

**MINUTES – UNOFFICIAL UNTIL APPROVED**  
**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING**  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
**July 27, 2020 – 7:00 p.m.**

**CALL TO ORDER**

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

**ROLL CALL:**

Members Present: Scott Cherry, Karen Clementi (Attended Remotely), Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, and Dick Whitfield

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Dan Kramer, Mike Hoffman (Attended Remotely), Willie Cade (Attended Remotely), and Mary Murray (Attended Remotely)

Chairman Mohr swore in Dan Kramer and Willie Cade.

**PETITIONS**

The Zoning Board of Appeals started their review of Petition 20-14 at 7:40 p.m.

**20 – 14 – Kendall County Regional Planning Commission**

Request: Text Amendments to the Kendall County Zoning Ordinance

Mr. Asselmeier summarized the request and provided a history of the project.

Only those sections of the Zoning Ordinance with significant proposed changes were provided with memo given to members. Most of the sections with minor changes (i.e. typographical corrections, citation corrections, renumbering, adding of acronyms, etc.) that did not alter the meaning or intent of the regulations were not provided. Some sections with minor changes were provided for illustrative purposes. Section 14 was not provided because no changes were proposed to that Section.

Also, language was added allowing the Kendall County Regional Planning Commission to establish bylaws.

The townships were notified of this proposal on July 1, 2020. To date, no township has provided comments.

The minutes of the June 29, 2020, combined meeting were provided.

At the July 7, 2020, ZPAC meeting, ZPAC added language to Section 13:09.C.1 pertaining to the 200 foot grid soil survey and soils classified as unsuitable for conventional septic systems when considering open space. The minutes from the July 7<sup>th</sup> ZPAC meeting were provided.

The Comprehensive Land Plan and Ordinance Committee reviewed this proposal at their meeting on July 22, 2020, and offered no changes to the proposal.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 22, 2020. The Kendall County Regional Planning Commission recommended approval by a vote of nine (9) in favor and zero (0) in opposition. The minutes of this meeting were.

One complete copy of the entire Kendall County Zoning Ordinance with all proposed changes was provided.

Chairman Mohr asked who requested the two hundred foot (200') soil grid information be included in the proposal. Mr. Asselmeier responded that Aaron Rybski from the Kendall County Health Department made that recommendation.

Chairman Mohr open the public hearing at 7:45 p.m.

Willie Cade testified that he owned a Pullman railroad car which he has listed for short-term rental on AirBnB. His family has been renting the car since at least 1955. The railroad car has restroom facilities and more than one entrance point. The railroad car is not handicapped accessible. He does not have an occupancy permit for the railroad car and would like a grandfathering provision inserted into the proposal with a date. After discussion on the topic, the consensus was to add the sentence, "Accessory structures used for residential purposes prior to 1970 shall not be required to provide an occupancy permit" to the end of the definitions of Hotel, Motel, or Inn and Short-Term Rental.

Chairman Mohr closed the public hearing at 8:03 p.m.

Member LeCuyer made a motion, seconded by Member Fox, to recommend approval of the requested text amendments with the addition that the sentence "Accessory structures used for residential purposes prior to 1970 shall not be required to provide an occupancy permit" to the end of the definitions of Hotel, Motel, or Inn and Short-Term Rental.

The votes were as follows:

Ayes (7): Cherry, Clementi, Fox, LeCuyer, Mohr, Thompson, and Whitfield

Nays (0): None

Absent (0): None

The motion passed. The proposal goes to the Kendall County Planning, Building and Zoning Committee; the specific meeting date is undetermined because of the Labor Day conflict.

The Zoning Board of Appeals completed their review of Petition 20-14 at 8:04 p.m.

#### **ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Member Whitfield made a motion, seconded by Member Cherry, to adjourn.

The votes were as follows:

Ayes (7): Cherry, Clementi, Fox, LeCuyer, Mohr, Thompson, and Whitfield

Nays (0): None

Absent (0): None

The motion passed.

The Zoning Board of Appeals meeting adjourned at 8:06 p.m.

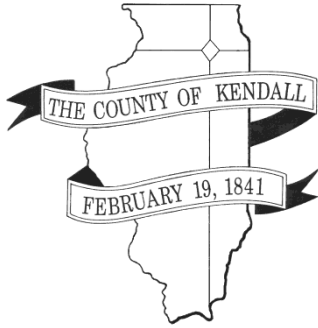
The next hearing/meeting will be on August 31, 2020.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP, CFM  
Senior Planner

Exhibits

1. Memo on Petition 20-14 Dated July 23, 2020
2. Certificate of Publication and Mailings for Petition 20-14 (Not Included with Report but on file in Planning, Building and Zoning Office).





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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

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**MEMORANDUM**

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To: Kendall County Zoning Board of Appeals  
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner  
Date: July 23, 2020  
Re: Petition 20-14 Zoning Ordinance Project

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Attached please find the summary of the proposed changes to the Zoning Ordinance incorporating the changes made at the June 29, 2020, special meeting of the advisory boards and the July 7, 2020 ZPAC meeting.

Only those sections of the Zoning Ordinance with significant proposed changes were provided with memo. Most of the sections with minor changes (i.e. typographical corrections, citation corrections, renumbering, adding of acronyms, etc.) that did not alter the meaning or intent of the regulations were not provided. Some sections with minor changes were provided for illustrative purposes. Section 14 was not provided because no changes were proposed to that Section.

Also, language was added allowing the Kendall County Regional Planning Commission to establish bylaws.

The townships were notified of this proposal on July 1, 2020. To date, no township has provided comments.

The minutes of the June 29, 2020, combined meeting are attached.

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The Comprehensive Land Plan and Ordinance Committee reviewed this proposal at their meeting on July 22, 2020, and offered no changes to the proposal.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 22, 2020. The Kendall County Regional Planning Commission recommended approval by a vote of nine (9) in favor and zero (0) in opposition. The minutes of this meeting are attached.

One complete copy of the entire Kendall County Zoning Ordinance with all proposed changes will be provided at the July 27, 2020, hearing. The document can be found on the Kendall County website at <https://www.co.kendall.il.us/home/showdocument?id=16957>.

If you have any questions regarding this memo, please let me know.

MHA

Encs.: Summary Proposal  
June 29, 2020 Meeting Minutes  
July 7, 2020 ZPAC Minutes  
July 22, 2020 Kendall County Regional Planning Commission Minutes

## Zoning Ordinance Changes Summary

(7/14/2020)

### Throughout the Document

1. Section number changed from period separators to colon separators (i.e. Section 1.00 became Section 1:00).
2. General typographical errors were corrected.
3. Uses and definitions were moved to their proper place in alphabetical lists.
4. Words and numbers were added to the text without changing meaning (i.e. if the phrase “fifty feet” appeared in the text, the phrase “50” was added to the text.).
5. Abbreviations for certain terms replaced longer names in the text (i.e. Planning, Building and Zoning became PBZ, Zoning Board of Appeals became ZBA, Land Resource Management Plan became LRMP, etc.).
6. Incorrect citations were corrected and citations in general will be hyperlinked.
7. Sections were re-numbered and re-lettered without changing the meaning of the text.
8. Statements about complying with other sections of the Ordinance or other local, State, or Federal laws were removed because they are redundant (i.e. the statement “Signs must comply with Section 12 of the Ordinance” was used frequently throughout the document. The statement has no extra meaning because signs have to comply with the signage regulations whether or not this statement was included in the Ordinance).
9. If a use had multiple conditions, those conditions were listed in the first zoning district where the use occurred. In subsequent statements about the use, a reference to the original list of conditions and restrictions was added.
10. The phrases “date of adoption” and “date of amendment” were deleted and replaced with the date the section became effective.
11. In various sections, references to accessory uses meeting certain standards was deleted.
12. In various sections, references to home based businesses meeting applicable regulations was deleted.
13. In various sections, reference to small wind energy system standards were deleted.

### Section 1:00 Title

1. Only changes listed in the Throughout the Document section occurred.

### Section 2:00 Intent and Purpose

1. The wording of the first paragraph regarding serving certain purposes was amended.

### Section 3:00 Rules and Definitions

1. Section 3:01 was amended by adding “Words and terms not defined shall have the meanings indicated by common dictionary definition.”
2. The definitions of Automobile Service Station, Bus Lot, Garage (Bus), Erect (from the Sign Portion of the Ordinance), Garage (Public), Hotel (Apartment), Junker, Sign Advertising (Billboard), and Tourist Courts, Motor Lodges were deleted because the terms did not appear in the Ordinance or were duplicated, in whole or in part, by other terms.
3. The definitions of Awning Signs, Banner Signs, Changeable Copy Sign, Commercial Message, Construction Sign, Crop Identification Sign, External Illumination, Façade, Free-Standing Signs, Garage/Yard Sale Sign, Ground Sign, Illegal Sign, Illuminated Sign, Inflatable Sign, Instructional Sign, Internal Illumination, Marquee or Canopy, Marquee or Canopy Sign, Memorial or Tablet Sign, Non-Conforming Sign, Off Premise Identification Sign, Outdoor Advertising Structure (Billboard), Pennant, Political Sign, Portable Signs, Projecting Signs, Real Estate Sign, Roof Sign, Sign, Business, Sign Church Bulletin Board, Sign Contractor, Sign, Flashing, Sign, Gross Area Of, Sign Identification, Sign Structure, Sign Supports, Special Event Signs, Temporary Sign, Wall Sign, Window Area, and Window Sign were moved from the definitions section of the sign portion of the Ordinance (12:03) to this section.
4. The definition of Bed and Breakfast was changed to more closely match the definition of bed and breakfast contained in the Illinois Bed and Breakfast Act.
5. The definition of Building, Completely Enclosed was changed regarding the separation from other structures and by removing the phrase other buildings.
6. The definition of Family was amended by deleting the phrase “group of”.
7. The definition of Floor Area For Determining Floor Area Ratio was amended by changing the calculation of floor area ratio for certain structures.
8. The definition of Grade was amended from the sign portion of the Ordinance.

9. The definition of Hotel, Motel, or Inn was amended to address short-term rentals and clarify the number of days as (30) consecutive days.
10. The definition of Kennel was amended to have the definition more closely match the definition of kennel contained in the Illinois Animal Welfare Act.
11. The definition of Land Resource Management Plan was added to the Ordinance.
12. The definition of Loading and Unloading Space, Off Street was amended by deleting the phrase of land.
13. The definition of Microbrewery was amended by clarifying the Class 1 brewer reference from State law.
14. The definition of Non-Conforming Use was moved to the appropriate place alphabetically.
15. The reference “see Billboard” was added to the definition Outdoor Advertising Structure: Billboard.
16. The reference to eleemosynary institutions was removed from the definition of Philanthropic Institutions.
17. The definition of Railroad Right-of-Way was amended to clarify that the definition only applied to certain uses under regulation by the Interstate Commerce Commission.
18. The definition of Service Station was amended by replacing referencing with public garage with motor vehicle repair facility.
19. The definition of Short-Term Rental was added.

#### Section 4:00 General Provisions

1. In Section 4:03, the buildings and structures shall conform to regulations, not just building regulations.
2. In Section 4:05.A.3, merchandise storage shall be on the same lot as the business use and not restricted to just retail services.
3. In Section 4:05.A.15, short-term rentals were added as accessory uses provided they are registered.
4. In Section 4:05.B, Permitted Obstructions Table, the reference to attached accessory buildings for eaves and gutters was removed.



5. In Sections 4:06.1 and 4:07.1, research and development businesses were exempted from the requirement that they be conducted indoors.
6. In Section 4:06.6 and 4:07.7, noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbances cannot be perceivable at the property line or cross the property line unless otherwise permitted by law.
7. In Section 4:18.L, the fee should be listed in the Planning, Building and Zoning Department's Fee Schedule Ordinance and not in the Zoning Ordinance.

#### Section 5:00 Non-Conforming Buildings and Uses

1. This Section was divided into parts A, B, and C. These partitions have been deleted.

#### Section 6:00 Zoning Districts

1. In Section 6:01, the number of Zoning Districts was corrected from nineteen (19) to twenty (20).
2. In Section 6:01, the locations of certain districts within the Ordinance were reclassified based on the renumbering of certain sections and relocation of certain information.
3. In Section 6:01, the name of the M-3 District was changed to match its name in Section 10 of the Ordinance.
4. In Section 6:02, the location of the Official Zoning Map is more specifically defined and its location clarified.

#### Section 7:00 Agricultural District

1. In Section 7:01.B.4, the Right to Farm Clause was added.
2. In Section 7:01.C.18.f., the procedure for classifying existing approved lots was deleted because the date referenced in the Section has passed.
3. In Section 7:01.D.13, the operational period for Bed and Breakfast Establishments was changed to match State law.
4. In Section 7:01.D.46, Riding Stables were deleted as a special use. Riding Stables were listed as both special and conditional uses. This deletion makes Riding Stables conditional uses in the A-1 District.

5. In Section 7:01.G.2.a and b, the measurement of the setbacks for primary and accessory structures in the A-1 District shall be either one hundred (100) feet from a dedicated road right-of-way or one hundred and fifty (150) feet from the center line of all adjacent roads and not whichever is greater.

#### Section 8:00 Residential District

1. In Section 8:01, the last sentence in second paragraph regarding buffers was deleted and the Right to Farm Clause was added.
2. In Section 8:02.A.11.e, the phrase “or similar” was added to allowable farm animals. Alpacas were also added to the list of animals and the spelling of llamas was corrected.
3. In Section 8:02.B.1.b, remove the \$25 annual renewal and have the fee set by the County Board.
4. In Section 8:02.B.1.1, the administrative fee is removed.
5. In Section 8:02.C and other sections where they were listed as special uses, rest homes, nursing homes, and sanitariums will not be for human beings only.
6. In Section 8:03, the phrase “subject to approval of the County Board” was listed as footnote in several locations. This phrase was removed as a footnote and added to the body of the text where the footnote appeared.
7. In Section 8:03, the phrase, “as determined by the County Board or as identified in a local historic preservation plan” was listed as a footnote in several locations. This phrase was removed as a footnote and added to the body of the text where the footnote appeared.
8. In Section 8:03.H, the distinction between golf courses and par 3 golf courses was removed.
9. In Sections 8:04.C and 8.05.C, the phrase “and uses” was added to these sections confirming that uses in the RPD-1 were the same uses in the RPD-2 and RPD-3.
10. Section 8:06 was moved to Section 13 with the other procedures for approving zoning requests.
11. In the R-2 and R-3 District, a title of “NO REZONING” was added to the paragraphs stating these rezoning to these districts cannot occur if the property was over a certain acreage.
12. In several districts, if there was only one conditional use, that use was listed in the introductory paragraph of the conditional use section instead of listing uses.

### Section 9:00 Business Districts

1. Throughout this Section, telecommunication stations were included with telecommunication hubs.
2. In several districts, if there was only one conditional use, that use was listed in the introductory paragraph of the conditional use section instead of listing uses.
3. In Section 9:00, the Right to Farm Clause was added.
4. In Section 9:03, the self-storage facilities were removed as a conditional use because they are already special uses in the B-3 District.
5. In Section 9:04.G, the side and rear yard setback requirements were merged into one paragraph.

### Section 10:00 Manufacturing Districts

1. Throughout the Section, miscellaneous uses were separated and listed alphabetically in the appropriate places.
2. In several districts, if there was only one conditional use, that use was listed in the introductory paragraph of the conditional use section instead of listing uses.
3. In Section 10:01.C.3, the location of adult regulated uses was changed based on area to be zoned, the distance from certain other zoning districts was expanded to 1,000 feet, and the certain other districts were expanded to include A-1 Special Use PUDs, all residential zoning districts, and all business zoning districts.
4. In Section 10:03.1, the Enforcement Officer was changed to Zoning Administrator.
5. In Section 10:03.1, the severability section was deleted because there is a severability section in Section 14 that applies to the entire Zoning Ordinance.

### Section 11:00 Off-Street Parking and Loading

1. In Section 11:02.C, the reference to the Shared Parking published by the Urban Land Instituted is deleted.
2. In Section 11:02.F.6, the Americans With Disabilities Act parking information is deleted and replaced with a link to the appropriate sections to the Americans With Disabilities Act.
3. In 11:02.F.8, the applicability of the screening requirements was changed from institutional premises to properties zoned business, manufacturing, and agricultural with a special use

permit. Screening provisions could be approved as part of a special use permit and could be reduced upon approval by the Regional Planning Commission or upon appeal by the Planning, Building and Zoning Committee.

4. In Section 11:04, the parking calculation for restaurants, furniture and appliance stores, household equipment or furniture repair shops, and health clubs and fitness centers was clarified to be based on the square footage of the entire premises.
5. In Section 11:04, the parking requirement for warehouse and storage was clarified to not be applicable to self-storage facilities.
6. In the final paragraph of Section 11:04, the parking requirements for uses not included in the parking table is proposed to be determined by the special use permit in cases where special use permits are issued.
7. In Section 11:05.A.1.b, the parking requirements for recreational vehicles would be determined by the parking regulations of the zoning district where the property is located.
8. In Section 11:05.A.1.b, the fee for registering a recreational vehicle was deleted because recreational vehicles can no longer be registered.
9. In Section 11:05.D, references to the Planning, Building and Zoning Director were changed to the Zoning Administrator.
10. In Section 11:05.D.5, the phrase unless otherwise allowed by ordinance was added.
11. In Section 11:06.G, the square footage requirement numbers were changed to remove conflicts (i.e. instead of category of 5,000 to 10,000 square feet, 10,000 to 25,000 square feet, etc. the new categories are 5,000 to 10,000 square feet, 10,001 to 25,000 square feet were created).

#### Section 12:00 Signs

1. In Section 12:03, definitions were moved to Section 3:02 of the Zoning Ordinance.
2. In Section 12:04.A, signs approved by governmental entities were added as public or quasi-public informational signs.
3. In Section 12:04.J, the conflicting language regarding the removal of certain real estate signs was removed; for rent or for lease signs must be removed within 7 days of closing or lease initiation. Signs for open houses must be removed on the same day as the open house.
4. In Section 12:06.D, regarding replacement bonus for certain signs was deleted.

5. In Section 12:08.A.1.c, the reference to political signs was removed and the provision was made applicable to all temporary signs.
6. In Sections 12:08.A.3, the 60% size of changeable copy signs as a part of the whole sign area was removed; the scrolling period for signs in the A-1 District would be determined by the special use permit; message signs cannot pulsate; message must be visible for 2 seconds instead of 5 minutes to be considered flashing.
7. In Section 12:09.A.3, government use signs cannot be changeable in the Residential Districts and the changes made in Section 12:08.A.3 listed previously would also occur in Residential Districts.
8. In Section 12:10.B, the changes listed in Section 12:08.A.3. would apply to signs in Business and Manufacturing Districts.
9. In Section 12:14.B.4, the regulation regarding temporary event signs will be clarified to “may”.
10. In Section 12:17.K, outdoor advertising structures would be governed by their respective special use permits.
11. Section 12:20 would be deleted because the amortization period has ended.

### Section 13 Administration

1. Throughout the Section, references to zoning maps are changed to the Official Zoning Map.
2. In Section 13:01.B.2, the terms of office for the original members of the Zoning Board of Appeals are deleted.
3. In Section 13:01.B.9, the notice requirement is changed from the newspaper notification between 30 and 15 days to notice by manner defined by applicable law.
4. In Section 13:01.C.3, the Zoning Map will not be attached hereto.
5. In Section 13:01.C.4, the Kendall County Regional Planning Commission is given the authority to establish bylaws.
6. In Section 13:03, the County issues completion permits in addition to occupancy permits; the section is amended to reflect this fact.
7. In Section 13:04.A.1, the language is clarified that variances can granted for anything except use.

8. In Section 13:07.B, the Zoning Administrator was added to the list of entities that may initiate amendments.
9. In Section 13:07.D, the ZBA initiation of proceedings was deleted.
10. In Section 13:07.F, the language was clarified to require the Zoning Board of Appeals to issue a recommendation within 30 days after the close of the hearing.
11. In Section 13:07.G.2, the language was amended to correspond with State law regarding written protests.
12. Section 8:06, regarding approval of RPDs, was moved to Section 13:09.
13. In Section 13:09.B.2, the language was clarified regarding membership on the Concept Plan Committee to include other affected districts.
14. In Section 13:09.C.1, the 200 foot grid soil survey and soils classified as unsuitable for conventional septic systems were added when considering lands designated for open space.
15. In Section 13:09.D.3.b, the notification was clarified to the municipality with extra-territorial control.
16. In Section 13:09.D.3.g, the timeline of overview for the PBZ Committee was extend to 60 days to allow appropriate entities time to file legal objections.
17. In Section 13:10.F.1, the application deadline is changed from 7 to 14 days prior to ZPAC.

#### Section 14 Separability

1. No changes.

## ZONING ORDINANCE OF KENDALL COUNTY

BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF KENDALL, STATE OF ILLINOIS, that the Zoning Ordinance adopted on January 16, 1940, and as subsequently amended, is hereby revised and amended to read as follows:

### SECTION 1:00 TITLE

This amended ordinance, including the Zoning District Maps made a part hereof, shall be known and may be cited and referred to as the "Kendall County Zoning Ordinance."

## SECTION 2:00 INTENT AND PURPOSE

This amended ordinance adopted pursuant to the provisions of "An Act in Relation to County Zoning", passed by the General Assembly of the State of Illinois and enacted into law on June 28, 1935, and all amendments thereto, ~~is intended to~~ serves the following purposes:

1. ~~A.~~ To promote the public health, safety, morals, comfort, and general welfare;
2. ~~B.~~ To conserve the values or property throughout the County and to protect the character and stability of agricultural, residential, business, and manufacturing area, and to promote the orderly and beneficial development of such area;
3. ~~C.~~ To provide adequate light, air, privacy, and convenience of access to property;
4. ~~D.~~ To lessen or avoid congestion in the public streets and highways;
5. ~~E.~~ To regulate and restrict the location and use of buildings, structures and restrict the intensity of such uses, and to establish building or setback lines outside the limits of incorporated cities, villages and towns;
6. ~~F.~~ To divide the entire County outside the limits of such cities, villages, and incorporated towns into districts of such number, shape, area, and of such different classes, according to the use of land and buildings, and the intensity of such use, as may be deemed best suited to carry out the purposes of this Act;
7. ~~G.~~ To prohibit uses, buildings, or structures incompatible with the character of such districts respectively;
8. ~~H.~~ To prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder;
9. ~~I.~~ To protect against fire, panic, explosion, noxious fumes, flooding along natural water courses and other hazards in the interest of public health, safety, comfort and general welfare;
10. ~~J.~~ To provide for the elimination of incompatible and non-conforming uses of land, buildings, and structures which are adversely affecting the character and values of desirable development in each district; and
11. ~~K.~~ To define and limit the powers and duties of the administrative officers and bodies as provided herein.



## SECTION 3:00 RULES AND DEFINITIONS

Updated on 11.19.19

### 3:01 RULES

- A. 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.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "plot", "piece", and "parcel"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrase "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- E. The following words and terms, wherever they occur in this amended ordinance shall be interpreted as herein defined.
- F. Words and terms not defined shall have the meanings indicated by common dictionary definition.**

### 3:02 DEFINITIONS

~~**AUTOMOBILE SERVICE STATION. A place where gasoline, stored in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public on the premises, and including minor accessories and the service of automobiles; but not including major automobile repairs, and including washing of automobiles where production line methods are not used. When the dispensing sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include sale or storage of automobiles or trailers (new or used).**~~

**AWNING SIGN:** Any sign that is painted, printed or otherwise placed on the outer surface of an awning in such a manner that the awning forms the background surface of the sign.

**BANNER SIGN:** Any Temporary Sign of lightweight fabric or similar material. ~~that is~~ Examples include signs attached to a pole, building, or fence, and secured on at least two sides. National flags, state or municipal flags shall not be considered banners. (Amended 7/19/2011)

**BED AND BREAKFAST ESTABLISHMENTS -** ~~A lodging establishment, generally in a single-family dwelling and/or detached guesthouse, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.—An operator-occupied residence providing~~

## SECTION 3:00 RULES AND DEFINITIONS

Updated on 11.19.19

**accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation for more than ten (10) nights in a twelve (12) month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. Bed and breakfast establishments shall meet the criteria set forth in the Illinois Bed and Breakfast Act.**

**BILLBOARD.** Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to announce church services, or to display court or other public office notices, or signs offering the sale or lease of the premises on which the sign is located.

**BUILDING, COMPLETELY ENCLOSED.** A building separated on all sides from the adjacent open space, or from ~~other buildings or~~ other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

~~**BUS LOT.** Any lot or land area used for the storage or layover of passenger buses or motor coaches.~~

**CHANGEABLE COPY SIGN:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged either manually or electronically.

**COMMERCIAL MESSAGE:** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**CONSTRUCTION SIGN:** A sign announcing the impending construction of a project, limited to displaying the name of the project, the developer, the financial institution providing the finance, the designer(s), the general contractor, a phone number where more information may be obtained, and a date announcing the planned completion of the project.

**CROP IDENTIFICATION SIGNS:** A sign whose content includes the type, description, identification and otherwise pertinent information of crops being grown on a plot of land.

**CURRENCY EXCHANGE.** Trading US or other countries money for another based on the value of the money. ~~Also m~~May provide other services such as notaries, money orders, etc.

**ERECT.** The act of placing or affixing a component of a structure upon the ground or upon another such component.

## SECTION 3:00 RULES AND DEFINITIONS

Updated on 11.19.19

~~ERECT: To build, construct, attach, hang, re-hang, place, affix, or relocate and includes the painting or lettering of sign structures. SIGN SECTION~~

**EXTERNAL ILLUMINATION:** Illumination of a sign which is produced by an artificial source of light which is not contained within the sign itself.

**FACADE:** Any side, surface or wall below the roof of a building which is parallel or within forty-five (45) degrees of parallel with a parcel's frontage on a public thoroughfare, which faces toward and relates to that public thoroughfare. If a building has a complex shape, then all walls or surfaces facing in the same direction, or nearly the same direction, are part of a single facade.

**FAMILY.** Two or more persons related to each other by blood, marriage, or legal adoption, living together as a single housekeeping unit; or ~~group of~~ not more than three persons, who need not be related by blood, marriage, or legal adoption living together as a single housekeeping unit and occupying a single dwelling unit; in either case, exclusive of usual domestic servants.

**FLOOR AREA –FOR DETERMINING FLOOR AREA RATIO.** The sum of the gross horizontal areas of the several floors including the basement floor if a building, measured from the exterior faces of the exterior wall, or from the center lines of walls separating two buildings. The "floor area" shall also include the horizontal areas on each floor devoted to:

1. Elevator shafts and stairwells;
2. Mechanical equipment, except if located on the roof, when either open or enclosed, i.e., bulkheads, water tanks and cooling towers;
3. Habitable attic space as permitted by the Building Code of Kendall County;
4. Interior balconies and mezzanines;
5. Enclosed porches;
6. Accessory uses.

The "floor area" of structures used for bulk storage of materials, i.e., grain elevators, petroleum tanks, shall also be included in the "floor area" and **such calculated as** one floor for each ten feet of structure height ~~and if such structure measures less than ten feet but not less than five feet over such floor height intervals, it shall be constructed to have an additional floor.~~ The horizontal area in each floor or a building devoted to off-street parking and off-street loading facilities and the horizontal area of a cellar floor shall not be included in the "floor area".

**FLOOR AREA FOR DETERMINING REQUIREMENTS FOR OFF-STREET PARKING AND LOADING.** "Floor Area" when prescribed as the basis of measurement of off-street parking spaces and off-street loading spaces for any use shall be the sum of the gross horizontal area of the several floors of the building, excluding areas used for accessory

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off-street parking facilities and the horizontal areas of the basement and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

**FLOOR AREA, USABLE.** Any floor area within outside walls of a residential building exclusive of areas in cellars, basements, unfinished attics, garages, open porches and accessory buildings, but including any area "roughed in" but not completed which is designed and intended for human occupancy.

**FLOOR AREA RATIO.** The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for each district when multiplied by the lot area in square feet shall determine the maximum permissible floor area for the building or buildings on the lot.

**FREE-STANDING SIGNS:** Any sign not attached to a building; primarily ground signs, pole signs, pylon signs, and portable signs.

~~**GARAGE, BUS.** Any building used or intended to be used for the storage of three or more passenger motor buses, or motor coaches used in public transportation, excluding school buses.~~

~~**GARAGE, PUBLIC.** Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation.~~

**GARAGE / YARD SALE SIGN:** Any sign used in residential zoning districts to advertise the sale of used, unwanted household goods.

**GRADE:** The lowest point of elevation of the surface of the ground, paving, or sidewalk at any point adjacent to a structure. For the purposes of signs, grade shall be the established or finished elevation measured at the centerline of the adjacent street.

**GROUND SIGN:** Any detached sign which has its bottom portion erected upon or mounted on a base that is permanently set on the ground that is at least as wide as the bottom of the sign. Ground signs are also commonly known as Monument Signs.

**GUEST HOUSE.** Living quarters within a detached accessory building located on the same premises with the principal building, for use by guests of the occupants of the premises no longer than 90 continuous days. Such quarters can have kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

**HALFWAY HOUSE.** A home for persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, or inmates on

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release from more restrictive custodial care or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society. A temporary residential living arrangement for persons who are receiving therapy and counseling from support staff who are **always** present **at all times.** Residents are present for the following purposes:

1. To help them recuperate from the effects of drugs or alcohol addiction;
2. To help them re-enter society while housed under supervision while under the constraints of alternatives to imprisonment, including, but not limited to, prerelease, work release and probationary programs;
3. To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; or
4. To provide temporary shelter for persons who are victims of domestic abuse.  
(Amended 10/17/2000)

HOME OCCUPATION. Any occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental and secondary to the use of the dwelling as a residence.

HOME OCCUPATION - AGRICULTURAL. A home occupation in an agricultural zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be "home occupation". (Amended 04/18/2000)

HOME OCCUPATION- RESIDENTIAL. A home occupation in a residential zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be a "home occupation".

~~HOTEL, APARTMENT. A building containing dwelling units or individual guest rooms, the majority of which are for permanent guest. Maid and janitor service may be provided, but kitchen facilities are not necessarily included.~~

HOTEL, MOTEL, **OR INN OR AUTO COURT.** An establishment containing lodging accommodations designed for use by transients, or travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial desk service, restaurants, cocktail lounges, meeting rooms, and ancillary retain uses provided access to such uses are from the exterior of the principal use. **Short-term rentals of a maximum thirty (30) consecutive days in a dwelling, one family or dwelling, two family or accessory structures with residentially allowed occupancy permits shall not be considered hotels.**

**ILLEGAL SIGN: A sign which contravenes this ordinance, or a nonconforming sign for which a permit required under a previous ordinance was not obtained.**

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**ILLUMINATED SIGN:** Any sign which is lit by an artificial (usually electric) light source.

**INDOOR ENTERTAINMENT AND RECREATION.** ~~The indoor recreation and entertainment use classification applies to all u~~Uses which provide recreation or entertainment services entirely within an enclosed building. Examples may include: skating rink, arcades, billiards rooms/pool halls, dance hall/club, dance/music school or studio, gymnastic facility, martial arts facility, sports training facility, health/fitness club, and similar land uses. Adult and Regulated Uses are specifically excluded from this category.

**INDOOR RETAIL SALES OF GOODS (OTHER THAN GROCERIES OR FOOD).** The indoor retail sales of goods use classification, excluding grocery and food sales, applies to retail uses which display or conduct the sale or rental of merchandise entirely within an enclosed building. Examples may include: antique shops, furniture stores, hardware stores, department stores, clothing/wearing apparel stores, ~~book stores bookstores~~, sporting goods stores, drug stores, pharmacies, florist shops, and similar land uses. Adult Uses are specifically excluded from this category. *(Amended 8/21/2001)*

**INFLATABLE SIGN:** Any sign or inflatable device of more than two (2) cubic feet in capacity designed to be filled with air or a gas lighter than air, displayed to attract the attention of the public. This definition shall include Balloons and Balloon Signs.

**INSTRUCTIONAL SIGN:** A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” and other similar directives.

**INTERNAL ILLUMINATION:** The illumination of a sign which is produced by an artificial source of light concealed or contained within the sign itself, and which becomes visible in darkness through the translucent portion of the sign face.

~~**JUNKER.** An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power and will require major repairs before being made usable, or such a vehicle which does not comply with State or County laws or ordinance for vehicles.~~

**KENNEL.** Any lot or premises or portion thereof ~~on which more than a total of 4 dogs, cats, and other household domestic animals or combination thereof over four months of age are kept for sale, or on which more than two such animals are boarded for compensation.~~ *(Amended 6/20/2006)* other than an animal control facility, veterinary hospital, or animal shelter, where animals allowed by the Illinois Animal Welfare Act are maintained for boarding, training, or similar purposes for a fee or

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compensation and meet the requirements of the Illinois Animal Welfare Act.

**LAND RESOURCE MANAGEMENT PLAN.** An official plan adopted by Kendall County to guide growth and development. The Land Resource Management Plan (LRMP) serves as the County's Comprehensive Plan, including Township specific plans and extensive goals and objectives focused on both planning and management.

**LOADING AND UNLOADING SPACE, OFF-STREET.** An open hard surfaced area ~~of land~~ other than a street or public way, the principal use of which is for the standing, loading, and unloading of motor vehicles, tractors, and trailers to avoid undue interference with public streets and alleys. Such space shall not be less than ten feet in width, thirty-five feet in length, and fourteen feet in height, exclusive of access aisles and maneuvering space.

**MARQUEE OR CANOPY:** A roof-like structure of a permanent nature which projects from the wall of a building or overhangs the public way and is designed and intended to protect pedestrians from adverse weather conditions.

**MARQUEE OR CANOPY SIGN:** A sign that is mounted or painted on, or attached to, a canopy or marquee.

**MEMORIAL OR TABLET SIGN:** The permanent part of a building which denotes the name of the building, date of erection, historical significance, dedication, or other similar information.

**MICROBREWERY.** A brewery that produces between 1,000 barrels and 15,000 barrels (31,000 to 465,000 gallons) of beer per year with 75% or more of its beer sold off-site. Also referred to as a "**Class 1 craft** brewer" per 235 ILCS 5/1-3.38.

~~**NON-CONFORMING USE.** Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of this Ordinance or amendments hereto with the regulations of this Ordinance.~~

**NON-CONFORMING SIGN:** Any sign that does not conform to the requirements of this ordinance.

~~**NON-CONFORMING USE.** Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of this Ordinance or amendments hereto with the regulations of this Ordinance.~~

**NURSING HOMES OR REST HOMES.** A home for the care of children or the aged or infirm, or place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

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**OFF PREMISE IDENTIFICATION SIGN:** Any sign displaying the name and or logo of a business and which is situated on a parcel of land other than the property for which the sign is identifying.

OPEN SALES LOT. Any land used or occupied for the purpose of buying and selling new or second-hand passenger cars or trucks, motor scooters, motor ~~cycles~~~~cycles~~, boats, trailers, aircraft, and monuments, and for the storing of same prior to sale.

**OUTDOOR ADVERTISING STRUCTURE: (BILLBOARD).** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises on which such sign is located or to which it is affixed (See Billboard).

**PENNANT:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERSONAL SERVICES. Personal service uses are exclusively indoor land uses in which personal services are provided to individuals on a walk-in or on an appointment basis. Examples may include: barber shops, beauty shops, shoe repair/shoes ~~shine~~ ~~shine~~ shops, tailor/garment repair shops, small household appliance repair shops, travel office, and similar land uses. Adult and Regulated Uses are specifically excluded from this category. (Amended 6/19/2007)

PHILANTHROPIC ~~AND—ELEEMOSYNARY~~ INSTITUTIONS. A nonprofit nongovernmental institution organized and operated for charitable purposes whose net income does not inure in whole or in part to the benefit of shareholders or individuals but through donated assets and income to provide social useful services. Community foundations, endowments, hospitals, educational institution founded by charity and charitable trusts are types of philanthropic ~~and eleemosynary~~ organizations.

PLACES OF WORSHIP. A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building(s) and uses(s) are maintained and controlled by a religious body organized to sustain religious ceremonies and/or purposes.

**POLITICAL SIGN:** Any sign displayed in conjunction with an official election or referendum, used on behalf of candidates for elected public office or to advocate a position on referenda.

**PORTABLE SIGNS:** Any sign attached to or mounted upon a frame intended to be moved from place to place. Such sign may be used as a temporary free standing sign and may or may not include movable lettering.



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**PRIMARY OPEN SPACE.** All non-buildable areas (except existing road rights-of-way), specifically wetlands, lands that are generally inundated (under ponds, lakes, creeks, ~~et~~ **etc.**), land within the 100-year floodplain, slopes exceeding 25% and soils subject to slumping. Primary open space areas are predetermined by the locations of these features.

**PROJECTING SIGNS:** A sign wholly or partly dependent upon a building for support, and which projects more than twelve (12) inches in a perpendicular fashion from such building.

**RAILROAD RIGHT-OF-WAY.** A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, ~~trainsheds~~, **train sheds**, warehouses, rail car shops, rail car yards, locomotive shops, water towers, etc., **under regulation by the Interstate Commerce Commission (ICC).**

**REAL ESTATE SIGN:** A sign used to advertise the sale or lease of an individual home, apartment office, or retail development.

**REST HOME.** See "Nursing Home".

**ROOF SIGN:** A sign mounted on the roof of a building.

**SECONDARY OPEN SPACE.** All buildable acreage protected as open space. Secondary open spaces shall include, at a minimum, a 150-foot deep greenway buffer along all water bodies and watercourses, and a 50-foot greenway buffer alongside arterial and major collector streets and wetlands. The location of secondary open space areas shall be guided by the maps and policies contained in the ~~Land Resource Management Plan~~ **LRMP** and shall typically include all or part of the following kinds of resources: mature woodlands, aquifer recharge areas, areas with highly permeable soil according to the Kendall County Soil Survey, significant wildlife habitats, sites listed by the Critical Trends Assessment Program of the Illinois Department of Natural Resources, prime farmland, historic or traditional rural architecture reminiscent of Kendall County's agricultural heritage, and scenic views into the property from existing public roads.

**SERVICE STATION.** A place where gasoline, stored in underground tanks, kerosene, lubricating oil or grease, for operation of motor vehicles, are offered for sale directly to the public on the premises, and including minor accessories and the service of motor vehicles; but not including major motor vehicle repairs, and including washing of motor vehicles. When the dispensing sale or offering for sale of motor fuels or oil is incidental to the conduct of a ~~public-garage motor vehicle repair facility~~, the premises shall be classified as a ~~public-garage motor vehicle repair facility~~. Service stations shall not include sale or storage of automobiles or trailers (new or used) (*Amended 6/19/2007*)

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**SHORT-TERM RENTAL.** A dwelling, one family or dwelling, two family or accessory structures with residentially allowed occupancy permits that are rented for a maximum thirty (30) days.

**SIGN.** A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure, tree, rock, or other object, or piece of land, and which directs attention to an object, product, place, activity, persons, institutions, organization or business. However, a sign shall not include the flag, emblem or insignia of a nation, political unit, school or religious group. A sign shall not include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.

~~**SIGN, ADVERTISING (BILLBOARD).** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises on which such sign is located or to which it is affixed.~~

~~**SIGN, BUSINESS.** A sign which directs attention to a business or profession conducted, or to commodity, service or entertainment sold or offered upon the premises where such a sign is located or to which it is affixed. From Definitions~~

~~**SIGN, CHURCH BULLETIN BOARD.** A sign attached to the exterior of a church or located elsewhere on the church premises used to indicate the services or activities of the church and including its name, if desired. From Definitions~~

~~**SIGN CONTRACTOR:** A person or entity who performs work for compensation in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion or manufacture of any sign.~~

~~**SIGN, FLASHING.** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance any revolving, illuminated sign shall be considered as a flashing sign. From Definitions~~

~~**SIGN, GROSS SURFACE AREA OF.** A sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an intricate part of the display. From Definitions~~

~~**SIGN IDENTIFICATION.** A structure, building wall or other outdoor surface use to display and identify the name of the individual business, profession, organization or institution occupying the premises upon which it is located. From Definitions~~

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**SIGN STRUCTURE:** The sign and all parts associated with its mounting.

**SIGN SUPPORTS:** All structural features by which a sign is held up, including, for example, poles, braces, guys, and anchors.

~~SLAUGHTER HOUSE~~ **SLAUGHTERHOUSE.** An establishment where animals are butchered for food.

**SMALL POULTRY AND SMALL ANIMAL PROCESSING PLANT.** Operations in which the carcasses of slaughtered poultry are defeathered, eviscerated, cut-up, skinned, boned, canned, salted, stuffed, rendered, or otherwise manufactured or processed. Poultry and small animals are defined as **rabbits**, chickens, turkeys, ducks, geese, guineas, squab (pigeons up to one month old), small game birds such as quail, pheasant, and partridge ~~and rabbits~~.

**SPECIAL EVENT SIGNS:** A temporary sign associated with a special event on the property where the sign is located that exceeds the allowable amount of time and number of signs permitted under Section 12:14.B.1 of this Ordinance. Such signs must be related to the special event occurring on the property. (Amended 7/19/2011)

**SPECIFIED SEXUAL ACTIVITIES.** ~~For the purpose of this section a~~ Are defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, fellatio or sodomy;
3. Fondling, kissing, or other erotic touching of specified anatomical areas.

**STACKING REQUIREMENTS.** ~~For the purpose of this ordinance, stacking requirements are t~~The number of cars and trucks that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments.

