

**KENDALL COUNTY
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
AGENDA (REVISED)**

Wednesday, August 28, 2019 – 5:00 p.m.

CALL TO ORDER

ROLL CALL: Larry Nelson (Chair), Kendall County Regional Planning Commission Chairman or Designee (Bill Ashton), Kendall County Zoning Board of Appeals Chairman or Designee (Randy Mohr), Kendall County Board Chairman or Designee (Scott Gryder), Kendall County Soil and Water Conservation District Representative (Megan Andrews), Kendall County Planning, Building and Zoning Committee Chairman or Designee (Matthew Prochaska), Jeff Wehrli, and John Shaw

APPROVAL OF AGENDA

APPROVAL OF MINUTES Approval of Minutes from July 24, 2019 Meeting (Pages 2-5)

NEW/OLD BUSINESS

1. Review of Sections 3, 4, 5, 6, 7, 8, and 12.03 of the Zoning Ordinance with Corrections Proposed by Teska Associates (Pages 6-196)
2. Update on Petition 18-04-Request from the Kendall County Regional Planning Commission for Amendments to the Land Resource Management Plan for Properties Located Near Route 47 in Lisbon Township (Pages 197-199)
3. Discussion of Recreational and Medicinal Marijuana Zoning Regulations

OTHER BUSINESS/ANNOUNCEMENTS

CITIZENS TO BE HEARD/PUBLIC COMMENT

ADJOURNMENT Next regularly scheduled meeting on Wednesday, September 25, 2019

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

**KENDALL COUNTY
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE**

***Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
5:00 p.m.
Meeting Minutes of July 24, 2019***

Chairman Larry Nelson called the meeting to order at 5:05 p.m.

Members Present: Megan Andrews, Bill Ashton (arrived at 5:44 p.m.), Amy Cesich for Scott Gryder, Larry Nelson, Matthew Prochaska, and Jeff Wehrli

Member Absent: Randy Mohr and John Shaw

Others Present: Matt Asselmeier, Senior Planner

APPROVAL OF AGENDA

Mr. Prochaska made a motion, seconded by Mr. Wehrli to approve the agenda. With a voice vote of five (5) ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Wehrli made a motion, seconded by Ms. Cesich, to approve the minutes of the June 26, 2019, meeting. With a voice vote of five (5) ayes the minutes were approved.

NEW/OLD BUSINESS

1. Review of Sections 1-3 of the Zoning Ordinance with Corrections Proposed by Teska Associates

Mr. Asselmeier distributed the changes from Teska Associates. The proposed changes are as follows:

Throughout the document, the identification of Sections shall be by colon instead of period. For example, Section 1.00 was changed to Section 1:00.

In Section 1:00, in the first paragraph, the period was moved inside the quotation mark.

In Section 2:00, the wording of the introductory paragraph was altered slightly.

In Section 2:00, the identification of purposes was changed from letters to numbers.

In Section 3:02, the definitions of automobile service station, awning, bus lot, electronic message board display, flashing sign, garage (bus), garage (public), hotel (apartment),

junker, nameplate, pole sign, sign (business), sign (church bulletin board), sign (flashing), sign (gross surface area of), sign (identification), and tourist court (motor lodges) were deleted either because the terms were not found in the Zoning Ordinance or because they were defined in the sign portions of the Zoning Ordinance. The consensus of the Committee was that all definitions should be in Section 3:02, that the definitions contained in the sign portions of the Zoning Ordinance should be deleted in that section and placed in Section 3:02, and that any conflicts with between signage related definition should be addressed.

In Section 3:02, Staff proposed changing the definition of bed and breakfast establishments to match the State's definition of bed and breakfast establishments per the request of the Planning, Building and Zoning Committee. Also, Staff proposed changing the definition of hotel to address short-term rentals. There is one (1) train car in Little Rock Township and one (1) house in Boulder Hill advertising on AirB&B and the Planning, Building and Zoning Committee is exploring changing the Zoning Ordinance to address this use. Teska proposed removing the reference to auto court from the definition of hotel, motel, or inn.

In Section 3:02, the definition of building, completely enclosed was altered slightly.

In Section 3:02, the definition of currency exchange was altered slightly.

In Section 3:02, Staff proposed changing the definition of family by removing the reference to group; this would allow as single individual to be considered a family.

In Section 3:02, the definition of floor area for determining floor area ratio was changed by removing a hyphen and altering the calculation for floor area.

In Section 3:02, the definition of halfway house was altered slightly and purposes were numbered.

In Section 3:02, the definitions of indoor entertainment and recreation, indoor retail sales of goods (other than groceries or food), loading and unloading space (off-street), lot (corner), microbrewery, open sales lot, personal services, philanthropic institutions, place of worship, secondary open space, service station, slaughterhouse, small poultry and small animal processing plants, specified sexual activities, and stacking requirements were altered slightly.

In Section 3:02, a definition of Land Resource Management Plan was added. Throughout the document, the acronym LRMP is used to reference the Land Resource Management Plan.

In Section 3:02, the definition of non-conforming use was placed in the proper place alphabetically.

Bill Ashton arrived at this time (5:44 p.m.).

In Section 3:02, the definition of railroad right-of-way was changed by making train sheds two (2) words. The phrase "under regulation by the ICC" was added to the definition.

Megan Andrews left at this time (5:45 p.m.).

Throughout the document, the acronym ZBA is used to reference the Zoning Board of Appeals and the acronym PBZ was used to reference Planning, Building and Zoning.

