areas shall be designed such that each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
- j.** Parking areas shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement.
- k.** Parking areas shall be provided with entrances and exits not less than twelve (12) feet in width and not more than twenty-five (25) feet in width.
- l.** Each off-street parking space shall have an area of not less than one hundred sixty two (162) square feet exclusive of access drives or aisles, and shall be of usable shape and conditions. Such space shall have a vertical clearance of at least seven (7) feet and a minimum width of at least eight and one-half (8½) feet.
- m.** Parking areas shall be provided with wheel guards or bumper guards so located that no part of parked vehicles will extend beyond the parking space. Wheel guards or bumper guards shall be required on parking spaces immediately adjacent to abutting private property or rights-of-way.
- n.** Non-Residential Parking Lot Lighting
  - 1)** Luminaire
    - a)** with a cut-off, or shielding angle of less than 90° (lower than horizontal), maximum allowable vertical illumination: 2.0 foot-candles, measured at the property line.
    - b)** with a cut-off of 90° (horizontal), maximum allowable vertical illumination is 0.2 foot-candle, measured at the property line.
    - c)** All luminaries will be of the flat-glass type, with controlled cut-offs.
    - d)** The luminaire spacing shall provide a uniformity ratio (average to minimum) not to exceed 4:1.
    - e)** light source (lamp) must be shielded from view by an observer standing at the property line of the commercial property.
  - 2)** Light Poles
    - a)** Maximum pole height will be 16 feet, with actual height depending on fixture placements, cut-offs, etc. Pole foundation height will be a maximum of 3 inches above grade. Foundation height will not be used in determining pole height.
    - b)** Pole layout is to maintain a 4:1, or less, ratio of spacing to mounting height. Pole layout may vary as the luminaire illuminance requirements are met.

- c) Perimeter bollard lighting if deemed needed to meet illumination levels shall be below the level of a solid perimeter fence.
- d) Bollard lighting will be used at driveway entrances to provide the necessary illumination at the driveway.

3) Lighting Source

- a) The lamp to be used will be such that it meets the luminaire requirements, except as required by the Illinois Automatic Teller Machine Act.
- b) Laser light source is included in all the above requirements.
- c) Lighting source other than high pressure sodium, metal halide, fluorescent, and incandescent will require a special use permit.
- d) All parking lot lighting will be reduced by half no later than one hour after the close of business.
- e) A maximum of 10 foot - candle is allowed under building canopies.

All proposed lighting of commercial parking lots will be designed so that the maximum light meter reading, measured equidistant from adjacent light sources, is 5 foot-candles. A variance will be given consideration for special uses, when justified.

All submittals for commercial parking lot lighting will be reviewed for proper design, including neighborhood impact, and approved by the Village Engineer.

All terms are as defined in the current Illuminating Engineering Society publication of "Definition of Terms".

All present non-conforming use shall be equipped with the lighting required by this ordinance upon obsolescence or replacement of the existing lighting system.

The Sternberg antique lighting will be allowed to be installed with specific authorization from the Corporate Authorities of the Village. The Sternberg antique light allowed is Model No. D650-SR/5098BD-4pt/344DFP4. In the event the Village Engineer determined Model No. D650-SR/5098BD-4pt/334DFP4 is not appropriate for the circumstance, and alternative Sternberg antique light model shall be allowed from a list provided by the Village. All Sternberg antique light fixtures on the perimeter of a property shall include top shields and back light shields. Sternberg antique lighting can be light emitting diodes (LED).

- o. The Village may require installation of landscaped medians or swales in parking lots with 40 or more spaces. Configuration and appearance of the medians will be approved by the Village. Landscape parking lot medians/islands will be designed in accordance with the Typical Parking Lot Island Planting Treatments prepared by Camiros and dated May 2008. Parking lot berming will be in accordance with the Typical Screening Berm Planting Plan prepared by Camiros and dated February 13, 2008 and the Typical Screening Berm Recommended Plant List prepared by Camiros and dated February 18, 2008.
- p. No more than one vehicle per single family lot will be allowed to be for sale at any one time. All vehicles must be registered in the name of the homeowner or immediate family



member. No more than three vehicles shall be allowed to be for sale per lot per calendar year.

- q.** No more than one commercial vehicle shall be parked in a single family residentially zoned area. Said vehicles shall be no larger than nine foot in height and no more than eighteen foot long. Vehicles or their attachments not owned by the property owner cannot be stored on a property for a period exceeding 24 hours.
- r.** All recreational vehicles (i.e. campers, RV's, jet skis, boats) that are stored on a residential property shall be owned by a resident of the unit or an immediate family member.
- s.** All multi-family zones or Planned Unit Development (P.U.D.) zones for multi-family complexes shall store recreational vehicles in enclosed storage areas.
- t.** No more than one vehicle per single family lot will be allowed to be for sale at any one time. All vehicles must be registered in the name of the homeowner or immediate family member. No more than three vehicles shall be allowed to be for sale per lot per calendar year.
- u.** All recreational vehicles (i.e. campers, RV's, jet skis, boats) that are stored on a residential property shall be owned by the resident of the unit or an immediate family member.
- v.** All multi-family zones or P.U.D. zones for multi-family complexes shall store recreational vehicles in enclosed storage areas.
- w.** No more than one commercial vehicle shall be parked in a single-family residentially zoned area. Said vehicles shall be no larger than nine feet in height and no more than eighteen feet long.
- x.** Vehicles or their attachments not owned by the property owner cannot be stored on a property for a period exceeding twenty four hours.
- y.** No commercial vehicle shall be stored or parked overnight in the Central Business (CB) zone unless such vehicle is affiliated with a business located in the Central Business (CB) zone. For purposes of this subparagraph, a "commercial vehicle" is any vehicle used, operated, or designed for the transportation of persons or property in furtherance of any commercial or industrial enterprise, for hire or not-for-hire, but not including a recreational vehicle not being used commercially.
- z.** No more than four vehicles shall be parked outside of a structure on a residential property.

### **3. Voluntary Off-Street Parking**

Nothing contained herein shall be deemed to prohibit the voluntary establishment of off-street parking spaces to serve any existing use, provided that there is adherence to all regulations herein governing the location, design, and operation of such facilities.

## **B. OFF-STREET LOADING**

### **1. Off-Street Loading Requirements**

The following off-street loading spaces are required for all uses in all zones, except for existing non-residential uses in the Central Business (CB) Zone.

- a. For multiple-family buildings and every office building containing 10,000 square feet of floor area or more, one off-street loading space per building shall be provided.
- b. For every retail and industrial use, one off-street loading space shall be provided plus one space for every 100,000 square feet of floor area, provided that the Plan Commission may recommend and the Village Board of Trustees may approve a reduction in the number of required off-street loading spaces for multiple use buildings, but in no instance shall less than one loading space per building be provided.