**TEMPORARY.** For a duration of time no longer the 7 days including weekends.

**TEMPORARY SIGN:** Any sign designed, constructed, or erected to display a message for a limited duration of time. Such signs include but are not limited to: Beacon or Search Light, Grand Opening, Inflatable, Political and Special Event Signs, as well as any other sign which by its definition and application in this chapter is designated as a Temporary Sign.

~~TOURIST COURTS, MOTOR LODGES.~~ A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space

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~~conveniently located to each unit, including auto courts, motor lodges, or other similar type uses.~~

**WALL SIGN:** Any sign attached parallel to and supported by a wall or building, and within six (6) inches of such wall, or painted on the wall surface of any building.

**WINDOW AREA:** Any transparent area on a facade through which the interior of a premises may be viewed from outside.

**WINDOW SIGN:** Any sign which is affixed or placed so that its message or image is read as a part of the total composition of a window area.

**ZONING BOARD.** The Kendall County Zoning Board of Appeals (**ZBA**).

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC).** An informal, strictly advisory committee and not a County Board committee comprised primarily of County staff and advisors. Membership includes, but is not limited to, representatives from the County ~~Planning, Building and Zoning (PBZ)~~ Department (**PBZ Department**), the Highway Department, the Health Department, the Sheriff's Department, Forest Preserve District, Soil and Water Conservation District, and the County Engineer or consultants. The PBZ Chair or his/her designee, as needed, from the Planning, Building and Zoning (PBZ) Committee shall serve on ZPAC.

## SECTION 4:00 GENERAL PROVISIONS

Updated on 11.20.18

### 4:03 USE AND BULK REGULATIONS

- A. USE. No buildings, structure or land shall hereafter be used or occupied, and no building or part thereof, or other structure, shall be erected, raised, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified in the district in which it is located.
- B. BULK. All new buildings and structures shall conform to the **building** regulations established herein for the district in which each building ~~shall be is~~ located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks and necessary appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ~~ordinances of~~ Kendall County **ordinances**.

### 4:04 LOT COVERAGE (Amended 10/17/2000)

- A. MAINTENANCE OF YARDS, COURTS AND OTHER OPEN SPACES. The maintenance of yards, courts and other open space and minimum lot area ~~legally~~ required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. ~~Furthermore, no legally~~ **No** required yards, courts, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason be used to satisfy ~~yard, court, other open space, or minimum lot area~~ requirements for any other building.
- B. DIVISION OF ZONING LOT. No zoning lot improved with a building or buildings shall hereafter be divided into two or more zoning lots and no portion of any zoning lot which is improved with a building or buildings shall be sold, unless all zoning lots resulting from each such division or sale and improved with a building or buildings ~~shall not be less conforming to all~~ **comply with the** bulk regulations of the zoning district in which the property is located.
- C. LOCATION OF REQUIRED OPEN SPACE. ~~All~~ **The** location of required open spaces or yards or courts and other open space allocated to a building or dwelling group shall be located on the same zoning lot as such building dwelling group, except as otherwise permitted in planned development and planned open spaces.
- D. REQUIRED YARDS FOR EXISTING BUILDINGS. No yards now or hereafter provided for a building existing on the effective date of this amended ordinance shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this amended ordinance for equivalent new

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construction, except as provided in Section 5:11.

- E. CORNER CLEARANCE. There shall be no material obstruction to vision on any corner lot between a height of two feet and a height of ten feet above the finished grade of either street within a forty (40) foot triangle formed by the intersection street lines with the following exception:

On corner lots within that part of a yard, court, or other open area located within a radius of twenty-five (25) feet from the point of intersection of the two (2) street right-of-way lines forming the lot corner, no buildings, structures, or shrubs as herein permitted as obstructions in front or side yards adjoining a street shall be erected, altered, or planted which have a height more than thirty (30) inches above the ground grade in this area, and trees planted in such areas shall be maintained in a manner that trees shall not have branches lower than eight (8) feet above the ground grade elevation in this area. (Amended 11/18/2003)

### 4:05 ACCESSORY BUILDINGS, STRUCTURES AND USES

- A. ACCESSORY BUILDINGS OR USE. An "accessory building or use" includes but is not limited to the following:
1. A children's playhouse, garden house and private greenhouse;
  2. A garage, shed or building for domestic storage;
  3. ~~Storage or merchandise~~ **Merchandise storage** normally carried in stock on the same lot with any ~~retail service or~~ business use, unless such storage is excluded by the district regulations;
  4. Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations;
  5. Incinerators incidental to residential use;
  6. A non-paying guest house (without kitchen facilities) or rooms for guests within an "accessory building" provided such facilities are used for the occasional housing of guests of the occupancy of the principal building and not for permanent occupancy by others. (Only permitted on parcels of 3 acres or more in the A-1 district or R-1 district)
  7. Swimming pool, private, for use by the occupant and his guests;
  8. Off-street parking and loading facilities;
  9. Signs (other than advertising signs) as permitted and regulated in each district incorporated in this Ordinance;
  10. Carports as a separate structure;
  11. Towers for personal use, i.e. radio towers, towers to receive internet service.
  12. Small wind energy system (Permitted as Conditional Use only in the A-1, R-1, R-2, and all Business and Manufacturing Districts – may also be approved as part of

**SECTION 4:00 GENERAL PROVISIONS**

Updated on 11.20.18

a Residential Planned Development) subject to the conditions of Section 4:17  
(Amended 2/16/2010)

- 13. Solar panels (Amended 2/16/2010)
- 14. Home Occupations; (see Section 4:06 – 4:07)
- 15. **Short-Term Rental provided the property is annually registered with the Kendall County Planning, Building and Zoning Department.**

B. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS. The following table identifies accessory buildings, structures and uses that are permitted as obstructions in required yards (setbacks) subject to the following restrictions.

- 1. No structure shall be placed within a recorded easement.
- 2. No other obstruction shall occur within a recorded easement unless the sole purpose of the easement is for service to only the subject property.
- 3. No obstruction shall adversely impact drainage.
- 4. Unless otherwise indicated in the table listed below, no obstruction shall be closer than five feet from a property line.
- 5. No obstruction shall encroach onto a private septic system or private water wells.

In the following table, an (x) indicates the obstruction is permitted:

<b>Permitted Obstruction</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
Awnings or canopies, which may project not more than three (3) feet into a required yard	X	X	X
Arbors or trellises, and where trellises are attached to the principal building they may also project into front yards or side yards			X
Air conditioning equipment			X
Architectural entrance structures on a lot or at entrance roadways into subdivisions provided they comply with the setbacks established in Section 12:00 herein.	X	X	X
Balconies			X
Bay windows - projecting not more than three (3) feet into a yard.	X	X	X
Chimneys, attached - projecting not more than three (3) feet into a yard.	X	X	X

**SECTION 4:00 GENERAL PROVISIONS**

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<b>Permitted Obstruction</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
Decks, attached to a principal structure, when constructed entirely or partially around a swimming pool, for the sole purpose of providing a connection of the swimming pool to the principal structure. Such decks shall be removed from the required side and/or rear yard within thirty (30) days of the removal of the swimming pool they are providing a connection for. <i>(Amended 11/15/11; Ord. 11-31)</i>		X	X
Eaves and gutters on principal buildings <b>or attached accessory buildings</b> projecting not more than four (4) feet into a front and rear yard nor more than twenty-four (24) inches into a side yard.	X	X	X
Fallout shelters, attached or detached, when conforming also with other <b>County</b> codes and ordinances <b>of the County</b>			X
Fire escapes, open or enclosed, or fire towers - may project into a required front yard or side yard adjoining a street not more than five (5) feet and into a required interior side yard not more than three and one-half (3½) feet	X	X	X
Flagpoles, within two and one-half feet (2.5') of a property line	X	X	X
Garages or carports, detached		X	X
Growing of farm and garden crops in the open is allowed in all yards up to property line.	X	X	X
Lawn furniture, such as sun dials, bird baths, and similar architectural features may encroach to within two and one-half feet (2.5') of a lot line.	X	X	X
Open off-street parking and loading spaces may encroach to within two and one-half feet (2.5') of a lot line unless otherwise permitted in Section 11:00 herein.			X
Ornamental light standards to within two and one-half feet (2.5') of a property line	X	X	X



**SECTION 4:00 GENERAL PROVISIONS**

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<b>Permitted Obstruction</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
Playground and laundry-drying equipment		X	X
Playhouse and open sided summer houses		X	X
Sheds and storage buildings for garden equipment and household items as accessory to dwellings.		X	X
Sills, belt courses, cornices, and ornamental features of the principal buildings, projecting not more than eighteen (18) inches into a yard.	X	X	X
Steps, open or ramps - necessary for access to and from the dwelling or an accessory building, steps or ramps as access to the lot from the street, and in gardens or terraces, up to the property line.	X	X	X
Swimming pools, private - when conforming also with other codes or ordinances of the County.		X	X
Swimming pools, above or below ground, detached or attached to a principal structure, when also conforming with the setback regulations of well and septic systems. <i>(Amended 11/15/11; Ord. 11-31)</i>		X	X
Terraces, patios, and outdoor fireplaces		X	X
Tennis courts, private		X	X
Trees, shrubs, and flowers up to property line except as otherwise regulated per Section 4.04. <b>F E</b> Corner Clearance.	X	X	X
Other accessory buildings, structures, and uses as herein permitted in district regulations as accessory to a specific permitted use.		X	X

- C. LOCATION. Except as otherwise provided for under Section 4:05 no part of any accessory building shall be located closer than five (5) feet from any side or rear property line, nor closer than ten (10) feet to any main buildings, unless attached and made a part of such main building. In the A-1 Agricultural District accessory structures must be ten (10) feet from all property lines dividing lots held in separate ownership. If an accessory structure is the first building on a A-1 Agricultural lot it

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must meet principle building setbacks as set forth in section ~~7.01.H.2.a~~ **7:01.G.2.a** of the Zoning Ordinance.

### 4:06 HOME OCCUPATION- AGRICULTURAL provided:

1. It is conducted entirely within the dwelling or permitted accessory building by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence. **Research and development related businesses shall be exempt from the requirement that the home occupation be conducted entirely within the dwelling or permitted accessory structure, unless otherwise prohibited by law.**
2. A maximum sign of **eight** (8) square feet will be permitted but must meet setback requirements in ~~s~~**Section 11:00** of the Zoning Ordinance and be unlit.
3. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises except that items incidental to the home occupation may be sold, i.e., hair products may be sold at a salon.
4. No person shall be employed on site other than members of the family residing on the premises and two persons outside the family, providing that additional persons outside of the family may be permitted by the ~~Zoning Board of Appeals~~ **ZBA** pursuant to an application for special use filed in accordance with the provisions of this ordinance.
5. The number of off-street parking spaces for that use is provided as required by the ~~Off-Street Parking, Loading, and Landscape Requirements~~ **Section 11:00** of this Ordinance.
6. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines, **unless otherwise permitted by law.**

### 4:07 HOME OCCUPATION- RESIDENTIAL provided:

1. It is conducted entirely within the dwelling by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence. **Research and development related businesses shall be exempt from the requirement that the home occupation be conducted entirely within the dwelling, unless otherwise prohibited by law.**
2. There are no signs, display or activity that will indicate from the exterior of the dwelling that it is being used for any use other than a dwelling except as allowed by the sign regulations for the district in which such "home occupation" is located.
3. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises, except that items incidental to the home occupation may be sold, i.e., hair care products sold at a salon.

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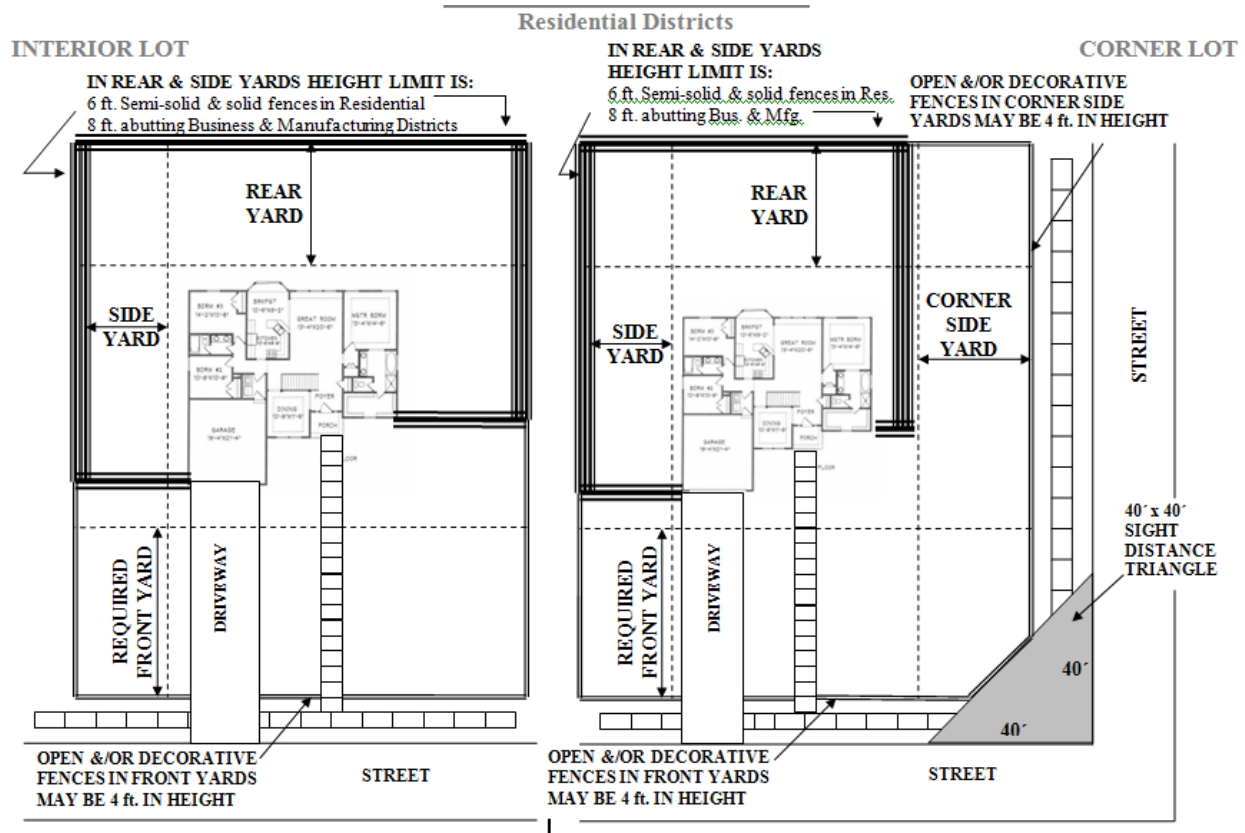
4. No more than ten (10) vehicle trips **by either** (customers, delivery persons or employees) may be made throughout a day to and from the home occupation.
5. No person shall be employed on site other than members of the family residing on the premises and one person outside the family in all residential districts.
6. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape Requirements of this Ordinance.
7. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines, **unless otherwise permitted by law.**
8. Instruction in music, crafts and dance shall be limited to one student at a time with a maximum of eight per day. **To exceed Exceeding** this limit requires a variance.
9. Salons shall be limited to one **station** (chair or nail table), **commonly referred to as a station.**

### 4:14 FENCES

- A. GENERAL. Fences that are open, semi-solid or solid are allowed in all districts and yards with the following conditions, unless otherwise regulated herein:
  1. Fences located in the A-1 District shall be excluded from any fence height restriction or fence type restriction specified in this section below.
  2. Only decorative or open fences, which do not exceed four feet (4') in height, are allowed in a front yard. (The front yard is a yard lying between the roadway right-of-way line and the nearest line of the building)

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### 3. Semi-solid and solid fences shall be regulated as follows:

- a. In Residential districts, solid and semi-solid fences are permitted up to six feet (6') in height in required side and rear yards with the finished side out provided they do not extend into a required front or corner side yard. Where a side yard or rear lot line of a residentially zoned lot abuts property located in a Business or Manufacturing district, a solid or semi solid fence of up to eight feet (8') in height may be permitted in the required side and rear yards with the finished side out provided they do not extend into a required front or corner side yard. (Amended 6/20/2006)
  - b. In Business and Manufacturing districts, solid and semi-solid fences are permitted up to eight feet (8') in height, and may be placed along the lot line in required side and rear yards with the finished side out provided they do not extend into a required front or corner side yard.
4. Fences may be placed up to a property line provided that fences shall not encroach into rights-of-way.

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5. Fences on corners of vehicular intersections shall comply with Section 4.04**FE**, Corner Clearance, of this ordinance.
6. Except in the A-1 District & R-1 District, barbed-wire and aboveground electric fences shall not be located in any Residential District or residential platted subdivision. The use of underground electric fences to contain domestic pets is permitted in any District.

### 4:17 SMALL WIND ENERGY SYSTEMS (Amended 2/16/2010)

- A. Total Height: There is no limitation on tower height, except as imposed by setback, clear one and FAA regulations.
- B. **Set-back Setback**: The wind energy system shall be set back a distance equal to one hundred ten (110) percent of the hub height from all adjacent property lines. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet to the property line.
- C. Clear Zone: The wind energy system shall maintain a circular clear zone that has a radius which is equivalent to one hundred and ten (110) percent of the hub height. This clear zone shall be maintained free of any occupied structures on adjoining properties, tanks containing combustible/ flammable liquids, and above ground utility/electrical lines.
- D. Noise: Wind energy systems shall not exceed **sixty (60)** dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- E. Tower Security: Any climbing apparatus must be located at least **twelve (12)** feet above the ground, and the tower must be designed to prevent climbing within the first **twelve (12)** feet.
- F. Lighting: Wind energy systems shall not be artificially lighted with accent lighting. For the protection of the flight patterns of aircraft and the protection of heliports, airports and landing strips, wind energy systems must be lighted in accordance to the regulations and guidelines of the Federal Aviation Administration (FAA) regulations or appropriate authorities.
- G. Signs/Advertising: No tower should have any sign, writing, or picture that may be construed as advertising.

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- H. Visual Effects and Safety. All reasonable visual and safety concerns of adjacent property owners must be resolved before Construction/Use Permit will be issued. When an applicant intends to submit a Construction/Use Permit Application to the **Planning, Building and Zoning PBZ** Department, he/she must also submit a copy of the completed conditional use application form to each adjacent neighbor at least 15 days prior to the issuance of a conditional use permit. If there are negative comments from neighbors, staff will attempt to resolve these negative neighbor comments with the applicant. If staff is unsuccessful in resolving concerns of the neighbors with the applicant, staff will schedule and provide notice of a public hearing before the Kendall County Planning Commission to review and make a determination on the pending application and unresolved issues. At this public hearing the Kendall County Planning Commission will take testimony from staff, the neighbors and the applicant, and then will make a determination, based on the evidence presented, to approve, conditionally approve or deny the application. Any decision by staff or the Planning Commission may be appealed to the County Board.
- I. Multiple wind energy systems: Multiple wind energy systems are allowed on a single parcel as long as the owner/operator complies with all non-commercial wind farm regulations contained in these regulations. Units shall be installed in compliance with minimum setback and clear zone requirements, as defined by these regulations. The minimum distance between wind energy systems shall be equivalent to one hundred ten (110) percent of the hub height.
- J. Approved Wind Turbines: At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as the: California Energy Commission, National Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy Association.
- K. Onsite Electrical Use: On the Construction/Use Permit Application, the applicant must certify that the proposed system will be used primarily to reduce onsite consumption of electricity.
- M L.** Compliance with the National Electrical Code: Construction/Use Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

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**N M.** Removal of Defective or Abandoned Wind Energy Systems: Any wind energy system found to be unsafe by an authorized county official shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. If any wind energy system is not operated for a continuous period of **twelve (12)** months, the county will notify the landowner by registered mail and provide **forty-five (45)** days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within **one hundred twenty (120)** days of receipt of notice from the county.

### 4:18 SOLAR PANELS (Amended 11/20/2018)

L. Building Permit Requirements and Fees. All solar energy systems will be required to have a Kendall County Building Permit before any work can be started. A written plan and a plat/drawing for the proposed solar energy system shall be provided with the Building Permit Application. The plat/drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be **established by the County Board. submitted to and collected by the Kendall County Planning, Building and Zoning Department as follows:**

<del>0-</del>	<del>10 kilowatts (kW)</del>	<del>\$150.00</del>
<del>11-</del>	<del>50 kilowatts (kW)</del>	<del>\$300.00</del>
<del>51-</del>	<del>100 kilowatts (kW)</del>	<del>\$600.00</del>
<del>101-</del>	<del>500 kilowatts (kW)</del>	<del>\$1,200.00</del>
<del>501-</del>	<del>1,000 kilowatts (kW)</del>	<del>\$2,750.00</del>
<del>1,001-</del>	<del>2,000 kilowatts (kW)</del>	<del>\$6,000.00</del>
<del>Over 2,000</del>	<del>kilowatts (kW)</del>	<del>\$6,000.00 + \$200.00 for each additional 0-100 kilowatts</del>

Any solar energy system that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee. The above fees do not apply to solar energy systems used to generate energy for on-site consumption of energy for agricultural purposes.

### 4:19 TEMPORARY USES PERMITTED (Amended 3/21/18)

An owner seeking an approval of a permitted temporary use shall **submit an application apply** for a temporary use to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request for a temporary use to the

## SECTION 4:00 GENERAL PROVISIONS

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~~Planning, Building and Zoning~~ **PBZ** Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator or his/her deputies in the review of a temporary use to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests. Any permitted temporary use may be treated as a special use (per the procedures contained in Section 13:00) if the stated time limit is to be exceeded.

### **Teska underlined Temporary Uses.**

2. Concrete ready-mix or asphalt plants, when necessary and incidental to a major construction project in any Agricultural, Business or Manufacturing District.
  - a. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
  - b. The plant shall be located a minimum of one thousand (1,000) feet from any occupied principal structure.
  - c. All facilities placed or located on the site shall be removed and the site restored to its original condition within the time frame of the permit. The operator of the facility shall guarantee the proper removal of all facilities with good and sufficient security as approved by the Zoning Administrator.
  - d. The plant shall produce product only for the specific parcel for which the temporary use is permitted. ~~For p~~Plants constructed to support a major road project, ~~the plant~~ shall be located adjacent to the roadway.
  - e. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise permitted.
  - f. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.
  
3. Temporary building, trailer, or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district provided that:
  - a. Each permit shall specify the location of the building, trailer, or yard and the area of permitted operation.
  - b. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4)



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- successive periods.
  - c. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.
  - d. Trailers or mobile homes may be used for residential purposes only during the construction of a residence and must be removed within thirty (30) days of obtaining a certificate of occupancy or completion of construction. In no case shall a trailer or mobile home be permitted to remain on the premises for more than two years. **(was 4; remaining section renumbered)**
5. Temporary Stockpiling of dirt on private property when necessary and incidental to a major construction project:
- a. Erosion control measures must be in place
  - b. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
  - c. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise permitted.
  - d. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project. **(was a second b; typo corrected)**

**PART A NON-CONFORMING USES**

5:02 CONTINUANCE OF NON-CONFORMING USES

**PART B NON-CONFORMING STRUCTURES**

5:09 CONTINUANCE OF NON-CONFORMING STRUCTURES

**PART C NON-CONFORMING LOTS**

5:15 DEVELOPMENT OF NON-CONFORMING LOTS

## SECTION 6:00 ZONING DISTRICTS

### 6:01 DISTRICTS

For the purpose and provisions herein Kendall County, Illinois is hereby organized into **nineteen (19) twenty (20)** districts. The minimum area that may constitute a separate or detached part of any zoning district shall be as follows:

SECTION	ZONING DISTRICT	MINIMUM AREA
7:01	A-1 Agricultural District	
8:02	R-1 One Family Residential District	130,000 sq. ft.
8:03	RPD-1 Residential Planned Development-One	20,000 sq. ft.
8:04	RPD-2 Residential Planned Development-Two	20,000 sq. ft.
8:05	RPD-3 Residential Planned Development-Three	20,000 sq. ft.
<del>8:07</del> <b>8:06</b>	R-2 One Family Residential District	90,000 sq. ft.
<del>8:08</del> <b>8:07</b>	R-3 One Family Residential District	45,000 sq. ft.
<del>8:09</del> <b>8:08</b>	R-4 One Family Residence District	30,000 sq. ft.
<del>8:10</del> <b>8:09</b>	R-5 One Family Residence District	15,000 sq. ft.
<del>8:11</del> <b>8:10</b>	R-6 One Family Residence District	7,000 sq. ft.
<del>8:12</del> <b>8:11</b>	R-7 General Residence District	Varies
<del>9:02</del> <b>9:01</b>	B-1 Local Shopping District	10,000 sq. ft.
<del>9:03</del> <b>9:02</b>	B-2 General Business District	10,000 sq. ft.
<del>9:04</del> <b>9:03</b>	B-3 Highway Business District	10,000 sq. ft.
<del>9:05</del> <b>9:04</b>	B-4 Commercial Recreation District	20,000 sq. ft.
<del>9:06</del> <b>9:05</b>	B-5 Business Planned Development District	Varies
<del>9:07</del> <b>9:06</b>	B-6 Office and Research Park District	150,000 sq. ft.
10:01	M-1 Limited Manufacturing District	
10:02	M-2 Heavy Industrial District	
10:03 Reclamation	M-3 <b>Earth Aggregate</b> Materials Extraction, Processing and Site	

## SECTION 6:00 ZONING DISTRICTS

### 6:02 ZONING MAPS

The boundaries of the aforesaid zoning districts are hereby established as shown on the maps entitled ~~"Zoning Map of Kendall County, Illinois, dated July 9, 1974"~~ **"Official Zoning Map of Kendall County, Illinois"** found in the office of the Kendall County PBZ Department. **A link entitled "Official Zoning Map of Kendall County, Illinois" found on the Kendall County PBZ Department's website shall be a secondary source to view the Official Zoning Map. The paper map found in the Kendall County PBZ Department shall be the Official Zoning Map in cases of conflict between the paper and online maps. A paper copy of this map can be obtained in the Kendall County PBZ Department Office. ~~which maps accompany and are made a part of this amended ordinance, and~~** Said map shall have the same force and effect as if the Zoning Map, together with all notations, references, and other information shown thereon were fully set forth and described herein.

### 6:06 UTILITIES

B. Telecommunications carrier facilities shall be allowed in all zoning districts if they conform to the following standards.

#### 2. Location Guidelines

- a. A non-residentially zoned lot is the most desirable location.
- b. A residentially zoned lot that is not used for residential purposes is the second most desirable location.
- c. A residentially zoned lot that is 2 acres or more in size and is used for residential purposes is the third most desirable location.
- d. Residentially zoned lot that is less than 2 acres in size and is used for residential purposes is the least desirable location.
- e. The size of a lot shall be the lot's gross area in square feet without deduction of any unbuildable or unusable land, any roadway, or any other easement. **(changed e from separate paragraph to subparagraph)**

## SECTION 7:00 AGRICULTURAL DISTRICTS

Updated on 11.19.19

### 7:01 A-1 Agricultural District

#### A. PURPOSE

It is recognized that the public health and welfare of the citizens of Kendall County are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. This district is intended to ensure that lands within the county which are well suited for agricultural production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands. **Specific purposes for this district are to:**

~~Specific purposes for this district are:~~ (Changed from bullets to numbers)

1. ~~To establish~~ **Establish** a zoning district in which agriculture and certain related uses are encouraged as principal uses of the land.
2. ~~To preserve~~ **Preserve** fertile, tillable soils as a valuable natural resource.
3. ~~To enhance~~ **Enhance** and maintain the sound economic base that agricultural pursuits provide the county and region.
4. ~~To provide~~ **Provide** open areas which contribute to the stability of the environment and enhancement of air and water quality.
5. ~~To preserve~~ **Preserve** woodlands and wetlands associated with farms which, because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life, but may not be conducive to the agricultural uses cited in this ordinance.
6. ~~To prevent~~ **Prevent** scattered, indiscriminate urban development within areas zoned agricultural.
7. ~~To generally limit~~ **Limit** residential development of agriculturally zoned properties or those areas identified as agricultural uses in the County's **Land Resource Management Plan LRMP** to not more than one dwelling unit per each 40 acres of land. (AMENDED 12/16/03)

#### B. POLICY

~~To achieve the purposes of the agricultural district it~~ **It** shall be the policy of the county **to:** (Changed from bullets to numbers)

1. ~~To allow~~ **Allow** only those uses of land which are clearly and primarily best suited for agricultural purposes within the A-1 zoning district.
2. ~~To prevent~~ **Prevent** mixtures of urban and rural land uses which ~~create or tend to~~ create conflicts and incompatibilities which directly or indirectly impose unbalanced tax loads on agriculture and which require urban services which, in turn, contribute to the premature termination and eventual elimination of agricultural uses.
3. That allowance of farm residences under this section shall not change the general character of agricultural use.

4. **Kendall County has a long, rich tradition in agriculture and respects the role that farming and agricultural related businesses continue to play in shaping the economic viability of the county. Property that supports this industry is indicated by a zoning indicator -- A-1 or A-1 Special Use. Anyone constructing a residence or facility near this zoning should be aware that normal agricultural practices may result in occasional smells, dust, sights, noise, and unique hours of operations that are ARE NOT TYPICAL IN OTHER ZONING AREAS. Please be aware that certain special and permitted uses are in existence and can continue operations as approved.**

C. USES PERMITTED

18. Single Family Residential Use, provided:

- a. *Standard Lot* - A new residence shall be permitted on a zoning lot forty (40) acres or larger. Prior to the construction of any new residence, the property owner shall file with the Kendall County ~~Planning, Building and Zoning~~ **PBZ** Department a legal description detailing the location of the parcel, along with a sketch identifying the location of the proposed residence. The County will maintain records of parcels that have been allocated for single-family residences. (AMENDED 12/16/03)
- b. *Allocation* –Parcels of forty (40) acres or more in size shall be entitled to one allocation for a single-family residence for each forty acres of available land within the overall zoning lot. Available land shall be determined as the total acreage of any parcel regardless of the number of existing residences on the premises or replacement homes for which the parcel may be eligible. The available allocations shall be registered in accordance with the procedures outlined in subsection ~~7:01.C.16.e.~~ **7:01.C.18.e** below. Prior to the construction of any new residence, the property owner shall file with the Kendall County ~~Planning, Building and Zoning~~ **PBZ** Department a legal description detailing the location of the acreage to which the allocation(s) is/are being assigned. All parcels upon which a single-family residence is to be constructed utilizing a building permit allocation shall be a minimum of 130,000 square feet with a minimum lot width of 200 feet at the front building setback line. The County will maintain records of parcels that have been registered for single-family residences, and record the dimensions of the parcels upon which the single-family residences are built upon. (AMENDED – 7/17/07)
- c. *Existing Approved Lots* - Single Family Dwellings on zoning lots approved pursuant to the applicable regulations prior to 8th day of March, 1977, which are as follows:
  - i. Any three-quarter (3/4) acre lot, or larger, existing prior to July 17, 1959.

## SECTION 7:00 AGRICULTURAL DISTRICTS

Updated on 11.19.19

- ii. Any vacant three (3) acre parcel or larger that existed prior to August 8, 1971.
- iii. Any vacant five (5) acre parcel or larger that existed prior to August 28, 1972.
- iv. Any vacant twenty (20) acre parcel or larger that existed prior to March 8, 1977.
- v. Any lot in a subdivision or group of lots combined to meet the minimum area requirements of a zoning lot except as otherwise permitted under Section 5:15.B of this ordinance. (AMENDED – 12/16/03) **(MOVED FROM END OF SECTION)**

Parcels classified as “Existing Approved Lots” under subsection **16.c above 18.c** shall be registered on or before December 29<sup>th</sup>, 2005. If an owner declines to register a parcel by this date, the burden of proof of the availability of a permit will shift to the owner, who shall be required to prove, by clear and convincing evidence, that a building permit allocation is applicable to the parcel in question. After December 29<sup>th</sup>, 2005, the owner of a zoning lot meeting the standards of 16c above shall file a petition with the Kendall County **Planning, Building and Zoning PBZ** Department to construct a new single family dwelling on an unregistered prior zoning lot. The petition shall be reviewed by the Zoning Administrator and approved, denied, or referred to the Planning, Building, and Zoning Committee of the County Board (Amended 1/18/11). In considering the petition, the Zoning Administrator shall consider the following findings of fact:

- The petitioner must have purchased the property prior to May 1, 2000;
- The petitioner must demonstrate that the property was buildable under the applicable zoning regulations at the time it was purchased. (AMENDED – 12/16/03)

- d. *Replacement Home* – A replacement home is defined as a residence intended to replace a pre-existing home destroyed or damaged to the extent that it was demolished. (AMENDED – 12/16/03)

- i. A replacement home shall be permitted in those instances where the owner can supply physical evidence documenting the prior existence of a residence on the property and further provided that it is registered in accordance with the procedures and deadlines established below in subsection 7.01.C.**16 18.e**. Evidence shall be submitted to the Kendall County **Planning, Building and Zoning PBZ** Department and may include historic aerial photographs, tax records, plat maps or other legal documentation verifying the prior existence of a residential dwelling. (AMENDED – 12/16/03)

## SECTION 7:00 AGRICULTURAL DISTRICTS

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- ii. Except for those parcels of land created prior to December 16, 2003 which are improved with existing residences or are eligible for a replacement home, all replacement home lots shall have a minimum area of 130,000 square feet. *(AMENDED – 12/16/03)*
- iii. Lots created prior to December 16, 2003 which are less than 130,000 square feet in area and are improved with existing residences or are eligible for a replacement home shall be considered legally non-conforming and shall not be further reduced in size except as may result from the required dedication of additional right-of-way for an adjoining roadway. *(AMENDED – 12/16/03)*
- iv. If the ~~Planning, Building and Zoning PBZ~~ Department determines that adequate evidence is not provided to support a replacement home, the applicant may appeal the decision to the ~~Planning, Building and Zoning PBZ~~ Committee of the County Board. Appeals of the Board's decision shall be reviewed by the ~~Zoning Board of Appeals ZBA~~ in accordance with Section 13:00 of this ordinance. *(AMENDED – 12/16/03)*
- e. All existing zoning lots which meet the requirements of ~~16a, 16b, 16c or 16d~~ **18a, 18b, 18c, or 18d** above shall be registered by the property owner with the Kendall County ~~Planning, Building and Zoning PBZ~~ Department prior to the issuance of a building permit. One single-family residence shall be permitted for each registered allocation. All parcels upon which a single-family residence is to be constructed utilizing a building permit allocation shall be a minimum of 130,000 square feet with a minimum lot width of 200 feet at the front building setback line. The County will maintain records of parcels that have been registered for single-family dwellings in the A-1 zoning district along with the number of permit allocations available to each tract. As each available permit allocation is used, the Planning, Building, and Zoning Department shall record the location and dimensions of the parcels upon which the single-family residences are built upon and shall update the records to track the number of available allocations remaining. *(Amended 7/17/2007)*
- f. *Allocations Registered Prior to December 16, 2003.*  
Parcels in excess of 60 acres in size which were registered for a single allocation prior to December 16, 2003, may register for additional allocations for each 40 acres of available land for any zoning lot in excess of 40 acres in size that remains within the original parent parcel. These additional allocations will be registered in the



## SECTION 7:00 AGRICULTURAL DISTRICTS

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same manner as outline in subsection 7.01.C.16 18.e. (*Amended 7/17/2007*)

~~Parcels classified as “Existing Approved Lots” under subsection 16.c above shall be registered on or before December 29<sup>th</sup>, 2005. If an owner declines to register a parcel by this date, the burden of proof of the availability of a permit will shift to the owner, who shall be required to prove, by clear and convincing evidence, that a building permit allocation is applicable to the parcel in question. After December 29<sup>th</sup>, 2005, the owner of a zoning lot meeting the standards of 16c above shall file a petition with the Kendall County Planning, Building and Zoning Department to construct a new single family dwelling on an unregistered prior zoning lot. The petition shall be reviewed by the Zoning Administrator and approved, denied, or referred to the Planning, Building, and Zoning Committee of the County Board (*Amended 1/18/11*). In considering the petition, the Zoning Administrator shall consider the following findings of fact:~~

~~The petitioner must have purchased the property prior to May 1, 2000;~~

~~The petitioner must demonstrate that the property was buildable under the applicable zoning regulations at the time it was purchased. (*AMENDED — 12/16/03*)~~

### D. SPECIAL USES PERMITTED

The following special uses may be permitted only if specifically authorized by the County Board as allowed in Section 13:00. (*Amended 11/19/19*)

4. Agency Licensed Family Residential Care Homes - Transitional **Halfway house**.
7. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions:
  - a. Site shall be a minimum of fifty (50) acres for a Basic Utility Stage 1 airport with a two thousand two hundred (2,200') foot runway. More area is required for larger airports. Airport size and layout shall conform to current FAA and IDOT Division of Aeronautics requirements.
  - b. There shall be a minimum three hundred (300') foot distance between airport property and the nearest residence.
  - c. Security fencing shall be provided **sufficient** to control access to runways and taxiways. The fencing shall be a minimum six (6') feet in height.
  - d. ~~Other requirements as noted in Section 4.13 of this zoning ordinance.~~ (*Amended 6/20/2006*)
  - e. Airports and surrounding territory are subject to the rules and regulations of the State of Illinois Department of Aeronautics and to the following: (**Changed to Roman numerals**)

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- i. Height of structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the State of Illinois Department of Aeronautics shall be in accordance with the requirements set forth in the approach plan.
  - ii. Height of structures, in areas ten thousand lineal feet beyond the boundaries of airports that do not have an established approach plan shall be governed by the following:
    - i. For an airport having the longest runway less than thirty-nine hundred and fifty lineal feet in length, structures located just beyond the boundaries of the airport shall not be in excess of fifteen feet in height, and for every two hundred lineal feet of additional distance from the airport boundaries the height of structures may be increased by not more than ten feet.
    - ii. For an airport having a runway of thirty-nine hundred and fifty lineal feet or more in length, structures just beyond the boundaries of the airport shall not be in excess of fifteen feet in height; and for every two hundred lineal feet of additional distance from airport boundaries, the height of structures may be increased by not more than five feet and where a runway has been designated as an instrument runway, the height of structures may be increased by not more than four feet in every two hundred lineal feet of additional distance from airport boundaries, for the first ten thousand lineal feet, and for the area covered in the next forty thousand lineal feet, the height of structures may be increased by not more than five feet in every additional two hundred lineal feet.
    - iii. Structures exceeding the limiting heights shall be considered obstruction to air navigation unless found not to be objectionable after special aeronautical study. Such structures may be specifically authorized as a variation after public hearing by the Zoning Board as provided by law.
12. Banquet Halls are permitted subject to the following conditions:
- a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the **Land Resource Management Plan-LRMP**.
  - b. The subject parcel must be a minimum of 5 acres.
  - c. The use of this property shall be in compliance with all applicable ordinances. ~~The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)~~  
**Redundant**

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- ~~d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11:00 of the zoning ordinance.~~
- ~~e. All signage shall comply with the provisions of Section 12:00 of the Kendall County Zoning Ordinance.~~
- f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- g. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

13. Bed and breakfast establishments are permitted subject to the following conditions:
- a. Shall have no more than five (5) guest rooms for rent.
  - ~~b. Shall be in operation for not less than six (6) nights in a six (6) month period. than ten (10) nights in a twelve (12) month period.~~
  - c. Shall maintain a guest register which shall be available at all times for inspections.
  - d. Shall be located in a single family detached dwelling, not an accessory building or garage.
  - e. Shall satisfy all requirements of the Kendall County Health Department in accordance with the requirements set forth in the most recent version of the Kendall County Food Establishment Sanitation Ordinance and Building Department prior to the issuance of occupancy permits.
  - f. In addition to the parking requirements for a single family detached dwelling, the bed and breakfast establishment shall provide one (1)

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additional space for each guest room. The off-street parking for a bed and breakfast establishment shall not be located in any required yard, but it shall be screened from adjacent properties by a landscape screen of at least fifty (50) percent capacity.

- g. Only one (1) sign shall be permitted for each bed and breakfast establishment. The maximum size of such sign shall be four (4) square feet per sign face.
- h. Each guest room may have its own private bath. No guest room shall have any kitchen facilities.
- i. Guest room shall mean sleeping room intended to serve no more than two (2) adult transient guests per night.
- j. Accommodations shall be provided in guest rooms only. The length of stay in a bed and breakfast establishment shall be a maximum of One (1) week.
- k. Any application for a special use shall include, in addition to all other documents required for a special use application, floor plans drawn to scale accurately showing the guest rooms in relation to the rest of the single family detached dwelling.

### 18. Composting of landscape waste and food waste, subject to the following:

- a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Sub-chapter 1, **Park Part** 830, Standards for compost facilities.
- b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
- c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
- d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
- e. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
- f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- g. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.

