

**TITLE 6**

**CHAPTER 17**

**ALTERNATIVE ENERGY COLLECTION SYSTEMS**

**SECTION:**

- 6-17-1 Purpose and Intent**
- 6-17-2 Definitions**
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**6-17-1: PURPOSE AND INTENT**

The Purpose and Intent of this Chapter 17 is hereby declared:

- A.** To provide specific regulations for the placement, construction and modification of alternative energy collection systems. The provisions of this Chapter shall not be applied in such a manner as to unreasonably discriminate between the various different companies that provide alternative energy collection systems. To the extent that any provision or provisions of this Chapter are inconsistent or in conflict with any other provision of this Title, the provisions of this Chapter 17 shall control.
- B.** To facilitate energy cost saving and economic opportunities for local residents and businesses.
- C.** To promote the supply of alternative energy in support of increasing sustainable energy production from renewable energy sources.
- D.** To establish reasonable and uniform regulations for the operation, location, maintenance, installation, and decommissioning of alternative energy collection systems to minimize their potentially adverse effects on the community.
- E.** To preserve the aesthetics of the respective zoning districts for the purpose of preserving property values and protecting the public health, safety, morals, and welfare of the Village.

## 6-17-2: DEFINITIONS

**ALTERNATIVE ENERGY COLLECTION SYSTEM:** Any above-ground device which captures wind or solar energy to be converted into electricity or heat for public or private use.

**BLADE:** The extended vanes of a Wind Turbine which move in a circular direction caused by passing wind or connected motor.

**DECOMMISSION AND RESTORATION PLAN:** A report which outlines the plan and financing for removal of an inoperable and/or abandoned alternative energy collection system and restoration of disturbed land and improvements caused by the installation and removal of any such system.

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

**HORIZONTAL AXIS TURBINE:** A wind turbine that rotates on a horizontal axis, typically with propeller blades. This definition includes reference to the illustration of such turbine on this page for explanatory, but not limiting, purposes.

**MONOPOLE TOWER:** A single pole structure that supports a Wind Turbine, without the use of guy wires or similar support system.

**MICRO WIND ENERGY SYSTEM (MWES):** A wind powered mechanical energy conversion system consisting of a wind turbine component, support tower, and associated control or conversion electronics which is professionally manufactured and installed and intended for small, private use purposes.

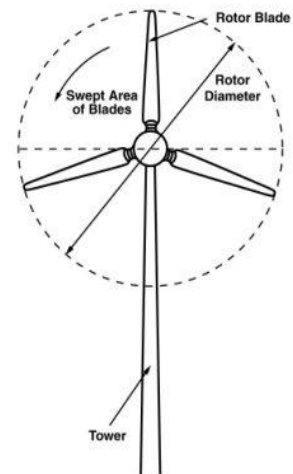
**OFF-GRID:** An Alternative Energy Collection System that is not connected to the utility electric grid.

**ROTOR DIAMETER:** The measurement of blade rotation which is formulated by a straight line passing through the center of the circular path of blade travel and terminating at the periphery. This definition includes reference to the illustration of such measurement on this page for explanatory, but not limiting, purposes.

**SHADOW FLICKER:** The on-and-off strobe light effect caused by the shadow of moving turbine blades cast by the sun passing through the rotating turbine.



*Horizontal Axis Turbine*



*Rotor Diameter*

**SMALL WIND ENERGY SYSTEM (SWES):** A wind powered mechanical energy conversion system consisting of a wind turbine component, support tower, and associated control or conversion electronics which is professionally manufactured and installed, and operated in any non-residential development or multi-family residential development.

**SOLAR PANEL:** A panel containing solar cells or heat-absorbing plates which convert and/or collect and store sunlight into heat or electricity.

**SOLAR ENERGY SYSTEM (SES):** A professionally manufactured system which uses solar panels made of solar cells, heat-absorbing plates or other elements to convert sunlight directly into electricity or for electric storage and use.

**SUN REFLECTION:** The return of light after striking any portion of an Alternative Energy Collection System, also referred to as GLARE.