**2. Design, Development and Maintenance**

- a. Off-Street Loading space shall be located on the same lot as the structure for which provided.
- b. Off-street loading space may occupy all or any part of any required yard space, other than the front yard or side yard adjoining a street. The Plan Commission may authorize off-street loading in the front or side yard adjoining a street if such authorization would not result in traffic hazards.
- c. Off-street loading spaces that adjoin or are across the street from property zoned for any residential use, or abutting a street, shall have a dense evergreen planting. that is in substantial conformance with the requirements of Section 17.12 Footnote 5 of Table 2. No storage shall be allowed in off-street loading spaces.
- d. Loading spaces shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies.
- e. Loading spaces shall be graded for proper drainage and provided with an all-weather surfacing material capable of bearing a line load of two hundred (200) pounds per square foot and shall be maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash, and debris.
- f. Loading spaces shall be provided with entrances and exits not less than twelve (12) feet in width and so designed and located as to minimize traffic congestion.
- g. Loading spaces shall be so laid out that no portion of a vehicle shall project into a street or alley while being loaded or unloaded.
- h. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- i. Any loading areas immediately adjacent to street rights-of-way shall be screened by landscaping approved by the Village.

## **17.32 PLANNED UNIT DEVELOPMENT**

### **17.32.010 GENERAL PURPOSE AND INTENT**

The primary purpose of a Planned Unit Development ("PUD") is to stimulate the development of balanced neighborhoods containing physical, economic, and social assets difficult to achieve through the traditional separation of use and density zones. This is accomplished by allowing the applicant the freedom necessary to protect natural resources, to protect and improve the social and economic environment; and to protect the investment in both the Village and development.

A PUD should attain the following objectives:

- A.** The protection of both the aesthetics and function of the natural environment.
- B.** The arrangement of buildings and other improvements advantageous to the orderly function and aesthetics of both the natural and man-made environment.
- C.** The preservation of adequate, permanent open space for the use of the residents and workers in the development and in the Village.
- D.** A variety of housing types and densities necessary to achieve a balanced neighborhood.
- E.** The provisions of land area necessary to accommodate all cultural, educational, recreational, and other public and quasi-public activities necessary to serve the needs of the development and/or the Village.
- F.** The orderly and creative arrangement of all land uses with respect to each other and to the entire Village (including residential, commercial, industrial, and public and quasi-public.)
- G.** The provision of developed recreational activity areas necessary to serve the needs of any residential portion of the development.
- H.** The provision of a pedestrian environment separate from the vehicular environment.
- I.** The creation of the neighborhoods compatible with the Comprehensive Land Use Plan for the Village.

In order to accomplish these objectives, a PUD may be exempted from certain of the provisions of the Subdivision Control Ordinance and the Zoning Ordinance of the Village of Grayslake to the extent specified in the special use permit for the PUD.

### **17.32.020 SKETCH PLAN PROCEDURE**

The applicant shall submit to the Village plans and data as specified in Subsection 17.32.030B. The Sketch Plan procedure shall be the same as that for the Sketch Plan procedure detailed in the Grayslake Subdivision Control Ordinance. A meeting with the Plan Commission will be scheduled in order to discuss the plans and particular problems relative to the Comprehensive Plan, Official Map, Zoning Ordinance, and other applicable Village ordinances.

## **17.32.030 GENERAL DEVELOPMENT PLAN (PUD)**

### **A. PURPOSE**

In order to assure a common understanding of the general relationship of the PUD to the overall Comprehensive Land Use Plan of the Village, the applicant shall submit a General Development Plan in accordance with Subsections 17.32.030 B&C. This step is intended to make possible a determination as to the basic acceptability of the proposed PUD in terms of its character, its use pattern, its intensity of use, its economic, environmental, and service impact and such other factors as would be pertinent to such basic decisions prior to the preparation of detailed engineering, architectural, site, and landscaping plans.

### **B. PROCEDURE**

#### **1. Applicant**

The applicant for a PUD shall be either all of the owners of record of the property which comprises the PUD or the contract purchaser, with consent of all owners, provided:

- a.** that the application shall be submitted in the name of the owners of record, and
- b.** that the party petitioning for the PUD shall disclose his interest in the property, such as an equitable interest via a purchase contract for all or a portion of the property in question.

#### **2. Filing of the Application**

The applicant shall file the application for review and approval on forms supplied by the Building Department, along with 25 copies of the General Development Plan and Special Use Permit documents, and all required filing fees. The Building Department shall forward one (1) copy of the General Development Plan and Special Use Permit documents to each of the following: Mayor and Trustees, all members of the Plan Commission (10), the Building Commissioner, the Village Engineer, and any other public officials as required.

#### **3. Action by the Plan Commission**

The Plan Commission shall, within sixty (60) days of the filing, undertake the following:

- a.** Conduct a public hearing on the Special Use Permit in accordance with applicable statutes.
- b.** Prepare its findings of facts.
- c.** Submit to the Village Board of Trustees a written report within thirty (30) days of public hearing recommending approval, approval with modifications, or disapproval of the General Development Plan and Special Use Permit. A copy of said report shall be sent to the applicant.
- d.** The time limit for action by the Plan Commission may be extended for a thirty (30) day period by the Plan Commission. The applicant may request such further time extension as he deems appropriate.
- e.** The failure to fully consider and report within any applicable time period shall constitute a recommendation of denial of the application.

**4. Action by the Village Board of Trustees**

- a.** The Village Board of Trustees shall, within sixty (60) days of receipt of the report and recommendation of the Plan Commission, approve, approve with conditions and modifications, or disapprove the General Development Plan and Special Use Permit.
  - 1)** If the application is denied, the Village Board of Trustees shall state in writing its reasons for such denial, which shall be sent to the applicant
  - 2)** The time limit for action by the Village Board of Trustees may be extended upon the request of the applicant.
  - 3)** The Village Board of Trustees may extend the time period for action on the application, not to exceed ninety (90) days. Failure to act within the applicable time period shall constitute a denial of the application.
- b.** The issuance of a special use permit for the PUD shall establish the basic right of land uses for the property in conformance with the General Development Plan as approved. No building permits shall be issued for any part of the PUD until a Final PUD Plat has been approved for such part.
- c.** Once the special use permit is issued:
  - 1)** The Village shall file with the County Recorder of Deeds, and at applicant's expense, one copy of the approved plans with any conditions and modifications imposed by the Village Board of Trustees.
  - 2)** The Village shall amend the official zoning map of the Village of Grayslake to show the approved underlying zoning district.