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- h. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
  - i. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
  - j. Truck weights shall be limited to 73,280 pounds.
  - k. The operator shall provide weight receipts to Kendall County.
  - l. Off-site debris and trash generated by the site must be cleaned-up **on a daily basis** on surrounding properties with the owner's permission.
  - m. Other conditions as appropriate for the particular facility. (*Amended 6/20/2006*)
25. Halfway house must be located a minimum of one thousand (1,000) feet **of from** any dwelling.
41. Places of Worship subject to the following conditions:
- a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
  - b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
  - ~~c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11:00.~~
- ~~46. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses subject to the following:~~
- ~~i. All such facilities shall meet all State Animal Management Statutes.~~
  - ~~ii. Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time, unless otherwise approved in the special use permit.~~
  - ~~iii. All signage shall comply with the provisions of Section 12:00 of the Kendall County Zoning Ordinance.~~
  - ~~iv. Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.~~
  - ~~v. Submissions of a manure management plan for review and approval by the Kendall County Health Department.~~
  - ~~vi. Hours of operation for the indoor arenas shall be restricted to 6:00 am – 10:00 pm daily. Outdoor use of the property for riding horses shall be permitted from dawn to dusk daily.~~
  - ~~vii. Off-street parking and loading at a ratio of not less than one parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e. storage of horse trailers used in conjunction with the~~

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- ~~stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)~~
- ~~viii. Provision of handicapped accessible bathroom facilities for customers and employees.~~
- ~~ix. Compliance with basic life safety requirements for building ingress and egress. (Amended 6/20/2006)~~

### Following Terms should be renumbered

47. Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic field auxiliary thereto.
48. Service Clubs.
49. Small Poultry & Small animal Processing Plant subject to the following conditions:
- A maximum of 21,000 units a week. All animals are counted as 1 (one) animal unit except turkeys and geese are counted as 4.5 animal units.
  - Facilities (the unloading area) must be located at least 400' from any principle structure.
  - No rendering may take place on the site.
  - Live animals may be held on the site for no more than twenty-four (24) hours.
  - All slaughtering/processing permitted only in an enclosed building.
  - The number of hours and days of operation as specified in Special Use Permit to be determined by the County Board.
  - Poultry processed to be sold for retail or wholesale sale shall be specified in the special use permit as a condition.
  - Parking shall be in accordance with Section 11:00 of the Zoning Ordinance including lighting.
  - All Applicable Federal, State and County rules and regulations shall apply.
  - Other such conditions as approved by the County Board.
  - Waste, by-products or any decomposable residue which results from the slaughtering of animals must be kept in a sealed container and picked up within 48 hours.
  - All signage shall comply with the provisions of Section 12:00 of the Kendall County Zoning Ordinance (Sign Regulations)
  - Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
  - Performance Standards. All activities shall conform to the performance standards set forth in **section 10.04.G, Section 4:12.**
50. Solar Gardens subject to the provisions of Section 4:**18.D of the Kendall County Zoning Ordinance.** (Amended 11/20/2018) **(Moved to the correct place alphabetically)**
51. Solar Farms subject to the provisions of Section 4:**18.C of the Kendall County Zoning Ordinance.** (Amended 11/20/2018) **(Moved to the correct place alphabetically).**

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55. Wind Farms, Commercial, subject to the following:

- a. Location Guidelines - The following guidelines shall be considered in evaluating the appropriateness of proposed locations for Wind Farms and the proposed project components. The purpose of these guidelines is to assist decision-makers in uniformly analyzing the site-specific impacts of each proposed project and thereby arrive at consistent and balanced decisions.
  - i. *Natural and Biological Resources* - Wind Farms should not be located in areas that have a large potential for biological conflicts. Wind Farms should not be located in large impact areas such as wilderness study areas, areas of critical environmental concern, county and state parks, historic trails, and special management areas. Wind Farms should not significantly impact important wildlife habitat.
  - ii. *Visual Impacts* - Wind Farms should avoid those visual corridors that are designated by the County as essential view sheds or scenic areas. Essential view sheds or scenic areas are those areas designated in the County's LRMP or in other locations determined by the County Board after analyzing the applicant's wind farm visual simulations and considering public hearing comments. A Wind Farm project should maintain visual unity among clusters of turbines. To promote visual uniformity, the rotors, nacelles and towers of all turbines in an array should appear similar. To avoid visual clutter, intra-project power lines having a voltage of 34,500 volts or less, should be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines/standards, violate applicable law, render the project economically infeasible or be hidden from public view. To avoid cluttering the skyline, transformers and other electric equipment should be hidden from view or otherwise constructed in harmony with the surrounding landscape.
  - iii. *Soil Erosion & Water Quality* - Wind Farms should avoid erosion. Disturbance and construction on erodible slopes should be minimized. The number of improved roads and construction staging areas should be kept to a minimum. The grading width of roads should be minimized. One-lane roadways with **turn-outs** **turnouts** are recommended. The number and size of staging areas and crane pad sites should be minimized.
  - iv. *Historical, Cultural & Archeological Resources* - Wind Farms should avoid sites with known sensitive historical, cultural or archeological resources.
  - v. *Public Safety* – Wind Farms shall be developed in a manner that utilizes sound engineering practices and considers public safety **in** **regard-to** **regarding** the potential hazards to adjacent properties,

public roadways, communities, aviation, etc. that may be created.

- b. Performance Standards - The following standards are to be achieved by each Wind Farm project without exception. Because they are standards, they are ~~considered to be~~ requirements of any Wind Farm project. The final decision on whether or not a particular standard is achieved by a Wind Farm project shall be made by the County Board after considering the recommendations of all advisory bodies.
- i. *Noise Management* - The noise level caused by the operation of the project, measured at five (5) feet above ground level at the property line coincident with or outside the project boundary, shall not exceed 65 decibels (A-weighted) and shall not exceed 50 decibels (A-weighted) if it is determined that a pure tone noise is generated by the project. The level, however, may be exceeded during short-term events such as utility outages and/or severe ~~wind storms~~ **windstorms**.
  - ii. *Wind Farm Design*: Wind Farms that are not designed in “accordance with proven good engineering practices” or not purchased from a national manufacturer with a proven track record shall be prohibited. Wind Farms designed with the following characteristics shall be deemed in “accordance with proven good engineering practices”:
    1. at least 3 blades.
    2. upwind rotor.
    3. no furling, where “furling” means that the wind turbine is designed to limit its power output in high winds by changing the rotor’s plane of rotation to a plane that is not perpendicular to the prevailing wind direction.
    4. tapered and twisted blades.
    5. a well-designed braking system.
  - iii. *Visual Impacts* - To provide visual order to a Wind Farm project, all individual turbines shall have the same number of rotor blades and all rotor blades shall spin in the same direction (i.e., clockwise or counter-clockwise) in relation to the wind. To promote visual uniformity, all turbines at a similar ground elevation shall have the same height from blade tip to the ground. Except during construction, re-construction or removal, outdoor storage is not permitted within the project boundary except at locations that are screened from view. To avoid cluttering the skyline, inverters and pendant power cables shall be located inside the wind turbine tower, nacelle or structure. No telecommunications dishes, antennas, cellular telephone repeaters or other similar devices shall

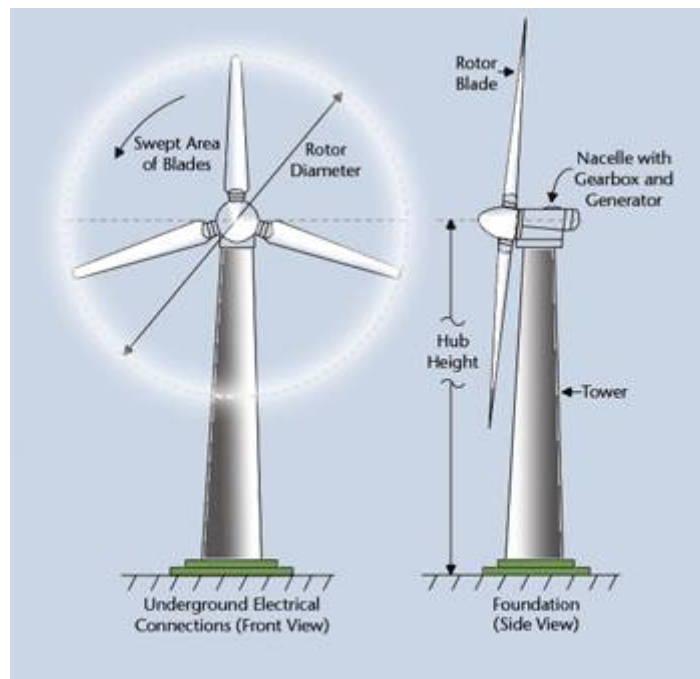


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be attached to wind turbine towers. Aircraft obstruction markings of the turbines by use of alternating red and white bands shall be prohibited. No Billboards, logos and advertising signs of any kind shall be located on the turbines.

- iv. *Soil Erosion & Water Quality* - Construction and maintenance shall be done in strict accordance with the erosion and sediment control plan submitted with the Building Permit so as to minimize soil erosion and damage to existing vegetation. If vegetation is damaged during construction, in areas not occupied by the Wind Farms and related facilities and roads, it shall be restored after construction is complete. Disturbed areas shall be reseeded to the ~~land owner's~~ **landowner's** or manager's requirements. Dust control on the project site is required.
- v. *Setback* - Individual wind turbines shall be set back from all property lines coincident with or outside of the project boundary a distance equal to 1.1 times the turbine hub height. Individual wind turbines shall be set back from all public roads a distance equal to at least 1.1 times the turbine hub height. (Amended 2/16/2010)



Drawing of the rotor and blades of a wind turbine, courtesy of ESN

- vi. *Lighting* - Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. Approval from the FAA stating that the turbines will not pose a hazard to aviation must be obtained prior to final recommendation by the Kendall County Regional Plan Commission. If lighting of turbines,

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or other structures, is required, “daytime white-nighttime red” shall be the only type of lighting allowed unless prohibited by law. All required lighting effects shall be in synchronization with each turbine located on the same or contiguous zoning lot and under the same ownership of a single wind energy system organization. All turbines and towers shall be a shade of white in color. (*Amended 2/16/2010*)

- c. Roads - All routes on either County or Township roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either ingress or egress need to be shown. The routing shall be subject to the approval of the Kendall County Highway Engineer in coordination with the Township Road Commissioner(s). The developer shall provide and complete a pre-construction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The developer shall provide a road repair plan to improve any and all damage, installation or replacement of roads that might be required by the developer. The developer shall provide a letter of credit or a surety bond in amount and form approved by the highway official(s).
- d. Fees - All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney’s fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the ~~Zoning Board of Appeals ZBA~~, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application

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fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board. (*Amended 3/21/18*)

- e. Removal of Defective Wind Energy Systems: Any wind energy system found to be unsafe by an authorized county official shall be repaired by the owner to meet federal, state and local safety standards or removed within sixty (60) days. If any wind energy system is not operated for a continuous period of 12 months, the county will notify the landowner by registered mail and provide 45 days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action as unreasonable, they must notify the operator and such operator shall remove the turbine within 120 days of receipt of notice from the county.
  
- f. Decommissioning Plan: A Commercial Wind Farm shall submit a decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Facility abandonment shall include the ceasing of operations for a period of not less than one (1) year. Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of the project life or facility abandonment. At the time of decommissioning, an Alta Survey shall be submitted to the County. The decommissioning plan shall state how the facility will be decommissioned, a professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County which states:
  - i. The financial resources for decommissioning which shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the County.
  - ii. If the Applicant chooses an escrow agreement: **(changed to Roman numerals)**
    - i. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed; and
    - ii. The County shall have access to the escrow account funds for the express purpose of completing decommissioning if decommissioning is not completed by the applicant within sixty (60) days of the end of the project life or facility abandonment.

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- iii. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- iv. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the applicant or applicant's successor, or in which they have an interest, for the amount of excess, and to take all steps allowed to enforce said lien.

Financial provisions shall not be so onerous as to make Commercial Wind Farm projects unfeasible.

~~56. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)~~

~~57. Solar Farms subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)~~

E. CONDITIONAL USES. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator. **(changed from letters to numbers)**

1. Accessory agricultural services such as a Black smith; Sale of farm supplies by farmers as agents, where grain elevators or similar commercial facilities are not maintained on the farm premises; or similar accessory use to a farm residence provided: **(changed from Roman numerals to letters)**
  - a) The applicant shall send notice to all owners of property within five hundred (500) feet of the subject site by certified mail within five (5) days of filing the applications of the intent and location of the service. If any owner receiving notice as described above shall, within ten (10) days after the date of the notice, file a written objection with the Zoning Administrator thereto, the question of whether such application shall be granted shall be referred to the **Zoning Board of Appeals ZBA** which shall consider the matter at its next regular or special meeting. A report summarizing the findings of fact and a recommendation of the **Zoning Board of Appeals ZBA** shall be forwarded to the County Board for a determination.
  - b) Such use shall be operated and storage maintained entirely within an enclosed building or screened on all sides by a solid fence not less than six (6) feet in height.

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- c) Such use shall not utilize more that twenty-five (25%) percent of the lot area or two (2) acres, whichever is less.
  - d) On-site employees shall consist of immediate family members, and not more **that than** three (3) other persons.
  - e) Said business shall be owned by the owner of the residence.
  - f) Such businesses shall provide a parking area to accommodate at least two (2) cars in addition to one parking space for each on-site employee. Such off-street parking area shall be appropriately landscaped so that it does not detract from the residential character of the property or its surroundings.
  - g) No more than one business shall be permitted on a site.
  - h) Such businesses shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat on or off the premises of such use.
9. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses, provided:
- i. The lot is not located nearer than five hundred (500) feet from an existing dwelling other than the owners residence or a Residential District.
  - ~~ii. All such facilities shall meet all State Animal Management Statutes.~~
  - iii. Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time.
  - ~~iv. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).~~
  - v. Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.
  - vi. Submission of a manure management plan for review and approval by the Kendall County Health Department.
  - vii. Hours of operation for the indoor arenas shall be restricted to 6:00 am – 10:00 pm daily. Outdoor use of the property for riding horses shall be permitted from dawn to dusk daily.
  - viii. Off-street parking and loading at a ratio of not less than one parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e. storage of horse trailers used in conjunction with the stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)
  - ix. Provision of handicapped accessible bathroom facilities for customers and employees.

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- x. Compliance with basic life safety requirements for building ingress and egress. *(Amended 6/20/2006)*
11. Single Family Dwellings may be authorized under the following conditions: **(changed Roman numerals to letters)**
- a) Each such dwelling shall be located on a zoning lot that meets the standards of single-family residential lots, one hundred and thirty thousand (130,000) sq. ft. minimum.
  - b) Septic suitability is approved by the Health Department.
  - c) It is the intent to limit such usage, and if, in the judgment of the County Board, contiguous parcels requesting approval hereunder represent an unwarranted expansion of this usage, then denial is warranted.
  - d) That application shall be made on forms provided by the Zoning Administrator and shall include **specific** written and graphic **statements and illustrations evidence** establishing **evidence** that the site meets the **following** standards **as follows**:
    - That the site for the proposed use must be incompatible with agricultural use that may be evidenced by establishment of one or more of the following criteria: **(changed numbers to Roman numerals)**
    - i. Existing woodland coverage of a substantial portion of the site containing trees in excess of 6" in diameter measured at breast height;
    - ii. Soils which have a land evaluation ranking from the Kendall County Soil & Water Conservation District of seventy-five (75) or less;
    - iii. Excessive slopes;
    - iv. Other physical features which serve as barriers to farm operations such as streams, rock outcroppings and property configuration in relationship to wetlands, flood-prone areas or buildings.
  - e) That such application shall be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the application to the **Planning, Building and Zoning PBZ** Committee of the County Board for recommendation prior to taking action.

It is the policy that allowance of dwellings under this section shall not change the general character of agricultural use in the surrounding area.

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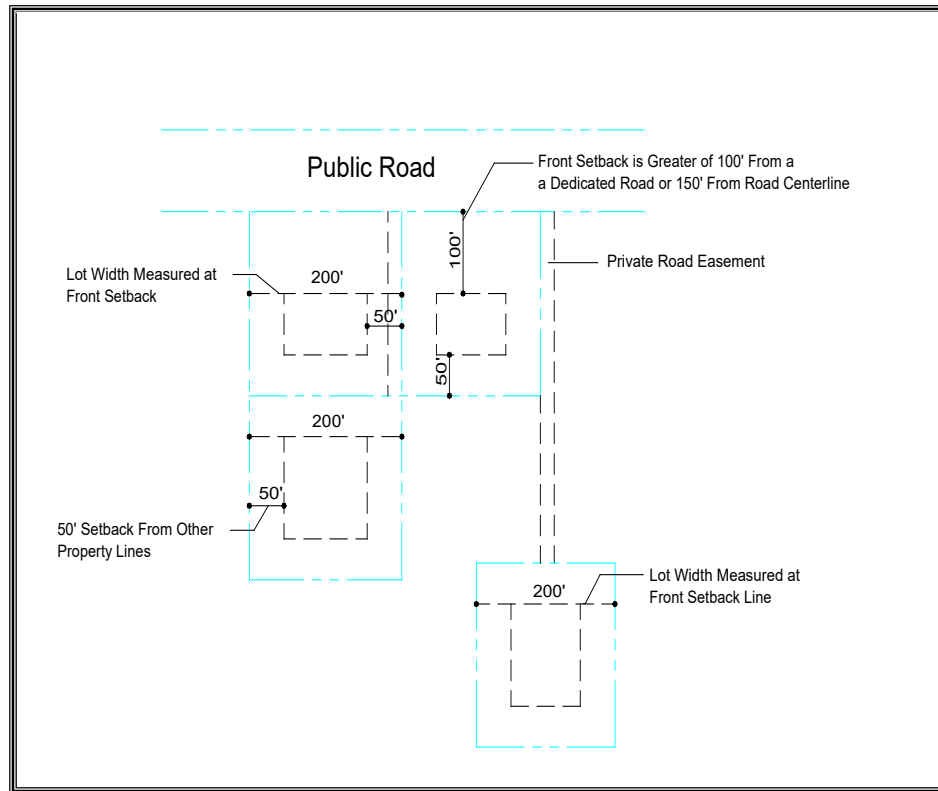
G. SITE AND STRUCTURE REQUIREMENTS - (AMENDED – 12/16/03)

1. Minimum Lot Area and Minimum Lot Width **(measured at the front building setback line)** per the following table:

Type of Use	Minimum Lot Area	Minimum Lot Width <b>(measured at the front building setback line)</b>
New Residence	Forty (40) acres	200 feet
Existing Residences or Replacement Homes that are subdivided from a larger agricultural parcel	130,000 square feet	200 feet
Other Permitted Residences	As provided in Section 7:01C. <del>16</del> <b>18.c</b>	No minimum.
Special or Conditional Uses	No minimum, unless specifically listed	200 feet or as approved for the special or conditional use
All Other Permitted Agricultural Uses	No minimum	200 feet measured from the front building setback line

2. Setbacks

- a. *Principal buildings* - One hundred (100) feet from a dedicated road right-of-way or one hundred and fifty (150) feet from the center line of all adjacent roads, **whichever is greater**. Also, fifty (50) feet from all property lines dividing lots held in separate ownership.
- b. *Accessory structures* - One hundred (100) feet from a dedicated road right-of-way or one hundred and fifty (150) feet from the center line of all adjacent roads, **whichever is greater** and ten (10) feet from all property lines dividing lots held in separate ownership.

**H.**


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### SPECIAL PROVISIONS

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- ~~1. **Parking requirements** – in accordance with the applicable regulations set forth in Section 11:00.~~
- ~~2. **Sign Requirements** – in accordance with the applicable regulations set forth in Section 12:00.~~
- ~~3. **Variances to the 40-acre minimum lot size requirement** – the Zoning Administrator shall have the authority to administratively grant a variance of less than 10% to the minimum 40-acre lot size requirement for an allocation as set forth in paragraph 7:01.A.16-18.b. above. Said variance shall be processed in accordance with the terms of the administrative authority as provided for under the ILCS as amended. (AMENDED – 12/16/03)~~



## 8:01 Purpose, Goals and Objectives

The purpose of this section is to establish zoning parameters for residential projects which encourage creative development within designated growth areas of unincorporated Kendall County, while preserving open space and protecting the rural character and natural environments within those areas. The open space and un-congested character of Kendall County are major reasons why residents move to this area. Thus, protection of the County's rural character is critical to maintaining the **resident's** quality of life **within Kendall County**. This can be accomplished through clustering housing sites on portions of the land to be developed and retaining unbroken open space on the remaining portions of the land.

The regulations of this section also **attempt to** balance residential development with Kendall County's commitment to maintain a viable agribusiness sector, because such residential development can impact the continued viability of agriculture. The increased population can make it difficult for farmers to move equipment to their lands. **Without sufficient buffers between homes and farmland, tensions can occur over noise and odors attendant with agricultural operations.**

This section also ensures that residential projects are designed **in such a way as** to protect water resources from contamination and protect natural drainage areas, floodplains and wetlands to avoid costly man-made storm water projects. Residential development creates additional demands on natural resources such as water (for irrigation of lawns, gardens and consumption). The goal is a safe, ample and reliable source of potable water available throughout the County, and the protection of all surface and ground water resources for recreation and preservation.

Overall, the goal of this section is economically viable development which respects the inherent environmental limitations of Kendall County's natural resources and of the specific land to be developed.

There are four residential zoning districts for all new residential developments proposed after the effective date of this ordinance, R-1, RPD-1, RPD-2, and RPD-3. The RPD or Residential Planned Development Districts are distinguished based on the maximum gross residential density of the development and the location within Kendall County's **Land Resource Management Plan LRMP**. The R-1 District has been retained to provide property owners with a simple alternative for very low density residential developments. All other prior residential districts are maintained solely to permit regulation of developments approved under those prior districts.

Private streets are prohibited unless for limited access on unique sites with unusual topography, woodlands, or configuration.

**Kendall County has a long, rich tradition in agriculture and respects the role that farming and agricultural related businesses continue to play in shaping the economic viability of the county. Property that supports this industry is indicated by a zoning indicator -- A-1 or A-1 Special Use. Anyone constructing a residence or facility near this zoning should be aware that normal agricultural practices may result in occasional smells, dust, sights, noise, and unique hours of operations that are ARE NOT TYPICAL IN OTHER ZONING AREAS. Please be aware that certain special and permitted uses are in existence and can continue operations as approved.**

#### 8:02 R-1 ONE-FAMILY ESTATE RESIDENCE DISTRICT

**R-1.** This district may be appropriate in any area suggested for residential use on the **Land Resource Management Plan LRMP**. Such development must meet the following standards.

A. Permitted Uses. The following uses are permitted:

4. Home occupations provided ~~it they follows the definition in Section 3:02, meets the conditions in Section 4:07 and~~ an affidavit is filled out in the Planning, Building and Zoning office stating you meet ~~those the~~ conditions **of the Zoning Ordinance**.
11. Farm type animals - shall be permitted in accordance with the following: **(added letters)**
  - a. On lots less than **once one** (1) acre, no farm-type animals shall be permitted.
  - b. On lots at least one acre but less than three acres in size, a maximum of one horse and a maximum combined total of five ducks, rabbits, chickens, or goats, with the following exception: The number of horses permitted on lots less than three acres in size created prior to October 17, 2000, shall be determined in accordance with the methodology as specified below (follow the formula).
  - c. On lots three acres or more in size, one horse per acre shall be permitted provided that 21,780 square feet of contiguous land is dedicated as pasture for each horse permitted on a lot. Any lot with more than three horses shall submit a manure management plan to PBZ Staff for review. In addition, for lots over 3 acres but less than 5 acres, maximum combined

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total of ten ducks, rabbits, chickens, or goats is allowed. Additional farm type animals may be permitted temporarily for 4-H projects.

d. Lots at least one (1) acre in size but less than five (5) acres shall be permitted to keep up to twelve (12) chickens.

e. On lots of 5 acres or more, the following animals are permitted in any combination provided **that** there shall not be in excess of two-thirds of an animal unit per acre in accordance with the following table. The animal unit permitted for any animal not listed shall be determined by the Director of Planning, Building and Zoning and shall as nearly as possible approximate one of the listed animals:

NUMBER OF ANIMAL UNITS PER ANIMAL	TYPE OF ANIMAL <b>(OR SIMILAR)</b>
1.4	Dairy Cattle
1.0	Beef Cattle
0.66	Horses
0.8	<b>LLamas or Alpacas</b>
0.4	Ostrich
0.4	Goats
0.4	Hogs
0.2	Ducks
0.1	Sheep
0.02	Turkeys
0.02	Rabbits
0.01	Chickens

The formula for calculating the number of animals allowed on parcels in excess of five acres in size shall be as follows:

(Acreage of the property x 0.66) = Total Number of Animal units allowed.

Example: 5.0 Acres x 0.66 = 3.33 Animal Units. Based on the Table above, the following mix of animals would be permitted:

(2 Dairy Cattle = 2.8 Animal Units) + (1 Goat = 0.4 animal Units) + (1 Sheep = 0.10 Animal Units) + (3 Chickens = 0.03 Animal Units) = 3.33 Total Animal Units. *(AMENDED 9/15/09)*

## B. Conditional Uses. The following uses shall be allowed:

1. Beekeeping with the following conditions: **(changed Roman numerals to letters)**
  - a) Beekeeping and the honey produced from beekeeping shall be for personal use only.
  - ~~b) Annual~~ permit required with fee ~~of \$50 the first year the permit is issued and \$25 each year after. set by the County Board.~~
  - c) Minimum lot size of 1 acre (43,560 square feet) with a maximum of 2 colonies.
  - d) No colony shall be permitted within a front yard setback.
  - e) All colonies must be setback at least 30' from any rear or side yard lot line except when abutting a right of way of a street or railroad the colony must be a minimum of 5' from the rear or side yard lot line (as long as there is no sidewalk or pathway).
  - f) All colonies within 100' of an adjoining home shall require a flyway barrier with a 6' minimum height.
  - g) All colonies shall require a minimum 4' fence surrounding the perimeter of the colonies or surrounding the perimeter of the entire property. Fencing must have a locking gate with caution signage on each gate.
  - h) Notification shall be sent by permit applicant to all adjacent property owners. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the PBZ Department. Any property owner who receives notification shall have 14 calendar days from the postmarked date to send written objection to the Planning, Building, and Zoning Department. If any such objection is received, no colony shall be located within 100' of the adjoining home of objecting property owner.
  - i) During the application submittal there must be documentation from the Homeowners Association (HOA) stating they approve or deny the proposal. If there is no HOA that must be submitted in writing and signed by the applicant.
  - j) Prior to submitting a renewal application, an applicant is permitted to resend notification to a property that has previously objected. If the property owner does not object within 14 calendar days after receiving the resent notification, the applicant may locate a colony within 100' of the residence of the previously objecting property but shall maintain a distance of at least 30' from all property lines at all times unless abutting a right of way in which the colony can be placed with 5' of the property line.

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- k) The Zoning Administrator has authority to approve all new and renewal permits. If the Zoning Administrator receives information that a renewal applicant has violated any of these requirements, caused injury to the public, impacted the safety and health of the public, or has had an adverse **affect effect** on surrounding properties as a result of keeping bees on the subject property, the Zoning Administrator may, at his or her discretion, deny the renewal application.
  - l) Any decision made by the Zoning Administrator may be appealed in writing to the **Planning, Building, and Zoning PBZ Committee, with the appropriate administrative appeal fee.**
  - m) A site plan indicating the location and distance to property lines and adjacent residences shall be submitted to the PBZ Department with the application.
  - n) Proof of Apiary Registration with the Illinois Department of Agriculture shall be submitted to the PBZ Department within 30 days of the application submittal.
  - o) All approved permits shall comply with the *Bees and Apiaries Act of Illinois* (510 ILCS 20)
2. Home-based retail and/or wholesale food operation **providing it meets all applicable county, state and federal public health requirements**
3. Model homes, with the following restrictions: **(Changed from Roman numerals to letters)**
- a) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the Planning, Building and Zoning **(PBZ)** Department.
  - b) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.
  - c) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.
  - d) **All signs must conform to the standards set forth in Section 12:00 of this ordinance. Redundant**
- C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00 (*Amended 3/21/18*):

1. Agency Licensed Family Residential Care Homes – Transitional **Halfway House.** ~~(A single housekeeping unit of three (3) or fewer persons receiving care in a family-like atmosphere where the residents are residing in the home on a transitional or temporary basis where the length of residency is not expected to be more than one (1) year. Oversight and supervisory personnel shall be on the premises in addition to this number.)~~
  
4. Bed and breakfast establishments are permitted subject to the **following** conditions **stated in Section 7:01.D.**
  - a. ~~Shall have no more than five (5) guest rooms for rent.~~
  - b. ~~Shall be in operation for not less than six (6) nights in a six (6) month period. B&B Act says more than ten (10) nights in a twelve (12) month period.~~
  - c. ~~Shall maintain a guest register which shall be available at all times for inspections.~~
  - d. ~~Shall be located in a single family detached dwelling, not an accessory building or garage.~~
  - e. ~~Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.~~
  - f. ~~In addition to the parking requirements for a single family detached dwelling, the bed and breakfast establishment shall provide one (1) additional space for each guest room. The off street parking for a bed and breakfast establishment shall not be located in any required yard, but it shall be screened from adjacent properties by a landscape screen of at least fifty (50) percent capacity.~~
  - g. ~~Only one (1) sign shall be permitted for each bed and breakfast establishment. The maximum size of such sign shall be four (4) square feet per sign face.~~
  - h. ~~Each guest room may have its own private bath. No guest room shall have any kitchen facilities.~~
  - i. ~~Guest room shall mean sleeping room intended to serve no more than two (2) adult transient guests per night.~~
  - j. ~~Accommodations shall be provided in guest rooms only. The length of stay in a bed and breakfast establishment shall be a maximum of One (1) week.~~
  - k. ~~Any application for a special use shall include, in addition to all other documents required for a special use application, floor plans drawn to scale accurately showing the guest rooms in~~

~~relation to the rest of the single family detached dwelling.~~

12. Philanthropic ~~and eleemosynary~~ institutions
  13. Places of Worship subject to the **following** conditions **contained in Section 7:01.D.**
    - ~~a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.~~
    - ~~b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.~~
    - ~~c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00.~~
  15. Rest homes, nursing homes and sanitariums, ~~for human beings only~~
  18. **Solar Gardens subject to the provisions of Section 4:00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)**
  - ~~20. Solar Gardens subject to the provisions of Section 4:00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)~~
- E. Yard Areas.
1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard of as follows:
    - a. One hundred and fifty feet (150') from the roadway centerline when fronting on a Federal, State or County roadway or one hundred (100') feet from the right-of-way, whichever is greater.
    - b. Fifty feet (50') from the right-of way or access easement on all township or private roadways, with the following exception:

Where lots comprising fifty percent **(50%)** of the frontage on the same side of the street within the same block as the subject property are developed, and the developed properties have front yards that vary from one another not more than **ten feet** (10') **feet** in depth, the average of such front yards shall establish the minimum front yard

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depth for the entire frontage of the subject property. However, in no case shall a front yard of more than fifty feet be required. (*AMENDED 8/17/04*)

2. Side Yard. A side yard on each side of the zoning lot of not less than fifty feet (50'); ~~and where a side yard adjoins a street, the minimum width shall be fifty feet.~~
  3. Rear Yard. A rear yard of not less than fifty feet (50').
- G. Maximum Building Height. No building or structure shall be erected or structurally altered to exceed the following heights:
1. One-family detached dwellings: Forty (40) feet and not more than two and one-half stories ~~providing such maximum may be waived through the normal variation procedure as provided in Section 13.04 of this Zoning Ordinance.~~

8:03 RPD-1 RESIDENTIAL PLANNED DEVELOPMENT - ONE

RPD-1. This district applies to ~~all developments~~ **development** lying within the Contiguous Growth Area or Rural Transition identified in the ~~Land Resource Management Plan LRMP~~. Such developments must meet the following standards:

- B. MAXIMUM DENSITY. Maximum density, including all density bonuses as provided in Section 8:03.C, shall not exceed 0.45 dwelling units per acre of buildable land (0.33 dwelling units per buildable acre base density, plus maximum incentive of 0.12 dwelling units per buildable acre, **subject to approval of the County Board**). Provision of multiple amenities shall not entitle the applicant to a density which exceeds the maximum density of 0.45 dwelling units per buildable acre. Regardless of the application of density bonuses, at least 30% of the total acreage must **still** be designated as open space.
- C. DENSITY INCENTIVES. The following density incentives may be used to increase development density up to the permitted maximum density in each RPD District. Provision of multiple amenities shall not entitle the applicant to a density which exceeds the maximum density for the applicable RPD District. Regardless of the application of density bonuses, at least 30% of the total acreage must **still** be designated as open space.



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1. Provision of public access to open space areas (bonus not to exceed 0.03 dwelling units per buildable acre, **subject to approval by the County Board**). Some examples would include trails (walking or bike), sidewalks, etc.
2. Innovative detention/retention facilities or sewage disposal methods (bonus not to exceed 0.04 dwelling units per buildable acre, **subject to approval by the County Board**). The following are examples of improvements which may qualify for a density bonus:
  - a. Significant use of native vegetation such as prairies and wetlands ~~to retain water~~.
  - b. Integration of natural ~~land forms~~ **landforms**, existing soil filtration characteristics and natural landscaping into the drainage plan, in order to enhance water quality while reducing or eliminating stormwater runoff and the attendant flooding and erosion.
  - c. Provision of alternatives to detention basins such as stormwater infiltration in naturalized swales, native prairie landscapes and gently sloped depressional areas through the development.
3. Secondary open space that is substantially more than the minimum size otherwise required for stormwater detention or through park dedication requirements (bonus not to exceed 0.07 dwelling units per buildable acre, **subject to approval by the County Board**).
4. Provision of recreational amenities, beyond minimum standards established in the subdivision ordinance, including but not limited to: a golf course, ball fields, playground equipment, tennis courts, basketball courts, swimming pool, hiking and bicycling paths (beyond those **designated** on the County Transportation Plan), community centers, and exceptional landscape improvements such as native or natural plantings (bonus not to exceed 0.01 dwelling units per buildable acre, **subject to approval by the County Board**).
5. Offsite and perimeter road improvements or an ownership and maintenance fund for management of open space in addition to those needed to provide adequate access solely for the proposed development (bonus not to exceed 0.03 dwelling units per buildable acre, **subject to approval by the County Board**).

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6. Conservation of traditional rural architecture reminiscent of Kendall County's agricultural heritage, preservation of historical structures, or design of new structures which reflect these architectural themes (bonus not to exceed 0.01 dwelling units per buildable acre, **as determined by the County Board or as identified in a local historic preservation plan**).
7. Enhancement or expansion of an existing wetland or creation of a new wetland beyond that required for compliance with Army Corps of Engineers Section 404 Permit requirements (bonus not to exceed 0.01 dwelling units per buildable acre, **subject to approval by the County Board**).

F. PERMITTED USES.

10. Parks, forest preserves and recreational areas, when publicly owned **and operated**
14. Roadside stands for the display, ~~sale~~ or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet back from the nearest right-of-way line.
15. Signs, as permitted and regulated by Section 12:00. However, no part of a sign in **a an** RPD District shall be greater than 10' above ground level and no larger than 30 square feet

G. CONDITIONAL USES. In residential planned developments containing over fifty (50) dwelling units, the following uses shall be allowed, provided that the general conditions and use-specific conditions are met.

1. General Conditions.
  - a. Conditional uses shall not occupy more than fifteen percent of the buildable acreage of the development.
  - b. Conditional uses, shall front arterial or major collector level streets, as defined in the County Transportation Plan. Model homes shall be excluded from this provision.
2. Specific Conditions

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- a. Home based retail and/or wholesale food operation ~~providing it meets all applicable county, state and federal public health requirements.~~
- b. Model homes, with the following restrictions:
  - (i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the **Planning, Building and Zoning PBZ** Department.
  - (ii) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.
  - (iii) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.
  - ~~(iv) All signs must conform to the standards set forth in Section 12.00 of this ordinance.~~
- c. Places of Worship subject to the following:
  - (i) The maximum lot coverage of structures may not exceed 35%; total impervious surfaces may not exceed 70% of the lot area.
  - (ii) Buildings shall maintain a minimum setback of eighty (80) feet from the center of the road and 30' from all other property lines
  - (iii) The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
  - ~~(iv) Off-street parking, lighting and loading facilities shall be provided as required or permitted in Section 11.00.~~
  - (v.) Other related uses, such as schools, child day care services, kindergartens shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
- d. Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic fields auxiliary thereto, subject to the following:
  - (i) The minimum lot area shall be one (1) acre.
  - (ii) The minimum lot width requirement shall be one hundred and twenty (120) feet.

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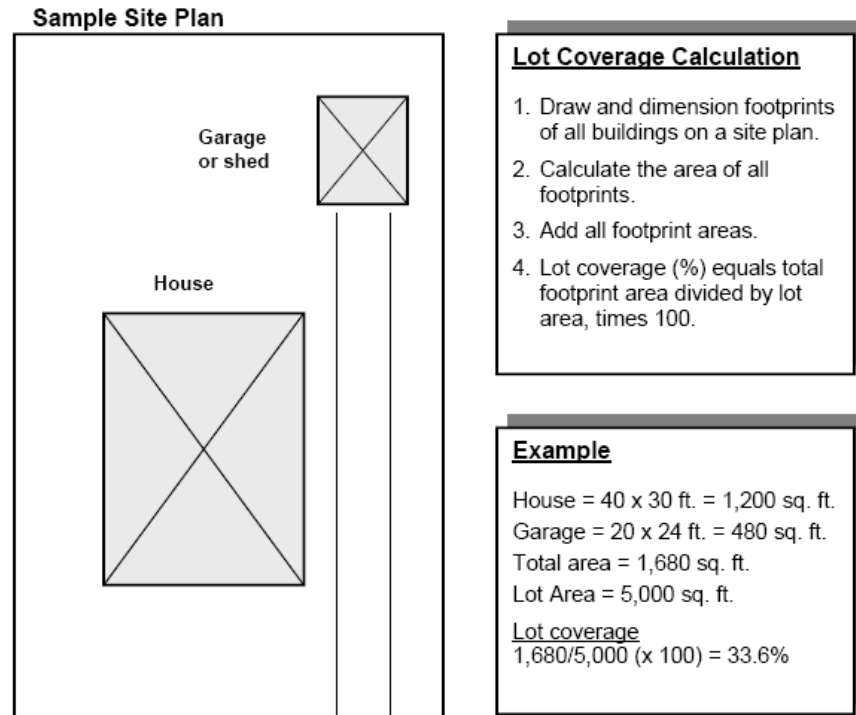
- (iii) A front setback of eighty (80) feet from the center of the road shall be required.
  - (iv) Side and rear yards of no less than twenty-five (25) feet shall be provided. Where any outdoor activity area, swimming pool, ball field or court adjoins a residential land uses, such yards shall be buffered with landscaping across 50% of the lot width.
  - ~~(v) Off-street parking and loading facilities shall be provided as required or permitted in section 11.00.~~
  - (vi) Hours of operation shall be limited to the following:
    - (1) Outdoor group activities shall not be allowed after 10 PM.
    - (2) The facility may not be used as a regular overnight domicile or shelter. ~~This provision does not limit~~ **However**, the school ~~from being~~ **may be** used for overnight retreats or events for school members and guests.
    - (3) Lighted outdoor recreation facilities, parking lots and lighting shall be designed to avoid excessive light and glare impacts on adjacent properties. Restrictions on light pole height and types, deflectors and other such measures may be required **as necessary** to prevent overspill and excessive intensity of light.
- e. Small Wind Energy Systems subject to the conditions of Section 4:17

## H. SPECIAL USES.

1. The following uses may be allowed by a special use permit in accordance with the provisions of Section 13:00 if approved with the Planned Development or as an amendment to a Planned Development (*Amended 3/21/18*).
  - ~~b.~~ Airport, private airstrip, heliports and aircraft landing fields provided airports and surrounding territory are subject to the rules and regulations of the State of Illinois Department of Aeronautics and must comply with all Illinois Department of Transportation (IDOT) Division of Aeronautic and Federal Aviation Administration (F.A.A.) requirements **detailed in Section 8:02.C.3 and provisions as follows:**
    - ~~i. Height of structures in areas surrounding the~~

- ~~boundaries of airports having an established approach plan that has been approved by the State of Illinois Department of Aeronautics shall be in accordance with the requirements set forth in the approach plan.~~
- ~~ii. Height of structures, in areas ten thousand lineal feet beyond the boundaries of airports that do not have an established approach plan shall be governed by the following:~~
- ~~1. For an airport having the longest runway less than thirty-nine hundred and fifty lineal feet in length, structures located just beyond the boundaries of the airport shall not be in excess of fifteen feet in height, and for every two hundred lineal feet of additional distance from the airport boundaries the height of structures may be increased by not more than ten feet.~~
  - ~~2. For an airport having a runway of thirty-nine hundred and fifty lineal feet or more in length, structures just beyond the boundaries of the airport shall not be in excess of fifteen feet in height; and for every two hundred lineal feet of additional distance from airport boundaries, the height of structures may be increased by not more than five feet and where a runway has been designated as an instrument runway, the height of structures may be increased by not more than four feet in every two hundred lineal feet of additional distance from airport boundaries, for the first ten thousand lineal feet, and for the area covered in the next forty thousand lineal feet, the height of structures may be increased by not more than five feet in every additional two hundred lineal feet.~~
- ~~iii. Structures exceeding the limiting heights shall be considered obstruction to air navigation unless found not to be objectionable after special aeronautical study. Such structures may be specifically authorized as a variation after public hearing by the Zoning Board as provided by law.~~

- f. Convenience Establishments consistent with the permitted uses as specified in the B-1 district subject to the following:
- (i) The area, size, and uses to be included in Convenience Establishments shall be established and regulated in the Planned Development Ordinance passed pursuant to Section 8:06. ~~B.6(g)~~.
  - (ii) When one or more convenience establishment is proposed, they shall be grouped, arranged and designed for maximum pedestrian convenience.
  - (iii) Convenience establishments shall not have substantial adverse effects on residential uses within the RPD or adjoining uses by reason of their location, design, construction, manner or timing of operation, signs, lighting, parking or access arrangements. Signage and lighting requirements may be more restrictive than the signage requirements of Section 12:00 and the Kendall County Subdivision Ordinance.
  - (iv) The maximum parcel size: 100,000 square feet. No convenience establishment shall have a gross floor area in excess of 5,000 square feet per building. Lot coverage of all buildings shall not exceed thirty percent (30%) of the area of the parcel, exclusive of rights-of-way of adjoining streets.