**TOTAL EXTENDED HEIGHT:** The height above grade to the highest point of travel of a Wind Turbine.

**TOWER HEIGHT:** The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

**VERTICAL AXIS TURBINE:** A wind turbine that rotates on a vertical axis with blades forming a spiral or helical shape. This definition includes reference to the illustration of such turbine on this page for explanatory, but not limiting, purposes.

**WIND TURBINE:** A machine having a rotor, usually with vanes or blades mounted horizontally or vertically, driven by the wind for the purposes of converting wind into electricity for public or private use.



*Vertical Axis Turbine*

### **6-17-3: GENERAL WIND ENERGY SYSTEMS REGULATIONS**

**A. GENERAL:** A Micro Wind Energy Collection System (MWES) and Small Wind Energy System (SWES), as referenced in Section 6-17-2, may be erected or installed only in accordance with this Title 6, Chapter 17 of the Village Code and conform to all Federal laws and regulations, as amended from time to time, concerning its use and operation, and shall be further subject to the following standards:

1. Shall be installed primarily for the production and consumption of energy on the parcel upon which it is installed; energy produced in excess of consumption may be sold back to the electric utility service provider that serves the proposed site for use with the existing energy grid.

2. Shall be finished in a non-reflective color to prevent Sun Reflection. The exterior color shall be camouflaged so as to blend into the surroundings to such an extent to be unobtrusive to the casual observer.
3. Shall not have any advertisement material, writing, picture, or signage other than warning notification(s) and/or equipment identification.
4. All wiring between a Wind Turbine and the principal structure shall be underground or contained within conduit which matches the principal building materials and shall conform to Title 5, Chapter 4 of the Village Code.
5. No habitable portion of an existing adjacent structure shall be subject to Shadow Flicker from a Wind Turbine, unless mitigation has taken place and has been agreed upon by the owner/operator and neighboring property owner(s). Shadow Flicker onto an adjacent roof and/or exterior wall which does not contain any windows, doors, and like openings shall be acceptable. Such mitigation agreement must be recorded with the Lake County Recorder's Office with a copy provided to the Village's Department of Community Development. If no such mitigation agreement has been established, the operation of an Alternative Energy Collection System shall cease during those times which cause the Shadow Flicker. This requirement shall apply even where the adjacent property affected by Shadow Flicker is under common ownership at the time of construction, provided that in lieu of a mitigation agreement the owner shall record a notice, in the form described in Appendix A, against the adjacent commonly owned parcels affected by the Shadow Flicker.
6. No portion of an Alternative Energy Collection System shall be artificially illuminated except to the extent required by the FAA or other applicable authority.
7. Any Free-Standing Alternative Energy Collection System shall be protected against unauthorized access by the public and no climbing foot pegs or rungs shall be permitted below twelve feet (12') to prevent unauthorized climbing.
8. Shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that manufacturer's have obtained from Underwriters Laboratories (UL), Det Norske Vertias (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.
9. Shall be equipped with manual and/or automatic controls and mechanical brakes to limit rotation of blades to a speed below the manufacturers designed limits. A licensed professional engineer or authorized factory representative must certify that the rotor and overspeed control design and fabrication conform to good engineering practices. No changes or alterations from the certified design shall be permitted

unless accompanied by a licensed professional engineer's or authorized factory representative's statement of certification.

**B. PERMITS:** No such Micro Wind Energy Collection System (MWES) and Small Wind Energy System (SWES), as referenced in Section 6-17-2, shall be erected, constructed, altered or relocated without first obtaining a building permit from the Department of Community Development. An application for a building permit shall be made upon forms provided by the Department of Community Development, signed by the Applicant, and contain or have attached thereto the following information:

1. Name of person, firm, corporation or association constructing and erecting the wind energy system.
2. Site plan showing the location of the wind energy system upon the lot and copies of the manufacturer's specifications for the wind energy system.
3. Name, address, and telephone number of the applicant, and the name of a responsible party in the case of corporate applications.
4. Written consent of the owner of the building structure or land on which the wind energy system is to be erected.
5. Elevation(s) of the existing structural improvements and the proposed wind energy system showing the size and design details of the Wind Turbine and the Total Extended Height above grade.
6. Evidence that the electric utility service provider that serves the proposed site has been notified of the owner's intent to install an interconnected customer-owned electricity generator. Off-grid wind energy systems shall be exempt from this requirement.
7. Four (4) sets of plans and specifications showing the method of construction, location, support, and attachment to the ground or structure.
8. If required by the Department of Community Development, a copy of stress sheets and calculations prepared by a professional engineer licensed by the State of Illinois showing that the wind energy system is designed for the deadload and wind pressure in any direction, in the amount required by the manufacturer and all other laws and ordinances of the Village Code.
9. A line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the Village Code.