The Committee requested that Staff review the Definitions section and see if any other definitions require amendments.

The consensus of the Committee was that terms should be construed by the plain meaning of what is written.

The consensus of the Committee was that each section of the Zoning Ordinance would be advanced as separate proposals and that all of the sections would be advanced at the same time.

2. Discussion of Recreational Marijuana Zoning Related Regulations

Mr. Asselmeier provided the current regulations for medical marijuana and the information from State law regarding recreational marijuana.

Mr. Prochaska provided information from the National Association of Counties regarding marijuana regulations. Discussion occurred regarding an odor control plan, fire department approval, separate collection area for money, not having consumption lounges, having a ban on marijuana products that look like candy, and not allowing pop-up or co-use buildings.

Discussion occurred about creating a specific zoning district for marijuana related uses, a R-7 zoning district. The consensus was that a zoning district was preferred instead of the special use process because then townships could file formal objections. The downside to having a separate zoning district was that restrictions could not be added as unforeseen consequences becoming known.

Zoning regulations would be needed by January 1, 2020. Assuming no special meetings were required, the application would have to be submitted by September 17th. Discussion occurred regarding whether or not the Kendall County Regional Planning Commission or the Planning, Building and Zoning Committee should be the petitioner.

3. Update on Petition 18-04-Request from the Kendall County Regional Planning Commission for Amendment to the Land Resource Management Plan for Properties Located Near Route 47 in Lisbon Township

Mr. Asselmeier informed the Committee that Vulcan produced an annexation agreement from 2008 identifying four (4) parcels that should be inside the Village of Lisbon. No recorded copy of the agreement exists. The proposal is at the Planning, Building and Zoning Committee, which will meet on July 30th.

OTHER BUSINESS/ANNOUNCEMENTS

None

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

ADJOURNMENT:

The next meeting will be August 28, 2019. Mr. Ashton made a motion to adjourn the meeting, seconded by Mr. Prochaska. With a voice vote of five (5) ayes, the motion passed and the meeting adjourned at 6:55 p.m.

Respectfully submitted,
Matthew H. Asselmeier, AICP
Senior Planner

SECTION 3.00 RULES AND DEFINITIONS

Updated on 11.20.18

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

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.

3:02 DEFINITIONS

ACCESSORY BUILDINGS OR USE. An "accessory building or use" is one which:

- 1. Is subordinate to the principal building or principal use served in terms of area and function; and
- 2. Contributes to the comfort, convenience, or necessity of occupants of the principal use served

ACREAGE. Any tract or parcel of land having an area of one acre or more which has not been subdivided by metes and bounds or platted.

ACTIVE RECREATION OPEN SPACE. An appropriately-sized and usable open space area, a minimum of one hundred twenty-five (125) feet wide, capable of comfortably supporting one or more active recreational activities, such as playgrounds, ball fields, tennis courts, swimming pools, recreation buildings, jogging trails/fitness courses, detention basins designed for recreational use, and other miscellaneous recreational activities. (Amended 10/17/2000)

ACTIVE SOLAR ENERGY SYSTEM. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or

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chemical means. (Amended 11/20/2018)

ADULT BOOK STORE. An establishment having a majority of its public physical floor space occupied by books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".

ADULT ENTERTAINMENT FACILITY. A facility or adult use whose primary business is the commercial sale, dissemination or distribution of sexuality explicit material, shows, or other exhibitions such as adult bookstores, adult video stores, striptease clubs or gentlemen's clubs, adult motion picture or adult mini motion picture theatre, or any other use as defined in 55 ILCS 5/5-1097.5. It shall include any facility or adult use which offers or provides activities by employees, agents, or contractors of the business that involve exposure of specified anatomical areas or performance of specified sexual activities, as defined in 55 ILCS 5/5-1097.7, in view of any patron, client, or customer of the business. *(Amended 6/19/2007)*

ADULT MASSAGE PARLOR or SPA. Any place or establishment where a massage is made available for the primary purpose of sexual stimulation or arousal. It shall include activities by employees, agents, or contractors of the business that involve exposure of specified anatomical areas or performance of specified sexual activities, as defined in 55 ILCS 5/5-1097.7, in view of any patron, client, or customer of the business. *(Amended 6/19/2007)*

ADULT MINI MOTION PICTURE THEATERS. An enclosed building with a capacity for less than 50 persons, or an enclosed building with booths, stalls, or other fully or partially partitioned areas with an intended capacity for less than 10 persons used for presenting materials viewing devices distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein. Adult mini motion picture theaters include but are not limited to projection booths, television monitors, television screens, coin operated video devices and other viewing devices.

ADULT MOTION PICTURE THEATERS. An enclosed building with a capacity of 50 or more persons having viewing devices used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein.