- (v) Landscaped open space shall be utilized to protect the residential character of the RPD and surrounding uses, in an amount equal to or at least fifteen percent (15%) of the area of the parcel, exclusive of rights-of-way of adjoining streets. Such space shall be landscaped or otherwise appropriately improved to provide convenient pedestrian circulation, play areas for children, passive recreation areas, and the like. Pedestrian sidewalks intended for circulation between parking areas and convenience establishments shall not be included as the improved open space required by this paragraph.
- (vi) Convenience establishments shall have a front setback of at least thirty-five (35) feet, and rear setbacks of at least fifty (50) feet, or equal to the adjoining lot setbacks, whichever is greater. Side setbacks shall be at least ten (10) feet, or equal to the side setback of an adjacent residential use, whichever is greater.
- (vii) Transition landscaping shall be provided where the convenience establishment parcel abuts residential areas. Continuous landscaping shall be provided across one hundred (100%) percent of the yard to a minimum mature

height of six (6') feet. Plant material shall consist of approximately fifty (50%) percent evergreen plants and fifty (50%) percent deciduous material. Shrubs shall be spaced at a maximum of four feet (4') on center. A solid screen may be achieved by clustering shrubs beneath shade or ornamental trees, by using evergreen trees, or any mix thereof, or by providing a six (6') foot high solid commercial grade wood fence along the length of the property. Any fence shall be of one material and one color, and shall have shade trees placed on the side of the fence closest to the commercial use, at the equivalent of one (1) tree for every fifty lineal feet (50').

- i. Golf courses, Club House, Country Clubs and Membership Riding Clubs **including "par 3" golf courses, unlit commercially operated driving ranges, unlit miniature golf courses and planned unit development for conventional golf courses.**
- j. ~~Golf courses, including "par 3" golf courses, unlit commercially operated driving ranges, unlit miniature golf courses and planned unit development for conventional golf courses.~~
- l. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses **subject to Section.7.01.E:**
  - i. ~~All such facilities shall meet all State Animal Management Statutes.~~
  - ii. ~~Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time, unless otherwise approved in the special use permit.~~
  - iii. ~~All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.~~
  - iv. ~~Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.~~
  - v. ~~Submissions of a manure management plan for review and approval by the Kendall County Health Department.~~
  - vi. ~~Hours of operation for the indoor arenas shall be restricted to 6:00 am – 10:00 pm daily. Outdoor use of the property for riding horses shall be permitted from dawn~~



- ~~to dusk daily.~~
- ~~vii. Off-street parking and loading at a ratio of not less than one parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e. storage of horse trailers used in conjunction with the stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)~~
- ~~viii. Provision of handicapped accessible bathroom facilities for customers and employees.~~
- ~~ix. Compliance with basic life safety requirements for building ingress and egress.~~
- m. Secondary Dwelling Unit as approved on a case by case basis by the County Board, provided the following purpose is served and all of the following conditions are met: (Changed numbers to Roman numerals)
- i. Purpose: To provide additional housing on a single parcel for family members and visiting guest of the owners of the single-family dwelling while maintaining and rehabilitating the historically significant structure as the principle or secondary dwelling unit.
  - ii. Conditions:
    - (i) At least one of the structures has been identified by the County Board as having historical significance and must incorporate or involve the preservation of an existing structure that can be retrofitted for residential uses or unique buildings which add to the history and heritage of Kendall County.
    - (ii) The parcel must be greater than 45,000 square feet in size and must be able to demonstrate the ability to provide adequate water and sanitary wastewater treatment facilities to service both the principle residence and secondary residential unit in accordance with all applicable Health Department regulations and guidelines in effect at the time of application for the Special Use.
    - (iii) The units shall comply with the height bulk regulations and building setbacks of the RPD district.

- (iv) The property shall be maintained as a single parcel containing two dwelling units unless otherwise approved by the County Board and provided the resulting lots can demonstrate compliance with all of the requirements of the RPD District and applicable Health Department regulations in effect at the time the parcel is divided.
- (v) All secondary dwelling units shall not exceed the height of the main dwelling.
- (vi) All secondary dwelling units shall be served by the same address, electrical, water, and gas meters that serve the main single-family dwelling unit. No separate meters shall be allowed.
- (vii) Adequate off-street parking shall be available for the secondary dwelling unit.

~~(viii) **Covenant or Deed Restrictions: As a condition of securing a Building Permit for construction of a secondary dwelling unit being added to an existing single-family home, the property owner shall record against the deed to the subject property, a covenant or deed restriction which shall prohibit the rental, lease or sale of the secondary dwelling unit separately from the rental, lease or sale of the main dwelling unit. Proof that such a covenant or deed restriction has been recorded shall be provided to the Kendall County Zoning Administrator prior to the issuance of the Building Permit for the secondary dwelling unit.**~~

- (ix) The materials, colors, and architectural style of the secondary dwelling unit shall be similar to the principal residence
- (x) The livable floor area of the secondary dwelling unit shall not exceed fifty percent (50%) of the livable floor area of the principal residence.
- (xi) Construction of all secondary dwelling units shall meet applicable building codes.
- (xii) There must be a shared driveway between both dwelling units.

**iii. Covenant or Deed Restrictions: As a condition of securing a Building Permit for construction of a secondary dwelling unit being added to an existing**

single-family home, the property owner shall record against the deed to the subject property, a covenant or deed restriction which shall prohibit the rental, lease or sale of the secondary dwelling unit separately from the rental, lease or sale of the main dwelling unit. Proof that such a covenant or deed restriction has been recorded shall be provided to the Kendall County Zoning Administrator prior to the issuance of the Building Permit for the secondary dwelling unit.

2. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00 without inclusion in the Planned Development or a subsequent amendment (*Amended 3/21/18*). **(re-letter after d)**
  - a. Agency Licensed Family Residential Care Homes - Transitional ~~Halfway house. (A single housekeeping unit of three (3) or fewer persons receiving care in a family-like atmosphere where the residents are residing in the home on a transitional or temporary basis where the length of residency is not expected to be more than one (1) year. Oversight and supervisory personnel shall be on the premises in addition to this number.)~~
  - b. Bed and breakfast establishments are permitted subject to the **following** conditions **stated in Section 7:01.D.**
    - a. ~~Shall have no more than five (5) guest rooms for rent.~~
    - b. ~~Shall be in operation for not less than six (6) nights in a six (6) month period.~~
    - c. ~~Shall maintain a guest register which shall be available at all times for inspections.~~
    - d. ~~Shall be located in a single family detached dwelling, not an accessory building or garage.~~
    - e. ~~Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.~~
    - f. ~~In addition to the parking requirements for a single family detached dwelling, the bed and breakfast establishment shall provide one (1) additional space for each guest room. The off street parking for a bed and breakfast establishment shall not be located in any~~

- ~~required yard, but it shall be screened from adjacent properties by a landscape screen of at least fifty (50) percent capacity.~~
- ~~g. Only one (1) sign shall be permitted for each bed and breakfast establishment. The maximum size of such sign shall be four (4) square feet per sign face.~~
- ~~h. Each guest room may have its own private bath. No guest room shall have any kitchen facilities.~~
- ~~i. Guest room shall mean sleeping room intended to serve no more than two (2) adult transient guests per night.~~
- ~~j. Accommodations shall be provided in guest rooms only. The length of stay in a bed and breakfast establishment shall be a maximum of One (1) week.~~
- ~~k. Any application for a special use shall include, in addition to all other documents required for a special use application, floor plans drawn to scale accurately showing the guest rooms in relation to the rest of the single family detached dwelling.~~
- c. Child Day Care facilities, subject to the following:
  - (i) Minimum lot area of 45,000 gross square feet.
  - ~~(ii) Off-street parking and loading facilities shall be provided as required or permitted in Section 11.00.~~
  - (iii) Provision of appropriate outdoor play areas.
  - (iv) Other standards as appropriate for the particular location and use such as screening, buffering, and fencing or other provisions to promote the health, safety, and welfare of County residents.
- ~~d. Home occupation provided it follows the definition in Section 3:02, meets the conditions in Section 4:07 and an affidavit is filled out in the Planning, Building and Zoning office stating you meet those conditions~~  
**Section should be relettered.**
- e. Hospice
- f. Places of Worship subject to the following conditions:

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- (i) Must be located on an arterial or major collector street as defined in the County Transportation Plan.
  - (ii) The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
  - ~~(iii) Off-street parking, lighting and loading facilities shall be provided as required or permitted in Section 11.00.~~
  - vi. Other related uses, such as schools, child day care services, kindergartens, meeting shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
- g. Public or Private Utilities and Service uses:
- (i) Telecommunications hub
  - (ii) Filtration plant, pumping station, and water reservoir.
  - (iii) Sewage treatment plant.
  - (iv) Electric substations and booster stations.
  - (v) Other Similar uses
- h. Rest homes, nursing homes, hospitals and sanitariums, ~~for human beings only.~~
- I. DEVELOPMENT STANDARDS. All developments shall be developed according to the standards of the Kendall County Subdivision Ordinance. In addition, the following requirements shall apply:
- 1. Streets Access. No residential lot shall have direct access to arterial or major collector roads. Private streets and driveways may only be approved to alleviate unusual circumstances. Specifically, private streets may only be approved if there is some desirable feature on the site that would not otherwise be preserved. Such features may include significant trees, topography, water features, historic sites, etc. The design and construction of private driveways and streets shall conform to the standards in Section 10.00. ~~G.10 H~~ of the Subdivision Control Ordinance.
- N. TYPES AND LOCATION OF OPEN SPACE. Open space shall be comprised of two types of land: "Primary Open Space and "Secondary Open Space."
- 3. The location of open space conserved through compact residential development shall be consistent with the policies contained in the Land

Resource and Management Area Policies of the ~~Land—Resource Management Plan-LRMP~~, the recommendations contained in this section and the Development Evaluation Criteria of Section 8:03.~~O P~~.

4. All lands within both the Primary and Secondary Open Space shall be permanently reserved as open space and protected from being developed for anything other than passive or active open space uses through one or more of the following means:
  - a) Through the donation or dedication of the proposed open space parcels to a Forest Preserve or local Park District for use as perpetual open space. In such instances the donation or dedication shall be noted in any accompanying development agreements and the individual parcels planned for dedication or donation shall be noted as “Park Site” or “Forest Preserve” lands on the final plat.
  - b) Imposition and **recordation recording** of a deed restriction limiting the use of the property to passive or active open space in perpetuity and identifying the maintenance responsibilities of the individuals or entities having ownership of the properties (i.e. individual lot owners and/or Homeowner’s Associations). Such restrictions **and conditions** shall be noted on the final plat and shall also be referenced in any accompanying development agreements.
  - c) Through the recordation of a conservation easement that prohibits further development, and sets other standards safeguarding the site's special resources from negative changes provided:
    - i. The property contains significant wetlands, fens, native areas or tree stands that require specialized care and maintenance to insure the preservation of specific natural features; and,
    - ii. An established conservation agency, land conservancy foundation, trust or group with the knowledge and skill to manage and oversee the **short and long term** maintenance of these specialized areas has agreed to either take title to the property or enforce the provisions of the easement.
    - iii. The easement provisions, restrictions and conditions shall be noted on the final plat and shall also be referenced in any accompanying development agreements. **(added as iii- unnumbered previously)**

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- O. DEVELOPMENT EVALUATION CRITERIA. In evaluating the layout, amount, and location of lots and open space, the County shall evaluate the extent to which the site plan does the following:
4. Visually buffers development from existing public roads, such as by a planting screen primarily consisting of indigenous trees, shrubs and wildflowers as identified in Appendix 4 6 of the Subdivision Control Ordinance.
- P. OWNERSHIP AND MANAGEMENT OF OPEN SPACE. The developer may cause to be endowed a permanent fund to offset continuing open space maintenance costs. Spending from this fund should be restricted to expenditure of interest, in order that the principal may be preserved. Assuming an annual average interest rate of 5%, the amount designated for the Endowment Fund should be twenty (20) times the amount estimated to be required on a yearly basis to maintain the open space. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities (such as a homeowners' association, a land trust, or the County). Applicants may receive a density bonus in accordance with the provisions of Section 8:03.C, Density Incentives, for creation of this fund.

The developer shall agree to create an underlying special service area controlled by the County. This special service area shall be created at the time of final platting of the first phase of the Planned Development, and shall include all phases of the Planned Development. In the event the entity that has ownership and maintenance responsibilities fails to adequately manage the open space, the County may assume maintenance responsibilities until such time as that or another appropriate entity can manage the open space. The County may assess the property of those within the special service area for the County's prior and estimated future cost of maintaining the open space. **(Remove Number 1)**

8:04 RPD-2 RESIDENTIAL PLANNED DEVELOPMENT - TWO

RPD-2. This district applies to all developments lying within Contiguous Growth Area - Rural Transition. Such developments shall meet the following standards:

- B. Maximum Density. Maximum density, including all density bonuses as provided in Section 8:03.C, shall not exceed 0.65 dwelling units per acre of buildable land (0.45 dwelling units per buildable acre base density, plus maximum incentive of 0.20 dwelling units per buildable acre). An additional density bonus of 0.20

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dwelling units per buildable acre (which would allow up to 0.85 dwelling units per acre of buildable land) may be granted in the case of a proposed development that:

1. Is all or partially located within 100 feet of a Class A Stream as defined by IDNR, (i.e. the Aux Sable Creek and Big Rock Creek) or its tributaries; **and**
2. **and Utilizes** both community septic and community water services.

Such bonuses shall be subject to review and approval by the County Board. Examples of additional and significant public amenities may include but shall not be limited to contributions for off-site roadway improvements, construction of road improvements that facilitate the development of planned re-alignment of existing and/or future roads, land contributions to the Forest Preserve District in excess of the minimum amount required under the County's land cash donation ordinance. Density transfers may be considered where land with unique natural features such as woodlands will be dedicated to the Forest Preserve District. Regardless of the application of density bonuses, at least 30% of the total acreage must still be designated as open space. *(Amended 4/18/06)*

- C. All other standards **and uses** of the RPD-1 district except the density regulations of Section 8:03.A-B, Density and the Maximum Lot Size under Section 8:03.D. The Maximum Lot Size in the RPD-2 shall be limited to 90,000 sq. ft.

8:05 RPD-3 RESIDENTIAL PLANNED DEVELOPMENT – THREE. This district applies to all developments lying within Contiguous Growth Area - Urban. Such developments shall meet the following standards:

- C. All other standards **and uses** of the RPD-1 district except the density regulations of Section 8:03 A-B, the Maximum Lot Size in the RPD-3 shall be limited to 65,000 sq. ft.

**~~8.06—PROCEDURE FOR APPROVAL OF RPD-1, RPD-2 OR RPD-3 DEVELOPMENT.  
(Move This Section to Section 13:00)~~**

**8:076** R-2 ONE-FAMILY RESIDENCE DISTRICT.

- A. PERMITTED USES. The following uses are permitted:

2. Keeping of up to twelve (12) chickens on a zoning lot, provided that:



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- a. The lot is a minimum one (1) acre
- b. No roosters shall be kept on any zoning lot
- c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property
- d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties
- e. All confinements shall be located at least 10' from all residentially zoned lots
- f. All uncovered fenced enclosures shall be at least four feet in height.
- g. No eggs or chickens shall be offered for sale on the premises
- h. ~~All standards adopted by the Illinois Department of Agriculture and the Kendall County Health Department shall apply~~  
*(Amended 10/19/10)*

B. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00.

1. Any use permitted as a special use in the R-1 One-Family Estate Residence District, Section 8:02.C and that Planned Developments may be considered where the zoning lot proposed for development has a gross area of not less than forty acres.

C. CONDITIONAL USES: The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator:

1. Beekeeping with ~~the following~~ conditions ~~as detailed in Section 8:02.B.1.~~
  - ~~i. Beekeeping and the honey produced from beekeeping shall be for personal use only~~
  - ~~ii. Annual permit required with fee of \$50 the first year the permit is issued and \$25 each year after~~
  - ~~iii. Minimum lot size of 1 acre (43,560 square feet) with a maximum of 2 colonies.~~
  - ~~iv. No colony shall be permitted within a front yard setback~~
  - ~~v. All colonies must be setback at least 30' from any rear or side yard lot line except when abutting a right of way of a street or railroad the colony must be a minimum of 5' from the rear or side yard lot line (as long as there is no sidewalk or pathway).~~
  - ~~vi. All colonies within 100' of an adjoining home shall require a flyway barrier with a 6' minimum height~~

- ~~vii. All colonies shall require a minimum 4' fence surrounding the perimeter of the colonies or surrounding the perimeter of the entire property. Fencing must have a locking gate with caution signage on each gate.~~
- ~~viii. Notification shall be sent by permit applicant to all adjacent property owners. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the PBZ Department. Any property owner who receives notification shall have 14 calendar days from the postmarked date to send written objection to the Planning, Building, and Zoning Department. If any such objection is received, no colony shall be located within 100' of the adjoining home of objecting property owner.~~
- ~~ix. During the application submittal there must be documentation from the Homeowners Association (HOA) stating they approve or deny the proposal. If there is no HOA that must be submitted in writing and signed by the applicant.~~
- ~~x. Prior to submitting a renewal application, an applicant is permitted to resend notification to a property that has previously objected. If the property owner does not object within 14 calendar days after receiving the resent notification, the applicant may locate a colony within 100' of the residence of the previously objecting property but shall maintain a distance of at least 30' from all property lines at all times unless abutting a right of way in which the colony can be placed with 5' of the property line.~~
- ~~xi. The Zoning Administrator has authority to approve all new and renewal permits. If the Zoning Administrator receives information that a renewal applicant has violated any of these requirements, caused injury to the public, impacted the safety and health of the public, or has had an adverse affect on surrounding properties as a result of keeping bees on the subject property, the Zoning Administrator may, at his or her discretion, deny the renewal application.~~
- ~~xii. Any decision made by the Zoning Administrator may be appealed in writing to the Planning, Building, and Zoning Committee, with the appropriate administrative appeal fee.~~
- ~~xiii. A site plan indicating the location and distance to property lines and adjacent residences shall be submitted to the PBZ Department with the application.~~

~~xiv. Proof of Apiary Registration with the Illinois Department of Agriculture shall be submitted to the PBZ Department within 30 days of the application submittal.~~

~~xv. All approved permits shall comply with the Bees and Apiaries Act of Illinois (510 ILCS 20)~~

2. Home-based retail and/or wholesale food operation ~~providing it meets all applicable county, state and federal public health requirements.~~

3. Model homes, with the following restrictions: (~~changed from letters to Roman numerals~~)

a) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the ~~Planning, Building and Zoning-PBZ~~ Department.

b) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.

c) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.

~~d) All signs must conform to the standards set forth in Section 12.00 of this ordinance.~~

4. Small Wind Energy Systems ~~subject to the conditions of Section 4:17~~

H. **NO REZONING.** No parcel originally larger than ten (10) acres in size shall qualify for rezoning to this category after January 16, 2001, unless an application has been submitted for such rezoning prior to that date.

~~8:078~~ R-3 ONE-FAMILY RESIDENCE DISTRICT

A. PERMITTED USES. The following uses are permitted;

2. Keeping of up to twelve (12) chickens on a zoning lot, **provided that the conditions contained in Section 8:06.A. are met.**

~~a. The lot is a minimum one (1) acre~~

~~b. No roosters shall be kept on any zoning lot~~

~~c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property.~~

- ~~d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties~~
- ~~e. All confinements shall be located at least 10' from all residentially zoned lots~~
- ~~f. All uncovered fenced enclosures shall be at least four feet in height.~~
- ~~g. No eggs or chickens shall be offered for sale on the premises~~
- ~~h. All standards adopted by the Illinois Department of Agriculture and the Kendall County Health Department shall apply  
(Amended 10/19/10)~~

B. SPECIAL USES. The following uses may be allowed by a special use permit in accordance with the provisions of Section 13.00:

2. Retail shops/office use that can satisfy the following requirements:

- a. The site must have direct access onto an arterial roadway as designated on the Transportation Plan.
- b. No outside storage of any materials or outdoor display.
- c. No sign, other than one identification sign, non-illuminated, non-flashing and 32 square feet shall be allowed. All other regulations with regards to height and location must be followed as outlined in **Chapter-Section 12.0009**.
- ~~d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Chapter 11 of this ordinance.~~
- e. No more than 3 employees are allowed to work on-site at one time.
- f. Contact the Health Department to make sure the septic system is adequate for the proposed use.
- g. The office or retail use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the R-3 district.
- h. Expansion of a residential building, structure, or of any accessory building in which an office or retail use is proposed to be situated may be permitted upon the submission of a site plan and accurate drawings showing all elevations of such proposed building or structure to the plan commission for its review and recommendation, and upon approval by the County Board. The current structures and any new structures must maintain a residential appearance and match the surrounding neighborhood architecture.

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- i. The standards are intended to ensure compatibility with other permitted uses and maintain the residential character of the surrounding residential uses.

C. **CONDITIONAL USES:** The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator

1. Beekeeping with the **following** conditions in **Section 8:02.B.**
  - ~~i. Beekeeping and the honey produced from beekeeping shall be for personal use only~~
  - ~~ii. Annual permit required with fee of \$50 the first year the permit is issued and \$25 each year after~~
  - ~~iii. Minimum lot size of 1 acre (43,560 square feet) with a maximum of 2 colonies.~~
  - ~~iv. No colony shall be permitted within a front yard setback~~
  - ~~v. All colonies must be setback at least 30' from any rear or side yard lot line except when abutting a right of way of a street or railroad the colony must be a minimum of 5' from the rear or side yard lot line (as long as there is no sidewalk or pathway).~~
  - ~~vi. All colonies within 100' of an adjoining home shall require a flyway barrier with a 6' minimum height~~
  - ~~vii. All colonies shall require a minimum 4' fence surrounding the perimeter of the colonies or surrounding the perimeter of the entire property. Fencing must have a locking gate with caution signage on each gate.~~
  - ~~viii. Notification shall be sent by permit applicant to all adjacent property owners. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the PBZ Department. Any property owner who receives notification shall have 14 calendar days from the postmarked date to send written objection to the Planning, Building, and Zoning Department. If any such objection is received, no colony shall be located within 100' of the adjoining home of objecting property owner.~~
  - ~~ix. During the application submittal there must be documentation from the Homeowners Association (HOA) stating they approve or deny the proposal. If there is no HOA that must be submitted in writing and signed by the applicant.~~
  - ~~x. Prior to submitting a renewal application, an applicant is permitted to resend notification to a property that has previously objected. If the property owner does not object~~

~~within 14 calendar days after receiving the resent notification, the applicant may locate a colony within 100' of the residence of the previously objecting property but shall maintain a distance of at least 30' from all property lines at all times unless abutting a right of way in which the colony can be placed with 5' of the property line.~~

- ~~xi. The Zoning Administrator has authority to approve all new and renewal permits. If the Zoning Administrator receives information that a renewal applicant has violated any of these requirements, caused injury to the public, impacted the safety and health of the public, or has had an adverse affect on surrounding properties as a result of keeping bees on the subject property, the Zoning Administrator may, at his or her discretion, deny the renewal application.~~
  - ~~xii. Any decision made by the Zoning Administrator may be appealed in writing to the Planning, Building, and Zoning Committee, with the appropriate administrative appeal fee.~~
  - ~~xiii. A site plan indicating the location and distance to property lines and adjacent residences shall be submitted to the PBZ Department with the application.~~
  - ~~xiv. Proof of Apiary Registration with the Illinois Department of Agriculture shall be submitted to the PBZ Department within 30 days of the application submittal.~~
  - ~~xv. All approved permits shall comply with the *Bees and Apiaries Act of Illinois (510 ILCS 20)*~~
2. Home-based retail and/or wholesale food operation ~~providing it meets all applicable county, state and federal public health requirements.~~
3. Model homes, with the ~~following~~ restrictions in Section 8:07.C.
- ~~(i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the Planning, Building and Zoning Department.~~
  - ~~(ii) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.~~
  - ~~(iii) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.~~
  - ~~(iv) All signs must conform to the standards set forth in Section 12.00 of this ordinance.~~

The following districts shall not be considered for re-zoning classifications after February 15, 2000:

8:098 R-4 ONE-FAMILY RESIDENCE DISTRICT

A. PERMITTED USES. The following uses are permitted:

1. Accessory uses – ~~See Section 4:05. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.~~
2. Home occupation provided ~~it follows the definition in Section 3.02, meets the conditions in Section 4.07 and~~ an affidavit is filled out in the ~~Planning, Building and Zoning PBZ~~ office stating you meet ~~those the zoning~~ conditions.
4. Signs, ~~as permitted and regulated by Section 12.00.~~

B. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00:

3. Places of Worship subject to the ~~following~~ conditions ~~contained in Section 7:01.D.~~
  - a. ~~The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.~~
  - b. ~~Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.~~
  - c. ~~Off street parking, lighting and loading shall be provided as required or permitted in Section 11.00.~~
6. Rest homes, nursing homes and sanitariums, ~~for human beings only.~~
9. Solar Gardens – ~~See Section 4:00. subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance~~

C. Conditional Uses: The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator

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1. Home-based retail and/or wholesale food operation ~~providing it meets all applicable county, state and federal public health requirements.~~

8:~~4009~~ R-5 ONE-FAMILY RESIDENCE DISTRICT

- A. PERMITTED USES. The following uses are permitted: Any permitted use in the R-4 One-Family Residence District, Section 8:0~~98~~.A.
- B. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00. Any use permitted as a special use in the R-4 One-Family Residence District, Section 8:0~~98~~.B, except that Planned Development may be considered where the zoning lot proposed for development has a gross area of not less than twenty (20) acres.
- C. CONDITIONAL USES: ~~The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator~~ Home-based retail and/or wholesale food operation ~~providing it meets all applicable county, state and federal public health requirements if specifically authorized by the Zoning Administrator.~~

8:~~4110~~ R-6 ONE-FAMILY RESIDENCE DISTRICT

- A. PERMITTED USES. The following uses are permitted: Any permitted use in the R-4 One-Family Residence District, Section 8:0~~98~~.A.
- B. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00: Any use permitted as a special use in the R-4 One-Family Residence District, Section 8.0~~98~~.B, except that Planned Development may be considered where the zoning lot proposed for development has a gross area of not less than twenty (20) acres.
- C. CONDITIONAL USES: ~~The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator~~ Home-based retail and/or wholesale food operation ~~providing it meets all applicable county, state and federal public health requirements if specifically authorized by the Zoning Administrator.~~
- D. LOT SIZE.
  1. ~~One family detached dwellings.~~



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- a. Lot: 7,000 square feet minimum with a width at the established building line equal to forty (40) percent of the depth.
  - b. Density: Shall not exceed three and one-half (3.5) dwelling units per each one (1) gross acre.
  - c. Utilities: All lots in this district shall be served by public sewerage and water facilities.
2. Non-residential: All non-residential principal uses of building as permitted in this section shall be located on a tract of land having an area of not less than five (5) acres and a width at the established building line of not less than forty (40) percent of the depth of the lot, except municipal projects and developments.
  3. Special uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.

**8:4211** R-7 GENERAL RESIDENCE DISTRICT

- A. PERMITTED USES. The following uses are permitted:
  1. Any of the permitted uses in the R-4 One-Family Residence District, Section 8:098.A.
  2. Multiple-family dwellings.
  3. Single-family semi-detached dwellings.
  4. Single-family attached dwellings, but not more than one hundred eighty (180) feet in length.
  5. Two-family detached dwellings.
- B. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00:
  1. Any use permitted as a special use in the R-4 One-Family Residence District, Section 8:098.B, except that Planned Development may be considered where the zoning lot proposed for development has a gross area of not less than twenty (20) acres.
  2. Mobile home park, on a lot not less than (10) acres in area.

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- C. CONDITIONAL USES: ~~The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator~~ Home-based retail and/or wholesale food operation ~~providing it meets all applicable county, state and federal public health requirements if specifically authorized by the Zoning Administrator~~. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator
- G. YARD AREAs.
1. All yard areas for single family and two-family buildings shall be the same as the regulations required in the R-6 One-Family Residence District, Section 8:~~4110~~.D.

## SECTION 9:00 BUSINESS DISTRICTS

Updated on 11.19.19

### 9:00 PURPOSE

The purpose of this section is to encourage the orderly development of commercial properties to serve and meet the needs of the citizens of Kendall County. The establishment of new commercial districts shall follow the guidelines of the Kendall County ~~Land Resource Management Plan (LRMP)~~. In general, areas designated as Commercial/Industrial or Transportation Corridors on the ~~Resource Management Concept Plan LRMP~~ are appropriate for commercial development. Where properties proposed for commercial development are contiguous to existing municipalities, the County encourages the annexation of these properties.

More specifically, the commercial zoning districts are intended to provide for groupings of business and commercial establishments that are compatible in scope of services, methods of operation, and traffic generation.

**Kendall County has a long, rich tradition in agriculture and respects the role that farming and agricultural related businesses continue to play in shaping the economic viability of the county. Property that supports this industry is indicated by a zoning indicator -- A-1 or A-1 Special Use. Anyone constructing a residence or facility near this zoning should be aware that normal agricultural practices may result in occasional smells, dust, sights, noise, and unique hours of operations that are ARE NOT TYPICAL IN OTHER ZONING AREAS. Please be aware that certain special and permitted uses are in existence and can continue operations as approved.**

### 9:01 B-1 LOCAL SHOPPING DISTRICT

B. PERMITTED USES. The following uses are permitted:

1. Accessory uses. Accessory uses, structures, and buildings shall be permitted provided ~~such uses, structures or buildings they~~ comply with the regulations of Section 4:05.
16. Nano Breweries, subject to the **following** conditions in **Section 7:01.D.** (*Amended 11/15/11; Ord. 11-29*)
  - ~~a. The facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.~~
  - ~~b. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.~~
  - ~~c. Locally grown inputs shall be used to the greatest extent possible, with production utilizing crops grown on the same property or in combination with crops grown off-site.~~

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~~d. Any tasting or sale of beer shall be subject to the Kendall County Liquor Control regulations.~~

C. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00:

11. Places of Worship subject to the ~~following~~ conditions **contained in Section 7:01.D.**

~~a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.~~

~~b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.~~

~~c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00~~

12. Public or Private Utilities and Service uses:

a. Telecommunications hub **or telecommunication stations (was separate number)**

b. Filtration plant, pumping station, and water reservoir.

c. Sewage treatment plant.

d. Electric substations and booster stations.

e. Other Similar uses

~~13. Telecommunications Stations~~

~~14. Solar Gardens. (Amended 11/20/2018)~~

~~16. Solar Gardens subject to the provisions of Section 4:00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)~~

D. CONDITIONAL USES. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator:

4. Small Wind Energy Systems **subject to the conditions of Section 4.18**

~~I. Signs. In accordance with the regulations set forth in Section 12.00.~~

J I. OFF-STREET PARKING AND LOADING. In accordance with the regulations set forth in Section 11:00. Parking shall not encroach upon the required front or side yard. Parking may encroach upon the required rear yard, provided that a landscaped buffer yard of at least 10' from the rear property line is maintained.

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### ~~K J.~~ OTHER PROVISIONS.

1. Performance Standards. All activities shall conform with the performance standards set forth in ~~section 10.01.G. Section 4:12.~~

### 9:02 B-2 GENERAL BUSINESS DISTRICT

#### C. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00:

13. Indoor Target Practice with the **following** conditions **found in Section 7:01.D.**
  - ~~a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.~~
  - ~~b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.~~
  - ~~c. Hours of operation from 7am to 10pm~~
  - ~~d. No alcohol allowed.~~
  - ~~e. Must meet all requirements of the Kendall County Health Department.~~
  - ~~f. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.~~
  
22. Places of Worship subject to the **following** conditions **contained in Section 7:01.D.**
  - ~~a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.~~
  - ~~b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.~~
  - ~~c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00~~
  
23. Public or Private Utilities and Service uses:
  - a. Telecommunications hub **and telecommunication stations**
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.

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- e. Other Similar uses

### **24. Solar Gardens (Amended 11/20/2018)**

### ~~27. Telecommunications Stations~~

### ~~28. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)~~

- D. CONDITIONAL USES. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator: (Renumbered)

- 7. Outdoor Display may be permitted subject to the following:

- a. Temporary Seasonal Displays
  - (i) Seasonal displays not exceeding 60 days per calendar year may be conducted on the same zoning lot as the principal business.
  - (ii) A site plan must be submitted by the applicant and approved by the Zoning Administrator showing the location of the seasonal display, the items to be displayed and the duration of the display.
  - (iii) Seasonal display areas shall be located at least 10 feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.

~~All signage for seasonal display areas shall conform with Section 12.00 of the Kendall County Zoning Ordinance.~~

- b. Permanent Outdoor Displays
  - (i) Shall only be permitted on the same zoning lot as the principal business, and shall only display merchandise which is sold at the subject premises. Items which are not sold on the premises or which are general outdoor storage are not permitted.
  - (ii) Shall not exceed 10% of the subject area or 1,000 square feet in area, whichever is smaller.
  - (iii) Shall be subject to site plan review and approval by the Zoning Administrator.

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- (iv) Shall be located at least 10 feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.
- (v) Displays shall not be higher than 15 feet in height.
- ~~(vi) All signage for outdoor display areas shall conform with Section 12.00 of the Kendall County Zoning Ordinance.~~
- (vii) A zoning certificate and fee are required for approval of an outdoor display area.
- (viii) Any outdoor display area shall be subject to review by the Planning, Building and Zoning Committee and may be rescinded if deemed necessary.
- (ix) Any outdoor display area which does not meet these requirements may be permitted as a special use.

9. Small Wind Energy Systems ~~subject to the conditions of Section 4.18~~

~~I. Signs. In accordance with the regulations set forth in Section 12.00.~~

~~J I.~~ OFF-STREET PARKING AND LOADING. In accordance with the regulations set forth in Section 11:00. Parking shall not encroach upon the required front or side yard. Parking may encroach upon the required rear yard, provided that a landscaped buffer yard of at least 10' from the rear property line is maintained.

~~K J.~~ OTHER PROVISIONS.

1. Performance Standards. All activities shall conform with the performance standards set forth in ~~section 10.01.G. Section 4:12.~~

## 9:03 B-3 HIGHWAY BUSINESS DISTRICT

B. PERMITTED USES. The following uses are permitted:

4. Banquet Halls are permitted subject to the **following** conditions **contained in Section 7:01.D.**
- ~~a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.~~
  - ~~b. The subject parcel must be a minimum of 5 acres.~~
  - ~~c. The use of this property shall be in compliance with all~~

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~~applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)~~

- ~~d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.~~
- ~~e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.~~
- ~~f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.~~
- ~~g. The noise regulations are as follows:~~

~~Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.~~

~~Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.~~

~~EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.~~

- 8. Clean up and restoration services with the **following** conditions contained in Section 7:01.D.
  - ~~a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.~~
  - ~~b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.~~
  - ~~c. All operations are to take place inside an enclosed structure.~~



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- ~~d. A waste management plan must be submitted for approval and included as an exhibit to the approving ordinance~~
- ~~e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings.~~
- ~~f. No materials that are brought in can be burned on this site.~~
- ~~g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).~~
- ~~h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.~~

C. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00.

- 12. Indoor Target Practice with the **following** conditions **contained in Section 7:01.D.**
  - ~~a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.~~
  - ~~b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.~~
  - ~~c. Hours of operation from 7am to 10pm~~
  - ~~d. No alcohol allowed.~~
  - ~~e. Must meet all requirements of the Kendall County Health Department.~~
  - ~~f. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.~~
  
- 15. Landscaping business, ~~provided that:~~ with the conditions contained in Section 7:01.D.
  - ~~a. All vehicles equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.~~
  - ~~b. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that~~

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~~are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.~~

~~c. No landscape waste generated off the property can be burned on this site.~~

19. Micro Distillery ~~subject to the following conditions:~~ with the conditions contained in Section 7:01.D.
  - ~~a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.~~
  - ~~b. Locally grown inputs shall be used to the greatest extent possible~~
  - ~~c. The number of hours permitted to operate shall be on the approving ordinance.~~
  - ~~d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.~~
  - ~~e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.~~
  - ~~f. Shall contact & meet all requirements of the Kendall County Health Department.~~
  - ~~g. A waste management plan should be submitted to the Kendall County Health Department~~
  
23. Performing arts center subject to the **following** conditions contained in Section 7:01.D.
  - ~~a. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.~~
  - ~~b. The site shall be shown as a commercial area on the Land Resource Management Plan.~~
  - ~~c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)~~
  - ~~d. The amount of students and type of events are listed in the approving ordinance.~~
  - ~~e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.~~
  - ~~f. Must meet applicable Fire Protection District codes.~~

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24. Places of Worship subject to the **following** conditions **contained in Section 7:01.D.**
  - ~~a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.~~
  - ~~b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.~~
  - ~~c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00~~
  
26. Public or Private Utilities and Service uses:
  - a. Telecommunications hub **and telecommunication stations**
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses
  
29. Solar Gardens ~~subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.~~ (Amended 11/20/2018)
  
30. ~~Telecommunications Stations~~
  
34. ~~Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.~~ (Amended 11/20/2018)

D. **CONDITIONAL USES.** All conditional uses outlined in the B-2 General Business District (Section 9:0**32**.D) may be permitted only if specifically authorized by the Zoning Administrator **except self-storage facilities.**

~~I. Signs. In accordance with the regulations set forth in Section 12.00.~~

J. **RE-LETTER OFF-STREET PARKING AND LOADING.** In accordance with the regulations set forth in Section 11:00. Parking shall not encroach along the required front or side yard. Parking may encroach upon the required rear yard, provided that a landscaped buffer yard of at least ten (10) feet from the rear property line is maintained.

K. **OTHER PROVISIONS.**

1. Performance Standards. All activities shall conform to the performance standards set forth in ~~section 10.01.G.~~ **Section 4:12.**

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### 9:04 B-4 COMMERCIAL RECREATION

B. Permitted Uses. The following uses are permitted:

1. Accessory uses. ~~Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.~~
3. Banquet Halls are permitted subject to the **following** conditions **contained in Section 7:01.D:**
  - ~~a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.~~
  - ~~b. The subject parcel must be a minimum of 5 acres.~~
  - ~~c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)~~
  - ~~d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.~~
  - ~~e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.~~
  - ~~f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.~~
  - ~~g. The noise regulations are as follows:~~

~~Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.~~

~~Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.~~

~~EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the~~

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~~maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.~~

14. Performing arts center subject to the **following** conditions **contained in Section 7:01.D:**
  - ~~a. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.~~
  - ~~b. The site shall be shown as a commercial area on the Land Resource Management Plan.~~
  - ~~c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)~~
  - ~~d. The amount of students and type of events are listed in the approving ordinance.~~
  - ~~e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.~~
  - ~~f. Must meet applicable Fire Protection District codes.~~
  
18. Seasonal Festivals ~~provided that the following conditions and restrictions are met:~~ subject to the conditions contained in Section 7:01.E.
  - ~~i. Adequate parking on site shall be provided in such a way that no on-street parking is necessary~~
  - ~~ii. Event areas, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office~~
  - ~~iii. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services~~
  - ~~iv. Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services~~
  - ~~v. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements~~
  - ~~vi. Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property~~
  - ~~vii. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Department~~

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- ~~viii. No event activity shall start earlier than 9:00 A.M. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30pm Thursday thru Sunday~~
  - ~~ix. Events shall be permitted once a year unless otherwise approved by the PBZ Committee~~
  - ~~x. Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year~~
  - ~~xi. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted during the duration of the Seasonal Festival subject to the review and approval of the Zoning Administrator.~~
  - ~~xii. All signage shall comply with Section 12.00 of the Zoning Ordinance~~
  - ~~xiii. All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot-candles at any property line~~
  - ~~xv. Any Seasonal Festival which cannot meet these standards may still be permitted if approved as a Special Use. An applicant seeking an approval of the conditional use shall submit an application to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator in the review of a Conditional Use for a Seasonal Festival to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests.~~
20. Truck and Tractor Amusement Competition Events, ~~provided that the following conditions and restrictions are met:~~ subject to the conditions contained in Section 7:01.E
- ~~i. Event tracks, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 500 feet of a residential district, or residential structure located off the subject property unless written consent from the effected residents is provided to the Planning, Building and Zoning Office.~~
  - ~~ii. The operator shall provide adequate parking on the site, such that no on-street parking will be required.~~
  - ~~iii. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.~~

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- ~~iv. No alcohol shall be sold on the premises without a Kendall County liquor license.~~
- ~~v. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.~~
- ~~vi. Events shall not exceed six (6) consecutive days in duration.~~
- ~~vii. Events shall not exceed two (2) times per calendar year on any particular property.~~
- ~~viii. Noise levels shall not exceed 90 dB as measured at the nearest property line, not including any residences located on the subject property.~~
- ~~ix. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Department.~~
- ~~x. Any event activities shall start no earlier than 9:00 A.M., and shall end no later than 9:00 P.M., any day of the week.~~
- ~~xi. Any truck and tractor amusement competition event which cannot meet these standards may still be permitted via a special use.~~

C. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00:

- 2. Athletic Fields with Lights, ~~provided that the following conditions are met: subject to the conditions contained in Section 7:01.D~~
  - ~~a. The minimum site area shall be 140,000 square feet.~~
  - ~~b. All structures, viewing, parking, and seating areas shall be set back at least 100 feet from any street or property line.~~
  - ~~c. Photometric lighting plans will be submitted and approved by the County. All lighting shall be directed downward, and should minimize glare and light trespassing on adjacent property.~~
  
- 8. Indoor Target Practice with the **following** conditions **contained in Section 7:01.D.**
  - ~~a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.~~
  - ~~b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.~~
  - ~~c. Hours of operation from 7am to 10pm~~

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- ~~d. No alcohol allowed.~~
  - ~~e. Must meet all requirements of the Kendall County Health Department.~~
  - ~~f. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.~~
11. Places of Worship subject to the **following** conditions **contained in Section 7:01.D.:**
- ~~a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.~~
  - ~~b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.~~
  - ~~c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00~~
14. Racetrack provided that the following minimum standards are met:
- e. If an animal racetrack is proposed all facilities for housing and maintaining equine shall comply with the following requirements:
    - (i) An approval for such facility from the Kendall County Health Department must accompany the application for a Special Use Permit.
    - (ii) A 100 foot wide area of vegetation cover, exclusive of pasture area, shall be maintained between any corral, un-vegetated exercise area, manure pile, or application area and any surface water or well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.
    - ~~(iii) All facilities for housing and maintaining other animals shall meet the conditions specified in the Special Use Permit.~~
15. Recreational camps and recreational vehicle parks subject to the **following** conditions **contained in Section 7:01.D.**
- ~~a. The minimum lot size must be 20 acres~~
  - ~~b. All standards of the Health Department are met.~~
  - ~~c. Must seek approval from the Fire and Police Departments~~
  - ~~d. Adequate directional signage must be throughout the property.~~



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- ~~e. Maximum continuous stay shall not exceed 90 days.~~
- 16. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses subject to the **conditions in Section 7.01.E.**
  - ~~a. All such facilities shall meet all State Animal Management Statutes.~~
  - ~~b. Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time, unless otherwise approved in the special use permit.~~
  - ~~c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.~~
  - ~~d. Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.~~
  - ~~e. Submissions of a manure management plan for review and approval by the Kendall County Health Department.~~
  - ~~f. Hours of operation for the indoor arenas shall be restricted to 6:00 am – 10:00 pm daily. Outdoor use of the property for riding horses shall be permitted from dawn to dusk daily.~~
  - ~~g. Off-street parking and loading at a ratio of not less than one parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e. storage of horse trailers used in conjunction with the stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)~~
  - ~~h. Provision of handicapped accessible bathroom facilities for customers and employees.~~
  - ~~i. Compliance with basic life safety requirements for building ingress and egress.~~
- 18. Solar Gardens **subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.** (Amended 11/20/2018)
- ~~21. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)~~
- D. **CONDITIONAL USES. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator:** Small Wind Energy Systems only if specially authorized by the Zoning Administrator.
  - ~~1. Small Wind Energy Systems subject to the conditions of Section 4.18~~
- G. YARD AREAS. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building:

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2. Side Yard **and Rear Yard**. Ten feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard **and rear yard** shall be ten feet, or equivalent to said adjacent setback, whichever is greater.
3. ~~Rear Yard. Ten feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required rear yard shall be ten feet, or equivalent to said adjacent setback, whichever is greater.~~

~~J. Signs. In accordance with the regulations set forth in Section 12.00.~~

~~K. Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00.~~

~~L J.~~ Other Provisions.