10. Such other information that the Department of Community Development shall require to show full compliance with this and all other ordinances of the Village.
11. Every wind energy system must be accompanied with a written certification of a professional engineer licensed by the State of Illinois that the structure upon which the facility is located is sufficient from a structural engineering standpoint to bear the load. Free-standing wind energy systems shall include a certificate that the foundation on which the structure is built is constructed and engineered to take into account the existing soil conditions. The professional engineer shall also certify that in the event of a fall or collapse, that the facility is designed and manufactured to fall entirely within the boundary lines of the lot on which it is located and that installation meets or exceeds the minimum construction and installation standards set forth by the manufacturer.

**6-17-4: MICRO WIND ENERGY SYSTEMS (MWES)**

Micro Wind Energy Collection System (MWES), as referenced in Section 6-17-2, may be erected or installed only in accordance with this Title 6, Chapter 17 of the Village Code and shall be further subject to the following standards:

- A. Sound levels shall not exceed forty-five decibels (45 dB(A)) as measured at a height of five feet (5') directly above the adjoining property lines during operation.

**B. BUILDING-MOUNTED MWES:**

1. Shall be permitted in the R1, R2, R2A, R3, R4, and R5 Zoning Districts and limited to one (1) Vertical Axis Turbine or one (1) Horizontal Axis Turbine with a maximum Rotor Diameter of ten feet (10').
  - a. The Wind Turbine shall be permitted to extend a maximum of five feet (5') above the principal structure.
  - b. May be mounted onto the roof or structurally attached to the side of the principal structure, and shall not extend into the required building setbacks.
2. Shall be permitted in the B1, B2, E, and O/I Zoning Districts, subject to review by the Architectural Review Board and limited to one (1) Vertical Axis Turbine or one (1) Horizontal Axis Turbine with a maximum rotor diameter of ten feet (10').
  - a. The Wind Turbine shall be permitted to extend a maximum of twenty feet (20') above the principal structure, or the maximum structure height permitted by the zoning district in which the facility is located, whichever is less.

- b. May be mounted onto the roof or structurally attached to the side of the principal structure, and shall not extend into the required building setbacks.

**C. FREE-STANDING MWES:**

1. Shall be permitted only as a Special Use for authorized non-residential uses in R1 Zoning District with a minimum lot size of twenty (20) acres.
2. Shall be permitted in the B1, B2, E, and O/I Zoning Districts only as a Special Use and subject to review by the Architectural Review Board and approved or denied by the Village Board.
3. Shall be limited to one (1) Vertical Axis Turbine or one (1) Horizontal Axis Turbine with a maximum Rotor Diameter of ten feet (10') with a monopole tower.

**4. SETBACKS:**

- a. At no point shall a free-standing MWES be permitted within the front yard or project beyond the front plane of the principal structure.
- b. The base of the tower of a free-standing MWES shall be located a minimum distance equal to the Total Extended Height from all side, corner side, and rear property lines. A MWES may be allowed closer to a side or rear property line than its Total Extended Height provided the abutting property owner(s) grant written permission, which must be recorded with the Lake County Recorder's Office, with a copy provided to the Department of Community Development. This requirement shall apply even where the adjacent property owner affected by the Total Extended Height is under common ownership at the time of installation.

**5. HEIGHT:**

- a. Shall be permitted to extend a maximum of twenty feet (20') above the principal structure, or shall be subject to the maximum structure height permitted by the zoning district in which the facility is located, whichever is less.