**C. REQUIRED INFORMATION**

The General Development Plan shall include both maps and written documents.

- 1.** The maps, which shall be part of the General Development Plan, shall show enough of the area surrounding the land included in the PUD to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed, and shall contain the following information:
  - a.** A boundary line survey of the subject property which shall be prepared and certified by a registered land surveyor, in accordance with Illinois Land Survey Standards, along with a legal description and a statement of the easements, covenants, and restrictions of record.
  - b.** The existing topographic character of the land with contours shown at intervals not greater than two (2) feet with topographic data referring to the U.S.G.S. North American Datum-Mean Sea Level Elevation.
  - c.** A site analysis of the property including:
    - 1)** Existing land uses both on the site and immediately adjacent to it.
      - a)** Scenic views.
      - b)** Wooded areas.
      - c)** Potential soil problem areas.

- d)** Flood plain areas.
  - e)** Streams, drainage ditches, and standing water.
  - f)** General directions of storm water run-off across the property.
  - g)** Any other unique physical features.
- 2)** Public utilities information:
- a)** Approximate location and size of any existing sanitary sewers, both on the site and in easements and rights-of-way immediately adjacent to the site.
  - b)** Approximate location and size of any existing storm sewers, both on the site and in easements and rights-of-way immediately adjacent to the site.
  - c)** Approximate location and size of any existing water lines both on the site and in easements and rights-of-way immediately adjacent to the site.
  - d)** Location and easements and rights-of-way for any other sewer or water utilities which are to service the site.
- 3)** Transportation information:
- a)** Approximate location of all existing extensions of state, county, or municipal roads across or immediately adjacent to the subject property.
  - b)** Approximate location of public transportation centers, existing or proposed, including heliports, train stations, or bus stations.
- 4)** Other conditions information:
- a)** Existing county or municipal zoning on all parts of the subject site.
  - b)** Municipal corporate boundaries across or adjacent to the subject site.
  - c)** School district boundaries across or adjacent to the subject site.
- 5)** A proposed land use plan which shall be drawn upon a print of the topographic map of the site which shall show the following:
- a)** Identification and description:
    - (1)** Name of the PUD.
    - (2)** Location of the subject site by section, township and range, or by other approved legal description, and common street address or location.
    - (3)** Name and address of the site planner and/or developer.
    - (4)** Name and address of the owner and/or developer.

- (5) Scale, northpoint, and date.
- b) Design features information which shall show:
  - (1) Right-of-way alignments, widths, and names of all streets.
  - (2) Location of all improvements, including all single-family lots, all multi-family residential buildings, all shopping center buildings, all commercial lots, and all industrial lots.
  - (3) Off-street parking and service areas in multi-family and shopping center areas.
  - (4) All areas to be dedicated as common open space and all sites to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school sites, public buildings, retention areas, and similar public and quasi-public uses.
  - (5) Utility easements.
  - (6) Pedestrian circulation system.
  - (7) All other information necessary to show clearly the proposed elements of the Planned Unit Development.
  - (6) The approximate location of major collector streets which shall conform to the Comprehensive Plan for the Village.
  - (7) The proposed land use areas, including total acreage and total dwelling units, if any, of the following:
    - c) Detached single-family residential land use areas not to exceed five (5.0) units to the acre.
    - d) Multi-family residential land use areas at a density of five (5.0) to less than twelve (12.0) units per acre.
    - e) Multi-family residential land use areas at a density of twelve (12.0) to less than twenty (20.0) units per acre.
    - f) Multi-family residential land use areas at a density of twenty (20.0) or more units per acre.
    - g) Shopping center commercial land use areas, including gross leasable area.
    - h) Commercial areas for free-standing buildings, including minimum lot size.
    - i) Office and service land use areas.
    - j) Industrial land use areas, including the minimum lot size, the uses of which conform to the Limited Industrial Zone of the Zoning Ordinance of the Village of Grayslake.
    - k) Industrial land use areas, the uses of which conform to the General Industrial Zone of the Zoning Ordinance of the Village of Grayslake.





**17.32.040 FINAL PUD PLAT**

- A. Within a maximum of six (6) months or agreed schedule following the approval of the General Development Plan, the applicant shall file an application for approval of the Final PUD Plat.
- B. The approval of the Final PUD Plat shall conform to the procedure for approval of the final plat of a subdivision as specified in the Subdivision Control Ordinance, as amended, of the Village of Grayslake.
- C. The required drawings and data to be submitted shall conform to the filing requirements for a final plat of a subdivision, as specified in the Subdivision Control Ordinance, as amended, of the Village of Grayslake, except that all multi-family residential buildings and all commercial shopping center structures shall also be indicated on the Final PUD Plat, and except, further, that the total acreage contained in the Final PUD Plat shall be clearly delineated along with the total acreage in structural coverage and in open space, with the accompanying percentage calculations.

**17.32.050 REQUIRED LAND IMPROVEMENTS, ENGINEER SPECIFICATIONS AND GUARANTEE ARRANGEMENTS**

The required land improvements for the PUD, the engineering specifications to which they should be built, and the guarantee arrangements shall be in conformance with the standards and requirements specified in the Subdivision Control Ordinance, as amended, of the Village of Grayslake, unless exempted to the extent allowed herein.

**17.32.060 CHANGES AND MODIFICATIONS OF THE PUD**

**A. AMENDMENTS TO THE GENERAL DEVELOPMENT PLAN**

In the event an applicant desires to amend substantially a previously approved General Development Plan, the changes therein or amendments thereto may be approved only by following the procedural requirements of subsection 302.02B. All such changes of amendments approved shall be recorded and the zoning map amended as herein provided.

**B. CHANGES AND AMENDMENTS IN THE FINAL PUD PLAT**

- 1. After the approval of the Final PUD Plat, the use of the land, the construction, modification, or alteration of any buildings or structures within the PUD will be governed by the approved Final PUD Plat, rather than by any other provision of the Zoning Ordinance of the Village.
- 2. No change in the use of the land or in the construction, modification, or alteration of any buildings may be made contrary to the provisions of the approved Final PUD Plat, except upon application to the appropriate agency according to the following procedure:
  - a. During the construction of the PUD, the procedure shall be as follows:
    - 1) Minor changes in the location, siting, and height of building and structures, and the location of streets and ways of public access may be authorized by the Building Department with Village Board approval if required by engineering or other circumstances not foreseen at the time that the Final PUD Plat was approved.
    - 2) All changes in the land uses, any re-arrangement of lots, blocks, and building tracts, any changes in the provision for common open space and all other changes in the approved Final PUD Plat shall be made by the Village Board of Trustees, under the procedures authorized by Subsection 17.32.030.
  - b. After the completion of the construction of the PUD, the procedure shall be as follows:

- 1) Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the Building Department with Village Board approval if they are consistent with the purpose and intent of the Final PUD Plat.
- 2) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the Final PUD Plat, unless an amendment to the Final PUD Plat is approved following the procedures authorized by subsection 17.030.
- 3) All other changes in the Final PUD Plat shall be made by the Village Board of Trustees, under the procedures authorized by subsection 302.02B.