1. Performance Standards. All activities shall conform with the performance standards set forth in ~~section 10.01.G. Section 4:12.~~

### 9:05 B-5 BUSINESS PLANNED DEVELOPMENT

~~D. Signs. In accordance with the regulations set forth in Section 12.00.~~

~~E D.~~ Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11:00. Parking may encroach upon the required side or rear yard, provided that a landscaped buffer yard of at least 10' from the side or rear property line is maintained. Trucks and semitrailer shall not be parked or stored out-of-doors overnight, in the parking lot or on the premises, except within an area screened from adjacent properties by a walled and gated sight screen enclosure, fence or landscaped berm. However, temporary parking, overnight, not to exceed a 24-hour time period, may be permitted for delivery vehicles which arrive after normal business hours.

~~F E.~~ Other Provisions. **(Numbered)**

1. Performance Standards. All activities shall conform with the performance standards set forth in ~~section 10.01.G. Section 4:12.~~

### 9:06 B-6 OFFICE AND RESEARCH PARK DISTRICT

A. PERMITTED USES. The following uses are permitted:

1. Accessory uses. ~~Accessory uses, structures, and buildings shall be~~

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~~permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.~~

B. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00:

17. Indoor Target Practice with the **following** conditions **contained in Section 7:01.D.**
  - ~~a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.~~
  - ~~b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.~~
  - ~~c. Hours of operation from 7am to 10pm~~
  - ~~d. No alcohol allowed.~~
  - ~~e. Must meet all requirements of the Kendall County Health Department.~~
  - ~~f. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.~~
11. Places of Worship subject to the **following** conditions **contained in Section 7:01.D.**
  - ~~a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.~~
  - ~~b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.~~
  - ~~c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00~~
12. Private clubs such as soccer, **ect. etc.** ~~provided all other sections of the Zoning Ordinance and Health Department regulations are met.~~
17. Solar Gardens **subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.** (Amended 11/20/2018)
- ~~20. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)~~

## SECTION 9:00 BUSINESS DISTRICTS

Updated on 11.19.19

- C. Conditional Uses. ~~The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator: Small Wind Energy Systems only if specially authorized by the Zoning Administrator.~~  
~~1. Small Wind Energy Systems subject to the conditions of Section 4.18~~

~~I. Signs. In accordance with the regulations set forth in Section 12.00.~~

- ~~J I.~~ OFF-STREET PARKING AND LOADING. In accordance with the regulations set forth in section 11.00. Parking may encroach upon the required side or rear yard, provided that a landscaped buffer yard of at least 10' from the side or rear property line is maintained. Trucks and semi-trailers shall not be parked or stored out-of-doors overnight, in the parking lot or on the premises, except within an area screened from adjacent properties by a walled and gated sight screen enclosure, fence or landscaped berm. However, temporary parking, overnight, not to exceed a 48-hour time period, may be permitted for delivery vehicles which arrive after normal business hours.

~~K J.~~ Other Provisions.

1. Performance Standards. All activities shall conform with the performance standards set forth in ~~section 10.01.G. Section 4:12.~~

## SECTION 10:00 MANUFACTURING DISTRICTS

Updated 11.19.19

### 10:01 M-1 LIMITED MANUFACTURING DISTRICT

#### A. CONDITIONS OF USE. All permitted uses are subject to the following conditions:

1. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the performance standards set forth in ~~s~~Section 4:12.
2. All business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified. Within one hundred and fifty feet of a Residential District, all storage shall be in completely enclosed buildings or structures; and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage; and suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half ton capacity may be un-enclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 11:00.
3. Uses established on the effective date of this amended ordinance and by its provisions are rendered non-conforming, shall be permitted to continue, subject to the regulations of Section 5:00.
4. Uses established after the effective date of this amended ordinance shall conform fully to the performance standards hereinafter set forth for the district.

#### B. PERMITTED USES. The following uses are permitted:

1. Accessory uses. Accessory uses, structures, and buildings shall be permitted provided ~~such uses, structures or buildings they~~ comply with the regulations of Section 4:05.
5. Banquet Halls are permitted subject to the ~~following~~ conditions ~~in Section 7:01.D.~~
  - ~~a. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)~~
  - ~~b. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.~~

## SECTION 10:00 MANUFACTURING DISTRICTS

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- ~~c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.~~
- ~~d. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.~~
- ~~e. The noise regulations are as follows:~~

~~Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.~~

~~Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.~~

~~EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.~~

- 8. Clean up and restoration services ~~with the following~~ subject to the conditions ~~in Section 7:01.D.~~
  - ~~i. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.~~
  - ~~ii. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.~~
  - ~~iii. All operations are to take place inside an enclosed structure.~~
  - ~~iv. A waste management plan must be submitted for approval and included as an exhibit to the approving ordinance~~
  - ~~v. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings.~~
  - ~~vi. No materials that are brought in can be burned on this site.~~

## SECTION 10:00 MANUFACTURING DISTRICTS

Updated 11.19.19

- ~~vii. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).~~
- ~~viii. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.~~

~~12. Dwelling units for watchmen and their families including caretakers when located on the premises where they are employed in such capacity.~~

~~15. Micro Distillery subject to the following conditions in Section 7:01.D.~~

- ~~i. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.~~
- ~~ii. Locally grown inputs shall be used to the greatest extent possible~~
- ~~iii. The number of hours permitted to operate shall be on the approving ordinance.~~
- ~~iv. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.~~
- ~~v. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.~~
- ~~vi. Shall contact & meet all requirements of the Kendall County Health Department.~~
- ~~vii. A waste management plan should be submitted to the Kendall County Health Department~~

~~16. Miscellaneous uses -- as follows:~~

~~Accessory uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.~~

~~Signs.~~

~~Temporary buildings for construction purposes for a period not to exceed the duration of such construction.~~

~~18. Nano Breweries, subject to the following conditions contained in Section 7:01.D. (Amended 11/15/11; Ord. 11-29)~~

## SECTION 10:00 MANUFACTURING DISTRICTS

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- ~~a. The facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.~~
- ~~b. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.~~
- ~~c. Locally grown inputs shall be used to the greatest extent possible, with production utilizing crops grown on the same property or in combination with crops grown off-site.~~
- ~~d. Any tasting or sale of beer shall be subject to the Kendall County Liquor Control regulations.~~

21. Public and community service uses - as follows: **(re-lettered)**

- a) Bus terminals, bus **storage (indoor and outdoor) garages, bus lots, street railway terminals, or street car houses.**

23. Retail and services as follows **(re-lettered)**:

- e) Catering Establishments **as long as it conforms to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance.**

~~24. Residential uses -- as follows:~~

~~Dwelling units for watchmen and their families including caretakers when located on the premises where they are employed in such capacity.~~

~~25. Signs.~~

~~27. Temporary buildings for construction purposes for a period not to exceed the duration of such construction.~~

C. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00:

- 2. **Any use permitted in the M-2 Heavy Manufacturing District, provided the performance standard set forth in Section 4:12. can be met in their entirety.**
- 3. Adult Regulated uses; the following uses are deemed to be regulated uses **(re-lettered)**:



## SECTION 10:00 MANUFACTURING DISTRICTS

Updated 11.19.19

- a) Adult Book Store.
- b) Adult Motion Picture Theater.
- c) Adult Mini-Motion Picture Theater.
- d) Adult Entertainment Facilities.
- e) Adult Use.
- f) Adult Massage Parlors or Spas.
- g) Tattoo Parlors and Permanent Body Art Establishments.
- h) Striptease Club or Gentlemen's Club.
- i) Adult Video Store.

For the purposes of determining when a regulated use is allowed as a permitted or special use under this Ordinance, no regulated use shall be considered to be a retail business, service businesses, recreational or social facility, school, accessory use, or general land use.

**RESTRICTIONS ON LOCATION OF REGULATED USES.** No regulated use, either as a permitted use or as a special use, shall be maintained; **(re-numbered)**

- i. Within 1,000 feet of the **property line of another area to be zoned;**
- ii. **500 1,000** feet of any of the following zoning districts or provided for under this ordinance: **R-1, R-2, R-3, B-1, B-2, B-3, B-4 A-1 SU PUD, All Residential Zoning Districts, and all Business Zoning Districts;** nor
- iii. Within 1,000 feet of a zoned area or district lying within a municipality and zoned for any kind of residential, business or commercial office, or office-research use under an ordinance of that municipality.

In addition to the preceding requirements, Adult Entertainment Facilities shall also comply with the separation requirements as established under 55 ILCS 5/5-1097.5 from the property line of any school, Child Day Care facility, cemetery, public park, forest preserve, public housing, and place of religious worship. These requirements shall supersede any less restrictive requirements set forth in this Ordinance.

7. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions **(re-lettered)**:
  - a) Site shall be a minimum of fifty (50) acres for a Basic Utility Stage 1 airport with a two thousand two hundred (2,200') foot runway. More area is required for larger airports. Airport size and layout shall conform to current FAA and IDOT Division of Aeronautics requirements.
  - b) There shall be a minimum three hundred (300') foot distance between

## SECTION 10:00 MANUFACTURING DISTRICTS

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airport property and the nearest residential property line.

- c) Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6') feet in height.

~~d) Other requirements as noted in Section 4.13 of this Zoning Ordinance.~~

- 11. Indoor Target Practice with the **following** conditions **contained in Section 7:01.D.**
  - ~~a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.~~
  - ~~b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.~~
  - ~~c. Hours of operation from 7am to 10pm~~
  - ~~d. No alcohol allowed.~~
  - ~~e. Must meet all requirements of the Kendall County Health Department.~~
  - ~~f. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.~~
  
- 13. Kennels with the conditions **contained in Section 7:01.D.** ~~that the kennels must be located inside and must be located a minimum of 250' from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and 150' from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset.~~
  
- 18. Paintball Facilities subject to the **following** conditions **contained in Section 7:01.D.**
  - ~~a. Minimum lot size of 20 acres;~~
  - ~~b. Hours and days of operation as specified in Special Use Permit to be determined by the County Board~~
  - ~~c. All safe and spectator areas must be protected by special paintball netting, and participants and spectators must wear approved paintball goggles; and~~
  - ~~d. No paintball activity shall leave the boundaries of the site, including fired paintballs.~~
  - ~~e. Requirement of netting to be installed around the property shall be determined by the County Board~~
  - ~~f. Paintball guns shall only be powered by carbon dioxide (CO2), high~~

## SECTION 10:00 MANUFACTURING DISTRICTS

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- ~~pressured air (HPA) or Nitrogen (N2).~~
- ~~g. All signage shall comply with the provisions of Section 12 of the Kendal County Zoning Ordinance.~~
- ~~h. Ammo for such paintball guns shall only include paintball pellets made of non-toxic, biodegradable water soluble substances.~~
- ~~i. All applicable State and County rules and regulations pertaining to wastewater treatment and disposal, potable water supply, and food service shall be adhered to.~~
22. Private clubs such as soccer, ~~ect. etc.~~ provided ~~all other sections of the Zoning Ordinance and Health Department regulations are met and~~ an event parking plan is provided with the application.
23. Racetrack ~~provided that the following minimum standards are met subject to the conditions of Section 9:04.C.~~
- ~~1. The minimum site area shall be 20 acres.~~
  - ~~2. The racetrack and all building, viewing areas, seating areas, and structures for housing animals shall be located no closer than 275 feet from any public road right-of-way or property line.~~
  - ~~3. If night racing is to be conducted, all parking areas and access ways shall be adequately lit; provided that such lighting, as well as lighting for the racetrack shall meet the lighting standards set forth in section 11.02.~~
  - ~~4. If a vehicle racetrack is proposed a noise study shall be prepared by a trained professional addressing anticipated noise levels during races or practice sessions. This study shall also address how excessive noise will be mitigated. The County shall reserve the right to obtain an independent review of this study, and require additional noise mitigation beyond that outlined in the noise study.~~
  - ~~5. If an animal racetrack is proposed all facilities for housing and maintaining other animals shall comply with the following requirements:~~
    - ~~a. An approval for such facility from the Kendall County Health Department must accompany the application for a Special Use Permit.~~
    - ~~b. A 100 foot wide area of vegetation cover, exclusive of pasture area, shall be maintained between any corral, un-vegetated exercise area, manure pile, or application area and any surface water or well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.~~
  - ~~6. The accessory uses may be permitted as incidental to and limited to patrons of the principal use:~~

- ~~a. refreshment stands or booths~~
  - ~~b. souvenir stands or booths~~
  - ~~c. wagering facilities~~
  - ~~d. restaurants or lounges~~
  - ~~e. playgrounds or Child Day Care facilities~~
  - ~~f. vehicle fuel and supplies sales limited to owners or operators of vehicles to be raced~~
  - ~~g. temporary campgrounds~~
  - ~~h. any other customary and incidental uses which are deemed appropriate by the County Board.~~
30. Wind Farms, Commercial, subject to the **following conditions in Section 7:01.D.**
- ~~a. Location Guidelines – The following guidelines shall be considered in evaluating the appropriateness of proposed locations for Wind Farms and the proposed project components. The purpose of these guidelines is to assist decision-makers in uniformly analyzing the site-specific impacts of each proposed project and thereby arrive at consistent and balanced decisions.~~
    - ~~i. Natural and Biological Resources – Wind Farms should not be located in areas that have a large potential for biological conflicts. Wind Farms should not be located in large impact areas such as wilderness study areas, areas of critical environmental concern, county and state parks, historic trails, and special management areas. Wind Farms should not significantly impact important wildlife habitat.~~
    - ~~ii. Visual Impacts – Wind Farms should avoid those visual corridors that are designated by the County as essential view sheds or scenic areas. Essential view sheds or scenic areas are those areas designated in the County’s LRMP or in other locations determined by the County Board after analyzing the applicant’s wind farm visual simulations and considering public hearing comments. A Wind Farm project should maintain visual unity among clusters of turbines. To promote visual uniformity, the rotors, nacelles and towers of all turbines in an array should appear similar. To avoid visual clutter, intra-project power lines having a voltage of 34,500 volts or less, should be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines/standards, violate applicable law, render the project economically infeasible or be hidden from public view. To avoid cluttering the skyline, transformers and other electric equipment should be hidden from view or otherwise~~

~~constructed in harmony with the surrounding landscape.~~

- ~~iii. Soil Erosion & Water Quality – Wind Farms should avoid erosion. Disturbance and construction on erodible slopes should be minimized. The number of improved roads and construction staging areas should be kept to a minimum. The grading width of roads should be minimized. One-lane roadways with turn-outs are recommended. The number and size of staging areas and crane pad sites should be minimized.~~
- ~~iv. Historical, Cultural & Archeological Resources – Wind Farms should avoid sites with known sensitive historical, cultural or archeological resources.~~
- ~~v. Public Safety – Wind Farms shall be developed in a manner that utilizes sound engineering practices and considers public safety in regard to the potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created.~~

~~b. Performance Standards – The following standards are to be achieved by each Wind Farm project without exception. Because they are standards, they are considered to be requirements of any Wind Farm project. The final decision on whether or not a particular standard is achieved by a Wind Farm project shall be made by the County Board after considering the recommendations of all advisory bodies.~~

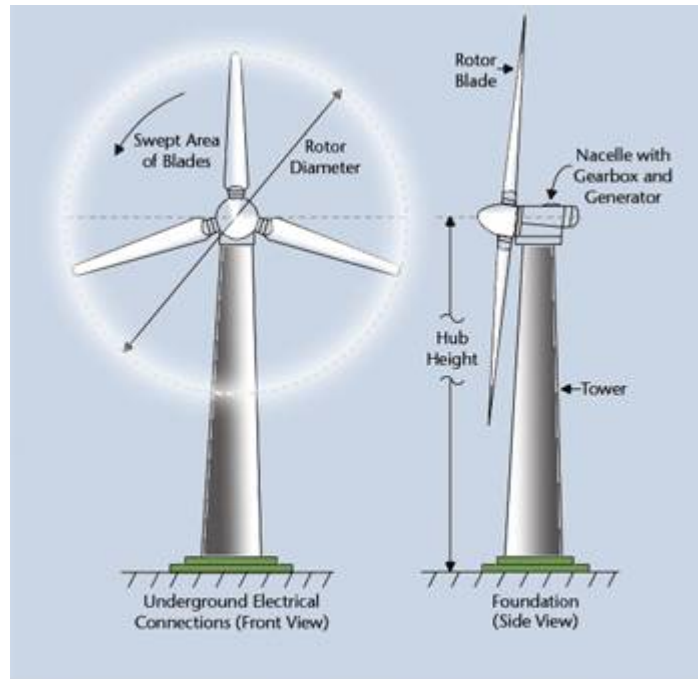
- ~~i. Noise Management – The noise level caused by the operation of the project, measured at five (5) feet above ground level at the property line coincident with or outside the project boundary, shall not exceed 65 decibels (A-weighted) and shall not exceed 50 decibels (A-weighted) if it is determined that a pure tone noise is generated by the project. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.~~
- ~~ii. Wind Farm Design: Wind Farms that are not designed in “accordance with proven good engineering practices” or not purchased from a national manufacturer with a proven track record shall be prohibited. Wind Farms designed with the following characteristics shall be deemed in “accordance with proven good engineering practices”:~~
  - ~~1. at least 3 blades.~~
  - ~~2. upwind rotor.~~
  - ~~3. no furling, where “furling” means that the wind turbine is designed to limit its power output in high winds by changing the~~

~~rotor's plane of rotation to a plane that is not perpendicular to the prevailing wind direction.~~

~~4. tapered and twisted blades.~~

~~5. a well-designed braking system.~~

- ~~iii. Visual Impacts – To provide visual order to a Wind Farm project, all individual turbines shall have the same number of rotor blades and all rotor blades shall spin in the same direction (i.e., clockwise or counter-clockwise) in relation to the wind. To promote visual uniformity, all turbines at a similar ground elevation shall have the same height from blade tip to the ground. Except during construction, re-construction or removal, outdoor storage is not permitted within the project boundary except at locations that are screened from view. To avoid cluttering the skyline, inverters and pendant power cables shall be located inside the wind turbine tower, nacelle or structure. No telecommunications dishes, antennas, cellular telephone repeaters or other similar devices shall be attached to wind turbine towers. Aircraft obstruction markings of the turbines by use of alternating red and white bands shall be prohibited. No Billboards, logos and advertising signs of any kind shall be located on the turbines.~~
- ~~iv. Soil Erosion & Water Quality – Construction and maintenance shall be done in strict accordance with the erosion and sediment control plan submitted with the Building Permit so as to minimize soil erosion and damage to existing vegetation. If vegetation is damaged during construction, in areas not occupied by the Wind Farms and related facilities and roads, it shall be restored after construction is complete. Disturbed areas shall be reseeded to the land owner's or manager's requirements. Dust control on the project site is required.~~
- ~~v. Setback – Individual wind turbines shall be set back from all property lines coincident with or outside of the project boundary a distance equal to 1.1 times the turbine hub height. Individual wind turbines shall be set back from all public roads a distance equal to at least 1.1 times the turbine hub height. (Amended 2/16/2010)~~



Drawing of the rotor and blades of a wind turbine, courtesy of ESN

~~vi. Lighting – Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. Approval from the FAA stating that the turbines will not pose a hazard to aviation must be obtained prior to final recommendation by the Kendall County Regional Plan Commission. If lighting of turbines, or other structures, is required, “daytime white-nighttime red” shall be the only type of lighting allowed unless prohibited by law. All required lighting effects shall be in synchronization with each turbine located on the same or contiguous zoning lot and under the same ownership of a single wind energy system organization. All turbines and towers shall be a shade of white in color. (Amended 2/16/2010)~~

~~c. Roads – All routes on either County or Township roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either ingress or egress need to be shown. The routing shall be subject to the approval of the Kendall County Highway Engineer in coordination with the Township Road Commissioner(s). The developer shall provide and complete a pre-construction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The developer shall provide a road~~

~~repair plan to improve any and all damage, installation or replacement of roads that might be required by the developer. The developer shall provide a letter of credit or a surety bond in amount and form approved by the highway official(s).~~

~~d. Fees - All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney's fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the Zoning Board of Appeals, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board. (Amended 3/21/18)~~

~~e. Removal of Defective Wind Energy Systems: Any wind energy system found to be unsafe by an authorized county official shall be repaired by the owner to meet federal, state and local safety standards or removed within sixty (60) days. If any wind energy system is not operated for a continuous period of 12 months, the county will notify the landowner by registered mail and provide 45 days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action as unreasonable, they must notify the operator~~



~~and such operator shall remove the turbine within 120 days of receipt of notice from the county.~~

~~f. Decommissioning Plan: A Commercial Wind Farm shall submit a decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Facility abandonment shall include the ceasing of operations for a period of not less than one (1) year. Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of the project life or facility abandonment. At the time of decommissioning, an Alta Survey shall be submitted to the County. The decommissioning plan shall state how the facility will be decommissioned, a professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County which states:~~

~~i. The financial resources for decommissioning which shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the County.~~

~~ii. If the Applicant chooses an escrow agreement:~~

~~1. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed; and~~

~~2. The County shall have access to the escrow account funds for the express purpose of completing decommissioning if decommissioning is not completed by the applicant within sixty (60) days of the end of the project life or facility abandonment.~~

~~iii. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.~~

~~iv. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the applicant or applicant's successor, or in which they have an~~

## SECTION 10:00 MANUFACTURING DISTRICTS

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~~interest, for the amount of excess, and to take all steps allowed to enforce said lien.~~

~~Financial provisions shall not be so onerous as to make Commercial Wind Farm projects unfeasible.~~

- D. Conditional Uses. ~~The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator: Small Wind Energy Systems only if specially authorized by the Zoning Administrator.~~
- ~~1. Small Wind Energy Systems subject to the conditions of Section 4.18~~

### 10:02 M-2 HEAVY INDUSTRIAL DISTRICT

- A. CONDITION OF USE. Permitted uses are subject to the **following** conditions listed in **Section 10:01.A.1** and **Section 10:01.A.2**.

~~1. All production, processing, cleaning, servicing, testing, repair, or storage of goods, materials, or products shall conform with the performance standards set forth in Section 4:12.~~

~~2. All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified.~~

~~Within one hundred and fifty feet of a Residence District, all storage shall be in completely enclosed buildings or structures; and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage; and suitably landscaped.~~

~~However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half ton capacity may be un-enclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 11.00.~~

- C. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00:

3. Correctional Facilities subject to the **following conditions in Section 7:01.D**.
  - ~~a. The facility shall be at least 650 feet from the nearest property which is residentially zoned or used.~~
  - ~~b. The facility shall not be established within 1,320 feet of a public or private school, Child Day Care or place of worship.~~

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~~The County may deny the permit when the use would be detrimental to nearby properties or may add conditions or safeguards to the approval in order to protect the health and welfare of citizens.~~

### ~~7. Miscellaneous uses as follows:~~

~~Railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and roundhouses.~~

- D. ~~CONDITIONAL USES. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator: Small Wind Energy Systems only if specially authorized by the Zoning Administrator.~~
- ~~1. Small Wind Energy Systems subject to the conditions of Section 4.18~~

## SECTION 10:03 M-3 AGGREGATE MATERIALS EXTRACTION, PROCESSING AND SITE RECLAMATION (Re-lettered)

### C. SPECIAL USES.

4. Outdoor Target Practice or Shooting (not including private shooting in your own yard) with the ~~following conditions in Section 7:01.D.~~
- ~~a. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting range shall submit copies of all of the studies and plans suggested in the 2012 NRA Range Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan. Two (2) copies of the 2012 NRA Range Source Book shall be available for public access in the Kendall County Planning, Building and Zoning Department. One (1) of the copies of the 2012 NRA Range Source Book shall be made available for rent to members of the public.~~
- ~~1. The above-referenced plans shall contain information as suggested by the National Rifle Association.~~
  - ~~2. Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. The narrative shall, at a minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.~~
  - ~~3. The safety plan shall describe the duties and qualifications of the range supervisors.~~
  - ~~4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The~~

~~lead management plan shall conform to either the requirements of the National Rifle Association's standards, the standards of the National Shooting Sports Foundations standards, or the United States Environmental Protection Agency's best management practices standards.~~

- ~~5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.~~
- ~~6. Any changes to the above-required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.~~
- ~~7. A bond shall be provided for site remediation. The specific dollar amount shall be determined by the County Board.~~
- ~~b. Range layout requires conformity with the 2012 National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1"=100').~~
- ~~c. The site plan for the proposed outdoor target practice of shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.
  - ~~1. The safety area shall conform to 2012 NRA Range Source Book for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.~~
  - ~~2. For the purposes of this regulation, the term "downrange safety area" shall mean the area away from the launching site towards the target. In case of shooting ranges where targets are not stationary, appropriate baffling shall be provided.~~~~
- ~~d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20') high and six feet (6') thick at the top for ranges three hundred feet (300') in length, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. For every thirty (30') feet of firing line distance over twenty feet (20'), the berm height shall increase by ten feet (10') in height as an example. Berms shall be located as follows:
  - ~~1. Shotgun ranges – No berming required.~~
  - ~~2. Ranges for handguns and rifles~~~~

- ~~a. Target placement not to exceed twenty feet (20') from the backstop.~~
- ~~b. Lateral not closer than thirty feet (30') from the firing line.~~
- ~~3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.~~
- ~~4. In addition to berms, appropriate baffling may be installed over the firing line creating a "no blue sky" to prevent projectiles from overshooting the berm.~~
- ~~5. The range shall be located on site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:~~
  - ~~a. Shotgun ranges — one thousand five hundred feet (1500'), provided that shot size is limited to #4 or smaller.~~
  - ~~b. Ranges for handguns and rifles not more powerful than .22 long rifle — seven thousand feet (7,000').~~
  - ~~c. Ranges for rifles more powerful than a .22 long rifle — thirteen thousand five hundred feet (13,500').~~
  - ~~d. The downrange safety area requirement for handgun and rifle ranges may be waived if the firing line is provided with overhead baffling, berming, or a combination thereof, meeting the standards of the 2012 National Rifle Association's Source Book or appropriate baffling may be installed over the firing line creating a "no blue sky" to prevent projectiles from overshooting the berm.~~
- ~~e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.~~
- ~~f. The firing line must be at least one thousand feet (1,000') from existing residential dwellings and property lines of schools, daycares, places of worship, airstrips, and residentially zoned property.~~
- ~~g. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required~~
- ~~h. At least one (1) designated range safety officer must be present during operational hours when discharging of firearms is taking place. A "range safety officer" means a person who is certified under the National Rifle Association's Range Safety Officer Program or other equivalent state or nationally-recognized range safety officer certification program as approved by the County Board, for the type of shooting being supervised. The range safety officer shall enforce all range rules.~~

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- ~~i. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place.~~
- ~~j. Everyone on the firing line is required to wear hearing protection and safety glasses.~~
- ~~k. The range shall provide public bathroom facilities.~~
- ~~l. The range shall require a minimum parcel size of twenty (20) acres.~~
- ~~m. Hours and days of operation shall be specified in the special use permit and determined by the County Board. However, between October 1<sup>st</sup> and March 31<sup>st</sup>, no firing shall take place prior to 10:00 a.m. or after 5:00 p.m. and between April 1<sup>st</sup> and September 30<sup>th</sup>, no firing shall take place prior to 10:00 a.m. or after 8:30 p.m. However, notwithstanding the aforementioned hours of operation, up to twelve (12) night shoots per year shall be allowed ending no later than 10:00 p.m.~~
- ~~n. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100') intervals warning members of the public of the danger. Berming may substitute for fencing.~~
- ~~o. Must meet the existing setbacks of the zoning district.~~
- ~~p. No alcohol, marijuana, or other illicit drugs allowed.~~
- ~~q. No projectiles shall leave the boundaries of the site.~~
- ~~r. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance shall be at a level standard and customary for outdoor target practice or shooting range. An insurance policy meeting the above requirements must be maintained during the duration of the special use permit and the special use permit holder shall supply a copy of the insurance policy to the Kendall County Planning, Building and Zoning Department annually on or before February 1<sup>st</sup> of each year.~~
- ~~s. All applicable Federal, State and County rules and regulations shall be adhered to.~~
- ~~t. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).~~
- ~~u. Notwithstanding the hours of operations set in the special use permit, the range shall abide by the following noise regulations, so as not to exceed allowable residential noise in accordance with the following:~~

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- ~~1. **Day Hours:** No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential use which exceeds sixty (60) dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant.~~
  - ~~2. **Night Hours:** No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential use which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant.~~
  - ~~3. **EXEMPTION: Powered Equipment:** Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.~~
  - ~~v. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance (May 7, 2019) shall be exempt from this sub-section of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits.~~
  - ~~w. Outdoor target practice and shooting ranges open to the public established after the date of this ordinance (May 7, 2019) must comply with the above regulations or secure applicable variance(s). (Amended 5/7/19)~~
  5. Solar Gardens ~~subject to the provisions of Section 4:00 of the Kendall County Zoning Ordinance~~
- D. **CONDITIONAL USES.** ~~The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator: Small Wind Energy Systems only if specially authorized by the Zoning Administrator.~~
- ~~1. **Small Wind Energy Systems** subject to the conditions of Section 4.18~~
- E. **SETBACK REQUIREMENTS.**
1. Unless otherwise specifically provided in an applicable special use permit, production, processing and excavation shall not be conducted closer than two hundred (200) feet to the boundary of any zoning district where such operations are not permitted, nor closer than one hundred (100) feet from

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the boundaries of an adjoining property line, nor closer than one hundred fifty (150) feet to the right-of-way of any existing or platted street, road or highway, except in the following situations:

- a. The bottom of the slope of the mined face of the excavation shall not be closer to said point above, than a distance equal to one and one-half (1½) times the depth of the excavation (see diagram **at end of Section 10:03.1**);

- I. REQUEST FOR LOCATION PROTECTION. Within seven days of filing any application for M-3 zoning or M-3 Special Use, the applicant shall give notice of such filing, and at applicant's expense, sent by registered mail through the **Planning Building and Zoning PBZ** Office, a copy of such application as well as a copy of this complete paragraph, to each owner as set forth on the tax assessor's records of all property located within one and one half (1.5) miles of the parcel sought to be permitted. If, within fifteen days of receipt of such notice, any owner or occupant of such property files with the **Planning, Building and Zoning PBZ** Administrator (hereinafter referred to as "Administrator") a "Request for Location Protection," substantially in the form provided in paragraph 2 below, then the following shall occur. Provided however, if the proposed use of the property is for the surface mining of sand and gravel only (and includes no blasting or any special use), and the property is situated wholly within a township having a population in excess of 20,000, then notice shall only be sent to properties located with one thousand (1,000) feet of the parcel sought to be permitted. (Ord. #99-25 August 17, 1999) **(re-numbered)**
2. Any owner or occupant filing for location protection, and/or his agents shall be invited to participate in County staff discussions with the applicants regarding the most effective and appropriate measures required to protect the residence site(s) from adverse impacts. The discussions shall include, but not be limited to: location of processing, ready-mix concrete, asphalt, and/or recycling equipment and plants, material storage and mining operations; size and shape of screening berms as they may interface with the residences; noise and dust abatement; site specific landscaping for both short term and long term visual effect, and data reflecting the quality of aggregate materials to be excavated. The advice of a technically trained person selected by the County Board shall be utilized at the applicant's reasonable expense to review and make recommendations concerning the most effective and appropriate measures to protect the residence site(s) from adverse impact as provided in **Section G below Section I above**.
3. The County Board may approve a location for aggregate material processing, ready-mix concrete, asphalt, and/or recycling equipment and



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plants, other than a location at a maximum distance from the residence(s) of the owner(s) or Occupant(s) filing for location protection, if the County Board determines, that, because of berming, landscaping, and/or other protections proposed for the property sought to be rezoned, such an alternate location, when compared to the location providing maximum distance, provides the residence site(s) as much or greater protection from adverse effects of such equipment and/or plants. No such alternate location may be approved by the County Board prior to the residence owner(s)/occupant(s) having at least a sixty day period within which to review such alternative location, have it reviewed by the technically trained person provided for in subparagraph ~~(b)~~ **2** above, and make recommendations to the County Board concerning it.

### SECTION 10:03-.1 PERMITTING

#### A. PERMIT FOR MINING.

3. It shall be unlawful for any owner/operator to engage in surface mining in an area where the overburden shall exceed ten (10) feet in depth or where the operation will affect more than ten (10) acres during the permit year without first obtaining from the Illinois Department of Mines and Minerals a permit to do so, pursuant to the Surface-Mined Land Conservation and Reclamation Act ILCS 715/1 et. seq. as amended.

All owner/operators shall comply with the Regulations of USEPA and all State of Illinois and Federal regulatory agencies for occupational health and safety and obtain any necessary permits prior to issuance of the mining permit. Before the onset of any operations the ~~Enforcement Officer~~ **Zoning Administrator** must be provided with copies of all necessary permits.

5. Prior to the issuance of a permit, the applicant must obtain the approval by the County of the reclamation plan and map as provided in Section 10.03-1-B. Such plan shall be forwarded to the ~~Zoning Board of Appeals~~ **ZBA** for public hearing, review and recommendation in accordance with the procedures provided under Section ~~13.06~~ **13:07** "Amendments" of the County Zoning Ordinance. The recommendation of the Zoning Board of Appeals shall be forwarded to the County Board for action. If approved, the Board will enact an ordinance establishing a date by which the permit shall expire.
  
  9. A permit issued hereunder may be revoked or modified by the County Board after due hearing in the event the permittee violates any provision of ~~10.03-1-C~~ **Section 10:03.1.C of this Ordinance**.
- E. ENFORCEMENT. The ~~Enforcement Officer~~ **Zoning Administrator**, in conjunction with other appropriate departments, shall annually review each surface mining permit. In addition to the reclamation plan/map; the owner/operator shall provide the ~~Planning and Development~~ **PBZ** Department with an annual aerial photo of his total operation, enlarged to a scale of one (1) inch equals one hundred (100) feet or other scale that would adequately display the property affected on a thirty (30) inch square format. All aerial photos shall meet the ~~Planning and Development~~ **PBZ** Department standards. The first photo shall be taken during the first year in operation and subsequent photos shall be taken in the same month of the following years. Each year's photo shall be presented at the same scale for the purpose of comparison. Photos shall be submitted prior to the issuance of the annual operating permit.

The ~~Enforcement Officer~~ **Zoning Administrator**, in conjunction with the ~~Planning, Building and Zoning~~ **PBZ** Department, shall prepare a report and submit it to the ~~Planning, Building and Zoning~~ **PBZ** Committee for their review. If it is determined that the operator is not in compliance with this Ordinance, the

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Bonding Requirements, the simultaneous operation and reclamation statement or the reclamation plan/map, the ~~Enforcement Officer Zoning Administrator~~ shall issue a stop work order on all operations other than reclamation work needed to bring the operation into compliance.

Every three (3) years, at the time of the annual review, bonding, release of bond and re-bonding shall be checked as specified in the section of Bonds. In addition, the operator shall provide the ~~Enforcement Officer Zoning Administrator~~ with a topographic survey with two (2) foot contours, at the same scale as the aerial photo, said topographic survey to show the status of existing conditions on the subject site.

Before release of bond, an on-site inspection of the acreage reclaimed shall be made by the ~~Enforcement Officer Zoning Administrator~~ in conjunction with other appropriate departments to check for compliance with the Reclamation Plan and any additional conditions of the Mining Permit. A random count procedure shall be used to check seeding, plantings and depth of topsoil.

### G. ~~SEVERABILITY~~

~~If any Section, subdivision, clause sentence or paragraph in this Ordinance shall be held to be unconstitutional, the unconstitutionality thereof shall not affect the remaining parts of this Ordinance.~~

### H.G. EXEMPTIONS

Any mining operation legally commenced prior to ~~the adoption of this Section April 14, 1992~~, shall be exempt from the requirements hereof, except that said operations shall not be exempt from the requirements hereof pertaining to the hours of operation, the operation of motor vehicles, safety and noise regulations as defined in Sections 10.03.1.C.15 and 10.03.1C.24.

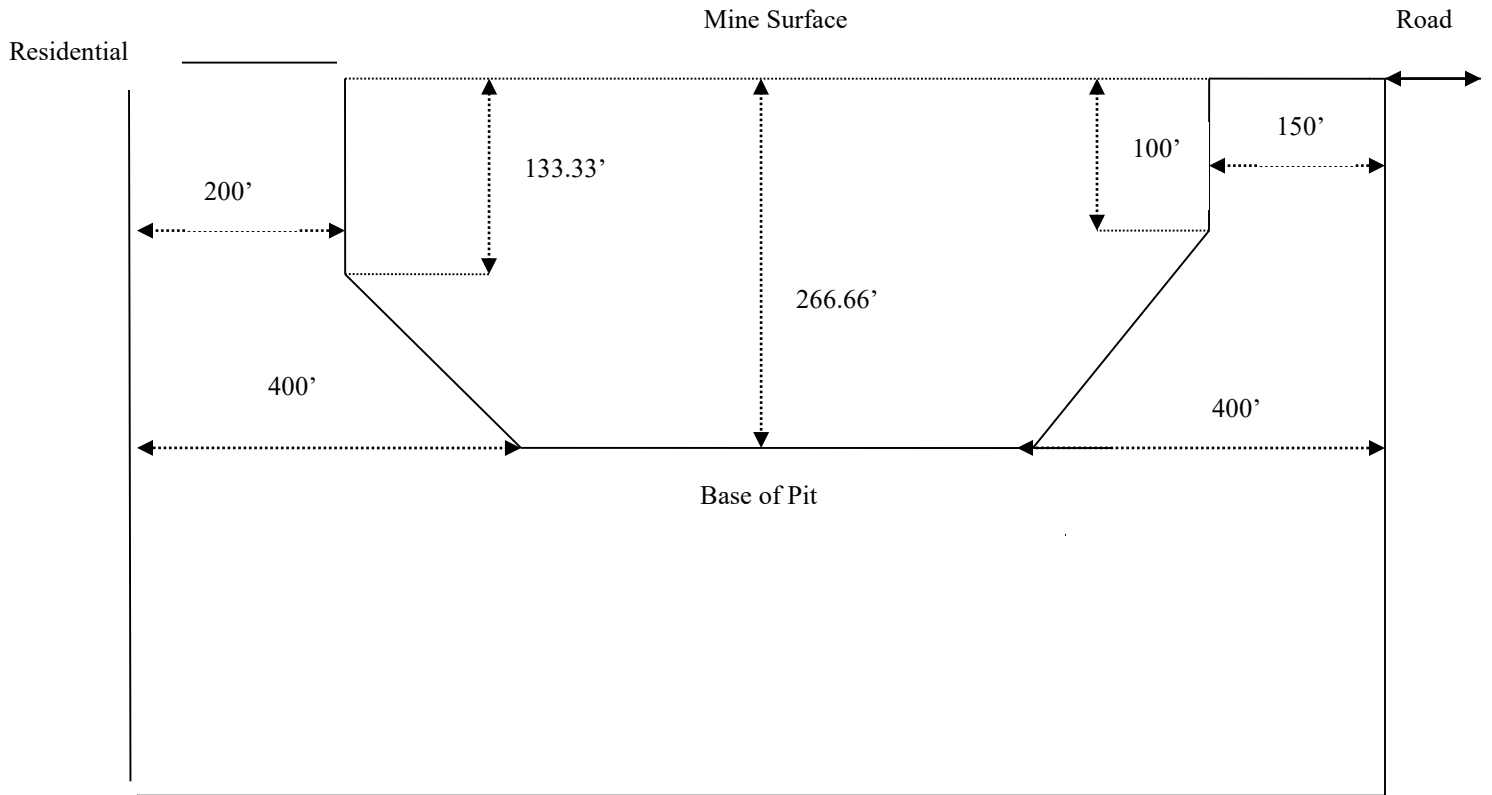


DIAGRAM 10.03.1

## 11:01 SCOPE OF REGULATIONS

- A. APPLICABILITY. The off-street parking and loading provisions herein shall apply as follows:
1. For all buildings and structures erected and all uses of land established after May 20, 2008 (~~date of Ordinance approval~~), accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located.
  3. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to May 20, 2008 (~~date of Ordinance approval~~), additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions herein.