ADULT USE. A use which involves either wholly or partially an activity distinguished or characterized by its emphasis on matters depicting, describing, relating to specified sexual activities on specified anatomical areas, including but not limited to the operation of adult bookstores, adult video theaters, adult entertainment facilities, video arcades, and adult massage parlors or spas. *(Amended 6/19/2007)*

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AGENCY LICENSED FAMILY RESIDENTIAL CARE HOME - TRANSITIONAL. 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. *(Amended 10/17/2000)*

AGENCY LICENSED GROUP RESIDENTIAL CARE HOME - PERMANENT. A single housekeeping unit of four (4) or more persons receiving care in a family-like atmosphere. Oversight and supervisory personnel shall be on the premises in addition to this number. *(Amended 10/17/2000)*

AGRICULTURE. Agriculture includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquiculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, wholesale greenhouses, and the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds. In interpreting the foregoing definition, it is the intent of this Ordinance to make the definition of agriculture as used herein identical to the definition of agriculture used in 55 ILCS 5/5-12001, as amended from time to time, exempting agriculture from the zoning authority of the County Board. Cultivating the ground, including the harvesting of crops, and rearing and management of livestock: tillage; husbandry; farming. In a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent, the preparation of these products for man's use. It includes grain storage, horse stables, nurseries, animal feed, commercial feeding, dairy and the like. *(Amended 04/18/2000)*

AGRICULTURAL LABOR HOUSING. One or more buildings, structures, tents, trailers, or vehicles or any combination thereof together with the land appertaining thereto established, operated, or maintained as living quarters for migrant workers or families containing migrant workers who are engaged in agricultural activities. *(Amended 04/18/2000)*

AIRCRAFT. Any equipment or object, now known or hereafter invented, for use or designed and built for navigation of or flight in the air.

AIRPORT. Any area of land, water, or both, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way. *(Amended 6/20/2006)*

AIRPORT OR AIRCRAFT LANDING FIELD. Any landing area, runway or other facility

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(including heliports), designed, used or intended to be used either publicly or privately by any person or persons for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangers and other necessary buildings and open spaces.

ALLEY. A public way, not more than thirty feet wide, which affords only a secondary means of access to abutting property.

ANIMAL HOSPITAL. Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

APARTMENT. A room or suite of rooms in a multiple family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities permanently installed must always be included for each apartment.

AUTOMOBILE LAUNDRY. A building or portion thereof containing facilities for washing more than two motor vehicles, using mechanical methods.

AUTOMOBILE REPAIR, MAJOR. Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailer; collision service, including body, frame or fender straightening or repair and painting of vehicles.

~~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).~~

AUTOMOBILE WRECKING YARD. Any place where two or more vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof, and including the commercial salvaging of any goods, articles, or merchandise.

AWNING. A roof like cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

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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 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)

BANQUET HALL. An establishment that is rented by individuals or groups to accommodate private (invitation only) functions including, but not limited to banquets, weddings, anniversaries, and other similar events. Such a use may include kitchen facilities for preparation of food to be consumed on the premises, and outdoor gardens or reception facilities.

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year. The base flood is also known as the one hundred (100) year flood.

BASE FLOOD ELEVATION. The elevation in relation to Mean Sea Level of the crest of the base flood.

BASEMENT. A story partly or wholly underground. Where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for the purposes of height measurement.

BASIC UTILITY STAGE 1 AIRPORT An airstrip that is open to the public, with a minimum runway length of 2,200' and a minimum width of 100'. (Amended 6/20/2006)

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 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 bed 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

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offering the sale or lease of the premises on which the sign is located.

BLOCK. A tract of land bounded by a street or, in lieu of a street or streets, by public parks, cemeteries, railroad right-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines or municipalities.

BOARDING HOUSE. A building other than a hotel or restaurant where meals are provided for compensation to four or more persons, but not more than twelve, who are not members of the keeper's family.

BOOK AND STATIONARY STORE. An establishment dealing in books, printed materials and stationary supplies which is not an Adult Book Store.

BREW PUB: A restaurant-brewery where the beer is brewed primarily for sale in the restaurant and bar. A brew pub shall not sell for off-premises consumption more than 50,000 gallons per year (235 ILCS 5/1-3.33).

BUILDABLE ACREAGE. The total acreage of the property minus the following:

1. Wetlands and land that is generally inundated by water (under ponds, lakes, creeks, etc.);
2. All of the floodway and floodway fringe within the 100-year floodplain, as shown on official FEMA maps unless a study has been done and a LOMAR has been issued prior to development of the site indicating that the existing base flood elevation is actually less than the area depicted on the official FEMA maps.
3. Land within the right-of-way or easement of an existing roadway,
4. Land within an existing permanent easement prohibiting development (including utilities, drainage, access and pipelines).
5. Land with slopes exceeding 25%, or soils and subsurface geology subject to slumping shall also be subtracted from the total acreage when determining a properties buildable acreage. However, homes may still be constructed on such slopes to take advantage of unique views or to provide walk-out units if appropriate engineering procedures are followed to maintain stability of the structure and minimize erosion.

BUILDABLE AREA. The space remaining of a building lot after the minimum yard requirements of this Ordinance have been complied with.

BUILDING. Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure, or protection of persons, animals, or chattels.

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Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures are not considered as buildings.

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.

BUILDING, DETACHED. A building surrounded by open space on the same zoning lot.

BUILDING HEIGHT. The vertical distance measured at the front building elevation to the highest point of the structure, including the roof. (Amended 10/17/2000)

BUILDING, NON-CONFORMING. Any building which does not conform to the regulations of this Ordinance prescribing the use, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.

BUILDING, PRINCIPAL. A non-accessory building in which the principal use of the zoning lot, on which it is located, is conducted.

BUILDING SETBACK LINE. A line parallel to the street line at a distance from it, regulated by the front yard requirements set up in this Ordinance.

BUILDING, TEMPORARY. Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS. An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings. (Amended 11/20/2018)

BULK. The term used to describe the size and mutual relationships of buildings and other structures, as to size; height; coverage; shape; location of exterior walls in relation to lot lines, to the center lines of the streets, to other walls of the same buildings, and to other buildings or structures; and to all open spaces relating to the building or structures.