**D. COMPLIANCE:** Every MWES must maintain compliance with the plans and specifications approved by the permit. If a MWES becomes non-compliant with approved plans and specifications due to, but not limited to: discoloration, cracking, missing components, rusting, settling, damage or general disrepair; then the owner/operator of the MWES and the owner of the building or lot on which the MWES is located will be jointly and severally responsible for remedying the specific non-conformities. These non-conformities must be remedied within forty-five (45) days after

receipt of written notice sent by the Village to the owner/operator of the MWES and the owner of the building or lot. Failure to remedy all of the cited non-conformities, within the forty-five (45) day time period, shall be punishable by a fine not exceeding the amount described per day that the violation continues, pursuant to Chapter 4 of Title 1 of the Village Code.

**6-17-5: SMALL WIND ENERGY SYSTEMS (SWES)**

Small Wind Energy System (SWES), as referenced in Section 6-17-2, may be erected or installed only in accordance with the Title 6, Chapter 17 of the Village Code and shall be further subject to the following standards:

- A. Shall be permitted in the R4, R5, B1, B2, E, and O/I Zoning Districts only as a Special Use and subject to review by the Architectural Review Board and approval or denial by the Village Board.
- B. Shall be limited to one (1) Vertical Axis Turbine or one (1) Horizontal Axis Turbine with a Monopole Tower, with a Rotor Diameter greater than ten feet (10’).
- C. Sound levels shall not exceed fifty-five decibels (55 dB(A)) as measured at a height of five feet (5’) directly above any adjoining property line. Sound levels from an SWES which abuts a residence shall not exceed forty-five decibels (45 dB(A)), as measured at a height of five feet (5’) directly above the adjoining property line.
- D. Ground-mounted equipment shall be screened pursuant to Section 6-15-5-B-2.

**E. SETBACKS/LOCATION:**

- 1. At no point shall a free-standing SWES be permitted within the front yard or project beyond the front plane of the principal structure.
- 2. A SWES may be attached to an existing principal structure, provided all minimum yard requirements applicable to the principal structure are also satisfied for the SWES.
- 3. The base of the tower of a free-standing SWES shall be located a minimum distance equal to the Total Extended Height of the SWES from all side, corner side, and rear property lines. A SWES may be allowed closer to a side or rear property line than its Total Extended Height provided the abutting property owner(s) grant written permission, which must be recorded with the Lake County Recorder’s Office, with a copy provided to the Department of Community Development. This requirement

shall apply even where the adjacent property affected by the Total Extended Height is under common ownership at the time of installation.

4. At no point shall a SWES be located within any required yards.
5. Any SWES which abuts a residence shall be located a minimum distance equal to one hundred and ten percent (110%) of its Total Extended Height, as measured from the base of the tower to the nearest abutting residence property line.
6. Any SWES shall be located a minimum distance equal to the Total Extended Height from the nearest above ground public utility lines and/or Personal Wireless Telecommunications Facility, as measured from the base of each.

**F. HEIGHT:**

1. The Wind Turbine shall be permitted to extend a maximum of twenty feet (20') above the principal structure, or shall be subject to the maximum structure height permitted by the zoning district in which the facility is located, whichever is less.
2. The lowest point of the arc of the blade of a SWES shall have a minimum ground clearance of twenty feet (20') from grade.
3. Height Exceptions: If an Applicant desires a height exception greater than the maximum permitted height for the zoning district in which the SWES is located, the Applicant shall file a Certificate of Necessity executed by a licensed professional engineer acceptable to the Village and not in the employ of the Applicant. The holding of a public hearing before the Zoning Board and approval by the Village Board shall be required. Notice of a public hearing shall be given in the same manner as is required in Chapter 14 of this Title 6 for Zoning Variations. The Certificate of Necessity shall provide a statement, from the engineer, that the relief requested is the minimum necessary to accomplish the Applicant's purpose and that unless relief is granted, the wind to be received by this system will be substantially impaired or obstructed within the selected installation area. In addition, no exceptions may be granted pursuant to this subparagraph unless a sealed survey by a licensed surveyor is submitted along with the Certificate of Necessity showing the location and height of the obstructing structures or vegetation and its effects on wind and turbulence.
4. Compliance Reports: Any SWES for which a height exception is necessary that exceeds the maximum building height permitted for the zoning district in which a SWES is located must submit the following compliance reports contemporaneously with the holding of a public hearing for a height exception described in subparagraph 3 above:

- a. The Applicant shall file a certificate of compliance that no portion of a SWES will project above any airspace surfaces described by the FAA guidance on airspace protection or that it shall be permitted and illuminated in accordance with applicable laws and regulations.
- b. A wildlife study shall be conducted by a qualified professional not in the employ of the Applicant, such as an ornithologist or wildlife biologist, to determine if there is any potential impact the SWES may present to migratory birds and wildlife species. In cases where the wildlife study indicates that a protected natural resource will be adversely affected by an SWES, the Village shall consult with the Illinois Department of Natural Resources (IDNR), in accordance with Title 17 of the Illinois Administrative Code Part 1075, to determine whether the protective measures outlined in the study are deemed acceptable. A final decision on the application shall not be made until such consultation with IDNR is resolved.

**G. COMPLIANCE:** Every SWES must maintain compliance with the plans and specifications approved by the Village Board of Trustees. If a SWES becomes non-compliant with approved plans and specifications due to, but not limited to: discoloration, cracking, missing components, rusting, settling, damage or general disrepair; then the owner/operator of the SWES and the owner of the building or lot on which the SWES is located will be jointly and severally responsible for remedying the specific non-conformities. These non-conformities must be remedied within forty-five (45) days after receipt of written notice sent by the Village to the owner/operator of the SWES and the owner of the building or lot. Failure to remedy all of the cited non-conformities, within the forty-five (45) day time period, shall be punishable by a fine not exceeding the amount described per day that the violation continues, pursuant to Chapter 4 of Title 1 of the Village Code.

**H. ENGINEERING CERTIFICATION:** No SWES may be located within the Village unless the Applicant has provided to the Village the written certification of a professional engineer licensed by the State of Illinois that the structure upon which the facility is located is sufficient from a structure engineering standpoint to bear the load. In instances of free-standing structures, this shall include a certificate that the foundation on which the structure is built, is constructed and engineered to take into account the existing soil conditions. A licensed professional engineer shall also certify that in the event of a fall or collapse, that the facility is designed and manufactured to fall entirely within the boundary lines of the lot on which it is located, and that installation meets or exceeds the maximum construction and installation standards set forth by the manufacturer.

## **6-17-6: SOLAR ENERGY SYSTEMS (SES)**

**A. GENERAL REGULATIONS:** A Solar Energy System (SES), as referenced in Section 6-17-2, may be erected or installed only in accordance with this Title 6, Chapter 17 of the Village Code. Any SES shall conform to all Federal laws and regulations concerning its use and operation, and may be installed only in the following zoning districts and standards:

1. Shall be permitted in the R1, R2, R2A, and R3 Zoning Districts. Any attached single-family residential development and mixed-use development which contains residential housing units shall require review by the Architectural Review Board prior to being approved or denied by the Village Board.
2. Shall be permitted in the R4, R5, R6, B1, B2, E, and O/I Zoning Districts, subject to review by the Architectural Review Board prior to being approved or denied by the Village Board.

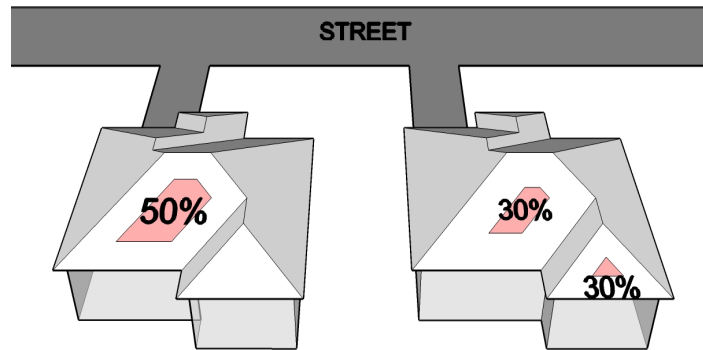
**B. PERMITS:** No such Solar Energy System (SES), as referenced in Section 6-17-2, shall be erected, constructed, altered or relocated without first obtaining a building permit from the Department of Community Development. An application for a building permit shall be made upon forms provided by the Department of Community Development, signed by the Applicant, and contain or have attached thereto the following information:

1. Name of person, firm, corporation or association constructing and erecting the solar energy system.
2. Site plan showing the location of the solar energy system upon the lot and copies of the manufacturer's specification for the solar energy system.
3. Name, address, and telephone number of the applicant, and the name of a responsible party in the case of corporate applications.
4. Written consent of the owner of the building structure or land on which the solar energy system is to be erected.
5. Elevation(s) of the existing structural improvements and the proposed solar energy system showing the size and design details.
6. Four (4) sets of plans and specifications showing the method of construction, location, support, and attachment to the structure.