## 11:02 ADDITIONAL REGULATIONS - PARKING

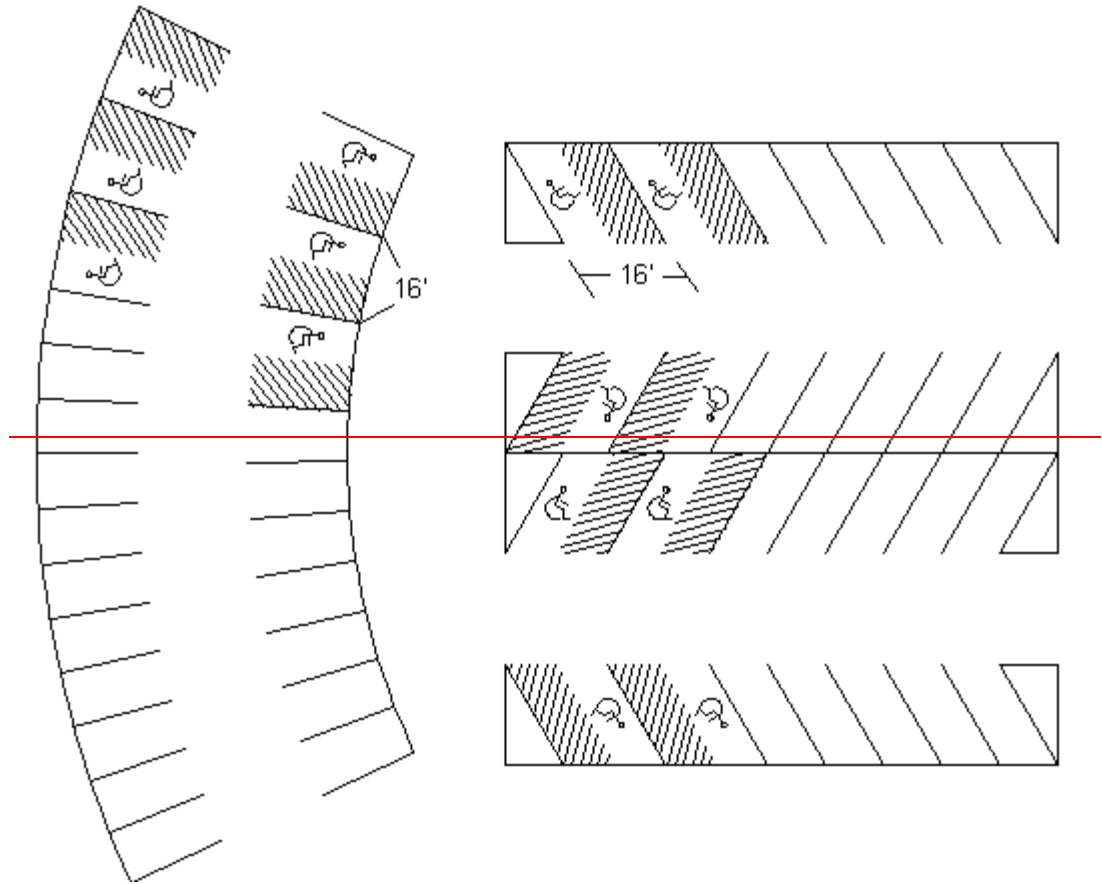
- C. SHARED PARKING FACILITIES. Shared parking may be permitted upon written documentation submitted to the Plan Commission and County Board demonstrating evidence that parking spaces will be shared at specific times of the day (where one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours.) ~~The Shared Parking report published by the Urban Land Institute may be used as a guideline in the estimation of parking demand for mixed-use buildings and sites.~~
- F. DESIGN AND MAINTENANCE.
2. Surfacing. All required open off-street parking areas and access drives constructed or re-constructed after May 20, 2008 (~~effective date of this amendment~~) in all zoning districts shall be improved with a permanent, concrete, unit paver, asphalt surface or some other environmentally friendly surface or green design practices. Asphalt paving shall include a 9" compacted gravel base and 3" asphalt covering, or equivalent. When more than 4 parking spaces are required, pavement marking shall be provided to clearly identify each parking space. (Amended 7/18/2006)  
  
The Zoning Administrator may grant an exception to ~~agricultural (A-1);~~, R-1, R-2, and R-3 single family~~;~~, and community service uses from this provision where such uses generate low traffic volume. Handicapped parking stalls within the A-1 district shall be improved with a permanent, concrete, unit paver or asphalt surface and shall also provide a hard surface to the entrance of the structure a minimum of 6 feet wide. Such decisions made by the Zoning Administrator may be appealed to the Planning, Building and Zoning Committee of the County Board. (Amended 7/19/2011)
  6. Accessible Parking. ~~Please consult the Illinois Accessibility Code and the Americans with Disabilities Act for Parking Regulations. In any~~

~~off-street parking facility, a certain number of spaces must be set aside for handicapped accessible parking as summarized in the following table:~~

<del>Total Spaces</del>	<del>Minimum Accessible Spaces</del>
<del>1 to 25</del>	<del>1</del>
<del>26 to 50</del>	<del>2</del>
<del>51 to 75</del>	<del>3</del>
<del>76 to 100</del>	<del>4</del>
<del>101 to 150</del>	<del>5</del>
<del>151 to 200</del>	<del>6</del>
<del>201 to 300</del>	<del>7</del>
<del>301 to 400</del>	<del>8</del>
<del>401 to 500</del>	<del>9</del>
<del>501 to 1000</del>	<del>2% of total</del>
<del>1001 and over</del>	<del>20 plus 1 per 100 over 1000 spaces</del>

~~Exceptions to the requirements of paragraph 1 above:~~

- ~~• Outpatient units at medical care facilities: 10% of total spaces for that facility.~~
  - ~~• Medical Care Facilities specifically for treatment of the mobility impaired: 20% of the total spaces for that facility.~~
- ~~A. Accessible parking spaces for mobility impaired persons shall be at least sixteen (16) feet wide including an eight (8) foot wide access aisle, and adjacent parking spaces shall not share a common access aisle. All access aisles shall be diagonally striped and shall be provided with a gradual transition to an accessible route to the on-site destination. Such spaces shall measure twenty (20) feet in length.~~



**~~B. Location of Accessible Spaces~~**

- ~~1. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel to an accessible entrance.~~
- ~~2. Accessible parking spaces may be provided on one level of a multi-level parking structure located closest to the elevator and a hard surfaced walkway shall be provided from the handicapped parking stalls to the nearest entrance/elevator.~~

**~~C. Where any conflicts between these regulations and State or Federal Legislation may exist, the State and Federal Standards shall control.~~**

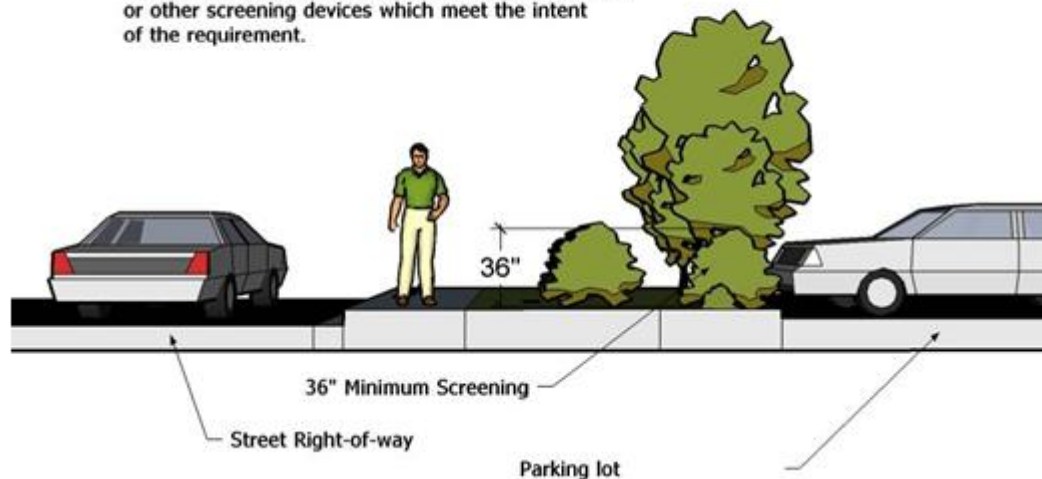
8. Screening/ Perimeter Landscaping. All required open automobile parking areas containing more than twenty (20) parking spaces shall be effectively screened as follows:
  - a) On each side adjacent to any property situated in a residential district, **business district, manufacturing district, or**

**agricultural zoned property with a special use permit unless otherwise approved as part of the special use permit, ~~or on any institutional premises~~, a wall, fence, or densely planted compact hedge no less than three (3) feet in height across 100% of the length of the parking area is required. However, if the property owner can provide clear evidence indicating that less screening is required, the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning Building and Zoning Committee.**

- b) On each side across a public right-of-way from any property situated in a residential district, **business district, manufacturing district, or agricultural zoned property with a special use permit unless otherwise approved as part of the special use permit, ~~or on any institutional premises~~**, the landscaping shall consist of one of the following options:
- i. A berm that is at least two (2) feet higher than the finished elevation of the parking lot (at the nearest point) and a minimum of one (1) tree and ten (10) shrubs for every thirty feet of frontage shall be provided. Shrubs shall be placed on the property such that parking or vehicular uses are screened from view as seen from the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design. All berms shall maintain a 10 foot setback from the edge of the existing or future R.O.W. whichever is greater.
  - ii. A minimum two foot (2') grade drop from the right-of-way line to the parking lot and a minimum one (1) tree and 10 shrubs for every thirty (30) feet of frontage shall be provided. Shrubs shall be placed on the property such that a parking or vehicular areas are screened from view as seen by the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design.
  - iii. A wall, fence or natural vegetative screening no less than **3 (three) three feet (3')** in height along the length of the parking area.



Note: Screening materials may include a combination of plant materials, earthen berms, solid masonry walls, or other screening devices which meet the intent of the requirement.



- iv. **However, if the property owner can provide clear evidence indicating that less landscaping is required, the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning Building and Zoning Committee.**
- a) The minimum size for plant materials (at time of installation) shall be as follows: (**separated trees**)
- i. Shade Tree – 2-1/2” caliper
  - ii. Evergreen Tree – 6’ height
  - iii. Ornamental tree – 2” caliper single trunk or 6’ height multi-trunk
  - iv. Shrubs – 24” height

#### 11:04 SCHEDULE OF PARKING REQUIREMENTS

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. However, if the property owner can provide clear evidence indicating that less parking is required, the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning Building and Zoning Committee. **~~Applicants may also file for a variation from these requirements following the procedures outlined in Section 13.04 of this Zoning Ordinance.~~**—Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both on the premises at any one time.

<b>Residential Uses</b>	
One-Family Dwelling, Two-Family Dwellings, and Multiple-Family Dwellings	Two <b>(2)</b> parking spaces shall be provided for each dwelling unit (garage spaces or in the driveway behind the front yard setback line).
Bed and Breakfasts	One <b>(1)</b> parking space shall be provided for each guest room, plus the spaces required for a single family home. Parking spaces may be stacked in a driveway to prevent the over-paving of the area.
Hotel or Motel	One <b>(1)</b> parking space for each guest room, plus one <b>(1)</b> space per employee shall be provided.
Lodging or Boarding Houses	One <b>(1)</b> parking space shall be provided for each lodging room plus one space for the owner or manager.
Private Clubs and Lodges (with sleeping facilities)	One <b>(1)</b> parking space shall be provided for each lodging room plus one <b>(1)</b> for each employee, plus parking spaces equal in number to twenty-five percent <b>(25%)</b> of the capacity (as determined by the Fire Protection District) in persons (exclusive of lodging-room capacity) of such club or lodge.
<b>Retail and Service Uses</b>	
Automobile Laundry	Five (5) stacking spaces shall be provided for each manual wash rack. Ten (10) stacking spaces shall be provided for each automatic wash lane. For either manual or automatic facilities, one (1) parking space for each employee shall be provided. For automobile laundries associated with a gas station, a bypass lane shall be provided.
Automobile Service Stations	One (1) space shall be provided for each employee plus two (2) spaces per pump station, but not less than five (5) parking spaces.
Bowling Alleys	Four (4) parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated uses - bars, restaurants and the like as set forth herein for such uses.
Drive-thru restaurant	Stacking of eight (8) vehicles plus one (1) parking stall per one hundred (100) square feet of floor area.
Restaurants	One (1) parking space shall be provided for each seventy-five (75) square feet of floor area <b>for the entire premises.</b>

Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops	One (1) parking space shall be provided for each six hundred (600) square feet of floor area <b>for the entire premises.</b>
Health Clubs and fitness centers	One (1) parking space shall be provided per each two hundred (200) square feet AND one (1) per employee <b>for the entire premises.</b>
Establishments Engaged in Manufacturing, Assembly, Production, Processing, Cleaning, Servicing, Testing or Repair of Materials, Goods, or Products	One (1) parking space shall be provided for each employee plus one (1) parking space for each vehicle used in the conduct of the enterprise.
Motor Vehicle Sales and Machinery and heavy equipment Sales	One (1) parking space shall be provided for each six hundred (600) square feet of sales floor area, plus three spaces (3) for every service bay, plus one (1) space per employee. All required parking shall be in addition to areas reserved for storage and sale of vehicles.
Offices - Business, Professional and Governmental	One (1) parking space shall be provided for each two hundred and fifty (250) square feet of floor area.
Offices – Medical or Dental	One (1) parking space shall be provided for each two hundred (200) square feet of floor area.
Research and Development	One (1) parking space for each two hundred and fifty (250) square feet up to fifty-thousand (50,000) square feet; thence one (1) space for each five hundred (500) square feet over fifty-thousand (50,000) square feet.
Retail Stores and Banks	One (1) parking space shall be provided for each two hundred (200) square feet of gross floor area. Drive-in banks or other similar drive-in establishments shall provide four (4) stacking spaces per teller or customer service window.
Tennis, squash, racquetball facility, indoor or outdoor	Three (3) parking spaces shall be provided per court.
Theaters (indoors)	One (1) parking space shall be provided for each three (3) seats.
Undertaking Establishments, Funeral Parlors	Fifteen (15) parking spaces shall be provided for each chapel or parlor, plus one (1) parking space for each funeral vehicle kept on the premises; in addition there shall be provided stacking space for not less than ten (10) automobiles for funeral procession assembly.

Warehouses and Storage, <b>Not Including Self Storage Facilities</b>	One (1) parking space for each one thousand (1,000) square feet of warehouse or storage area, plus one (1) parking space for each two hundred and fifty (250) square feet of office area, plus one (1) space for each vehicle kept on the premises.
Wholesale Establishments (but not including Warehouses and Storage Buildings other than Accessory)	One (1) parking space shall be provided for each six hundred (600) square feet of floor area.
<b>Community Service Uses</b>	
Place of Worship, School, College and Other Auditoriums	One (1) parking space shall be provided for each three (3) auditorium seats. Adequate space shall also be provided for buses used in connection with the activity of the institution and all loading and unloading of passengers shall take place upon the premises.
Colleges, Universities and Business, Professional and Trade Schools	One (1) parking space shall be provided for each employee, and one (1) parking space shall be provided for each three (3) students based on the maximum number of students attending classes on the premises at any one time during any 24 hour period.
Hospitals	One (1) parking space shall be provided for each two (2) hospital beds, plus one (1) parking space for each employee, plus one (1) parking space for each doctor assigned to the staff.
Libraries, Art Galleries and Museums - Public	One (1) parking space shall be provided for each four hundred (400) square feet of gross floor area.
Public Utility and Public Service Uses, including police and fire services	One (1) parking space shall be provided for each employee per shift plus one (1) parking space for each vehicle used in the conduct of the enterprise plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public.
Child <b>e</b> Care <b>f</b> Facility/ Nursery School	One third (0.33) parking spaces per student capacity (as determined by the Fire Protection District), plus one (1) parking space for each employee. Adequate drop-off and pick-up locations must be provided.
Elementary or Junior High School	One (1) parking space for each employee plus one (1) space for each (20) students plus one (1) space for each vehicle used in the conduct of the school (plus additional parking as required for associated gymnasiums or auditoriums).

High Schools	One (1) parking space for each employee plus one (1) space for each two (2) students and one (1) space for each vehicle used in the conduct of the school. (plus additional parking as required for associated gymnasiums or auditoriums).
Auditoriums, Stadiums, arenas, gymnasiums, convention halls, dance halls, exhibition halls, skating rinks and other similar places of assembly	Parking spaces equal in number to twenty-five percent (25%) of the capacity (as determined by the Fire Protection District) in persons shall be provided.
<b>Miscellaneous Uses</b>	
Fraternities, Sororities and Dormitories	One (1) parking space shall be provided for each three (3) active members plus one (1) parking space for each employee.
Private Clubs and Lodges (without sleeping facilities for guests)	Parking spaces equal in number to twenty-five percent (25%) of the capacity (as determined by the Fire Protection District) in persons
Rest Homes, Convalescent Centers, Assisted Living, or Residential Care Homes	One (1) parking space shall be provided for each five (5) beds, plus one (1) parking space for each employee on duty at one time, plus one (1) parking space for each doctor assigned to the staff.
<b>Theatres Theaters</b> - Automobile Drive-In	Reservoir parking space equal to ten percent (10%) of the vehicle capacity of such <b>theatres theaters</b> shall be provided.
Airports or aircraft landing field Heliports Convents and monasteries Crematories and mausoleums Fraternal institutions Outdoor amusement establishments - fairgrounds, permanent carnivals, kiddy parks and other similar amusement centers Municipal or privately owned recreation buildings, community centers, club houses, or other recreational uses such as ball fields or golf courses Penal and correctional institutions Rectories and parish houses Swimming pools	Parking spaces shall be provided in adequate number as determined by the Regional Plan Commission and approved by the County Board to serve persons employed or residing on the premises as well as the visiting public

**Other Uses.** For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator. Such determination may be appealed to the Regional Plan Commission **or determined as part of review of an application for special use permit.**

11:05 PARKING AND STORAGE OF RECREATIONAL VEHICLES, RECREATIONAL TRAILERS, TRAILERS AND MOBILE HOMES (Amended 7/18/2006)

A. STORAGE OF UNOCCUPIED RECREATIONAL VEHICLES, TRAILERS AND MOBILE HOMES (Amended 7/18/2006)

1. Unoccupied recreational vehicles, trailers and their contents may be located on lots in any district provided they comply with the following regulations:

b) Recreational vehicles trailers and their contents not stored within a permitted structure shall comply with the following parking requirements:

- i. Except for the A-1, R-1, R-2 and R-3 districts, unless otherwise permitted in Section 11:02, such vehicles shall be parked on a hard surfaced all weather pad constructed of concrete, asphalt, brick or stone pavers or comparable material.
- ii. Recreational vehicles, trailers and their contents may not encroach into a required front or corner side yard setback, shall not block any portion of a sidewalk or trail and shall not be parked or stored in a way that obstructs the visibility of oncoming traffic so as to create a safety hazard.
- iii. Recreational vehicles may be stored or parked within a required rear or interior side yard setback.

Exception: An owner of a recreational vehicle located on property in the R-4, R-5, R-6 or R-7 Residential District which cannot comply with the front yard setback provisions of **Section 4:08.A.1.b.ii above of the applicable zoning district** as of June 20, 2006 and that has registered said vehicle with the Kendall County Planning, Building and Zoning Department, may be permitted to store such vehicle within the front yard setback provided said encroachment does not obstruct the required sight distance triangle, in the case of a corner lot, or create an obstruction so as to compromise the safety of pedestrians or other vehicles operating within the road right-of-way (R.O.W.) Said exemption shall apply to the original recreational vehicle registered and any replacement of said recreational vehicle.

This exception shall be non-transferable to any subsequent owner(s) or occupants of the property and

shall terminate upon either the sale of the property or change in occupancy of the dwelling unit should the owners chose to maintain it as a rental property.

Owners shall be required to register their properties with the Planning, Building and Zoning Department on a form approved by the Department prior to December 29, 2006. ~~In addition, the owner shall supply a copy of the plat of survey indicating the approved location for the storage of the vehicle and shall be required to pay a one time registration fee of \$75.00.~~ The Planning, Building and Zoning Department shall keep a copy of the registration form and approved parking plan on file. Upon sale of the property, the owner shall be required to notify the Planning, Building and Zoning Department in writing and shall note in the file that the exemption has been terminated.

3. Unoccupied mobile homes can be stored only in commercial and industrial districts **and** only as part of a permitted trailer storage or sales business. (Amended 7/18/2006)
- B. OCCUPIED RECREATIONAL TRAILERS AND MOBILE HOMES (Amended 2/16/2010)
1. ~~Except as provided in Section 4.08.B herein, o~~Occupied recreational trailers and mobile homes may be located in “recreational camps” and subject to the standards and conditions of a special use permit. (Amended 2/16/2010)
  2. Occupied recreational trailers and mobile homes may be located in residential districts only if:
    - b) The occupants will be the future occupants **of** the home to be repaired or constructed on the same zoning lot.
- D. PERMITS.
1. Permits are required for recreational trailers and mobile homes that are to be occupied with the exception of those situations permitted under ~~s~~Section ~~4.0811.05~~.B.2.c. **herein**. (Amended 7/18/2006)
  2. Occupied recreational trailers and mobile homes subject to permit requirements must show evidence of compliance with federal HUD regulations or the Illinois Mobile Home Safety Act. (Amended 7/18/2006)
  3. Permits and annual renewals may be approved by the ~~Planning, Building and Zoning Director~~ **Zoning Administrator** as follows: (re-lettered)
    - i. Medical care or assistance: Permits may be renewed annually provided a doctor’s certification is provided

indicating assistance is still required.

- ii. New home construction or repair: Permits may be issued for a period of up to one (1) year, and may be extended by the Planning, Building and Zoning Director by six (6) months if the applicant shows adequate progress in construction.
4. Permits may be rescinded by the **Planning, Building and Zoning PBZ** Committee for failure to conform to this ordinance.
  5. Recreational trailers and mobile homes must be removed from the zoning lot within **sixty (60)** days of notice of the rescinded or expired permit, **unless otherwise allowed by ordinance.**
  6. Permits for a temporary mobile home must be renewed annually or as stated above. The Planning, Building and Zoning Committee may extend permits beyond the one (1) year and six (6) month limit as stated in Section **4.08-D-3-b 11.05.D.3.ii.** When the permit expires or when occupants of the trailer or mobile home do not meet the conditions set forth above, the trailer or mobile home must be removed within **sixty (60)** days.

#### 11:06 ADDITIONAL REGULATIONS - OFF-STREET LOADING

F. LANDSCAPING FOR LOADING DOCKS. The landscaping shall consist of one **(1)** of the following options: **(Renumbered)**

3. A wall, fence or natural vegetative screening no less than four **(4)** feet **(4')** in height across the length of the loading dock

The minimum size for plant materials (at time of installation) shall be as follows: **(re-lettered)**

- i. **Tree—** Shade tree – 2-1/2" caliper
- ii. Evergreen Tree – 6' height
- iii. Ornamental tree 2" caliper single trunk or 6' height multi-trunk.
- iv. Shrubs – 24" height

G. SCHEDULE OF LOADING REQUIREMENTS. For the uses listed in the following table, off-street loading berths shall be provided on the basis of the gross floor of the building or portions thereof devoted to such uses in the amount shown herein.

#### **SCHEDULE OF LOADING REQUIREMENTS**

USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS
Auditoriums, convention halls, exhibition halls,	10,000 to 100,000	1 - 12' X 60'



## SECTION 11:00 OFF-STREET PARKING AND LOADING

Updated on 3.20.12

USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS
sports arenas, stadiums	For each additional 100,000 or fraction thereof	1 – additional 12' X 60'
Banks and offices - business, professional and governmental	10,000 to 100,000 For each additional 100,000 of fraction thereof to 500,000 For each additional 500,000 or fraction thereof	1 - 12' X 30' 1 additional 12' X 30' 1 additional 12' X 30'
Bowling alleys	10,000 to 100,000 For each additional 100,000 or fraction Thereof	1 - 12' X 30' 1 additional 12' X 30'
Establishments dispensing food or beverages for consumption on the premises	5,000 to 10,000 10,000 <del>01</del> to 25,000 25,000 <del>01</del> to 40,000 40,000 <del>01</del> to 100,000 For each additional 100,000 or fraction thereof	1 - 12' X 30' 2 - 12' X 30' 3 - 12' X 60' 4 - 12' X 60' 1 additional 12' X 60'
Establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods or products	5,000 to 40,000 40,000 <del>01</del> to 100,000 For each additional 100,000 or fraction thereof	1 - 12' X 30' 2 - 12' X 60' 1 additional 12' X 60'
Hospital, sanitariums, nursing homes, convalescent centers, assisted living, etc., churches and schools	10,000 to 100,000 For each additional 100,000 or fraction thereof	1 - 12' X 30' 1 – additional 12' X 30'
Hotel, clubs, and lodges	10,000 to 100,000 For each additional 100,000 or fraction thereof	1 - 12' X 30' 1 – additional 12' X 30'

## SECTION 11:00 OFF-STREET PARKING AND LOADING

Updated on 3.20.12

USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS
Hotels, clubs and lodges, when containing any of the following: retail shops, convention halls, or business or professional offices (other than accessory) auditoriums, or exhibition halls	10,000 to 20,000	1 - 12' X 30'
	20,000 <del>0</del> 1 to 150,000	1 - 12' X 60'
	For each additional 150,000 or fraction thereof	1 additional 12' X 60'
	Motor vehicle and machinery sales	5,000 to 25,000
25,000 <del>0</del> 1 to 40,000		2 - 12' X 60'
40,000 <del>0</del> 1 to 100,000		3 - 12' X 60'
For each additional 100,000 or fraction thereof		1 additional 12' X 60'
Retail stores	5,000 to 10,000	1 - 12' X 30'
	10,000 <del>0</del> 1 to 25,000	2 - 12' X 30'
	25,000 <del>0</del> 1 to 40,000	3 - 12' X 30'
	40,000 <del>0</del> 1 to 100,000	4 - 12' X 30'
	For each additional 100,000 or fraction thereof	1 additional 12' X 30'
Theaters	8,000 to 25,000	1 - 12' X 30'
	For each additional 50,000 or fraction thereof	1 additional 12' X 30'
Wholesale establishments (but not including warehouse and storage buildings other than accessory)	5,000 to 10,000	1 - 12' X 60'
	10,000 <del>0</del> 1 to 25,000	2 - 12' X 60'
	25,000 <del>0</del> 1 to 40,000	3 - 12' X 60'
	40,000 <del>0</del> 1 to 100,000	4 - 12' X 60'
	For each additional 100,000 or fraction thereof	1 additional 12' X 60'
Warehouses and storage buildings	For each 100,000 or fraction thereof	1 - 12'x60'

USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS
Undertaking establishments	8,000 to 100,000  For each additional 100,000 or fraction thereof	1 - 12' X 30'  1 additional 12' X 30'
Other	Uses not listed in this schedule of loading requirements shall provide loading berths according to the most similar use, as determined by the Zoning Administrator.	

## SECTION 12:00 SIGNS

### 12:03 DEFINITIONS

**All signage related definitions can be found in Section 3:02 of this Ordinance.**

### 12:04 EXEMPTIONS

The following signs shall be exempted from all but the maintenance and public safety requirements of this Section. No permit is required for any sign designated as exempt below.

- A. PUBLIC OR QUASI-PUBLIC INFORMATIONAL SIGNS. Any public notice, warning, directional, and other instructional or regulatory signs identifying or locating a town, hospital, community center, public building or historic place situated in Kendall County, Illinois, **or other signs approved by a governmental entity**, and also signs identifying or locating a school, college, YMCA, YWCA, church or similar place of worship, service club, soil conservation activity, 4-H Club, or similar public or quasi-public activity for religious, civic, educational or cultural purpose. Such signs shall not exceed an area of six (6) square feet each, nor a total of 24 square feet for all signs, shall not be illuminated, shall contain no advertising matter, and shall be set back not less than 5 feet from the fronting highway right-of-way.
- J. REAL ESTATE SIGNS. One (1) real estate sign per street frontage of a zoning lot, advertising the sale or lease of premises within said zoning lot. Such signs may not be located in the public right-of-way, nor be directly illuminated. ~~Such signs shall be removed within five days following the date of closing or lease initiation.~~ Signs shall not exceed six (6) square feet for residential districts, and thirty-two (32) square feet for all other districts. The maximum height for all Real Estate Signs is 8 feet. **Real Estate Signs shall be removed within seven (7) days after the real estate closing, or lease or rental transaction is completed, except that "Open House" Signs shall be erected and removed on the day of the event.**

### 12:06 GENERAL STANDARDS *(Amended 8/17/2004)* **(Needs to be Renumbered after old D)**

- ~~D. REPLACEMENT BONUS. The replacement of non-conforming signs shall be encouraged through a bonus of 10% applied to the allowable area for individual signs if permits for the replacement of all legal non-conforming signs on a premises are requested and approved prior to December 31, 1999.~~

12:08 AGRICULTURAL DISTRICT

- A. PERMITTED SIGNS. In all agricultural districts the following classes of signs are permitted in accordance with regulations set forth herein:
  - 1. Non-flashing Non-illuminated Signs, as follow:
    - c. Free-standing and **political** Temporary Signs as regulated in **s**Section 12:14.
  - 3. Changeable Copy Signs. Changeable Copy Signs are permitted as a part of Wall or Free-Standing Signs for places of worship, schools and government uses, subject to the following standards:
    - a. The size of the Changeable Copy Sign shall be counted towards the total sign area permitted for each sign type, **and shall not exceed 60% of the total permitted sign area.**
    - b. Anything displayed on the changeable copy sign shall remain illuminated and visible **for a minimum of 5 minutes for a time period stated in the special use permit. No scrolling is permitted.**
    - c. The message shall not flash **or pulsate**. Any message that remains visible for less than **5 minutes 2 seconds** shall be considered flashing.
    - d. Changeable Copy signs are prohibited within 100 feet of a principal residential structure if any part of the sign face could be visible from the principal residential structure.
    - e. The hours of illumination shall be limited to between 6:00am and 11:00pm for signs located less than 500 feet from any principal residence except on those days of the year when special services or events are held for the observance of religious holidays.
    - f. When adjacent to residential properties light levels shall not exceed 0.05 foot candles as measured along the residential property line.
    - g. All content shall only be permitted for the place of worship, school or government use and their events and functions only.
    - h. The changeable copy sign shall be equipped with an automatic dimming feature capable of adjusting the brightness of the sign according to ambient light levels at the install location.

12:09 RESIDENTIAL DISTRICTS

- A. PERMITTED SIGNS. In all residential districts, the following signs are permitted in accordance with the regulations set forth hereinafter:
  - 3. Changeable Copy Signs. Changeable Copy Signs are permitted as a part

of Wall or Free-Standing Signs for places of worship, **and** schools **and government** uses, subject to the following standards:

- a. The size of the Changeable Copy Sign shall be counted towards the total sign area permitted for each sign type, ~~and shall not exceed 60% of the total permitted sign area.~~
- b. Anything displayed on the changeable copy sign shall remain illuminated and visible ~~for a minimum of 5 minutes for a time period stated in the special use permit. No scrolling is permitted.~~
- c. The message shall not flash **or pulsate**. Any message that remains visible for less than ~~5 minutes~~ **2 seconds** shall be considered flashing.
- d. Changeable Copy signs are prohibited within 100 feet of a principal residential structure if any part of the sign face could be visible from the principal residential structure.
- e. The hours of illumination shall be limited to between 6:00am and 11:00pm for signs located less than 500 feet from any principal residence except on those days of the year when special services or events are held for the observance of religious holidays.
- f. When adjacent to residential properties light levels shall not exceed 0.05 foot candles as measured along the residential property line.
- g. All content shall only be permitted for the place of worship, **and** school **or government** use and their events and functions only.
- h. The changeable copy sign shall be equipped with an automatic dimming feature capable of adjusting the brightness of the sign according to ambient light levels at the install location.
- i. The location of the sign shall be in accordance with ~~s~~Section 12:06 of the Zoning Ordinance.

## 12:10 BUSINESS DISTRICTS.

### B. OTHER REQUIREMENTS.

7. Changeable Copy Signs. Changeable Copy Signs are permitted as a part of Wall or Free-Standing Signs. The size of the Changeable Copy Sign shall be counted towards the total sign area permitted for each sign type, ~~and shall not exceed 40% of the total permitted sign area.~~
8. Electronic Message Board Display. Electronic Message Board Displays are permitted in all Business and Manufacturing Districts subject to the following standards (*Amended 10/19/10*):
  - a. The electronic message board must be located along an arterial or major collector roadway.
  - ~~b. The electronic message board component of a sign shall~~

~~comprise no more than 80% of the sign's total allowed sign face area~~

- c. Any individual letter scrolling or otherwise displayed on the electronic message board shall remain illuminated and visible for at least 2 seconds
- d. The message shall not flash **or pulsate**. Any message that remains visible for less than 2 seconds shall be considered flashing
- e. Electronic message board signs are prohibited within 100 feet of a principal residential structure if any part of the sign face could be visible from the principal residential structure
- f. The hours of illumination shall be limited to between 6:00am and 11:00pm for signs located less than 500 feet from any principal residence
- g. When adjacent to residential properties light levels shall not exceed 0.05 foot candles as measured along the residential property line
- h. All advertising content shall only be permitted for tenants of the subject property and community events
- i. The electronic message board shall be equipped with an automatic dimming feature capable of adjusting the brightness of the sign according to ambient light levels at the install location
- j. Location of the sign shall be in accordance with **s**Section 12:06 of the Zoning Ordinance.

#### 12:14 TEMPORARY SIGNS

- A. GENERAL PROVISIONS. Unless otherwise specified elsewhere in this Section **12.14**, the following general provisions shall apply to all Temporary Signs (Amended 7/19/2011):
- B. TEMPORARY SIGN TYPES. Temporary Signs shall be limited in use to the following types of signs:
  - 4. *Special Events Signs*. Special Events Signs **may** only be permitted within the B-4 (Commercial Recreation) district and only in association with a special event occurring on the property on which the special event sign is located. (Amended 7/19/11)

#### 12:15 LEGAL NONCONFORMING SIGNS

- A. LEGAL NONCONFORMING SIGNS. Any legal sign located within the County **on (insert date of adoption) prior to the adoption of signage regulations, as amended, and** which does not conform with the provisions for permitted signs of this Section, is considered a "legal non-conforming" sign.

## 12:17 PROHIBITED SIGNS (Amended 10/17/2000)

All signs not expressly permitted under this ordinance or exempt from regulation under Section 12:04, are prohibited in Kendall County. Such signs include, but are not limited to:

- K. Outdoor advertising structures which display commercial messages, **unless otherwise allowed by a special use permit.**

## ~~12.20 AMORTIZATION (Amended 10/17/2000)~~

~~All outdoor advertising structures which display a commercial message shall be removed no later than seven (7) years from the date of this amendatory ordinance. Outdoor advertising structures which display a non-commercial message may remain provided that the sign meets the size, setback, height and bulk standards of the district. Signs may also be reconstructed to meet this requirement provided that building permits are issued to complete such reconstruction.~~



## 13:01 ADMINISTRATIVE OFFICERS

## A. THE ZONING ADMINISTRATOR.

2. Powers and Duties. The Zoning Administrator shall administer and enforce this ordinance, and in addition thereto and in furtherance of said authority he shall:
  - f. Maintain permanent and current records of this ordinance, including, but not limited to, maps, amendments, the rules or practice and procedure of the ~~Zoning Board of Appeals ZBA~~, special use, variations, appeals and applications therefore, and records of hearings thereon - including the recording of district amendments and special uses on the ~~Zoning district map Official Zoning Map~~.
  - l. Publish periodically this ordinance, including the ~~zoning district map Official Zoning Map~~.

## B. ZONING BOARD OF APPEALS

2. Terms of Office. The members of the ~~Zoning Board of Appeals ZBA~~ shall be appointed ~~for the following terms:~~

~~One for a term of one year.~~  
~~One for a term of two years.~~  
~~One for a term of three years.~~  
~~One for a term of four years.~~  
~~One for a term of five years.~~

~~Thereafter, as their terms expire, each new appointment shall be~~ for a term of five years. If a vacancy occurs, by resignation or otherwise among the members of the Board, the County Board shall appoint a member for the unexpired term. The County Board shall also have the power to remove any member of the ~~Zoning board of Appeals ZBA~~ for cause, after public hearing.

9. All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. ~~There shall be at least fifteen days but not more than thirty days notice of the time and place of such meetings published in a paper of general circulation in Kendall County; said notice to contain a statement of the particular purpose of such meeting and a legal description of the location of the property or properties under consideration at such meeting.~~

**Notice of said meetings shall occur in a manner defined by applicable law.** All meetings of the Board shall be open to the public.

C. KENDALL COUNTY REGIONAL PLANNING COMMISSION. The Planning Commission shall have the following duties under this ordinance:

3. To initiate, direct and review a study of the provisions of this Ordinance and the **Official zZoning mMap attached hereto** and to make reports on its recommendation to the County Board not less frequently than annually.
4. **To establish bylaws governing the calling and procedures of the RPC's meetings provided such bylaws are not in conflict with applicable law.**

### 13:03 CERTIFICATES OF OCCUPANCY **OR COMPLETION**

A. SCOPE OF PERMITS.

1. No building or addition thereto, constructed after the effective date of this amended ordinance and no addition to a previously existing building shall be occupied, and no land vacant on the effective date of this amended ordinance shall be used for any purpose, until a certificate of occupancy **or completion** has been issued by the office of the Zoning Administrator. No change in use to the production, processing, or storage of materials or goods, and no change is used from the production, processing, or storage of one kind of materials or goods to another kind shall be made until a certificate of occupancy **or completion** has been issued by the office of the Zoning Administrator. Every certificate of occupancy **or completion** shall state that the use or occupancy complies with all the provisions of this amended ordinance.
2. Application for Occupancy **or Completion** Certificate. Every application for a building permit shall be deemed to be an application for an occupancy **or completion** certificate. Every application for an occupancy **or completion** certificate for a new use of land where no building is required shall be made directly to the office of the Zoning Administrator.
3. Issuance of Occupancy **or Completion** Certificate. No occupancy **or completion** certificate shall be issued until construction has been completed or the use established and has been inspected and certified by the office of the Zoning Administrator to be in compliance with all the provisions of this amended ordinance; provided that pending the issuance of an occupancy **or completion** certificate, a temporary occupancy

certificate may be issued to be valid for a period not to exceed six months from its date during the completion of any addition or during the partial occupancy of the premises. An occupancy **or completion** permit shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued not later than fifteen days after the office of the Zoning Administrator is notified in writing that the Building or premises is ready for occupancy.

4. Fees. The County Board may establish by ordinance the fee to be charged for an occupancy **or completion** permit.

#### 13:04 VARIATIONS (*AMENDED 03/21/2000; 01/18/11*)

##### A. PURPOSE AND CONDITIONS.

1. In order that the spirit of this ordinance may be observed and substantial justice done, the **Zoning Board of Appeals ZBA** shall upon application or appeal determine and vary the terms thereof, **other than permitted or special-use restrictions use the variance of which shall not be permitted**, upon making a finding of fact that, owing to special conditions, a literal enforcement of the provisions of this amended ordinance would result in a particular hardship or practical difficulty.