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

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BUSINESS. Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

BUSINESS OR TRADE SCHOOL. A school or teaching unit organized by an industry or large company to provide trade training, apprentice education, and similar courses.

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.

CARETAKER. A person who is in charge of the maintenance of a building, estate, etc.; superintendent.

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

CLINIC OR MEDICAL HEALTH CENTER. An establishment where patients are admitted for special study and treatment by two or more licensed physicians or dentists and their professional associates, practicing medicine together.

CLUB OR LODGE. A non-profit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members, their guests, and invitees. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guest shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with the applicable, local, Federal, and State laws, and County Ordinances. *(Amended 6/19/2007)*

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.

COMMON OPEN SPACE. Common open space refers to the land within a Planned Development that is devoid of buildings and other structures, other than recreational and pedestrian facilities and uses accessory thereto, and is suitable for active and passive recreational activities. For purposes of this ordinance, common open space must be a minimum of 50' wide. Common open space may include underground drainage fields for community septic systems or back-up areas for individual septic

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systems, and for "spray fields" for spray irrigation purposes in a "land treatment" sewage disposal system. Common open space specifically excludes parking lots for non-recreational uses, street rights-of-way, subdivided residential lots, school sites, "mound" sewage disposal systems protruding above grade and aerated sewage treatment ponds. Common Open Space is further divided into two categories as follows:

1. Primary Open Space consists of wetlands and land within the 100-year flood plain.
2. Secondary Open Space includes otherwise developable areas of a property which are being preserved for passive or active open space use. Wet bottom detention areas may be included as a part of secondary open space.

COMMUNICATIONS USE. Radio, television and satellite communications facilities (including towers, cable, telephone, telegraph and maintenance equipment accessory thereto), layout and design of newsprint, and general office activities accessory to these uses.

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.

CONVENIENCE STORE. A retail store with a floor area of less than 5,000 square feet that sells a limited line of groceries, tobacco, newspapers and periodicals, and other household goods. *(Amended 6/19/2007)*

CORNER LOT. See "Lot, Corner".

CORNER LOT, REVERSED. See "Lot, Reversed Corner".

CORRECTIONAL FACILITIES. A prison, or is a place in which people are physically confined and, usually, deprived of a range of personal freedoms.

COVERAGE, LOT. See "Lot Coverage".

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.

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CURB LEVEL. The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the mean level of the land immediately adjacent to the building shall be considered the "curb level".

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.

DAY CARE FACILITY. Facilities that provide supervision and care of more than three (3) children unrelated to the operator of the facility for less than 24 hours per day. This definition shall include Day Care Centers and Day Care Homes as defined and regulated under the Illinois Child Care Act (225 ILCS 10). *(Amended 10/17/2000)*

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to construction of or substantial improvements to buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT. A section or part of the County for which the use regulations are uniform.

DWELLING. A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one family dwelling units, two-family dwelling units, and multiple family dwelling units, but not including hotels, motels, boarding, or lodging houses.

DWELLING UNIT. One or more rooms in a residential structure which are arranged, designed, used, or intended for use by one family, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

DWELLING UNIT, SECONDARY. A secondary residence on a single lot that contains one or more rooms which are arranged, designed, used, or intended for use by one family, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

DWELLING, ONE-FAMILY. A dwelling unit designed exclusively for use and occupancy by one family.

DWELLING, TWO-FAMILY. A building designed or altered to provide dwelling units for occupancy by two families.

DWELLING, MULTIPLE-FAMILY. A building or portion thereof, designed or altered for occupancy by three or more families living independently of each other.

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DWELLING, ATTACHED. A dwelling joined to two other dwellings by party walls, or vertical cavity walls, and above ground physically unifying horizontal structural elements.

DWELLING, DETACHED. A dwelling which is surrounded on all sides by open space on the same lot.

DWELLING, SEMI-DETACHED. A dwelling joined to one other dwelling by party wall, or vertical cavity wall and above-ground physically unifying horizontal structural elements.

ECHO HOUSING. Elderly Cottage Housing Opportunities (ECHO Housing) is the provision of independent living quarters for elderly or disabled family members inside or within five hundred (500) feet of a Farm Residence in an agricultural area. (*Amended 04/18/2000*)

ELECTRONIC MESSAGE BOARD DISPLAY: A sign or component of a sign that uses changing lights to form a message or series of messages that are electronically programmed or modified by electronic processes.

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

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

ESTABLISHMENT, BUSINESS. A separate place of business having the following three characteristics:

1. The ownership and management of all operations conducted within such establishment is separate and distinct from the ownership and management of operations conducted within other establishments on the same or adjacent zoning lots.
2. Direct public access to such "business establishment" is separate and distinct from direct access to any other "business establishment".
3. There is no direct public access from within such establishment to any other such establishment. When adjacent places of business lack any one of the aforesaid characteristics with respect to one another, they shall then be considered as a single "business establishment" for the purpose of this Ordinance.

EXTERNAL ILLUMINATION: Illumination of a sign which is produced by an

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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.