7. If required by the Department of Community Development, a copy of stress sheets and calculations prepared by a licensed professional engineer showing that the solar energy system is designed for the deadload, in the amount required by the manufacturer and all other laws and ordinances of the Village.
8. A line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the Village Code.
9. Such other information that the Department of Community Development shall require to show full compliance with this and all other ordinances of the Village.

**C. PLACEMENT OF SES:**

1. Shall be limited to roof-mounted installations on a permitted structure, provided that the installation method shall be compatible and harmonious with the aesthetic qualities of the structure to which the device is attached so as to not abruptly alter the architectural character of the structure.
  - a. Shall be attached directly to the exterior of the roof structure to ensure the lowest profile permissible. All components of the SES shall not extend above the maximum building height permitted by the zoning district and beyond the existing limits of the roof.
  - b. No component of the SES, including mounting racks, shall be permitted to tilt or rotate at a slope greater or less than the roof to which the device is attached.
  - c. Shall be designed and installed to prohibit Sun Reflection towards vehicular traffic and any habitable portion of an adjacent structure. Sun Reflection onto an adjacent roof shall be acceptable.
  - d. Shall occupy not more than fifty-percent (50%) of the outside roof area to which the device is attached. If an SES is installed in multiple roofs on a single structure, the SES shall occupy not more than thirty-percent (30%) of each outside roof area to which the device is attached.
  - e. With the exception of Solar Panels, mounting racks, pipe runs, and electrical wire connections, no portion of an SES shall be installed on the outside of the roof.
  - f. No trees or vegetation shall be removed or pruned to reduce or eliminate shading from the sun, unless warranted for good forestry practices, as determined by the Village Forester.



*Illustration for SES roof coverage; 6-17-6-C-1d*

**6-17-7: DECOMMISSIONING AND RESTORATION PLAN:**

**A. MICRO WIND ENERGY SYSTEMS (MWES) AND SOLAR ENERGY SYSTEMS**

**(SES):** When a MWES or SES is not operated for a continuous period of at least nine (9) months, such Alternative Energy Collection System and all related equipment shall be deemed abandoned by the Village. The owner of such Alternative Energy Collection System shall remove all items within forty-five (45) days following receipt of written notification that removal is required. Such notice shall be sent by registered or certified mail, return receipt requested, by the Village to such owner at the last known address of such owner. A principal structure or lot for sale, lease, or in foreclosure may be exempt, provided that the MWES and/or SES are maintained pursuant to this Title 6, Chapter 17 of the Village Code.

**B. SMALL WIND ENERGY SYSTEMS (SWES)**

1. Prior to receiving a Special Use Permit for the installation of a SWES, the owner and/or operator must include a Decommissioning and Restoration Plan with the application request to ensure such Alternative Energy Collection System and all related equipment is properly decommissioned. The owner of the SWES and the underlying property owner(s) shall be jointly liable for the removal of all equipment associated with the SWES at the end of the Special Use permit period, if any, the useful life of the facility, or when the facility is abandoned or otherwise out of operation for continuous period of at least nine (9) months. The Decommissioning and Restoration Plan shall state how the facility will be decommissioned and how the site will be restored, and shall further provide:

- a. Provisions for removal of the SWES and all related equipment, including those below the soil surface.
  - b. Provisions for the restoration of the property and improvements upon completion of the decommissioning of the Alternative Energy Collection System and all related equipment.
  - c. An estimated cost of decommissioning certified by a licensed professional engineer and the financial resources to be used to accomplish decommissioning.
  - d. The Village is granted the right of entry onto the site, pursuant to reasonable notice and, upon request, a prompt due process hearing, to effect or complete decommissioning and/or restoration.
2. All SWES which remain erected more than nine (9) months after the end of the Special Use permit period, if any, the useful life of the facility, or the facility is abandoned or otherwise out of operation shall be deemed a nuisance.
3. Lien on Costs of Removal
- a. If the Village incurs any costs to enforce or perform the Applicant's Decommissioning and Restoration Plan, then that cost is a lien upon that underlying parcel.
  - b. To perfect a lien under this section, the Village must, within one year after the cost is incurred, file notice of lien in the Office of the Lake County Recorder. The notice must consist of a sworn statement setting out:
    - i. A description of the underlying parcel that sufficiently identifies the parcel;
    - ii. The amount of the removal cost; and
    - iii. The date or dates when the removal cost was incurred by the Village.