#### 13.07 AMENDMENTS (*Amended 01.18.11*)

- B. INITIATION OF AMENDMENTS. Amendments may be proposed by the County Board, a Committee designated by the County Board, the ~~Zoning Board of Appeals ZBA~~, the Regional Plan Commission, **the Zoning Administrator**, or by a person, firm or corporation having a possessory interest which is specifically enforceable on the land which is described in the application for an amendment.
- D. HEARING ON APPLICATIONS. The **Zoning Board of Appeals ZBA** shall hold a public hearing on each application for an amendment **and on each proceeding initiated by the Zoning Board of Appeals of its own motion**. Hearings on map amendments shall be held in the township affected by the terms of such proposed amendments or in the County Office Building. Provided, that if the owner of any property affected by such proposed map amendment so requests in writing, such hearing shall be held in the township affected by the terms of such proposed amendment. Hearings on text amendments shall be held in the County Office Building. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the **Zoning Board of Appeals ZBA** shall, by rule, prescribed from time to time.
- F. FINDING OF FACT AND RECOMMENDATION OF THE ~~ZONING BOARD OF APPEALS ZBA~~. Within **a reasonable time thirty (30) days** after the close of the hearing on a proposed amendment, the ~~Zoning Board of Appeals ZBA~~

shall make written findings of fact and shall submit same together with its recommendation to the County Board of Kendall County. Where the purpose and effect of the proposed amendment is to change the Zoning classification of particular property, the Zoning Board of Appeals shall make findings based upon evidence presented to it in each specific case with respect to the following matters:

G. DECISIONS.

1. ZBA findings shall be forwarded to the County ~~Planning, Building and Zoning PBZ~~ Committee of the County Board for review and recommendation to the full Board. The County Board, upon report of the County ~~Zoning Board of Appeals ZBA~~ and without further public hearing, may grant or deny any proposed amendment, or may refer it back to the County ~~Zoning Board of Appeals ZBA~~ or ~~Planning, Building and Zoning PBZ~~ Committee for further consideration.
2. In case of written protest against any proposed **map** amendment, **signed by the owner or owners of at least twenty percent of the land to be rezoned or signed and acknowledged** by the **owner or** owners of twenty percent of the frontage proposed to be altered, or by the **owner or** owners of twenty percent of the frontage immediately adjoining or across an alley, **street or public right-of-way** there from, or by the owners of twenty percent of the frontage directly opposite the frontage proposed to be altered, or in cases where the land affected lies within one and one-half mile of the limits of a zoned municipality with a recorded comprehensive plan, by the city council or president and board of trustees of the zoned municipality with limits nearest adjacent, filed with the Clerk of Kendall County, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the County Board of Kendall County.

13:08 SPECIAL USES & PLANNED DEVELOPMENTS *(Amended 3.21.18)*

- M. AMENDMENTS TO APPROVED SPECIAL USES. Unless amended, a special use shall be constructed/established in accordance with the terms and conditions as stated in the approving ordinance and any controlling site plans attached to or referenced in the ordinance which granted the special use ~~(if applicable)~~. Modifications of the terms and conditions specified in the approving ordinance granting the special use or changes to any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable) shall require the processing and approval of either a minor or major change to a Special Use.
- O. MAJOR AMENDMENTS: A change to a special use that alters the intent or substantially violates the terms of compliance as specified in the approving ordinance granting the Special Use and which is not otherwise defined above as a minor amendment shall constitute a major amendment to a Special Use. Major Amendments shall be processed in accordance with the provisions of 13:08.C (Processing of Special Uses) of this ordinance. Notice that a major change is

being sought shall be provided by the applicant in the manner provided for in ~~55 ILCS 5/5-12009.5~~ **State law governing the issuance of special use permits** and additional requirements as specified in the By-Laws of the ~~Zoning Board of Appeals (ZBA)~~. *(Amended 9.15.2009)*

P. PLANNED DEVELOPMENTS.

7. Agricultural Planned Developments. For planned developments located in the agricultural district A-1, exceptions may be made in the regulations of such district as follows:

~~d. Signs. In accordance with the regulations set forth in Section 12.00.~~

~~e. Off-street Parking and Loading. In accordance with the regulations set forth in Section 11.00~~

8. Residential Planned Developments. After August 18, 1998, all new residential planned developments shall be zoned R-1 PUD unless the property is already zoned R-2 or R-3. For planned developments located in one or more residence districts, exceptions may be made in the regulations of such districts, as follows:

~~e. Signs. In accordance with the regulations set forth in Section 12.00.~~

~~f. Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00.~~

9. Business Planned Developments. For planned development located in one or more business districts, exceptions may be made in the regulations of such districts, as follows:

~~c. Signs. In accordance with the regulations set forth in Section 12.00.~~

~~d. Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00.~~

~~e-c.~~ Performance Standards. In accordance with the standard of the district in which the development is located.

10. Industrial Planned Developments. For planned developments located in one or more industrial districts, exceptions may be made in the regulations of such districts, as follows:

~~c. Signs. In accordance with the regulations set forth in Section 12.00.~~

~~d. Off-Street Parking and Loading. In accordance with the~~

~~regulations set forth in Section 11.00.~~

- e c.** Performance Standards. In accordance with the requirements of the prevailing district.

**Moved Section 8:06 PROCEDURE FOR APPROVAL OF RPD-1, RPD-2 OR RPD-3 DEVELOPMENT INTO 13:09**

13:09 PROCEDURE FOR APPROVAL OF RPD-1, RPD-2 OR RPD-3 DEVELOPMENT.

A. PRELIMINARY PLAN PROCESS. **(Renumbered and Relettered)**

1. Pre-Application Discussion. The purpose of this informal meeting is:
  - a. To introduce the applicant and the site designer(s) to the County's zoning and subdivision regulations and procedures
  - b. Discuss the applicant's objectives in relation to the County's official policies and ordinance requirements
  - c. Identify early on using, the four step process, the specific issues that will need to be addressed in designing the site. The meeting will include the applicant, the site designer(s) as well as members of the County's Concept Plan Committee and additional representatives as may be required from the affected school and/or park districts, emergency service providers and representatives of any municipality within 1.5 miles of the proposed development.
2. Existing Features (Site Analysis) Plan. Plans analyzing each site's special features are required for all proposed subdivisions, as they form the basis of the design process for greenway lands, house locations, street alignments, and lot lines. The applicant or his/her representative shall bring to the Pre-Application Discussion a copy of the Existing Features (Site Analysis) Plan. Detailed requirements for Existing Features (Site Analysis) Plans are contained in another section of this ordinance, but at the minimum must include
  - a. A contour map based at least upon topographical maps published by the U.S. Geological Survey;
  - b. The location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and 100-year floodplains, and all rights-of-way and easements;
  - c. Soil boundaries as shown on USDA Natural Resources Conservation Service medium intensity maps and supplemental soils surveys of the property based on a 200-foot grid;

- d. The location of significant features such as woodlands, **treelines** **tree lines**, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails and any sites listed on the Critical Trends Assessment Program of the Illinois Department of Natural Resources; and
- e. A drain tile study.

In order to adequately prepare the Existing Features (Site Analysis) Plan, an NRI report shall be prepared, and shall be submitted as part of the pre-application materials supplied along with any additional studies as recommended in said report including but not limited to a wetland delineation report or other similar studies.

The Existing Features (Site Analysis) Plans shall identify both Primary Open Space and Secondary Open Space. Together, these Primary and Secondary Open Space Areas comprise the development's proposed open space, the location of which shall be consistent with the Planning Goals and Objectives for Natural Resources of the Land Resource Management Plan. The Existing Features (Site Analysis) Plan shall form the basis for the Concept Plan, which shall show the tentative location of houses, streets, lot lines, and greenway lands in new subdivisions, according to the four-step design process described in Section 8:06.C **A5** below.

3. On-Site Inspection. After the Existing Features (Site Analysis) Plan has been prepared, the Director of Planning, Building and Zoning or his designated representative shall, if possible, schedule a mutually convenient date to walk the property with the applicant and his/her site designer. The purpose of this visit is to familiarize County officials with the property's special features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative location of the Secondary Conservation Areas and potential house locations and street alignments. Separate on-site inspections are encouraged if a convenient date cannot be established for a group visit. If this visit is not scheduled before submission of the sketch plan or the Concept Plan, it should occur soon thereafter.
- B. **CONCEPT PLAN PROCESS**. After the pre-application discussion, a sketch plan or a Concept Plan shall normally be submitted to the Concept Plan Committee for review and comment for all proposed subdivisions. The Concept Plan Committee shall at a minimum be composed of the Director of Planning, Building and Zoning, County Highway Engineer, the County's Consulting Engineer, Director of Environmental Health, Director of the County Forest Preserve, one

representative from each of the County Board, Building and Zoning Committee, Plan Commission, Zoning Board of Appeals and a representative from the municipalities ~~with-in~~ **within** 1.5 miles or ~~other the~~ affected districts.

The purpose of the Concept Plan is to obtain the County's early sense on the appropriateness of the project as well as the overall pattern of streets, house lots, Primary and Secondary Open Space Areas, and potential trail linkages (where applicable), prior to any significant expenditure on engineering costs in the design of streets, stormwater management, or the accurate delineation of internal lot boundaries.

As used in this ordinance, the term "Concept Plan" refers to a preliminarily engineered sketch plan drawn to illustrate initial thoughts about a conceptual layout for greenway lands, house sites, and street alignments. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed subdivision layout. For any project of ten (10) acres or more, these drawings shall be prepared by a team that includes a landscape architect and a civil engineer.

The Concept Plan shall include, at a minimum, the following:

1. A site plan of the Planned Development. This plan will be at a scale of not less than one inch equals one hundred feet which shall show all proposed streets (public and private), rights-of-way, preliminary lot locations and sizes, open space areas and any other information as determined by the Director of Planning, Building and Zoning.
2. How the plan follows the four-step process.
3. A topographic survey with two-foot contour intervals.
4. A preliminary tree preservation plan, that identifies all significant trees proposed to be preserved or removed.
5. A rendered plan of the Planned Development area showing in contrasting colors or by other means the respective location of all categories of land use.
6. A map of the general area showing the location of the Planned Development site and its relation to the existing roads and streets and use districts within the immediately adjacent and surrounding area.
7. Preliminary specifications of the following: **(changed from Roman numerals to letters)**
  - a. Sequence of phases or stages of development of the Planned Development. Common open space areas shall generally be provided in each phase consistent with the phasing of dwelling units.



- b. A general landscape planting plan prepared by a landscape architect, which meets the approval of the Plan Commission.
  8. The following shall be provided by either graphic exhibits or written statement: **(changed from Roman numerals to letters)**
    - a. The density of residential uses and the number of dwelling units by type.
    - b. The ancillary and non-residential uses to be provided in a Residential Planned Development.
    - c. The calculation of buildable acreage, the estimated percent and acreage of land used for each of Primary and Secondary Conservation purposes, and the projected type and acreage of passive and recreational open space.

A Concept Plan shall be submitted by the applicant to the Director of Planning, Building and Zoning for referral to the Concept Plan Committee, the applicable Township, and any municipality within 1 ½ miles of the proposed development, for their review and comment. If requested by an effected municipality or township, the developer shall present their concept plan at an appropriate local government meeting. After a complete submission has been received, the Planning, Building and Zoning Department prepare a report describing how the Plan conforms to the requirements of the County's ordinances, including the Development Evaluation Criteria of Section 8:03.O P, and the ~~Land Resource Management Plan-LRMP~~ and will discuss with the applicant and review their recommendations. The report shall include a copy of any correspondence received from local municipalities or townships.

If in the opinion of the Concept Review Committee, the proposed design and layout of the project does not adequately preserve protect or incorporate the significant natural features of the site as identified in the four step process with regard to wetlands, fens, seeps, high quality streams or significant trees as defined in the County's Subdivision Control Ordinance or if there is a difference of opinion between the committee and the developer regarding the quality of the features being recommended for preservation by the Concept Review Committee, the Committee may designate a consultant experienced in development design and in the protection of natural features and greenway lands to meet with the applicant and the committee to provide an independent assessment of the proposal. All reasonable costs associated with use of the consultant shall be paid by the applicant.

In reviewing the proposal, the consultant shall provide the applicant and the committee with comments as to how the proposed plan sensitively incorporates and maximizes the preservation of the significant natural

resources and features of the site and how these proposed plans and documents conform with the: **(changed from numbers to Roman numerals)**

- i. Goals and objectives of the Kendall County ~~Land Resource Management Plan-LRMP~~;
- ii. Intent and rules of the Residential Planned Development Ordinance;
- iii. Principles and practices of conservation design.

In addition, the consultant shall supply an assessment of the quality of the natural resources and features present on the property along with input as to which features are significant enough to warrant preservation or enhancement. As part of this assessment, the consultant shall also present recommendations on how the concept plan should be revised to accomplish these objectives.

After receiving the input from the consultant, the developer may prepare a revised Concept Plan for presentation to the Concept Review Committee for review and recommendation to the ~~p~~Plan Commission or request a recommendation on the original plan submitted. The Concept Plan Committee shall schedule a meeting within 15 days of submission of a revised plan to the Director of Planning, Building & Zoning. After review of the submitted plan, the Committee shall provide their recommendation.

The Director of Planning, Building and Zoning or his designated representative shall then submit the Concept Plan and report to the Plan Commission, for review and recommendation within 45 days of the original submission of the Concept Plan. The Concept Plan, report, and the minutes of the applicable Plan Commission meeting shall then be transmitted to the ~~Planning, Building, and Zoning PBZ~~ Committee for their review. Each body shall review the proposal and provide their recommendation. Alternatively, the ~~Planning, Building, and Zoning Committee PBZ~~ may recommend further review by the Concept Plan Committee. If the ~~Planning, Building, and Zoning Committee PBZ~~ recommends further review by the Concept Plan Committee, the application shall be forwarded to that body, along with the report and the minutes of the applicable meetings of the Plan Commission and the Planning, Building, and Zoning Committee. The Concept Plan Committee shall schedule a meeting within 15 days of the recommendation by the ~~Planning, Building, and Zoning Committee PBZ~~.

The Concept Plan Committee shall meet with the applicant on one or more occasions and shall recommend approval, approval with conditions,

or denial. Such recommendation shall be transmitted to the Planning, Building, and Zoning Committee of the County Board for final action.

C. FOUR STEP PROCESS. Each sketch plan or Concept Plan shall follow a four-step design process, as described below. When the Concept Plan is submitted, applicants shall be prepared to demonstrate to the Concept Plan Committee and Kendall County Board that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots, and greenway lands.

1. Designating the Open Space. During the first step, all potential conservation areas (both primary and secondary) are identified, using the Existing Features (Site Analysis) Plan **and the 200 foot grid soil survey.** Primary Conservation Areas shall consist of wetlands, floodplains, slopes over 25%, ~~and~~ soils susceptible to slumping, **and soils classified as unsuitable for conventional septic systems in the Kendall County Subdivision Control Ordinance.** Secondary Conservation Areas shall include all remaining open space areas and shall strive to include the most sensitive and noteworthy natural, scenic, and cultural resources on the property.

Guidance on which parts of the remaining land to classify as Secondary Conservation Areas shall be based upon:

- a. the procedures described in Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks, produced by Natural Lands Trust and published by Island Press,
- b. on-site visits or inspections,
- c. the open space location criteria contained in Section 8:03.N above,
- d. the evaluation criteria listed in Section 8:03.P above, and
- e. information from published data and reports.



Step 1: Developing a “yield plan” to determine the maximum allowable density for the site.

*The site is 120 acres, which includes 10 acres devoted to wetlands. At 90,000 square feet per lot, the 110 buildable acres yield 47 total lots. In addition, the 120-acre site provides for about 15% open space.*

2. Location of House Sites. During the second step, potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the evaluation criteria contained in Section 8:03. **OP** above, subdivision applicants shall identify tentative house sites on the Concept Plan and proposed house sites on the detailed Final Plan. House sites should generally be located not closer than 100 feet from Primary Open Space Areas, but may be situated within 50 feet of Secondary Open Space Areas, in order to enjoy views of the secondary open space without negatively impacting the primary open space. The building “footprint” of proposed residences may be changed by more than fifty feet in any direction with majority approval from the members of the Kendall County Board. Changes involving less than fifty feet do not require approval.



*Step 2: Identifying and analyzing key environmental features such as woodlands, topography, wetlands, and natural drainage.*

*This site has extensive environmental features, including large woodlands (shown as the green area) with natural drainage ways (shown as the blue dotted line). One of the natural drainage ways leads to a river on the west side of the graphic. Wetlands are shown as light blue shapes.*

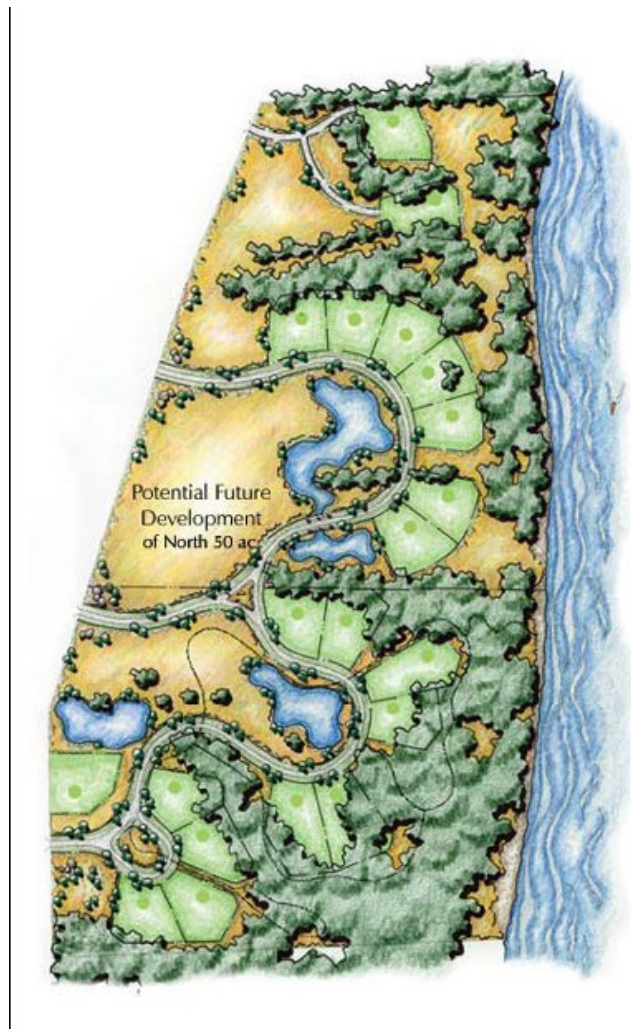
3. Street and Lot Layout. The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the County or Township and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels). Cul-de-sacs serving more than six homes shall generally be designed with a central island containing indigenous trees and shrubs (either conserved on site or planted).



*Step 3: Identifying “development opportunities” and “conservation opportunities.”*

*Illustrated in green, conservation opportunities are formed by the environmental features identified in Step 2. The yellow shapes represent development opportunities, offering sites for residential lots.*

The County generally encourages the creation of single-loaded residential access streets, in order that the maximum number of homes in new developments may enjoy views of open space.



Note that in situations where more formal, "neo-traditional," or village-type layouts are proposed, Steps Two and Three may be reversed, so that the location of house sites follows the location of streets and squares.

4. Lot Lines. The fourth step is simply to draw in the lot lines (where applicable). These are generally drawn midway between house locations.



*Step 4: Preparing a site design with residential lots, a road network, and conservation areas.*

*At 40,000 square feet per lot, the 110 buildable acres yield 59 total lots in this conservation design plan. The 120-acre site provides about 60% open space, which is much greater than the yield plan from Step 1. The existing farm structure along the eastern edge was also preserved as its own lot (light orange area). The higher lot count and greater open space coverage emphasize the benefits of using the conservation design approach.*

#### D. PRELIMINARY SITE PLAN/PLAT APPROVAL.

1. **Preliminary Site Plan.** Prior to approval of the Concept Plan, the applicant shall submit to the Plan Commission a "Preliminary Site Plan/Preliminary Plat" that shows the approximate layout of proposed streets, **house lots house lots**, and open space lands complies with the zoning and subdivision ordinances of the County and any municipalities within 1 ½ miles of the development, particularly those sections governing the design of subdivision streets and stormwater management facilities. This site plan requirement is meant to provide the County with assurance that the proposed plan is able to be accomplished within the current regulations of the County. The site plan shall also note any variations needed to implement the plan as drawn. At his or her own risk, an applicant may skip the Preliminary Plat stage and proceed directly to Final Plan Approval or may combine Preliminary and Final Plat approval.



2. Content of Petition. The formal petition shall contain, in addition to all other requirements, the following:
  - a. A site plan of the Planned Development. This plan will be at a scale of not less than one inch equals one hundred feet which shall show all proposed streets (public and private), street classification, rights-of-way, pavement width of street and driveways, all principal buildings, lot sizes, building lines, easements for utility services, off-street parking, service areas, open space recreation facilities and any other information necessary to clearly show the proposed elements of the Planned Development.
  - b. Preliminary architectural plans for all residential buildings proposed to contain more than one dwelling unit shall be submitted in sufficient detail to show the basic planning, the number of units per building and the estimated number of bedrooms per dwelling unit. Building elevations shall be required only for structures containing more than one dwelling unit. Preliminary architectural plans for business or other non-residential buildings shall illustrate elevations and proposed exterior materials.
  - c. A topographic survey with two-foot contour intervals and the boundary survey of the subject area, prepared and certified by a registered Illinois surveyor.
  - d. A rendered plan of the Planned Development area showing in contrasting colors or by other means the respective location of all categories of land use.
  - e. A map of the general area showing the location of the Planned Development site and its relation to the existing roads and streets and use districts within the immediately adjacent and surrounding area.
  - f. Preliminary engineering plans and specifications for the following improvements:
    - (i) Roads and streets, including classifications, width of right-of-way, widths of paved surfaces and construction details.

- (ii) Sidewalks and trails, including widths of paved surfaces and construction details.
  - (iii) Sanitary and storm sewer system.
  - (iv) Water supply system.
  - (v) Street lighting and public area lighting system.
  - (vi) Recommended installations for electric, gas and telephone facilities and distribution.
  - (vii) Sequence of phases or stages of development of the Planned Development.
  - (viii) A general landscape planting plan and tree removal and preservation plan, prepared by a landscape architect which meets the approval of the Plan Commission.
- g. The following shall be provided by either graphic exhibits or written statement:
- (i) The density of residential uses and the number of dwelling units by type.
  - (ii) The ancillary and non-residential uses to be provided in a residential planned development.
  - (iii) The off-street parking and other service facilities proposed.
  - (iv) The exception or variations to the Kendall County zoning or subdivision requirements being requested as part of the Planned Development application.
  - (v) The calculation of buildable acreage, the percent and acreage of land used for each of Primary and Secondary Open Space purposes, and the type and acreage of passive and recreational open space.
  - (vi) Other submittals as requested by the County **Planning, Building and Zoning-PBZ** Department (including but not limited to traffic studies, ground water studies, etc.).
3. Procedures for Approval.

- a. The applicant shall request the Preliminary Plan/Plat Approval in addition to a petition for a zoning map amendment, by letter addressed to the ~~Director of Planning Building and Zoning PBZ~~ or his/her designee, to be placed on the agenda of the next regular meeting of the Zoning, Platting Advisory Committee (ZPAC) for a preliminary discussion of the proposed Planned Development. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the ZPAC with the proposed development.
- b. A copy of the petition shall also be submitted to the applicable Township and any municipality within 1 ½ miles of the proposed development, **with extra-territorial jurisdictional control**. The applicant shall present the application at a regularly scheduled meeting of the Plan Commission (or other applicable body) of the township or municipality. The Township and/or municipality may submit comments to the County regarding the petition within 30 days.
- c. The Director of Planning, Building and Zoning or his designated representative shall review the submission to ensure that it complies with the preliminary plan and any comments and conditions governing approval of the preliminary plan.
- d. The petition shall be reviewed by the ~~Zoning, Platting Advisory Committee ZPAC~~ within 30 days of the date of the complete original submission of the final plan, and a recommendation shall be made, accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The director or staff shall submit minutes of the ZPAC meeting containing such recommendation shall be submitted to the Plan Commission for review and recommendation, along with any written correspondence received from any municipality or township.

- e. The petition shall be heard by the Plan Commission within 60 days of the ZPAC meeting provided any necessary revisions or supplemental information requested by ZPAC have been supplied at least 30 days in advance the Plan Commission meeting. Upon completion of their review of the preliminary plan or plat, a recommendation shall be made, accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The minutes of the Plan Commission meeting containing such recommendation shall be submitted to the ~~Zoning Board of Appeals ZBA~~, along with and written correspondence received from any municipality or township.
- f. The Chairman of the ~~Zoning Board of Appeals (ZBA)~~ shall set a hearing date on the zoning map amendment to be held within 30 days of the submission of the Plan Commission report provided any necessary revisions or supplemental information requested by the Plan Commission have been supplied at least 15 days in advance the hearing. The Chairman shall cause notice of the hearing to be published at least once, not more than thirty days nor less than fifteen days before said hearing date in one or more newspaper of general circulation in the County. Written notice shall be given by the applicant to all property owners as prescribed by the ZBA by-laws.
- g. Upon completion of their review of the map amendment and preliminary plan or plat, the ZBA shall make a recommendation. The Director of Planning, Building and Zoning or his designated representative shall forward a copy of the petition, the minutes of the applicable meetings containing the recommendations of the Plan Commission and the Zoning Board of Appeals accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. to the Planning Building and Zoning Committee of the County Board. The ~~Planning Building and Zoning PBZ~~ Committee shall review the petition within 30 days of the public hearing, **unless a legal objection is eligible for filing in which case the PBZ Committee shall review the petition within 60 days.**

- h. The Director of ~~Planning, Building and Zoning PBZ~~ or his designated representative shall forward a copy of the petition and the minutes of the applicable meetings of the Plan Commission, Zoning Board of Appeals and Planning Building and Zoning Committee to the County Board. The County Board shall review the petition within 30 days of the ~~Planning Building and Zoning Commission's PBZ Committee's~~ meeting.
  - i. The County Board may grant an ordinance approving a map amendment for the Planned Development as well as any related special use permits. A separate ordinance approving the Concept Plan and Preliminary Plan/Plat may also be granted including plats, landscape plans, and the like. The Concept Plan and Preliminary Site Plan or Plats required by Section ~~8:0613:09.B.4~~ and ~~8.06-13:09.D C.2.~~ shall be explicitly made a part of the Planned Development Ordinance.
4. Zoning Map Approved Residential Planned Developments shall be delineated and designated by a number on the zoning district map. A file, available for inspection by the public, shall be maintained by the Director of ~~Planning, Building and Zoning PBZ~~ for each Planned Development so designated. The file shall contain a record of the approved development plan and all exceptions authorized therein.

#### E. FINAL PLAN APPROVAL

1. Request. The applicant shall request the Final Plan Approval, by letter addressed to the Director of ~~Planning Building and Zoning PBZ~~ or his/her designee, to be placed on the agenda of the next regular meeting of the Plan Commission for a preliminary discussion of the proposed Planned Development at such meeting, which may be continued from time to time. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the Plan Commission with the proposed development.
2. Content of Petition. The formal petition shall contain, in addition to all other requirements, the following:
  - a. A site plan of the Planned Development. This plan will be at a scale of not less than one inch equals one hundred feet which shall show all proposed streets (public and private), street classification, rights-of-way, pavement width of street and driveways, all principal buildings, lot sizes, building lines easements for utility services, off-street parking, service areas,

open space recreation facilities and any other information necessary to clearly show the proposed elements of the Planned Development.

- b. Preliminary architectural plans for all residential buildings proposed to contain more than one dwelling unit shall be submitted in sufficient detail to show the basic planning, the number of units per building and the estimated number of bedrooms per dwelling unit. Building elevations shall be required only for structures containing more than one dwelling unit. Preliminary architectural plans for business or other non-residential buildings shall illustrate elevations and proposed exterior materials.
- c. A topographic survey with two-foot contour intervals and the boundary survey of the subject area, prepared and certified by a registered Illinois surveyor.
- d. A rendered plan of the Planned Development area showing in contrasting colors or by other means the respective location of all categories of land use.
- e. A map of the general area showing the location of the Planned Development site and its relation to the existing roads and streets and use districts within the immediately adjacent and surrounding area.
- f. Specifications of the following improvements:
  - i. Roads and streets, including classifications, width of right-of-way, widths of paved surfaces and construction details.
  - ii. Sidewalks, including widths of paved surfaces and construction details.
  - iii. Sanitary and storm sewer system.
  - iv. Water supply system.
  - v. Street lighting and public area lighting system.
  - vi. Recommended installations for electric, gas and telephone facilities and distribution.
  - vii. Sequence of phases or stages of development of the Planned Development.
  - viii. A general landscape planting plan, prepared by a landscape architect which meets the approval of the Plan Commission.

- g. The following shall be provided by either graphic exhibits or written statement:
- i. The density of residential uses and the number of dwelling units by type.
  - ii. The ancillary and non-residential uses to be provided in a residential planned development.
  - iii. The off-street parking and other service facilities proposed.
  - iv. The exception or variations to the Kendall County zoning or subdivision requirements being requested as part of the Planning Development application.
  - v. The calculation of buildable acreage, the percent and acreage of land used for each of Primary and Secondary Conservation purposes, and the type and acreage of passive and recreational open space.
  - vi. Estimates of cost of installation of all proposed improvements, confirmed by a registered Illinois engineer.
  - vii. Petitioner's proposed development agreement, covenants, restrictions and conditions, special service district and home owner's association by-laws to be established as a part of the Planned Development.
  - viii. Open Space Maintenance and Monitoring Plan that complies with the standards set forth in Appendix ~~n~~Nine of the Kendall County Subdivision Control Ordinance.
  - ix. Other submittals as requested by the County **Planning, Building and Zoning PBZ** Department.
- i. Construction of Improvements. The petitioner shall construct and install the required improvements in accordance with the County Subdivision Regulations and the Special Use Ordinance.
  - ii. Street Classification. Street classifications, definitions, and specification, shall be in accord with the regulations pertaining to same as established in the Subdivision Regulations and the Comprehensive Plan of Kendall County, as may be amended from time to time, as may be modified by the special use permit.
  - iii. Standards. No Planned Development shall be authorized by the County Board unless the Plan Commission shall find and recommend that the following standards will be met:

- a. The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
- b. The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
- ~~c.~~ That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in **the** Planned Development ~~developments are met.~~ **(c should not be crossed out)**
- d. When private streets and common driveways are made a part of the Planned Development or private common open space or recreation facilities are provided, the applicant shall submit as a part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the County Board.

3. Procedures for Approval.

- a. A copy of the petition shall be filed with the ~~Planning, Building and Zoning PBZ~~ Department, and ten copies of the petition shall be filed with the Director of ~~Planning Building and Zoning PBZ~~ or his/her designee. Attached to each copy shall be copies of the supporting documents and exhibits provided for herein.
- b. A copy of the petition shall also be submitted to the applicable Township and any municipality within 1 ½ miles of the proposed development. The applicant shall present the application at a regularly scheduled meeting of the Plan Commission (or other applicable body) of the township or municipality. The Township and/or municipality may submit comments to the County regarding the petition within 30 days.
- c. The Director of ~~Planning, Building and Zoning PBZ~~ or his designated representative shall review the submission to ensure that it complies with the preliminary plan and any comments and conditions governing approval of the preliminary plan.



- d. The Petition will be placed on the agenda of the next regular meeting of the ~~Zoning, Platting Advisory Committee~~ (ZPAC) for a preliminary discussion of the proposed Planned Development. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the ZPAC with the final plat for the proposed development.
- e. The petition shall be reviewed by Zoning, Platting Advisory Committee within 30 days of the date of the complete original submission of the final plan, and a recommendation shall be made, accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The minutes of the ZPAC meeting containing such recommendation shall be submitted to the Plan Commission for review and recommendation, along with any written correspondence received from any municipality or township
- f. The petition shall be reviewed by the Plan Commission within 60 days of the of the ZPAC meeting provided any necessary revisions or supplemental information requested by ZPAC have been supplied at least 30 days in advance the Plan Commission meeting. Upon completion of their review of the Final Plat, a recommendation shall be made, accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The minutes of the Plan Commission meeting containing such recommendation shall be submitted to the ~~Planning Building and Zoning~~ PBZ Committee of the County Board, for review and recommendation to the County Board.
- g. The Chairman of the ~~Planning Building and Zoning~~ PBZ Committee shall review the matter within 30 days of the submission of the Plan Commission report and ~~reciept~~ receipt of the required approvals for the final engineering plans and supporting documents by all applicable reviewing agencies.
- h. Following review and recommendation by the PBZ Committee, the Director of ~~Planning, Building and Zoning~~ PBZ or his designated representative shall forward a copy of the petition and the minutes of the applicable meetings of the Plan Commission and the Planning Building and Zoning Committee to the County

Board. The County Board shall review the petition within 30 days of the ~~Planning Building and Zoning Commission's PBZ Committee's~~ meeting.

- i. The County Board may grant an ordinance for the Planned Development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the special use permit, including covenants and agreements, guarantees, performance bonds, plats, and the like. The site development plan required by Section ~~8.06B.2.a~~ **8:06.C.2.a** shall be explicitly made a part of the Planned Development Ordinance.

#### 13:10 SITE PLAN REVIEW (*Amended 9.18.2001*)

D. **SITE DESIGN STANDARDS.** The following development standards are established as criteria for the review of Site Plans.

1. Responsive to Site Conditions.— Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance.

To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands **shall** and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken.

F. **Procedure.** A written application for site plan review shall be submitted to the ~~Planning Building and Zoning PBZ~~ Department, which will schedule the item for review. Consultation with the appropriate County staff and consultants is encouraged throughout this process to insure a minimum delay. If requested by the applicant, the County will review applications for Site Plan review concurrently with separate requests for rezoning or platting. The review process will include the following:

1. *Zoning and Planning Advisory Committee.* One copy of the complete application, along with eight (8) copies of the site plan shall be submitted by the property owner or his certified agent to the Zoning Administrator at least ~~seven (7)~~ **fourteen (14)** days prior to the ZPAC meeting. The purpose of the ZPAC meeting will be to evaluate the completeness of the application and to provide the applicant with feedback/input on the proposed site plan. Prior to the ZPAC meeting, the Zoning Administrator shall distribute copies of the Site Plan to Committee members. After

## SECTION 13.00 ADMINISTRATION

UPDATED 4.21.20

discussion on a proposed site plan, the ZPAC may approve, deny, or approve with modifications, or request that the applicant revise the plan and return to a future ZPAC meeting for further review.

## Appendix 1 Lot Size Guide--Agriculture and Residential Districts

This is a guide only. For exact requirements refer to provisions in Section which applies.

	A-1	R-1	R-2	R-3	R-4	R-5	R-6	R-7	RPD-1	RPD-2
Minimum Single-Family Residential Lot Size -- sq. ft.	130,000*	130,000	90,000	45,000	30,000	15,000	7,000	7,000	20,000	20,000
Minimum Lot Width -- ft.	200**	200'	lot depth	40% of depth	40% of lot depth	40% of lot depth	40% of lot depth	40% of lot depth	100'	100'
Maximum Building Height -- ft.										
--Single-Family Residential		40'	40%	40'	40'	40'	40'	40'	40'	40'
--Churches		45'	45'	45'	45'	45'	45'	45'	45'	45'
--Other Non-Residential Uses	N/A	45'	45'	45'	45'	45'	45'	24'	45'	45'
Front Yard Setback - ft. (minimum)										
--Freeway & Arterial Roads					40'	40'	40'	50'		
--Major & Minor Collector Roads					30'	30'	30'	40'		
--All other roads	**See Below	150' or 50'	50'	50'	25'	25'	25'	30'	30'	30'
Side Yard Setback - ft. (minimum)	50'	50'	25'	10% of lot width	10% of lot width	10% of lot width	10% of lot width	10'	10% of lot width	10% of lot width
Side Yard Setback - Corner Lot - ft. (minimum)	150'	50'	50'	30'	30'	30'	30'	30'	10% of lot width	10% of lot width
Rear Yard Setback - ft. (minimum)	50'	50'	50'	50'	30'	30'	30'	30'	50'	50'
Public Utilities Required W-Water; S-Sewer	N/A	N/A	N/A	N/A	S	S	W, S	S	N/A	N/A
Minimum Non-Residential Lot Size - Acres	N/A	N/A	5	5	5	5	5	5	***See Below	***See Below
Lot Coverage - Maximum Percent	N/A	10%	12%	20%	20%	40%	40%	40%	See Ordinance	See Ordinance
Density - No. of Units per Acre	N/A	N/A	N/A	0.8	1.2	2.2	3.5	15	.45(max) .33 (min.)	.65 (max) .45 (min.)
Gross Acres Required	N/A	Not Specified	<10	<10	N/A	N/A	N/A	N/A	Not Specified	Not Specified

\*Minimum listed is for existing and replacement homes or A-1 conditional home permits. See A-1 District Regulations for specifics.

\*\*A-1 Front Yard Requirements--100' from a dedicated road right-of-way or 150' from the center line of all adjacent roads **whichever is greater**.

\*\*\*Minimum RPD non-residential lot sizes are specific to use. Please refer to the RPD regulations.

All "Special Use" lot sizes shall be specified in the Special Use Permit.

## Appendix 2 Lot Size Guide--Other Districts

This is a guide only. For exact requirements refer to provisions in the Section which applies.

	B-1	B-2	B-3	B-4	B-5	B-6	M-1	M-2	M-3
Minimum Lot Size - sq. ft.	10,000	10,000	<del>150,000</del> 10,000	20,000	As approved by the County Board	150,000	Specified	Specified	Not Specified
Minimum Lot Width - ft.	100'	100'	<del>250'-100'</del>	100'	As approved by the County Board	250'	Specified	Specified	Not Specified
Maximum Building Height - ft.	35'	35'	<del>75'*****</del> 35'	50'	As approved by the County Board	75'	Specified	Specified	Not Specified
Front Yard--ft.									
--Arterial Roadways	50''*	50''*	<del>75'-50'</del>	50''*		75''*	50'	50'	
--Major or Minor Collector Roadways	40''***	40''***	<del>50''***</del> 40''***	50''***	As approved by the County Board	50''***	40'	40'	
--All Other Streets	30''****	30''****	<del>40''***</del> 30'****	40''****	the County Board	40''****	30'	30'	N/A
Side Yard--ft. (minimum)	10''****	10''****	<del>30'-20'*****</del>	10''****	As approved by the County Board	30'	10% of lot width (up to 20')	10% of lot width (up to 20')	TBD by ZBA
Rear Yard--ft. (minimum)	20''****	20''****	<del>40'-20'*****</del>	10''****	As approved by the County Board	40''****	40'	40'	TBD by ZBA
Lot Coverage - Maximum Percent	75%	70%	70%	75%	As approved by the County Board	70%	60%	75%-70%	Not Specified
Floor Area Ratio - Maximum	0.5	0.5	0.5	0.2	As approved by the County Board	0.5	0.8 N/A	0.85 N/A	Not Specified
Distance from Other Zoning Districts - ft.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	200'
Distance from Property Lines - ft.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100'
Distance from any Street or Road - ft.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	150'
<b>Gross Acres Required</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>10</b>

\*or 100' in B-1, B-2, B-3, B-4 or 125' in B-6 from the center line of all adjacent roads, whichever is greater

\*\*Or 90' in B-1, B-2, and B-3 or 100' in B-4 and B-6 from the center line of all adjacent roads, whichever is greater

\*\*\*Or 70' from the center line of all adjacent roads, whichever is greater; 75' in the B-1; ~~90' in the~~ and B-3; and 80' in the B-4; and 90' in B-6

\*\*\*\*When adjoining property in an A-1 or R district or a municipality, a side yard equal to that required on the adjacent property shall be provided, but in no event shall the setback be less than the minimum listed above.

\*\*\*\*\*No building within 300' of a Residential district shall exceed 40' in height.

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Health Clubs (public or private)			P							P	P	S				See Ordinance
Home based retail and/or wholesale food operation	C	C	C	C	C	C	C									See Ordinance
Home Occupation	P	P	P/S	P	P	P	P									See Ordinance
Horse Breeding and Raising	P															
Hospice	S	S	S	S	S											
Hospital			S						S	S		P	S	S		
Hotel and/or Motel										P	S	S	S	S		
Indoor Business Sales and Service (under 10,000 sq. ft.)								P	P	P						
Indoor Business Sales and Service (in excess of 10,000 sq. ft.)									P	P						
Indoor Entertainment and Recreation									S	P	S		S	S		
Indoor Retail Sales of Goods (under 10,000 sq.ft.) – Includes Repairs of Goods Sold on Premises								P	P	P						
Indoor Retail Sales of Goods (10,000 sq.ft. and over) – Includes Repairs of Goods Sold on Premises									P	P						
Indoor Target Practice	S								S	S	S	S	S	S		See Ordinance
Junk Yards and Automobile Wrecking Yards														S		See Ordinance
Kendall County Sheriff's Office shooting range															S	See Ordinance
Kennels	S									S	S		S	S		See Ordinance

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Photography Studios								P	P	P						
Places of Worship	S	S	C/S	S	S	S	S	S	S	S	S	S	S	S		See Ordinance
Planned Unit Development			P			S	S	S			S	P	S	S		See Ordinance
Plumbing, Heating, and Roofing Supply Shops									P	P			P	P		
Police Stations			P					P	P	P	P	P	P	P		
Portable Concrete Crushing, Screening, & Stockpiling of dirt, crushed concrete and RAP (incidental to a major construction project)	T							T	T	T	T	T	T	T	T	See Ordinance
Postal Substation			P					P	P	P	P					
Private Clubs or Lodges	S												S	S		See Ordinance
Private Clubs- soccer, etc.												S	S	S		See Ordinance
Processing or Assembly									C	C			P	P		See Ordinance
Production and sale of sweet cider, hard cider, wine, jams, etc. Also tasting and retail of items produced on site and ancillary items	S									S	S		S	S		See Ordinance
Production, Processing, Cleaning, Testing, or Repair Services (Limited uses)													P	P		See Ordinance
Public or Private Utilities and Service Uses	S	S	S	S	S	S	S	S	S	S		S	P	P		See Ordinance
Public 911 Safety Towers	C															See Ordinance
Racetrack											S		S	S		See Ordinance

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Railroad Freight Terminals, Railroad Switching and Classifications Yards, Repair Shops and Roundhouses														S		
Recreational Areas			P								P		S	S		See Ordinance
Recreational Camps or RV Parks	S										S		S	S		See Ordinance
Research Laboratories including testing												P				See Ordinance
Rest Homes, Nursing Homes and sanitariums		S	S	S	S	S	S									
Restaurants, Cafes, Cafeterias, and Like Uses								P	P	P		S	S	S		See Ordinance
Restaurants including drive-in type of establishments										P						
Retail shops or office use with conditions					S											See Ordinance
Retail or Wholesales sale of pottery, art, or home décor products	S															See Ordinance
Retail or Wholesale Sales Yards for Agricultural Products	S									S			S	S		See Ordinance
Riding Stables including polo clubs, rodeo clubs and similar uses	<del>S</del> /C		S								S		S	S		See Ordinance
Roadside Stands	P	P	P													See Ordinance
Schools (elementary, junior high and high school)	S	S	C	S	S	S	S									See Ordinance
Schools (music, dance, business, commercial, or trade)									P	P		P	S	S		See Ordinance
School bus garages	S	S	C	S	S	S	S						P	P		See Ordinance
Seasonal Festivals	C										P					See Ordinance



	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Secondary Dwelling Unit			S													See Ordinance
Self Service Storage Facilities									C	e/S		S	S	S		See Ordinance
Seminaries, Convents, Monasteries (and like uses)		S	S	S	S	S	S				S		S	S		See Ordinance
Service or Commercial uses for immediate convenience												S				See Ordinance
Service Clubs	S															
Single-Family Attached Dwelling Units			P				P									See Ordinance
Single-Family Detached Dwelling		P	P	P	P	P	P									
Single-Family Semi-Detached Dwelling							P									
Single-Family Dwelling (130,00 square foot minimum and evidence that it is incompatible with agricultural uses)	C															See Ordinance
Single-Family Residential use (40 acres, allocated, approved lot or replacement home)	P															See Ordinance
Slaughter House														S		
Slaughtering of Poultry or Rabbits													P	P		
Sod Farms	P															
Solar Gardens	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	See Ordinance
Solar Farms	S															See Ordinance
Sports Arena and Stadiums											S		S	S		See Ordinance
Storage Facilities (for motor vehicles, boats, trailers and other recreational vehicles)	S												P	P		See Ordinance

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building  
Rooms 209 & 210  
111 W. Fox Street, Yorkville, Illinois*

**Special Meeting Minutes of June 29, 2020 - 5:00 p.m.**

Chairman Ashton called the meeting to order at 5:01 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey (Attended Remotely), Larry Nelson, Ruben Rodriguez (Arrived at 5:05 p.m.), and Claire Wilson (Attended Remotely Starting at 5:41 p.m.)