### **17.32.070 GENERAL STANDARDS**

No PUD shall be authorized except upon a review and recommendation of the Plan Commission and finding by the Village Board of Trustees that the PUD complies with the following general standards:

- A. The PUD is of sufficient size for proper planning.
- B. The uses permitted by such exception as may be requested or recommended are necessary or desirable and appropriate to the purposes of the development.
- C. The uses permitted in such development are not of such a nature or so located as to exercise a detrimental influence or effect upon the surrounding neighborhood.
- D. The site plan effectively treats the developmental possibilities of the subject property, making appropriate provision for the preservation of streams, wooded areas, scenic views, flood plain areas, and similar physical features.
- E. The PUD provides sites for places of worship, schools, parks, and recreation, other community services, and convenience shopping when the provision of such is appropriate to the size and character of the development.
- F. All minimum requirements pertaining to commercial, residential, institutional, office, research and industrial or other uses established in the PUD conform to the requirements for each individual classification as established elsewhere in the Zoning Ordinance and the Subdivision Control Ordinance of the Village, except as may be specifically varied for the proper planning of the PUD.

### **17.32.080 TRANSPORTATION DESIGN STANDARDS**

- A. The location of streets and any walkway-bikeway system in a PUD shall conform to the Comprehensive Plan and Official Map of the Village of Grayslake.
- B. All streets in a PUD shall be dedicated to the public.
- C. All streets shall be built in conformance to the standards for streets as detailed in the Subdivision Control Ordinance of the Village of Grayslake, except:
  1. The right-of-way for local residential streets may be reduced to 50 feet and for the terminal end of a cul-de-sac may be reduced to 100 feet.
  2. The pavement width of a residential cul-de-sac may be reduced to 18 feet, except for the terminal end of the cul-de-sac which may be reduced to a turn-around radius of 35 feet.

3. The Village Board of Trustees may allow a pavement width of less than the required amount, and may waive all requirements for curbs, gutters, and storm sewers for dedicated and non-dedicated streets if deemed feasible from an engineering perspective.
- D. No driveway access shall be allowed for any property abutting a major street, as shown on the Comprehensive Plan or the Official Map of the Village, except by central access curb-cuts, provided:
1. Such central access curb-cuts shall be allowed only as specifically approved by the Village Board of Trustees;
  2. Any central access curb-cut shall be no closer than 400 feet to any street or any other central access curb-cut on the same side of the major street;
  3. Any central access curb-cut shall align with any street or central access curb-cut on the opposite side of the major street, or be off-set therefrom by a minimum of 200 feet.

### **17.32.090 UTILITIES DESIGN STANDARDS**

- A. The layout of the utility systems shall follow the Comprehensive Plan and the Official Map of the Village.
- B. All utilities shall be located in rights-of-way or in utility easements, utilities shall not be located under pavement except at street intersections or other locations specifically approved by the Village Engineer and Superintendent of Public Works.
- C. All utilities shall be built in accordance with the requirements in the Subdivision Control Ordinance of the Village of Grayslake.
- D. The Village Board of Trustees may require that certain utilities be oversized to provide capacity for the development of property not contained within the PUD. In such a situation, the Village Board of Trustees may adopt provisions for the recapture of the monies expended for providing such excess capacity, in a manner permitted by State law.

### **17.32.100 RESIDENTIAL LAND USE DESIGN STANDARDS**

- A. Residential density cannot be greater than that allowed under the density formula contained in Section 17.32.140 - Residential Density Calculation.
- B. A 15-foot setback shall be provided along all minor streets. Setback requirements from collector and major streets shall conform to the applicable regulations of the Zoning Ordinance of the Village of Grayslake.
- C. No exposed parking area containing more than two parking spaces can be within 10 feet of any principal residential building, which space must be landscaped.
- D. Structural coverage in the PUD shall not exceed 20% of the gross residential area. Open space, free and clear of any coverage, shall be not less than 50% of the gross residential areas, with no less than 40% of such open space in unified open space areas in excess of 10,000 square feet, one dimension of which cannot be less than 100 feet. This "unified open space area" may include any non-commercial club house or cabanas, swimming pools, tennis courts, lakes, and retention areas for the use by the residents of the PUD, or dedicated to the public.
- E. No minimum requirements are pre-established for any PUD project with respect to:
  1. Minimum lot size.
  2. Yard requirements.

- 3. Bulk requirements.
  - 4. Unit per building.
  - 5. The number of buildings on a zoning lot.
  - 6. Height requirements, provided that the fire department serving the area has the necessary equipment and facilities.
- F. The minimum square feet per dwelling unit shall be in accordance with Section 17.20.010 of the Grayslake Zoning Ordinance, Supplementary Zone Regulations.

**17.32.110 COMMERCIAL LAND USE REQUIREMENTS**

- A. All business uses shall be approved by the Plan Commission and the Village Board of Trustees, in conformance with the uses which are permitted in the Central Business Zone, Shopping Center Business Zone, and the General Business Zone of the Zoning Ordinance of the Village of Grayslake.
- B. All business activity and storage of materials shall be conducted or stored within a completely enclosed building, unless otherwise specifically allowed.
- C. Not more than thirty percent (30%) of any commercial lot shall be covered by buildings or structures.
- D. At least ten percent (10%) of any commercial lot shall be landscaped for open space purposes.
- E. Off-street parking requirements shall meet the standards for off-street parking as controlled by the applicable provisions of the Zoning Ordinance of the Village.
- F. Service and loading facilities shall be provided as recommended and approved by the Plan Commission and the Village Board of Trustees.
- G. No building shall be located nearer than sixty (60) feet to any street right-of-way line, unless specifically approved by the Village Board of Trustees.
- H. Commercial areas in a PUD shall be adequately screened by fencing or landscaping or both along the boundaries of adjacent residential, public open space, schools, churches, or both similar land uses, except when such commercial facilities have an architectural design similar to, and compatible with, that of the surrounding land uses.
- I. No commercial building shall be closer than seventy-five (75) feet to a residential area, with the exception of commercial facilities of less than 15,000 square feet of leasable area, provided that such facilities have an architectural design similar to, and compatible with, that of the surrounding residential areas.