If, for any one parcel, the Village engaged in any enforcement activity or performed plan activities on more than one occasion during the course of one year, then the Village may combine any or all of the costs of each of those activities into a single notice of lien.

- c. The removal cost is not a lien on the underlying parcel unless a notice is personally served on, or sent by certified mail, to the Applicant and the person to whom received the tax bill for the general taxes on the property for the taxable year immediately preceding the removal activities. The notice must (i) state the

substance of this section; (ii) identify the underlying parcel, by common description; and (iii) describe the Village's activity.

- d.** A lien under this section may be enforced by proceedings to foreclose as in case of mortgages or mechanics' liens. An action to foreclose a lien under this section must be commenced within 2 years after the date of filing notice of lien.
- e.** A failure to file a foreclosure action does not, in any way, affect the validity of the lien against the underlying parcel.
- f.** Upon payment of the lien cost by the Applicant or owner of the underlying parcel after notice of lien has been filed, the Village shall release the lien, and the release may be filed of record by the owner at his or her sole expense as in the case of filing notice of lien.

**APPENDIX A**  
**NOTICE OF SHADOW FLICKER**

*[SEE NEXT PAGE]*

Prepared By and  
After recording, return to:

Village of Lincolnshire  
Attn: Community Development  
One Olde Half Day Road  
Lincolnshire, Illinois 60069

*This space reserved for Recorder's use only.*

File No. \_\_\_\_\_

### NOTICE OF SHADOW FLICKER

The undersigned, being the owner of the real property commonly known as \_\_\_\_\_, more fully described in Exhibit A attached hereto and incorporated by reference (the "Servient Property"), hereby gives notice that the subject property suffers from a condition commonly known as "Shadow Flicker," the on-and-off strobe light effect caused by the shadow of moving turbine blades cast by the sun passing through the rotating turbine. The Shadow Flicker arises from the presence of a Wind Turbine located on the property commonly known as \_\_\_\_\_, and more fully described in Exhibit B, attached hereto and incorporated by reference (the "Dominant Property"); which at the time of the recording of this notice is under common ownership with the subject property.

Upon the transfer of title of the Servient Property to an unaffiliated, bona fide good faith purchaser, the owner of the Dominant Property shall be required to negotiate a "mitigation agreement" pursuant to the provisions of Title 6, Chapter 17 of the Village of Lincolnshire Municipal Code, which Agreement shall be recorded with the Lake County Recorder. Following

presentation of evidence of recording a mitigation agreement, the Village of Lincolnshire shall issue a release of this Notice of Shadow Flicker. Absent a mitigation agreement, the operation of the Wind Turbine shall cease during those times which result in Shadow Flicker.

OWNER:

[INSERT IDENTITY OF FEE SIMPLE OWNER]

\_\_\_\_\_
By:

Its:

Date:

STATE OF ILLINOIS )
) ss
COUNTY OF LAKE )

I, \_\_\_\_\_, a Notary Public in and for said County in the State aforesaid, do hereby certify that \_\_\_\_\_ who is personally known to me as \_\_\_\_\_ of \_\_\_\_\_ and to be the same person whose name is subscribed to the foregoing instrument as such, appeared before me this day in person and acknowledged that he/she signed, sealed, and delivered the said instrument of writing as his/her free and voluntary act, and as the free and voluntary act of said \_\_\_\_\_ for the uses and purposes therein set forth, pursuant to authority given by the \_\_\_\_\_ of said \_\_\_\_\_.

Given under my hand and Notarial Seal on \_\_\_\_\_.

\_\_\_\_\_
Notary Public