FARM. A parcel of land, or contiguous parcels of land under common ownership, used primarily for agriculture. *(Amended 04/18/2000)*

FARM RESIDENCE. A dwelling unit located on a farm. *(Amended 04/18/2000)*

FENCE. An artificial barrier constructed of any material or combination of materials erected to enclose or screen areas of land. *(Amended 11/18/2003)*

FENCE, DECORATIVE: A designed fence or wall with openings representing 50 percent or more of the total front face surface that meets all of the following: (a) it contributes to the identification and beauty of the principal use; (b) it is not erected to satisfy any other provision of this code; (c) it does not act as a retaining structure; (d) it is made of material that typically is not found in security structures, such as chain link. Split rail and ranch rail are examples of decorative fencing. *(Amended 11/18/2003)*

FENCE, HEIGHT. The vertical distance measured from finished grade at the base of the fence to the highest point of the panels of a solid, picket, board-on-board or similar type fence, or the top rail of a chain link or split rail fence. *(Amended 2/15/2005)*

FENCE, OPEN. A designed fence or wall with openings representing more than 50 percent of the total front face surface that meets all of the following and it is made of materials typically found in security structures, such as chain link, wire mesh or similar materials. *(Amended 6/20/2006)*

FENCE, SOLID. A fence obscuring more than forty (40) percent of the view through the fence. *(Amended 11/18/2003)*

FLASHING SIGN: 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

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purpose of this ordinance any revolving, illuminated sign shall be considered as a flashing sign. Due to their unique characteristics, electronic message board displays are not considered flashing signs.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface water from any source.

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 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.

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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.

FUEL BULK STATION. A place where crude petroleum, gasoline, naphtha, benzine, benzol, kerosene or other flammable liquid which has a flash point at or below two hundred degrees Fahrenheit (closed cup tester) is stored for wholesale purposes, where the aggregate capacity of all storage tanks is more than eight thousand (8,000) gallons, regardless of whether the fuel is stored above the ground, underground or in mobile tank cars or trucks.

FURRIER. A person who buys and sells furs, or one who makes, repairs, or cleans furs and fur garments; a fur dealer or fur dresser.

~~**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, PRIVATE. An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on; provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in the garage of one or two car capacity may be so rented. Such a garage shall not be used for more than one commercial vehicle and the load capacity of such vehicle shall not exceed five tons.

~~**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.

GOLF COURSE. Public, semi-public or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto, and consisting of at least 60 acres for each standard nine hole course; and 25 acres for each nine hole "par 3" course.

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GRADE: Established or finished elevation measured at the centerline of the adjacent street.

GRID-INTERIE SOLAR ENERGY SYSTEM. A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company. (Amended 11/20/2018)

GROCERY/FOOD SALES. The grocery and food sales use classification applies to uses which sell grocery, food, and beverage items, and such sales occur entirely within an enclosed building. Examples may include: convenience grocery stores (without gas pumps), grocery stores, supermarkets, fruit and vegetable stores, delicatessens, health food stores, meat markets/butcher shops, fish and poultry stores, bakeries, nut and confectionery shops, dairy products stores, and similar land uses. (Amended 8/21/2001)

GROUND MOUNT SOLAR ENERGY SYSTEM. A solar energy system mounted on a rack or pole that rests on or is attached to the ground. (Amended 11/20/2018)

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.

GROUP HOME. A single dwelling unit occupied on a relatively permanent basis in a family-like environment by unrelated persons with disabilities. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents are present at the dwelling, shall be required unless a Special Use approval is obtained to eliminate the requirement of supervision. A "Group Home" shall comply with the zoning regulations for the district in which the site is located. (Amended 10/17/2000)

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 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:

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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)

HARD SURFACE. Any material placed on or above the earth that substantially reduces or prevents the natural percolation of water. Examples include, but are not limited to structures, including roofs and roof overhangs; parking areas; driveways; sidewalks; gravel areas; patios and decks; sport courts; pools and similar improvements. (Amended 11/18/2003)

HARD SURFACE COVERAGE. Total square footage of all hard surfaces on the property divided by the total square footage of the parcel multiplied by 100. (Amended 11/18/2003)

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".

HOSPICE. A temporary residential living arrangement for persons with a life-threatening illness that requires full-time support, therapy and/or treatment.

HOSPITAL OR SANITARIUM. An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care, for not less than twenty-four hours in a week, or three or more non-related individuals, suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital", as used in this ordinance does not apply to institutions operating solely for the treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, nursing,

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shelter, or boarding homes.

~~**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) days in a dwelling, one family or dwelling, two family or accessory structures with residentially allowed occupancy permits shall not be considered hotels.**

HOUSEHOLDER. The occupant of a dwelling unit who is either the owner or lessee thereof.

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

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

INDOOR BUSINESS SALES AND SERVICE. Uses which display or conduct, entirely within an enclosed building, the sale or rental of business-oriented products, equipment, merchandise, or services that are non-personal and non-professional in nature. Examples may include: duplicating or photocopying sales and service; addressing, mailing, or stenographic sales and services; locksmith shops; computer sales and service; employment agencies; and similar land uses. *(Amended 8/21/2001)*

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

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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.

JUNK YARD. An open area where waste, scrap metal, paper, rags, or similar material are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto, farm implements and machinery, and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

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

LABORATORY, COMMERCIAL. A place devoted to experimental study such as testing and analyzing. Manufacturing assembly or packing of products is not included within this definition.

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

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plans and extensive goals and objectives focused on both planning and management.

LIVESTOCK. Domestic animals of types customarily raised or kept on farms for profit or other purposes.

LIVESTOCK FEEDING YARD. An enclosure designed or used for the purpose of concentrated feeding or fattening of livestock for marketing.