Members Absent: Dave Hamman, Karin McCarthy-Lange, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner and Scott Koeppl County Administrator (Attended Remotely)

Others Present: Aaron Rybski (Attended Remotely), David Guritz, Alyse Olson, Jason Langston, Meagan Briganti, Jeff Wehrli, Scott Gryder (Attended Remotely Starting at 5:41 p.m.), Randy Mohr, Karen Clementi (Attended Remotely), Cliff Fox, Tom LeCuyer, Dick Thompson, Dick Whitfield, Elizabeth Flowers (Attended Remotely), Scott Gengler, Judy Gilmour, Matthew Prochaska, Mike Hoffman, Megan Andrews, and Audra Hendrix (Attended Remotely)

**APPROVAL OF AGENDA**

Without objection, the agenda was approved as presented.

**CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

**NEW BUSINESS**

**Discussion of Amendments to the Kendall County Zoning Ordinance**

Mr. Asselmeier provided a history of the project and summarized the request.

Member Rodriguez arrived at this time (5:05 p.m.).

Throughout the document, the following changes were proposed:

1. Section number changed from period separators to colon separators (i.e. Section 1.00 became Section 1:00).
2. General typographical errors were corrected.
3. Uses and definitions were moved to their proper place in alphabetical lists.
4. Words and numbers were added to the text without changing meaning (i.e. if the phrase “fifty feet” appeared in the text, the phrase “50” was added to the text.).
5. Abbreviations for certain terms replaced longer names in the text (i.e. Planning, Building and Zoning became PBZ, Zoning Board of Appeals became ZBA, Land Resource Management Plan became LRMP, etc.).

6. Incorrect citations were corrected and citations in general will be hyperlinked.
7. Sections were re-numbered and re-lettered without changing the meaning of the text.
8. Statements about complying with other sections of the Ordinance or other local, State, or Federal laws were removed because they are redundant (i.e. the statement “Signs must comply with Section 12 of the Ordinance” was used frequently throughout the document. The statement has no extra meaning because signs have to comply with the signage regulations whether or not this statement was included in the Ordinance).
9. If a use had multiple conditions, those conditions were listed in the first zoning district where the use occurred. In subsequent statements about the use, a reference to the original list of conditions and restrictions was added.
10. The phrases “date of adoption” and “date of amendment” were deleted and replaced with the date the section became effective.
11. In various sections, references to accessory uses meeting certain standards was deleted.
12. In various sections, references to home based businesses meeting applicable regulations was deleted.
13. In various sections, reference to small wind energy system standards were deleted.

In the Section 1:00 Title, the following change was proposed:

1. Only changes listed in the Throughout the Document section occurred.

In Section 2:00 Intent and Purpose, the following change was proposed:

1. The wording of the first paragraph regarding serving certain purposes was amended.

In Section 3:00 Rules and Definitions, the following changes were proposed:

1. Section 3:01 was amended by adding “Words and terms not defined shall have the meanings indicated by common dictionary definition.”
2. The definitions of Automobile Service Station, Bus Lot, Garage (Bus), Erect (from the Sign Portion of the Ordinance), Garage (Public), Hotel (Apartment), Junker, Sign Advertising (Billboard), and Tourist Courts, Motor Lodges were deleted because the terms did not appear in the Ordinance or were duplicated, in whole or in part, by other terms.
3. The definitions of Awning Signs, Banner Signs, Changeable Copy Sign, Commercial Message, Construction Sign, Crop Identification Sign, External Illumination, Façade, Free-Standing Signs, Garage/Yard Sale Sign, Ground Sign, Illegal Sign, Illuminated Sign, Inflatable Sign, Instructional Sign, Internal Illumination, Marquee or Canopy, Marquee or Canopy Sign, Memorial or Tablet Sign, Non-Conforming Sign, Off Premise Identification Sign, Outdoor Advertising Structure (Billboard), Pennant, Political Sign, Portable Signs, Projecting Signs, Real Estate Sign, Roof Sign, Sign, Business, Sign Church Bulletin Board, Sign Contractor, Sign, Flashing, Sign, Gross Area Of, Sign Identification, Sign Structure, Sign Supports, Special Event Signs, Temporary Sign, Wall Sign, Window Area, and Window

Sign were moved from the definitions section of the sign portion of the Ordinance (12:03) to this section.

Mr. Wehrli asked about limiting the types of banner signs. The consensus of attendees was to change the language to reference those signs as examples.

4. The definition of Bed and Breakfast was changed to more closely match the definition of bed and breakfast contained in the Illinois Bed and Breakfast Act.
5. The definition of Building, Completely Enclosed was changed regarding the separation from other structures and by removing the phrase other buildings.
6. The definition of Family was amended by deleting the phrase “group of”.
7. The definition of Floor Area For Determining Floor Area Ratio was amended by changing the calculation of floor area ratio for certain structures.
8. The definition of Grade was amended from the sign portion of the Ordinance.
9. The definition of Hotel, Motel, or Inn was amended to address short-term rentals. The consensus of attendees was to clarify that the thirty (30) days be consecutive days.
10. The definition of Kennel was amended to have the definition more closely the match the definition of kennel contained in the Illinois Animal Welfare Act.
11. The definition of Land Resource Management Plan was added to the Ordinance.
12. The definition of Loading and Unloading Space, Off Street was amended by deleting the phrase of land.
13. The definition of Microbrewery was amended by clarifying the Class 1 brewer reference from State law.
14. The definition of Non-Conforming Use was moved to the appropriate place alphabetically.
15. The reference “see Billboard” was added to the definition Outdoor Advertising Structure: Billboard.
16. The reference to eleemosynary institutions was removed from the definition of Philanthropic Institutions.
17. The definition of Railroad Right-of-Way was amended to clarify that the definition only applied to certain uses under regulation by the Interstate Commerce Commission.
18. The definition of Service Station was amended by replacing referencing with public garage with motor vehicle repair facility.
19. The definition of Short-Term Rental was added.

The consensus of attendees was to check with the State's Attorney's Office regarding whether or not the Zoning, Platting and Advisory Committee had to comply with the various regulations applying to public committees.

In Section 4:00 General Provisions, the following changes were proposed:

1. In Section 4:03, the buildings and structures shall conform to regulations, not just building regulations.
2. In Section 4:05.A.3, merchandise storage shall be on the same lot as the business use and not restricted to just retail services.
3. In Section 4:05.A.15, short-term rentals were added as accessory uses provided they are registered.
4. In Section 4:05.B, Permitted Obstructions Table, the reference to attached accessory buildings for eaves and gutters was removed.

Discussion occurred regarding swimming in relation to setbacks from wells and septic systems. The consensus of the attendees was to keep the distinction between the various types of swimming pools.

5. In Sections 4:06.1 and 4:07.1, research and development businesses were exempted from the requirement that they be conducted indoors.
6. In Section 4:06.6 and 4:07.7, noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbances cannot be perceivable at the property line or cross the property line unless otherwise permitted by law.
7. In Section 4:18.L, the fee schedule for solar panels was adjusted to round kW up to the nearest whole number. The consensus of the attendees was to change the language to allow the County Board to set a fee, but the fee should be listed in the Planning, Building and Zoning Department's Fee Schedule Ordinance and not in the Zoning Ordinance.

Member Wilson joined the meeting remotely at this time (5:41 p.m.).

In Section 5:00 Non-Conforming Buildings and Uses, the following change was proposed:

1. This Section was divided into parts A, B, and C. These partitions have been deleted.

In Section 6:00 Zoning Districts, the following changes were proposed:

1. In Section 6:01, the number of Zoning Districts was corrected from nineteen (19) to twenty (20).
2. In Section 6:01, the locations of certain districts within the Ordinance were reclassified based on the renumbering of certain sections and relocation of certain information.
3. In Section 6:01, the name of the M-3 District was changed to match its name in Section 10 of the Ordinance.
4. In Section 6:02, the location of the Official Zoning Map is more specifically defined and its location clarified.

In Section 7:00 Agricultural District, the following changes were proposed:

1. In Section 7:01.B.4, the Right to Farm Clause was added.
2. In Section 7:01.C.18.f., the procedure for classifying existing approved lots was deleted because the date referenced in the Section has passed.
3. In Section 7:01.D.13, the operational period for Bed and Breakfast Establishments was changed to match State law.
4. In Section 7:01.D.46, Riding Stables were deleted as a special use. Riding Stables were listed as both special and conditional uses. This deletion makes Riding Stables conditional uses in the A-1 District.
5. In Section 7:01.G.2.a and b, the measurement of the setbacks for primary and accessory structures in the A-1 District shall be either one hundred (100) feet from a dedicated road right-of-way or one hundred and fifty (150) feet from the center line of all adjacent roads and not whichever is greater.

In Section 8:00 Residential District, the following changes were proposed:

1. In Section 8:01, the last sentence in second paragraph regarding buffers was deleted and the Right to Farm Clause was added.
2. In Section 8:02.A.11.e, the phrase “or similar” was added to allowable farm animals. Alpacas were also added to the list of animals and the spelling of llamas was corrected.
3. In Section 8:02.B.1.b, remove the \$25 annual renewal and have the fee set by the County Board.
4. In Section 8:02.B.1.1, the administrative fee is removed.

Mr. Wehrli asked about wholesale food operations in residential districts. This use was allowed because of the cupcake law.

5. In Section 8:02.C and other sections where they were listed as special uses, rest homes, nursing homes, and sanitariums will not be for human beings only.
6. In Section 8:03, the phrase “subject to approval of the County Board” was listed as footnote in several locations. This phrase was removed as a footnote and added to the body of the text where the footnote appeared.
7. In Section 8:03, the phrase, “as determined by the County Board or as identified in a local historic preservation plan” was listed as a footnote in several locations. This phrase was removed as a footnote and added to the body of the text where the footnote appeared.
8. In Section 8:03.H, the distinction between golf courses and par 3 golf courses was removed.
9. In Sections 8:04.C and 8.05.C, the phrase “and uses” was added to these sections confirming that uses in the RPD-1 were the same uses in the RPD-2 and RPD-3.

10. Section 8:06 was moved to Section 13 with the other procedures for approving zoning requests.

Discussion occurred about septic fields for certain retail uses in residential zoned areas. The consensus of attendees was not to make changes with regards to this issue.

11. In the R-2 and R-3 District, a title of “NO REZONING” was added to the paragraphs stating these rezoning to these districts cannot occur if the property was over a certain acreage.

12. In several districts, if there was only one conditional use, that use was listed in the introductory paragraph of the conditional use section instead of listing uses.

Discussion occurred regarding input from Homeowners’ Associations. The consensus of attendees was not to include regulations regarding input from Homeowners’ Associations.

In Section 9:00 Business Districts, the following changes were proposed:

1. Throughout this Section, telecommunication stations were included with telecommunication hubs.
2. In several districts, if there was only one conditional use, that use was listed in the introductory paragraph of the conditional use section instead of listing uses.
3. In Section 9:00, the Right to Farm Clause was added.
4. In Section 9:03, the self-storage facilities were removed as a conditional use because they are already special uses in the B-3 District.
5. In Section 9:04.G, the side and rear yard setback requirements were merged into one paragraph.

In Section 10:00 Manufacturing Districts, the following changes were proposed:

1. Throughout the Section, miscellaneous uses were separated and listed alphabetically in the appropriate places.
2. In several districts, if there was only one conditional use, that use was listed in the introductory paragraph of the conditional use section instead of listing uses.
3. In Section 10:01.C.3, the location of adult regulated uses was changed based on area to be zoned, the distance from certain other zoning districts was expanded to 1,000 feet, and the certain other districts were expanded to include A-1 Special Use PUDs, all residential zoning districts, and all business zoning districts.
4. In Section 10:03.1, the Enforcement Officer was changed to Zoning Administrator.
5. In Section 10:03.1, the severability section was deleted because there is a severability section in Section 14 that applies to the entire Zoning Ordinance.

In Section 11:00 Off-Street Parking and Loading, the following changes were proposed:

1. In Section 11:02.C, the reference to the Shared Parking published by the Urban Land Instituted is deleted.
2. In Section 11:02.F.6, the Americans With Disabilities Act parking information is deleted and replaced with a link to the appropriate sections to the Americans With Disabilities Act.
3. In 11:02.F.8, the applicability of the screening requirements was changed from institutional premises to properties zoned business, manufacturing, and agricultural with a special use permit. Screening provisions could be approved as part of a special use permit and could be reduced upon approval by the Regional Planning Commission or upon appeal by the Planning, Building and Zoning Committee.
4. In Section 11:04, the parking calculation for restaurants, furniture and appliance stores, household equipment or furniture repair shops, and health clubs and fitness centers was clarified to be based on the square footage of the entire premises.
5. In Section 11:04, the parking requirement for warehouse and storage was clarified to not be applicable to self-storage facilities.
6. In the final paragraph of Section 11:04, the parking requirements for uses not included in the parking table is proposed to be determined by the special use permit in cases where special use permits are issued.
7. In Section 11:05.A.1.b, the parking requirements for recreational vehicles would be determined by the parking regulations of the zoning district where the property is located.
8. In Section 11:05.A.1.b, the fee for registering a recreational vehicle was deleted because recreational vehicles can no longer be registered.
9. In Section 11:05.D, references to the Planning, Building and Zoning Director were changed to the Zoning Administrator.
10. In Section 11:05.D.5, the phrase unless otherwise allowed by ordinance was added.
11. In Section 11:06.G, the square footage requirement numbers were changed to remove conflicts (i.e. instead of category of 5,000 to 10,000 square feet, 10,000 to 25,000 square feet, etc. the new categories are 5,000 to 10,000 square feet, 10,001 to 25,000 square feet were created).

Discussion occurred regarding parking regulations in relation to outdoor seating. The consensus of attendees was not make any changes to the proposal regarding parking for outdoor seating.

In Section 12:00 Signs, the following changes were proposed:

1. In Section 12:03, definitions were moved to Section 3:02 of the Zoning Ordinance.
2. In Section 12:04.A, signs approved by governmental entities were added as public or quasi-public informational signs.



3. In Section 12:04.J, the conflicting language regarding the removal of certain real estate signs was removed; for rent or for lease signs must be removed within 7 days of closing or lease initiation. Signs for open houses must be removed on the same day as the open house.
4. In Section 12:06.D, regarding replacement bonus for certain signs was deleted.
5. In Section 12:08.A.1.c, the reference to political signs was removed and the provision was made applicable to all temporary signs.
6. In Sections 12:08.A.3, the 60% size of changeable copy signs as a part of the whole sign area was removed; the scrolling period for signs in the A-1 District would be determined by the special use permit; message signs cannot pulsate; message must be visible for 2 seconds instead of 5 minutes to be considered flashing.
7. In Section 12:09.A.3, government use signs cannot be changeable in the Residential Districts and the changes made in Section 12:08.A.3 listed previously would also occur in Residential Districts.
8. In Section 12:10.B, the changes listed in Section 12:08.A.3. would apply to signs in Business and Manufacturing Districts.
9. In Section 12:14.B.4, the regulation regarding temporary event signs will be clarified to “may”.
10. In Section 12:17.K, outdoor advertising structures would be governed by their respective special use permits.
11. Section 12:20 would be deleted because the amortization period has ended.

In Section 13 Administration, the following changes were proposed:

1. Throughout the Section, references to zoning maps are changed to the Official Zoning Map.
2. In Section 13:01.B.2, the terms of office for the original members of the Zoning Board of Appeals are deleted.
3. In Section 13:01.B.9, the notice requirement is changed from the newspaper notification between 30 and 15 days to notice by manner defined by applicable law. The members of the Zoning Board of Appeals had no objections to this change.
4. In Section 13:01.C.3, the Zoning Map will not be attached hereto.
5. In Section 13:03, the County issues completion permits in addition to occupancy permits; the section is amended to reflect this fact.
6. In Section 13:04.A.1, the language is clarified that variances can be granted for anything except use.
7. In Section 13:07.B, the Zoning Administrator was added to the list of entities that may initiate amendments.

8. In Section 13:07.D, the ZBA initiation of proceedings was deleted.
9. In Section 13:07.F, the language was clarified to require the Zoning Board of Appeals to issue a recommendation within 30 days after the close of the hearing. The members of the Zoning Board of Appeals had no objections to this change.
10. In Section 13:07.G.2, the language was amended to correspond with State law regarding written protests.
11. Section 8:06, regarding approval of RPDs, was moved to Section 13:09.
12. In Section 13:09.B.2, the language was clarified regarding membership on the Concept Plan Committee to include other affected districts.
13. In Section 13:09.D.3.b, the notification was clarified to the municipality with extra-territorial control.
14. In Section 13:09.D.3.g, the timeline of overview for the PBZ Committee was extended to 60 days to allow appropriate entities time to file legal objections.
15. In Section 13:10.F.1, the application deadline is changed from 7 to 14 days prior to ZPAC.

No changes were proposed in Section 14 Separability.

Discussion occurred about identifying the designee of the Zoning Administrator in the absence of the Zoning Administrator. The suggestion was made to have the Chairman of the Planning, Building and Zoning Committee as the designee.

Member Nelson suggested that the meetings of the Regional Planning Commission be called by the Chairman of the Regional Planning Commission.

Discussion occurred regarding the factors for designating open space. Mr. Rybski suggested that soils unsuitable for septic systems be considered for open space. ZPAC will propose language at their meeting on July 7, 2020.

Member Nelson made a motion, seconded by Member Casey, to initiate the text amendments as discussed at this evening's meeting as one (1) application.

The votes were as follows:

Ayes (6): Ashton, Bledsoe, Casey, Nelson, Rodriguez, and Wilson

Nays (0): None

Absent (3): Hamman, McCarthy-Lange, and Stewart

The proposal will go to ZPAC on July 7, 2020.

There were no additional comments by the public.

### **ADJOURNMENT**

Member Nelson made a motion, seconded by Member Rodriguez, to adjourn.

The votes were as follows:

Ayes (6): Ashton, Bledsoe, Casey, Nelson, Rodriguez, and Wilson

Nays (0): None

Absent (3): Hamman, McCarthy-Lange, and Stewart

The Kendall County Regional Plan Commission meeting adjourned at 6:58 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP  
Senior Planner

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
July 7, 2020 – Unapproved Meeting Minutes**

PBZ Chairman Matthew Prochaska called the meeting to order at 9:01 a.m.

Present Via Teleconference:

Meagan Briganti – GIS (Attended Remotely)  
Brian Holdiman – PBZ Department  
Commander Jason Langston – Sheriff’s Department (Attended Remotely)  
Matthew Prochaska – PBZ Committee Chair  
Alyse Olson – Soil and Water Conservation District (Attended Remotely)  
Aaron Rybski – Health Department

Absent:

Matt Asselmeier – PBZ Department  
Greg Chismark – WBK Engineering, LLC  
David Guritz – Forest Preserve  
Fran Klaas – Highway Department

Audience:

Scott Koepfel – County Administration

**AGENDA**

Mr. Rybski made a motion, seconded by Mr. Holdiman, to approve the agenda as presented.

The votes were as follows:

Ayes (6): Briganti, Holdiman, Langston, Olson, Prochaska, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Asselmeier, Chismark, Guritz, and Klaas

The motion passed.

**MINUTES**

Mr. Rybski made a motion, seconded by Mr. Holdiman, to approve the May 5, 2020, and June 29, 2020, meeting minutes.

The votes were as follows:

Ayes (6): Briganti, Holdiman, Langston, Olson, Prochaska, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Asselmeier, Chismark, Guritz, and Klaas

The motion passed.

**PETITIONS**

**Petitions 20-14 Kendall County Regional Planning Commission**

Chairman Prochaska summarized the request.

Mr. Rybski proposed the following amendment to Section 13:09.C.1:

“Designating the Open Space. During the first step, all potential conservation areas (both primary and secondary) are identified, using the Existing Features (Site Analysis) Plan and the 200 foot grid soil survey. Primary Conservation Areas shall consist of wetlands, floodplains, slopes over 25%, soils susceptible to slumping and soils classified as unsuitable for conventional septic systems in the Kendall County Subdivision Control Ordinance. Secondary Conservation Areas shall include all remaining open space areas and shall strive to include the most sensitive and noteworthy natural, scenic, and cultural resources on the property.”

Lots that meet the above criteria would be held as open space with no construction.

Mr. Rybski made a motion, seconded by Mr. Holdiman, to approve the amended text.

The votes were as follows:

Ayes (6): Briganti, Holdiman, Langston, Olson, Prochaska, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Asselmeier, Chismark, Guritz, and Klaas

The motion passed.

Mr. Rybski made a motion, seconded by Mr. Holdiman, to recommend approval of the requested text amendments with the amendment to Section 13:09.C.1.

The votes were as follows:

Ayes (6): Briganti, Holdiman, Langston, Olson, Prochaska, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Asselmeier, Chismark, Guritz, and Klaas

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on July 22, 2020.

#### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Chairman Prochaska reported that Petition 20-12, regarding an easement in the Whitetail Ridge Subdivision was approved by the County Board.

#### **OLD BUSINESS/NEW BUSINESS**

None

#### **CORRESPONDENCE**

None

#### **PUBLIC COMMENT**

None

#### **ADJOURNMENT**

Mr. Rybski made a motion, seconded by Mr. Holdiman, to adjourn.

The votes were as follows:

Ayes (6): Briganti, Holdiman, Langston, Olson, Prochaska, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Asselmeier, Chismark, Guritz, and Klaas

The motion passed.

The ZPAC, at 9:10 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building  
Rooms 209 & 210  
111 W. Fox Street, Yorkville, Illinois*

**Unapproved - Meeting Minutes of July 22, 2020 - 7:00 p.m.**

Chairman Ashton called the meeting to order at 7:00 p.m.

**ROLL CALL**

**Members Present:** Bill Ashton, Roger Bledsoe, Tom Casey (Attended Remotely Starting at 7:25 p.m.), Dave Hamman, Karin McCarthy-Lange (Attended Remotely), Larry Nelson, Ruben Rodriguez, Bob Stewart, and Claire Wilson (Attended Remotely)

**Members Absent:** None

**Staff Present:** Matthew H. Asselmeier, Senior Planner

**Others Present:** Mary Murray (Attended Remotely), Dan Kramer, and Mike Hoffman

**APPROVAL OF AGENDA**

Member Rodriguez made a motion, seconded by Member Nelson, to approve the agenda.

The votes were as follows:

Ayes (8): Ashton, Bledsoe, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson

Nays (0): None

Absent (1): Casey

The motion carried.

**APPROVAL OF MINUTES**

Member Rodriguez made a motion, seconded by Member Hamman, to approve the minutes of the February 26, 2020, meeting and June 29, 2020, special meeting.

The votes were as follows:

Ayes (8): Ashton, Bledsoe, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson

Nays (0): None

Absent (1): Casey

The motion carried.

**PETITIONS**

**19-39 John Dollinger on Behalf of Hansel Ridge, LLC, Jason Shelly on Behalf of Goprobball, LLC, and James and Denise Maffeo**

Mr. Asselmeier summarized the request.

Goprobball, LLC would like to sell the northeastern portion of the subject property to James and Denise Maffeo for an indoor and outdoor storage business called Four Seasons Storage and market the frontage along County Line Road for future commercial development.

The site plan, landscaping plan, and lighting plan were provided.

In March 2020, the County Board approved Resolution 2020-18, reclassifying the subject property on the Future Land Use Map as Commercial. At the same meeting, the County Board approved Ordinance 2020-02 rezoning the northwestern portion of the subject property to B-4 Commercial Recreation District in order to facilitate the construction of an indoor athletic facility.

The Petitioners are working on preliminary and final plats for a four (4) lot commercial subdivision which is still under review.

The application materials were provided.

The adjacent land uses were agricultural or agricultural related. The adjacent zonings were agricultural, agricultural with a special use permit, or B-4 Commercial Recreation District. The Land Resource Management Plan calls for the area to be Commercial. The zonings within one half (1/2) mile were agricultural, agricultural with a special use permit, or B-4 Commercial Recreation District,

Pictures of the property were provided.

Minooka School District 111 owns the adjacent properties to the north and west of the subject property.

The A-1 special use to the north is for a church. The A-1 special use to the south is for a fertilizer and grain storage operation. The A-1 special use to the west appears to be for an airstrip. The property at 276 Route 52 has a special use permit for a landscaping business.

Seven (7) existing houses are within one half (1/2) mile of the subject property.

EcoCAT Report submitted and consultation was terminated.

The LESA Score was 217 indicating a medium level of protection. The NRI Report was provided.

The original petition information was sent to Seward Township on October 25, 2019. The Seward Township Planning Commission reviewed this request at their meeting on January 14, 2020. Concerns were expressed regarding traffic congestion and the potential for increased vehicular accidents. Discussion also occurred regarding drainage. The property's proximity to Shorewood and its location were the reasons for seeking the change to the Land Resource Management Plan and for the requested map amendments and special use permits. The Seward Township Planning Commission recommended approval of the request. The minutes of this meeting were provided.

The Seward Township Board reviewed the original request at their meeting on January 14, 2020. They echoed the concerns of the Seward Township Planning Commission regarding traffic and drainage. The Seward Township Board recommended approval of the request. The minutes of this meeting were provided.

The original petition information was sent to the Village of Shorewood on October 25, 2019. The Village of Shorewood submitted an email on January 6, 2020, stating that they were in discussions with the Petitioner and would have further review at upcoming Village Zoning Commission meeting. This email was provided.

The Village of Shorewood held a public hearing for a proposed annexation agreement on July 14, 2020. As of the date of this memo, the Village is still waiting on a traffic study, signage information, and information regarding the private road in the proposed Go Pro Subdivision. The draft annexation agreement was provided.

The Troy Fire Protection District has no objections to commercial uses at this location.

ZPAC reviewed the original proposal at their meetings on November 5, 2019, and January 7, 2020. At the November 5<sup>th</sup> meeting, discussion occurred regarding well and septic service at the site. The Petitioner agreed to a right-of-way dedication along the County Line Road frontage. At the January 7<sup>th</sup> meeting, the Petitioner provided updated septic information and updated traffic information. The final size of the detention pond had yet been determined. The Petitioner was working on a pre-annexation agreement with Shorewood that would allow the Village to annex the property when the property becomes contiguous to the Village. It was noted that the Village of Shorewood would like the special use to apply to only the storage portion of the property and that the acreage between the storage units and County Line Road be zoned business without a special use permit and that a formal subdivision occur. The Petitioner agreed to a sixty foot (60') right-of-way dedication as measured from the centerline of County Line Road including a ten foot (10') dedication for utilities. It was also noted that the Village of Shorewood requested the removal of some fencing and the reorientation of some of the storage buildings. It was noted that the landscaping plan and signage plan required more definition. ZPAC recommended forwarding the proposal to the Kendall County Regional Planning Commission without objection; two (2) members were absent. The minutes of these meetings were provided.

Per State law, the rezoning portion of the request cannot be conditioned. However, the special use portion of the request could be conditioned.

According to the revised site plan, a strip of land would remain east of the proposed indoor and outdoor storage area that would be used for future commercial and/or retail development, which is the B-2 map amendment portion of the request.

According to the proposed site plan, Mr. and Mrs. Maffeo would like to construct one (1) three thousand two hundred sixty-four (3,264) square foot metal storage and office building, eight (8) four thousand eight hundred (4,800) square foot storage buildings, four (4) three thousand two hundred (3,200) square foot storage buildings, one (1) four thousand two hundred fifty (4,250) square foot storage building, and one (1) five thousand (5,000) square foot storage building. The storage buildings on the periphery of the site are planned to face inward and substitute as part of the fencing.

The office building will contain offices, restrooms, and inside storage for vehicles. The facility will be used for general storage uses; no illegal or flammable materials will be stored or distributed out of the facility. No other active businesses will be operated out of the storage facility.

The renderings of the office building and other storage buildings were provided

Originally, the Petitioners planned to develop the site in two phases. Phase I will commence in Summer 2020 and consists of the metal storage and office building, the storage buildings along the periphery, paved parking area, and the six foot (6') privacy fence. Phase II will commence in Spring 2023 and will consist of the remaining metal storage buildings.

The outdoor storage area would be placed where the Phase II structures are planned. The outdoor storage area would be removed upon construction the Phase II structures. The outdoor parking area would be asphalt.

Mr. and Mrs. Maffeo anticipate employing between one (1) and five (5) part-time employees. One (1) employee would be for maintenance and the remaining employees would staff the office on a shift-basis to ensure that at least one (1) employee was onsite during business hours.

Access to the facility would be twenty-four (24) hours via access through the security gate between the office building and southern most storage building. Hours of operation are 7:00 a.m. until 7:00 p.m. daily.



All structures constructed on the site will require building and occupancy permits.

The proposed facilities would be served by well and septic. The Petitioner provided septic plan information. According to the site plan, the septic area would be south and west of the proposed office building.

According to the proposed site plan, one (1) approximately ninety thousand, five hundred (90,500) square foot wet bottom stormwater detention pond is planned for the property. The pond would be approximately eleven feet (11') feet deep at its deepest area. The pond is sized to handle runoff from future commercial development on the proposed B-2 portion of the site.

The Petitioners have applied for a stormwater management permit.

The property fronts County Line Road. As noted at the ZPAC meeting, the Petitioners were agreeable to a right-of-way dedication.

As part of the subdivision, the Petitioners will create a private road connecting County Line Road to the entrance of the storage facility.

The site plan shows three (3) parking spaces, including one (1) handicapped accessible parking space.

Based on the original lighting plan, there will be lights on all of the buildings and lights between buildings. The total number of lights on buildings is sixty-three (63) with eleven (11) additional lights throughout the property. None of the lighting will leave the site.

One (1) monument sign was shown on the landscaping plan. Pictures of the signs similar to the Petitioners' proposal were presented. The sign would be ten feet (10') tall and twelve feet (12') wide. No information regarding the height of the supporting poles was provided. A variance to the sign height restrictions might be required. The sign would be illuminated with a message board at the bottom.

Access to the storage area will be through a gate with a key pad. No information was provided regarding the dimensions of the gate. The gate width was not provided. One (1) four foot (4') wide gate is located on the northeast corner of the site.

Some of the lighting will be for security purposes and security cameras will be provided.

The proposal calls for six foot (6') privacy fence around most of the perimeter of the property. A six foot (6') ornamental fence is shown on the site plan on the eastern side of the site. Pictures of the ornamental fence were provided.

The Petitioners' Attorney indicated that the fence will be installed as part of Phase I.

No fencing is planned along the detention ponds.

Based on the landscaping plan, twelve (12) shade trees, three (3) evergreen shrubs, seventeen (17) deciduous shrubs, and ten (10) perennials would be planted on the property. The trees would be between twelve feet and fifteen feet (12'-15') in height at the time of planting and would grow between thirty feet and sixty feet (30'-60') in height. Based on the information, no trees or bushes would be planted north of the storage area. The balance of the site would be covered in lawn.

Little noise is anticipated from the proposed operations.

The site plan called for dumpsters to be provided onsite.

If approved, this would be the second active special use permit for a storage facility on non A-1 zoned property in unincorporated Kendall County.

§ 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on map amendment applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*Existing uses of property within the general area of the property in question.* **The surrounding properties are used agricultural or uses similar to agricultural uses such as farmsteads and fertilizer operations.**

*The Zoning classification of property within the general area of the property in question.* **The surrounding properties are zoned A-1, A-1 with a special use, or B-4.**

*The suitability of the property in question for the uses permitted under the existing zoning classification.* **The property is presently zoned A-1 and can be used for farming.**

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification.* **The trend of development in the area is stable with residential growth and special uses normally found in agricultural zoned areas.**

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.* **The Future Land Use Map was amended earlier in 2020 to reclassify the subject property as Commercial. The property to the west is planned to be used for recreational purposes. Minooka School District #111 plans to construct a school in the area. The Village of Shorewood's Future Land Use Map calls for this property to be Commercial and Government/Institutional. The proposed map amendments are consistent with the purpose and objectives of the Land Resource Management Plan.**

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.* **The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare provided that the operator of the business allowed by this special use permit develops the site according to the submitted site plan and landscaping plan, dedicates land for right-of-way, follows the agreed upon hours of operation, and follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and related ordinances.**

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values*

*within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The proposed use will be a low utility user and adequate utilities are planned for the development of the site. A private road is planned from County Line Road to the subject use. A right-of-way dedication is planned along County Line Road. The Petitioners will have to secure a stormwater management permit.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **This is true.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for “a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents” through the encouragement “. . . of locally owned businesses.”***

Staff recommends approval of the requested map amendments.

Staff also recommends approval of the requested special use permits for an outdoor storage business and a self-service storage facility subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan, landscaping plan, and lighting plan.
2. The operator(s) of the businesses allowed by this special use permit shall plant the vegetation and install the fencing identified in the landscaping plan within ninety (90) days of the approval of the special use permit ordinance. Dead or damaged vegetation shall be replaced on a timetable approved by the Kendall County Planning, Building and Zoning Department. The trees shown on the landscaping plan shall be between twelve feet and fifteen feet (12'-15') in height at the time of planting.
3. One (1) two (2)-sided illuminated sign may be installed on the subject property in substantially the location shown on the landscaping plan. The sign shall be **Insert Dimensions**.
4. Within sixty days (60) days of approval of this special use permit ordinance, the property owners shall convey land along the entire length of County Line Road side of the property at a depth of sixty feet (60') as measured from the centerline of County Line Road to Seward Township for County Line Road right-of-way.
5. The owners of the business allowed by this special use permit shall construct all of the storage buildings shown on the attached site plan on or before December 31, 2023. Either December 31, 2023, or upon completion of the final self-service storage building, whichever occurs first, the special use permit for an outdoor storage business shall automatically cease. The final self-service storage building shall be

considered complete when all occupancy permits for the self-service storage buildings are issued. The completion and expiration dates listed in this condition may be extended upon approval by the Kendall County Planning, Building and Zoning Committee.

6. A maximum of twelve (12) items, including, but not limited to, boats, trailers, and motor vehicles may be stored outdoors as part of the outdoor storage business special use permit.
7. None of the vehicles stored on premises shall be considered agricultural equipment as they relate to the businesses allowed by these special use permits.
8. All of the vehicles stored on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. The hours of operation for the businesses allowed by these special use permits shall be daily from 7:00 a.m. until 7:00 p.m. The operator(s) of the businesses allowed by these special use permit may reduce these hours of operation. Patrons may access the storage area at any time.
10. The total maximum number of employees combined for the businesses allowed by these special use permit shall be five (5), including the business owners.
11. The owners of the businesses allowed by these special use permits shall diligently monitor the property for leaks from items stored on the premises and shall promptly clean up the site if leaks occur.
12. The operator(s) of the business allowed by this special use permit shall provide the Kendall County Sheriff's Department and Troy Fire Protection District with passcodes to the gate upon the request of these agencies.
13. The operator(s) of the businesses allowed by these special use permits acknowledge and agree to follow Kendall County's Right to Farm Clause.
14. The operator(s) of the businesses allowed by these special use permits shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
15. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permits.
16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Dan Kramer, Attorney for the Petitioners, provided background of the proposal regarding both the proposed athletic facility and storage business. The Petitioners were working on an annexation agreement with the Village of Shorewood and were working on a plat for the subdivision. The traffic study for the proposed subdivision was underway. The Petitioners agreed with all of the proposed conditions except they requested that the number of items allowed stored outdoors be raised to twenty-five (25).

Member Hamman asked if the B-2 property would remain farmed. Mr. Kramer said the undeveloped lot would remain farmed.

Member Rodriguez asked about how the original twelve (12) vehicle limit was reached. Mr. Kramer responded that the figure was the Petitioners' original figure, but they would like increased outdoor storage space because of the financing issues with the bank regarding the timing of the indoor storage buildings.

Tom Casey joined the meeting remotely at this time (7:25 p.m.).

The existing property is currently vacant; there is a farmstead located on the property south of the subject property.

Mr. Asselmeier asked about the sign height. The Petitioners will supply additional signage information at the Kendall County Zoning Board of Appeals hearing. A variance to the sign height requirements could be required.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the requested map amendments and special use permits with an amendment changing the number of stored outdoors from twelve (12) to twenty-five (25).

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson

Nays (0): None

Absent (0): None

The motion carried. This proposal goes to the Kendall County Zoning Board of Appeals on July 27, 2020.

### **20-14 Kendall County Regional Planning Commission**

Mr. Asselmeier summarized the proposal.

The summary of the proposed changes to the Zoning Ordinance incorporating the changes made at the June 29, 2020, special meeting of the advisory boards and the July 7, 2020, ZPAC, meeting were provided.

Only those sections of the Zoning Ordinance with significant proposed changes were provided. Most of the sections with minor changes (i.e. typographical corrections, citation corrections, renumbering, adding of acronyms, etc.) that did not alter the meaning or intent of the regulations were not provided. Some sections with minor changes were provided for illustrative purposes. Section 14 was not provided because no changes were proposed to that Section.

Also, language was added allowing the Kendall County Regional Planning Commission to establish bylaws.

The townships were notified of this proposal on July 1, 2020. To date, no township has provided comments.

At the July 7, 2020, ZPAC meeting, ZPAC added language to Section 13:09.C.1 pertaining to the 200 foot grid soil survey and soils classified as unsuitable for conventional septic systems when considering open space. The minutes from the July 7<sup>th</sup> ZPAC meeting were provided.

The Comprehensive Land Plan and Ordinance Committee reviewed the proposal on July 22, 2020, and recommended approval of the proposal with no additional suggestions.

Member Nelson made a motion, seconded by Member Bledsoe, to recommend approval of the requested text amendments.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson

Nays (0): None

Absent (0): None

The motion carried. This proposal goes to the Kendall County Zoning Board of Appeals on July 27, 2020.

**CITIZENS TO BE HEARD/ PUBLIC COMMENT**

None

**NEW BUSINESS**

Mr. Asselmeier noted that the proposed preliminary and final plats for the Go Pro Subdivision would be on the August Commission agenda. Due to renovations of the County Board Room, the hearing will occur in the Historic Courthouse. Commissioners would be informed of the specific room closer to the date of the hearing.

**OLD BUSINESS**

None

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Petition 19-34, regarding an outdoor storage business at 7821 Route 71, was withdrawn by the Petitioner.

Petition 19-37 and 19-38, regarding the LRMP amendment and map amendment for the indoor athletic facility at the northwestern corner of 195 Route 52, were approved by the County Board.

Petition 19-41 regarding citation authority, was approved by the County Board.

**OTHER BUSINESS/ANNOUNCEMENTS**

Member Casey asked about activity at the farmstead at 195 Route 52. Mr. Asselmeier responded that a warning notice would be sent on July 27, 2020, advising the property owner that a special use permit was required to operate a landscaping business at the subject property and that a stormwater permit was necessary to have the piles of material in the heights observed. Regarding the asphalt grindings, the contractor for the athletic facility started placing materials on the site before securing site plan approval. They will cease placing the grindings until site plan approval is secured.

**ADJOURNMENT**

Member Stewart made a motion, seconded by Member Rodriguez, to adjourn.

The votes were as follows:

- Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson
- Nays (0): None
- Absent (0): None

The motion carried.

The Kendall County Regional Plan Commission meeting adjourned at 7:41 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP, CFM  
Senior Planner

Enc.