**17.32.120 INDUSTRIAL LAND USE STANDARDS**

- A. The standards for industrial areas in a PUD shall conform to the applicable standards in the Zoning Ordinance of the Village for industrial areas.
- B. No industrial building shall be closer than seventy-five (75) feet to an existing residential area. This area shall be landscaped for open space purposes.
- C. At least ten percent (10%) of any industrial lot shall be landscaped for open space purposes.

**17.32.130 MISCELLANEOUS DESIGN STANDARDS**

- A. Planting, lighting, and fire hydrant requirements of the Grayslake Subdivision Control Ordinance shall be met, except that the Village Board of Trustees may require such additional facilities as are appropriate for the size and type of development proposed.
- B. Sidewalks need not be required, if an alternative pedestrian plan is approved.
- C. Deviations from fence requirements, if any, shall not cause obstruction of clear sight distances at intersections of roads and access driveways.

**17.32.140 RESIDENTIAL DENSITY CALCULATION**

- A. Where the entire area of the PUD lies within one zoning district, the maximum total number of dwelling units permitted shall be calculated by multiplying the net residential area of the PUD by the appropriate dwelling unit factor: R1 - 1 dwelling unit per acre; R2A - 2 dwelling units per acre; R2-3 dwelling units per acre; R3A - 4 dwelling units per acre; R3 - 5 dwelling units per acre; R4 and R4A - 8 dwelling units per acre; R5 - 16 dwelling units per acre; R6 - 20 dwelling units per acre.
- B. The net residential area of the PUD shall include all land within the PUD, exclusive of all areas used for commercial, industrial, or business purposes, and exclusive of all railroad rights-of-way and all overhead power line rights-of-way and exclusive of all required dedications, reservations, and easements for collector and major streets and limited and controlled access highways in the PUD.
- C. If the entire PUD is not within a single zone, the total number of dwelling units permitted shall be calculated in the same manner for each portion of the tract which is in a separate zoning district.

**17.32.150 CONDITIONS AND GUARANTEES**

Prior to granting any PUD, the Plan Commission may recommend, and the Village Board of Trustees shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the PUD as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in the Zoning Ordinance and the Subdivision Control Ordinance of the Village. In all cases in which PUDs are granted, the Village Board of Trustees shall require such guarantees as it may deem necessary to insure compliance with the conditions stipulated in said PUD.

**17.32.160 ENFORCEMENT**

Any special use permit approved pursuant to this section shall be binding upon the successor owners of record of the land which comprises the PUD, and its terms may be enforced according to the provisions of Section 507 of this Ordinance.

**17.32.170 REVOCATION OF A SPECIAL USE PERMIT**

- A. In the absence of an extension of time authorized by the Village Board of Trustees, if a Final PUD Plat is not submitted:
  - 1. within six (6) months of the approval of the General Development Plan, for the first phase covering at least ten percent (10%) of the area of the PUD, or
  - 2. by the dates approved by the Village Board of Trustees for subsequent phases of the PUD.
  - 3. construction has not commenced within three years of approval of the General Development Plan.

The authorization for the special use permit shall become null and void and all rights thereunder shall terminate. The Village Board of Trustees may thereupon, and after hearing and recommendations as in other rezoning matters, rezone the land to such zoning classification(s) as shall be determined by said Board.

## **17.36.010 NONCONFORMANCES**

Any lawful use of land or structures, or any structure, existing at the date of passage on the Zoning Ordinance, or subsequent amendment thereto, and located in a zone in which it would not be permitted as a new use or structure under the terms of the Zoning Ordinance, is declared to be legal nonconformance. It is the intent of the Zoning Ordinance to encourage their conversion to conformance where possible and to permit these nonconformances to continue until terminated either by voluntary act, by catastrophic event, or by amortization.

## **17.36.020 NONCONFORMING RECORDED LOTS**

### **A. DEFINITION**

A nonconforming recorded lot is a tract of land, designated on a duly recorded subdivision plat, having less than the minimum lot area, or width for the particular use in the zone in which it is located.

### **B. SEPARATE OWNERSHIP**

A nonconforming recorded lot owned separately from all adjoining tracts of land of 2 September 1969 shall be subject to the following provisions.

#### **1. In Residential Zones**

- a.** *Permitted Uses:* A nonconforming recorded lot may be used for a single family dwelling and accessory uses.
- b.** *Side and Rear Yards:* Each side yard shall be ten (10%) percent of the lot width except that any yard shall be a minimum of five (5) feet but need not be of greater than ten (10) feet. The rear yard provided for the principal use shall be a minimum of ten (10) feet. No accessory structure shall be placed closer than five (5) feet to any property line except those structures listed in Section 17.20.030 C of this ordinance
- c.** *Front Yard, Height, Structural Coverage, and Floor Area Ratio:* A nonconforming recorded lot shall comply with the same front yard, height, structural coverage and floor area ratio requirements as specified for the zone in which the use is located.

#### **2. In Any Other Zone**

- a.** *Permitted Uses:* A nonconforming recorded lot may be used for any principal use and accessory uses permitted in the zone in which it is located.
- b.** *Side Yards:* Each side yard required for a nonconforming recorded lot shall be determined by multiplying the actual width of the lot by the yard required in the zone in which the lot is located, divided by the minimum lot width required in the zone in which the lot is located. However, nonconforming side yard shall not be less than five (5) feet.
- c.** *Front Yard, Rear yard, Height Restrictions, Coverage and Floor Area Ratio:* A nonconforming recorded lot shall comply with the same front yard, rear yard, height restriction, coverage and floor area ratio as specified for the zone in which it is located.

#### **3. Evidence of Ownership**

Before any building permit is issued, evidence shall be submitted to the Building Department that the lot in question was, in fact, owned separately from all adjoining tracts of land on 2 September 1969. A letter of opinion, written by an Illinois attorney at law, may constitute such evidence.

**C. COMMON OWNERSHIP**

When two (2) or more parcels of land (which may contain a lot or lots of record) have continuous frontage and one or more of the parcels lack adequate area or width to meet the minimum area or width requirements of the zoning district in which the parcel or parcels are located, all of such parcels shall be considered to be one zoning lot for the purpose of this title if such parcels were held in common ownership or use on September 2, 1969. Lots or parts of lots resulting from the division of such parcels held in common ownership shall not be entitled to zoning certificates or building permits as provided in this title.

**D. CONSTRUCTION, REPAIR AND ALTERATION**

Construction of new buildings, or repair of existing buildings that are being used for permitted uses but are located on nonconforming recorded lots, shall be permitted. If any building is damaged or destroyed, it can be rebuilt for its original permitted use to the extent of its original development, or a new building can be constructed for any use to the extent permitted in Subsection B above.