LIVESTOCK SALES YARD. An enclosure or structure designed or used for holding livestock for purpose of sale or transfer by auction, consignment, or other means.

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.

LODGING OR ROOMING HOUSE. A building with not more than five guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or overnight guests.

LOT. A parcel of land legally described as a distinct portion or piece of land of record.

LOT AREA, GROSS. The area of a horizontal plane bounded by the center line of all adjacent public streets and the lot lines where no public street is adjoining.

LOT AREA, NET. The area of a horizontal plane bounded by the front, side and rear lot lines.

LOT, CORNER. The lot situated at the junction and abutting on two or more intersection street; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.

LOT COVERAGE. The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

LOT DEPTH. The mean horizontal distance between the front and rear lot line of a lot measured within the lot boundaries.

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LOT LINE. A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line. *(Amended 2/15/2005)*

LOT LINE, CORNER SIDE. That portion of a lot boundary on a corner lot which lies along a public street and which is not identified as the front lot line.

LOT FRONTAGE. The front of any lot shall be that boundary of a lot along a public street; for a corner lot, the owner may elect either street lines as the front lot line.

LOT, INTERIOR. A lot other than a corner lot or reversed corner lot.

LOT LINE, FRONT. The front property line of a zoning lot.

LOT LINE, INTERIOR. A side lot line common with another lot.

LOT LINE, REAR. The rear lot line is the lot line or lot lines most nearly parallel to and remote from the front lot line.

LOT OF RECORD. A lot that is part of a recorded subdivision or a parcel of land that has been lawfully established and recorded at the county recorder's office. *(Amended 6-21-2005 ord. #2005-42)*

LOT, REVERSED CORNER. A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

LOT, THROUGH. A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

LOT WIDTH. The horizontal distance between the side lot lines as measured at the established front building setback line (Refer to Lot Width Exhibit in Appendix). *(Amended 10/18/2005)*

LOT, ZONING. See "Zoning Lot".

MARINA. A boat basin and recreational facility, located on water-frontage property, providing moorings for boats, and one or more of the following facilities: Boat launching ramps, boat livery, boat sales, maintenance shops, marine supply stores and fuel dock.

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.

MASSAGE or MASSAGE THERAPY. A system of structural palpation or movement of the soft tissue of the body or the performance of non-sexual manipulative exercises or techniques as defined under the Illinois Massage Licensing Act 225 ILCS 57/10, by a Massage Therapist for compensation, except those persons exempted under 225 ILCS 57/25. (Amended 6/19/2007)

MASSAGE SCHOOL. Any place or establishment or facility which provides instructions in the theory, method and practice of massage or massage therapy which meets the minimum standards for training and curriculum as determined by the Illinois Department of Professional Regulation. (Amended 6/19/2007)

MASSAGE THERAPIST. A person who is licensed by the Illinois Department of Professional Regulation, as defined in 225 ILCS 57/1 et.seq. and administers massage for compensation. (Amended 6/19/2007)

MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on 7.1.20) (Amended 12.19.17)

ENCLOSED, LOCKED FACILITY. A room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a Cultivation Center's agents or a Dispensing Organization's agent working for the registered Cultivation Center or the registered Dispensing Organization to cultivate, store, and distribute cannabis for registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on 7.1.20) (Amended 12.19.17)

MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Cultivation Center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between

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this definition and the statute, the statutory definition shall govern. (To be repealed on 7.1.20) (Amended 12.19.17)

MEDICAL CANNABIS INFUSED PRODUCT. Food, oils, ointments, or other products containing usable cannabis that are not smoked. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on 7.1.20) (Amended 12.19.17)

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.

MICRO DISTILLERY or CRAFT DISTLLERY. A facility that produces alcoholic beverages in quantities not to exceed fifteen thousand (15,000) gallons per year and includes an accessory tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside the facility are prohibited. If state law changes the quantities the definition should reflect those changes.

MOBILE HOME. A unit designed for year-round living quarters. It has a permanent chassis but must be towed by another vehicle. It is designed to be installed on piers with tie-downs but not on a permanent foundation. It has toilet, cooking and sleeping facilities and when connected to utilities on site it may have plumbing, electric, heating and air conditioning systems contained therein. It is at least 8' wide and 40' long.

MOTOR FREIGHT TERMINAL. A building in which freight, brought to said building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

MOTOR VEHICLE. A vehicle of less than 16,000 pounds which is self-propelled and is capable of being licensed for operation upon the streets and highways of the State of Illinois, including automobiles, motorcycles, and light trucks. (Amended 6/19/2007)

MOTOR VEHICLE LAUNDRY. A building or portion thereof containing facilities for washing more than two motor vehicles, using mechanical methods. (Amended 6/19/2007)

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MOTOR VEHICLE REPAIR, MAJOR. Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailer; collision service, including body, frame or fender straightening or repair and painting of vehicles. (Amended 6/19/2007)

MUNICIPAL SOLID WASTE TRANSFER STATION. Facilities where municipal solid waste is unloaded from collection vehicles and briefly held while it is reloaded onto larger long-distance transport vehicles for shipment to landfills or other treatment or disposal facilities. Recyclables may also be separated from Municipal Solid Waste at these facilities.

NAMEPLATE. A sign indicating the name and address of a building or the name of an occupant thereof, and the practice of a permitted occupation therein.

NANO BREWERY. A brewery that produces less than 1,000 barrels (31,000 gallons) of beer per year with 100% of its beer sold off-site.

~~**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 STRUCTURE. Any building or structure lawfully established at the time of the adoption of this Ordinance or any amendments hereto that does not comply with the yard, height, bulk or separation requirements contained the regulations of this Ordinance. (Amended 6-21-2005 ord. #2005-42)

~~**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.~~

NOXIOUS MATTER. Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well-being of human beings.

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.

NURSERY SCHOOL OR DAY NURSERY. An institution providing care for three or more children under the age of seven years for periods of more than four hours but not exceeding twenty-four hours.

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OBSTRUCTION. An obstacle, impediment or hindrance.

OFF-GRID SOLAR ENERGY SYSTEM. A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company. (Amended 11/20/2018)

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.

ORDINANCE. Reference to "ordinance" herein shall be constructed as the "Kendall County Zoning Ordinance".

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.

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. From Definitions.

PAINTBALL FACILITY. The location where a game in which players on one team seek to eliminate those on an opposing team by marking them with a water-soluble dye shot in capsules from air guns.

PARCEL DELIVERY STATION. A building in which commodities, sold at retail within the area and packaged by the retailer, are assembled and routed for delivery to retail customers located within area.

PARKING AREA, PRIVATE. An open, hard surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

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PARKING AREA, PUBLIC. An open, hard-surfaced area, other than a street or public way intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half ton capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

PARKING SPACE, AUTOMOBILE. Space within a public or private parking area not less than one hundred and eighty square feet (nine by twenty), exclusive of access drives, or aisles, ramps, columns or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one half ton capacity.

PASSIVE SOLAR ENERGY SYSTEM. A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger. (Amended 11/20/2018)

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.

PERFORMANCE STANDARD. A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare of heat generated by or inherent in uses of land or buildings.

PERFORMING ARTS CENTER. The performing arts are art forms in which artists use their body or voice to convey artistic expression. Examples of performing arts may include: music, dance, fitness training, theatre arts, technical arts, online lessons, a performing arts preschool, etc. Regulated Uses that are specified in Section 4:16 of the Zoning Ordinance are specifically excluded from this category.

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.

PHOTOVOLTAIC SYSTEM. An active solar energy system that converts solar energy

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directly into electricity. (Amended 11/20/2018)

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.

PLANNED DEVELOPMENT. A tract of land which is developed as a unit under single ownership or control, which includes two or more principal buildings.

POLE SIGN: A sign mounted on one (1) or more freestanding pole(s) or pylons or other supporting base that is not as wide as the bottom of the sign.

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.

PORCH. A roof over structure, projecting out from the wall or walls or a main structure and commonly open to the weather in part.

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.

PRIMARY OPEN SPACE. All non-buildable areas (except existing road rights-of-way), specifically wetlands, lands that are generally inundated (under ponds, lakes, creeks, ~~etc~~ 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.

PRINCIPAL USE. The main use of land or buildings as distinguished from a subordinate or accessory use.

PRIVATE AIRSTRIP. A private aircraft landing strip open to residents and invitees or open to ultra-light or short take-off and landing vehicles only. (Amended 6/20/2006)

PRIVATE CLUBS OR LODGES. An association organized and operated for persons who are bona fide members typically paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such associations are typically conducted by a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to

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members and their guests, provided such service is secondary, and incidental to the common objectives of the organization, and further provided that such sale or service of alcoholic beverages and food is in compliance with all applicable federal, state, county, and local laws and ordinances.

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.

PUBLIC SERVICE FACILITIES. A needed use in a large format to be used by the public including: Filtration plant, pumping station, and water reservoir, Gas regulator stations, Sewage treatment plant, Telecommunications hub, Electric substation, generators and booster stations and Non-exempt governmental uses. This would include private or public entities.

PUBLIC UTILITY. Any person, firm corporation, or municipal department duly authorized to furnish under public regulation to the public, electricity, gas steam, telephone, sewers, transportation, or water.

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.

RECREATIONAL AREAS. Parks and open space devoted primarily to the pursuit of outdoor recreational activities such as golf courses, fishing lakes, playgrounds, trails and nature preserves; does not include outdoor commercial sporting activities.

RECREATIONAL VEHICLE (RV). A vehicle that is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily for recreation, camping, travel or seasonal use. For purposes of regulation in this code, pickup campers, jet skis, boats, snowmobiles, or similar vehicles shall also be considered to be recreational vehicles. *(Amended 7/18/2006)*

RENDERING. A process that collects, cooks and processes bodies or parts of bodies of dead animals, poultry or fish, or used cooking grease and oils, for the purpose of salvaging hides, wool, skins or feathers, and for the production of animal, poultry, or fish protein, blood meal, bone meal, grease or tallow and converts it into stable, value-added materials. Rendering can refer to any processing of animal products into more

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useful materials, or more narrowly to the rendering of whole animal fatty tissue into purified fats like lard or tallow.

RESEARCH AND DEVELOPMENT. A building or group of buildings in which are located facilities for scientific research, experimental study, investigation, testing and experimentation, but not primarily facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESIDENCY. The act or condition of residing or dwelling in a place.

RESPIRE CARE. Usually planned residential care for dependent, elderly or handicapped people, to provide relief for their permanent care givers.

RESTAURANT. Any land, building, or part thereof, other than a boarding house, where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunch room, drive-in stand, tearoom, and dining room; including the service of alcoholic beverages when served with and incidental to the serving of meals, permitted by local option.