**17.36.030 NONCONFORMING USES AND STRUCTURES**

**A. DEFINITIONS**

1. A nonconforming use is an activity using land or structures or both, legally established prior to the effective date of the Zoning Ordinance or subsequent amendment thereto, which would not be permitted as a new use in the zone in which it is located under the terms of the Zoning Ordinance.
2. A nonconforming structure is one which was legally constructed prior to the effective date of the Zoning Ordinance or subsequent amendment thereto, which would not be permitted as a new structure under the terms of the Ordinance because such structure is not in conformance with the yards, height, coverage, or floor area ratio requirements of the zone in which it is located. A structure located on a nonconforming recorded lot is not classified as a nonconforming structure solely because of insufficient lot area or width, nor shall anything herein be construed to affect the provisions contained in Section 17.36.020, above.

**B. NONCONFORMING USE AND STRUCTURE REGULATIONS**

Any building or structure containing a nonconforming use, except a residential use for a single-family dwelling or any nonconforming structure, except a single-family dwelling, shall be subject to the following regulations:

1. If any building or structure is destroyed by any means to an extent of more than fifty (50%) percent of the replacement cost of that portion of the principal and accessory buildings which are above grade, such building or structure shall not be rebuilt or reoccupied for any use except in accordance with the zone regulations of the zone in which it is located.
2. Damage to an extent less than that of Section B.1 shall be repaired in a manner as nearly conforming as possible.
3. Normal maintenance and repairs shall be permitted.
4. Enlargements or alterations of a nonconforming structure or use of land shall not be permitted except when such changes result in bringing the nonconformance into compliance with the requirements of the Zoning Ordinance. Nonconforming uses shall not be changed to any other use than one permitted in the zone in which it is located.



5. Discontinuation of a nonconforming use of land or of a structure for any reason for a period of more than one (1) year shall be considered abandonment of that use. Such use shall not be re-established, and any subsequent use of the land or structure shall conform to the regulations of the zone in which it is located.
6. Industrial uses which are nonconforming by virtue of being located in a non-industrial zone shall be subject to the performance standards applicable in the LI zone. Alterations and repairs as provided in Subsection B.2 shall be done in a manner as nearly conforming as possible to the LI zone performance standards. For industries which are located in an industrial zone and which fail to comply with the performance standards of the zone in which they are located, enlargements, repairs, or alterations shall be made in a manner as conforming as possible to the industrial performance standards of the zone in which the industry is located. The degree of conformance possible shall be determined by the Building Department; appeals may be made to the Zoning Board of Appeals.

**C. ELIMINATION OF NONCONFORMING INDUSTRIAL AND COMMERCIAL USES**

Nonconforming uses shall cease opportunities in accordance with the following amortization schedules:

1. In all residential zones, any nonconforming commercial or industrial use shall cease operations within twenty (20) years after the effective date of this Ordinance.
2. In all commercial zones, any nonconforming industrial use shall cease operations within twenty (20) years after the effective date of this Ordinance.
3. The nonconforming use of land shall be discontinued and shall cease five (5) years from the effective date of this Ordinance in the following instances:
  - a. Where no structures are employed in connection with the use.
  - b. When the only structures or other physical improvements are accessory or incidental to such use.
4. A nonconforming accessory use shall cease operations at such time as the principal use ceases operations.
5. The Village Board of Trustees shall set the amortization period for any use or structure which would be nonconforming upon annexation to the Village.

## **17.40 ADMINISTRATION AND ENFORCEMENT**

### **17.40.010 ORGANIZATION**

#### **A. ZONING OFFICER**

The office of the Zoning Officer is established and the Building Commissioner is designated as the Zoning Officer. The Zoning Officer shall administer and enforce the Zoning Ordinance and shall:

1. Issue all zoning certificates and make and maintain records thereof;
2. Issue all certificates of occupancy and make and maintain records thereof;
3. Issue and renew where applicable all temporary use permits and make and maintain records thereof;
4. Issue all special use permits granted by the Village and make and maintain records thereof;
5. Maintain and keep current the Municipal Zoning Maps and record of amendments thereof;
6. Conduct inspections as prescribed by the Zoning Ordinance and such other inspections as are necessary to ensure compliance with the various provisions of that ordinance;
7. Perform such other duties as are assigned to him in the Zoning Ordinance or by the Mayor or the Village Board of Trustees.

#### **B. ZONING BOARD OF APPEALS**

##### **1. Creation and Membership**

The Zoning Board of Appeals of the Village of Grayslake, as created in accordance with the Statutes of the State of Illinois, is the Zoning Board referred to in the Zoning Ordinance.

##### **2. Jurisdiction**

The Zoning Board shall be vested with the following jurisdiction and authority:

- a. To interpret the meaning of the Zoning Ordinance in cases of ambiguity, and to make rulings with respect to application of the Zoning Ordinance, including appeals from decisions of the Building Department.
- b. To recommend to the Village Board of Trustees that variations be granted from the provisions of the Zoning Ordinance with respect to particular cases involving practical difficulties or particular hardship in carrying out the strict letter of the regulations contained herein.
- c. To hold public hearing on requests for special use permits, except special use permits for planned unit developments, and amendments to the Zoning Ordinance, and make findings of fact and recommendations to the Village Board.
- d. Study and report on all proposed amendments to the Zoning Ordinance; review the Zoning Ordinance annually, and suggest amendments.

**3. Meetings and Rules**

All meetings of the Zoning Board shall be held at the call of the Chairman, and at such times as the Zoning Board may determine. All meetings conducted by the Board shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. The Zoning Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indication such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment and every order, requirement, decision, or determination of the Zoning Board shall be filed immediately in the office of the Village Clerk and shall be a public record. The Zoning Board shall adopt its own rules and procedures, not in conflict with the Zoning Ordinance or with the applicable Illinois statutes.

**C. PLAN COMMISSION**

The Plan Commission is the Plan Commission of the Village of Grayslake. The Plan Commission shall have the following duties under the Zoning Ordinance:

1. Establish rules of procedure as necessary to the performance of its functions;
2. Review, modify, and recommend approval or disapproval of development plans;
3. To hold public hearings on requests for special use permits for planned unit developments, and to make findings of fact and recommendations to the Village Board of Trustees.

**17.40.020 USE CERTIFICATE**

Before any building or other structure, or part thereof, shall be erected, constructed, reconstructed, enlarged, moved, or structurally altered, and before the use of any building, structure, or land is changed within the Village, a Use certificate shall be obtained from the Building Department.

**17.40.030 ZONING MAP**

**A. ESTABLISHMENT**

The locations and boundaries of the zones established by the Zoning Ordinance shall be shown on a map officially designated Official Zoning Map of Grayslake, Illinois. This map, together with everything shown thereon, is incorporated into the Zoning Ordinance and shall be as much a part of the Zoning Ordinance as the ordinance text.

**1. Unclassified Lands**

It is the intent of the Zoning Ordinance that every part of the area regulated be included in one of the zones established. Any land located within the Village not shown to be included in a zone on the Official Zoning Map shall be deemed to be in the R1 zone.

**2. Additional Area**

Any addition made to the area regulated by the Zoning Ordinance shall be automatically classified in the R1 zone.

**B. INTERPRETATION**

The following rules shall be used by the Building Department to determine the precise location of any zone boundary shown on the Official Zoning Map.

- a. Boundaries shown as following or approximately following the Village limits, or platted lot lines or other property lines or section lines, half-section lines, or quarter-section lines, shall be construed as following such lines.
2. Boundaries shown as following, or approximately following, streets or railroad lines shall be continued as following the center lines of such streets or railroads rights-of-way.
3. Boundaries shown as following or approximately following shore lines of any lakes shall be construed as following mean high water lines of such lakes, and, in the event of change in the mean high water line, shall be construed as moving with the actual mean high water line.
4. Boundaries shown as following or approximately following the center lines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of such water courses taken at mean low water, and in the event of a natural change in the location of such streams, rivers, or other water courses the zone boundary shall be construed as moving with the channel center line.
5. Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs 1 through 4 above shall be construed as being parallel to such features and at such distances therefrom as are shown on the map. Distances not specifically indicated on the map shall be determined by the scale of the map.

**C. CHANGES IN THE ZONING MAP**

If any boundary as shown on the Official Zoning Map is changed by action of the Village Board, or if the Zoning Classification of any property as shown on the Official Zoning Map is modified by action of the Village Board, or if a special use permit for any property is authorized by the Village Board, the Building Department shall:

1. Record at the Office of the County Recorder of Deeds, at the owner's expense, the ordinance and accompanying maps and documents for annexation of land.
2. Indicate on the official zoning map on the property affected the change, modification, or special use, as well as ordinance number and the Recorder of Deeds number for all properties annexed. Every change shall be certified by the Village Clerk.

**D. INSPECTION**

An up-to-date copy of the Official Zoning Map shall be available for public inspection in the Village Office at all times the office is regularly open for business.

**E. PUBLICATION**

Prior to the first day of April each year, maps showing zoning shall be made available for public purchase. Such maps shall show the zone boundaries and such other information as is necessary to give a clear understanding of the zones created by the Zoning Ordinance and subsequent amendments as of December 31 of the year preceding publication.

## **17.40.040 INTERPRETATION OF THE ZONING ORDINANCE**

### **A. GENERAL PROVISIONS**

The Building Department shall interpret the Zoning Ordinance strictly and in accordance with the standards set forth below. The decisions shall be subject to appeal as provided herein.

#### **1. Minimum Requirements**

In the interpretation and application of the Zoning Ordinance the provisions shall be held to be minimum requirements for the promotion and protection of the public health, safety, morals, comfort and welfare.

#### **2. Overlapping or Contradictory Regulations**

Whenever a provision of the Zoning Ordinance or any other provision of law, whether set forth in the Zoning Ordinance or established by any other ordinance, regulations, statute, or rule of any kind, imposes overlapping or contradictory regulations or contains any restrictions covering any of the same subject matter, the provision which is more restrictive or which imposes higher standards or requirements shall control.

### **B. EXISTING PERMITS AND AGREEMENTS**

#### **1. Building Permits**

Nothing in the Zoning Ordinance shall be deemed to require any change in the plans, construction, or designated use of any building or other structure if a building permit for such building or other structure was lawfully issued prior to the effective date of the relevant portion of the Zoning Ordinance; and such permit has not, by its own terms, expired prior to such effective date; and the actual construction pursuant to such permit was begun prior to the effective date of the ordinance, and has been diligently carried on.

#### **2. Occupancy Permits**

Upon completion of any building or other structure in accordance with the above requirements and prior to occupancy, a certificate of occupancy is required for the use originally designated. Such building or other structure and its use shall be subject to all the requirements of the Zoning Ordinance and in particular to Section 17.36.010, Nonconformances, where applicable.

#### **3. Existing Private Agreements**

If the regulations of the Zoning Ordinance are more restrictive or impose higher standards or requirements than any easement, covenant, or other private agreement or legal relationship, the regulations of the Zoning Ordinance shall control.

## **17.40.050 PROCEDURES**

### **A. SPECIAL USE PERMITS**

The following procedure shall be used in issuing special permits, for all special uses, except for planned unit developments:

**1. Application Requirements**

An application for a special use permit shall be submitted to the Zoning Board of Appeals, and shall be accompanied by the following information and exhibits:

- a. A plot plan of the proposed site and of the surrounding area within five hundred (500) feet of the site showing location and name of all streets, easements, and railroad or utility rights-of-way; the location of any subdivided lands; and the location of any parks, other public open spaces or uses, residences, or other permanent structures.
- b. A drawing showing the proposed development of the site.
- c. Any additional information required by the Zoning Board or the Village Board.

**2. Public Hearing**

Upon application, the Zoning Board shall schedule a public hearing after giving not less than fifteen (15) nor more than thirty (30) days notice as provided by law.

**3. Recommendations**

For each application for a special use, the Zoning Board of Appeals shall report to the Village Board of Trustees its findings and recommendation, including the stipulations of additional conditions, and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.

**4. Issuance of Permit**

Upon completion of the necessary application and hearing by the Zoning Board, the Village Board shall either approve or disapprove the application, and where approved, shall establish the specific conditions under which the application is approved. If the Village Board approves the application, the Building Department shall issue the special use permit subject to all applicable rules, regulations and conditions.

**5. Validity of Plans**

All approved plans, conditions, restrictions, and rules made a part of the special use permit shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

**6. Time Limit and Notifications**

All applications for special use permits shall be decided within sixty (60) days of the date of the public hearing and the applicant shall be provided with either a special use permit or written notice of the denial.

**7. Revocation of a Special Use Permit**

In any case where a building permit for a special use has not been issued and construction activity carried to completion within one (1) year after the date of the issuing of the special use permit therefore, or if the special use has been abandoned or discontinued for a period of one (1) year, then the Village Board of Trustees, on its own motion, after a public hearing before the Zoning Board of Appeals, may revoke the permit for the special use and may change the underlying zoning district if such was amended at the time of the issuance of the special use permit.

## **B. VARIATIONS**

It is the intent of the Zoning Ordinance to use the variation only to modify the application of the Zoning Ordinance to achieve a parity among properties similarly located and classified. Specifically, it is to be used to overcome some exceptional physical condition which poses practical difficulty or unnecessary hardship in such a way as to prevent an owner from using his property as intended by the Zoning Ordinance.

### **1. Application**

After denial of a building permit by the Building Department, a property owner may apply to the Zoning Board of Appeals for a variation, using forms obtainable from the Building Department.

### **2. Public Hearing**

Upon receipt of an application and fee, the Zoning Board of Appeals shall hold a public hearing, after giving fifteen (15) days notice as provided by law. The Zoning Board of Appeals shall prepare findings of fact and shall make its recommendation to the Village Board of Trustees within 30 days of the public hearing.

### **3. Standards for Variations**

The Village Board of Trustees shall grant a variation whenever, and only when, it shall have determined and recorded in writing that all of the following conditions have been met.

- a.** That the variation does not permit a use otherwise excluded from the particular zone in which requested.
- b.** That special circumstances or conditions such as exceptional narrowness, topography, or siting apply to the land for which a variation is sought, and that those conditions do not apply generally in the zone
- c.** That the special circumstances or conditions have not resulted from any act of the applicant subsequent to the adoption of the Zoning Ordinance, whether or not in violation of the provisions thereof.
- d.** That the aforesaid circumstances or conditions are such that the strict application of the provisions of the Zoning Ordinance would result in a practical difficulty or a particular hardship to the owner, as distinguished from a mere inconvenience.
- e.** That the variation granted is the minimum adjustment necessary for the reasonable use of the land.
- f.** That the granting of any variation is in harmony with the general purposes and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the Comprehensive Plan of the Village.

### **4. Vote Requirements**

Any proposed variation which fails to receive the approval of the Zoning Board of Appeals shall not be passed except by the favorable vote of two-thirds of all of the trustees of the Village.

### **5. Revocation of Variance(s)**

In any case where a variation has not been utilized by the property owner within two (2) years after the date of granting the variation, then the Village Board of Trustees, on its own motion, and after a public hearing before the Zoning Board of Appeals, may revoke the variance(s).

### **C. AMENDMENTS OF REGULATIONS AND DISTRICTS**

The Zoning Ordinance may be amended from time to time as conditions warrant, subject to the following conditions:

#### **1. Application**

- a.** The Zoning Board of Appeals, on its own motion, may review and recommend to the Village Board of Trustees that the text of this Ordinance be amended or that the zoning classification attached to any property in the Village be changed.
- b.** Any interested party may petition to the Zoning Board of Appeals for a change in the text of this Ordinance.
- c.** Any petition for a change in the zoning classification attached to any property in the Village, other than as originated on the motion of the Zoning Board of Appeals, shall be brought in the name of the legal owner or owners of the affected property, and shall be fully executed by them, provided that all legal and equitable owners, if any, are also fully disclosed to the Village.

#### **2. Notice of Public Hearing**

- a.** The Zoning Board of Appeals shall set a date for a public hearing on any proposed amendment to the regulations or the zoning regulations as attached to any property.
- b.** The Zoning Board of Appeals shall give due notice of the time, place, and purpose of the public hearing, not more than 30 nor less than 15 days before the hearing, in a newspaper published in the Village, or in such other manner as may be authorized or permitted by statute.
- c.** Any petitioner for a change in zoning classification attached to his property shall prepare and submit to the Village at the time of the filing of his petition an accurate list of the names and addresses of all property owners within a 250 foot distance of all boundaries of the subject property, along with stamped business size envelopes addressed to those property owners, provided that the Zoning Board of Appeals may waive this requirement or may approve some alternative means of notice for any petition concerning property in excess of 50 acres.

#### **3. Report to Village Board**

The Zoning Board shall make a report to the Village Board. No amendment shall be passed except by a majority vote of all members of the Village Board present. No amendment shall be passed except by the favorable vote of two-thirds (2/3) of all members of the Village Board of Trustees then holding office, if a written protest against the proposed amendment is filed with the Village Clerk, signed and acknowledged by the owners of twenty (20%) percent or more of

- a.** The frontage proposed to be altered; or
- b.** The frontage immediately adjoining or across an alley therefrom; or
- c.** The frontage directly opposite the frontage proposed to be altered.



**4. Time Limit**

All proposed amendments shall be acted upon by the Village Board within sixty (60) days of the receipt of the recommendation of the Zoning Board of Appeals.

**5. Standards for Amendments**

A proposed amendment shall be considered on its own merits using the following criteria as a guide:

**a.** *Text or Map Amendment:* The following conditions shall be met for all amendments:

- 1) The proposed amendment shall correct an error or meet the challenge of some changing conditions in the area and the zones affected;
- 2) The proposed amendment shall be consistent with the intent of the Zoning Ordinance and with its various provisions;
- 3) The proposed amendment shall not be detrimental to the development of the Village.

**b.** *Map Amendments:* In addition to the above conditions, the following shall be met for all map changes.

- 1) Every use permitted under the new classification must be suitable use for the further development of the area in the vicinity of the rezoning, and must be compatible with uses already developed in the vicinity; and
- 2) Adequate public facilities, sewer and water lines, other needed services or facilities must exist or must be capable of being provided prior to the development of the uses which would be permitted on the property if it were reclassified.

#### **17.40.060 FEES**

Fees for all required permits, and fees required for the filing of appeals and petitions shall be established by resolution by the Village Board. All fees shall be collected by the Building Department, who shall account for them to the Village Board and the Zoning Board of Appeals.

#### **17.40.070 PENALTIES**

- A.** Any person, persons, firm or corporation adjudged guilty of violating any of the provisions of this ordinance, including (without limitation) a failure, neglect or refusal to comply with a notice given pursuant to the provisions hereof or to comply otherwise with the provisions hereof, shall be fined not more than five hundred (\$500.00) dollars for each offense. Proceedings may be commenced by warrant, arrest, or summons. Each day the violation continues shall be considered a separate offense.
- B.** The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or any other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and subject to the above penalties.
- C.** The Village may also take other lawful action as is necessary to prevent or remedy any violation.

#### **17.40.080 DISCLOSURE**

In any and all applications required under this Ordinance to be filed with the Zoning Board and/or the Village Board, if the title to any property which is the subject of any Hearing is in a Trust, the names of all beneficiaries shall be disclosed in a sworn statement and a copy of the Trust Agreement attached to the application. If the land which is the subject of the application is in the name of a corporation, the name of all officers, directors, and shareholders owning in excess of 5% of the outstanding stock shall be disclosed in a sworn statement attached to the application for relief. If the land which is the subject matter of the application is being purchased then in addition to the foregoing, a photocopy of the purchase contract shall be submitted with the application.

#### **SEPARABILITY**

The several provisions of the ordinance shall be separable, in accordance with the following:

- A.** If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any provision of this ordinance not specifically included in the judgment.
- B.** If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of the provisions to any property, building, or other structure not specifically included in the judgment.