REST HOME. See "Nursing Home".

ROADWAY RIGHT-OF-WAY LINE. The edge of the public roadway right-of-way as dedicated or as shown as a prescriptive easement on a certified plat of survey. The edge of a private roadway right-of-way as dedicated as a common easement or commonly owned parcel. The width of land required by the Kendall County Subdivision Ordinance. The Zoning Administrator shall determine the actual line to be used for determining zoning setback requirements.

ROOF MOUNT SOLAR ENERGY SYSTEM. A solar energy system that is mounted on a rack that is fastened onto a building roof. (Amended 11/20/2018)

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

RUNWAY. A strip or area of pavement used exclusively for the landing and taking off of aircraft, or for the movement of vehicles incidental to such use.

SANITARY LAND FILL. A method of disposing of refuse by spreading and covering with earth to a depth of two feet on the top surface and one foot on the sides of the bank.

SEASONAL FESTIVAL. A temporary event held during a specified time of the year which is designed to enhance the sales of seasonal crops and related products produced in conjunction with existing agricultural businesses such as orchards,

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vineyards, nurseries and similar agricultural operations. Related activities may include, but are not limited to, corn mazes, wagon rides, pony rides, farm animal petting zoos, and pumpkin patches. Activities including amusement park rides, live music concerts, truck and tractor pull competitions are specifically prohibited from Seasonal Festivals.

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.

SELF-SERVICE STORAGE FACILITY. A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies. *(Amended 8/21/2001)*

SELF-STORAGE OR MINI-WAREHOUSE A building consisting of individual, self-contained units that are leased or owned for the storage of business supplies and household goods. Business goods are limited to those not associated with any office, retail or other business or commercial use within the self-storage warehouse facility. *(Amended 6/20/2006)*

SERVICE CLUB. A voluntary non-profit organization where members meet regularly to perform charitable works either by direct hands-on efforts or by raising money for other organizations

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)*

SETBACK LINE, BUILDING. See "Building Setback Line".

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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. See above

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

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

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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~~.

SOLAR ACCESS. Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system. (Amended 11/20/2018)

SOLAR COLLECTOR. An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy. (Amended 11/20/2018)

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector. (Amended 11/20/2018)

SOLAR ENERGY EASEMENT. An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land. (Amended 11/20/2018)

SOLAR ENERGY SYSTEM (SES). All components required to become a complete assembly or structure that will convert solar energy into electricity for use. (Amended 11/20/2018)

SOLAR ENERGY SYSTEM ADDITION. A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto. (Amended 11/20/2018)

SOLAR ENERGY SYSTEM, PRIVATE. A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations

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set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards. (Amended 11/20/2018)

SOLAR FARM. A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located. (Amended 11/20/2018)

SOLAR GARDEN. A commercial solar-electric (photovoltaic) array, of no more than 20 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses located off-site from the location of the solar energy system. (Amended 11/20/2018)

SOLAR HEAT EXCHANGER. A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas. (Amended 11/20/2018)

SOLAR HOT AIR SYSTEM. An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. (Amended 11/20/2018)

SOLAR HOT WATER SYSTEM. A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes. (Amended 11/20/2018)

SOLAR MOUNTING DEVICES. Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground. (Amended 11/20/2018)

SOLAR STORAGE UNIT. A component of a solar energy device that is used to store solar generated electricity or heat for later use. (Amended 11/20/2018)

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)

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SPECIAL USE. Any use of land or buildings, or both, described and permitted herein, subject to the provisions of Section 13:00.

SPECIFIED ANATOMICAL AREAS. Are defined as:

1. Less than completely or opaquely covered: a) human genitals, b) pubic region, c) buttock, and d) female breast below a point immediately above the top of the areola;
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

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.

STABLE, LIVERY. Any building, other than a private stable, designed, arranged, used or intended to be used for the storage of horses and horse-drawn livery or both.

STABLE, PRIVATE. Any building, which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling.

STABLE, PUBLIC (RIDING OR BOARDING STABLES). A building and grounds which are designed, arranged, used or intended to be used for the storage, boarding, breeding of horses including accessory uses which may include riding and horsemanship and the hire of riding horses.

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.

STAND, ROADSIDE. A structure for the display and sale of only agricultural products which are produced on the premises.

STORY. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the

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floor and ceiling next above it. Any portion of a story exceeding fourteen feet in height shall be considered as an additional story for each fourteen feet or fraction thereof.

STORY, HALF. A half story is that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than four and one-half feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three stories in height, a half story in a sloping roof shall not be counted as a story for the purpose of this ordinance. In the case of multiple family dwellings three or more stories in height, a half story shall be counted as a story.

STREET. A way other than an alley, which affords a primary means of access to abutting property.

STREET LINE. A line separating an abutting lot, piece or parcel from a street.

STRUCTURE. A walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a mobile home and a prefabricated building.

STRUCTURAL ALTERATIONS. Any change other than incidental repairs which would prolong the life of the supporting members of a building or structure, such as bearing wall, column, beams, and girders.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceed fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure or site documented as deserving preservation by the Illinois Department of Conservation or listed on the National Register of Historic Places.

TAVERN OR LOUNGE. A building where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

TELECOMMUNICATIONS STATIONS. A system consisting of a transmitter, a transmission medium, or a receiver used for the transmission of information over significant distances for the purposes of communication.

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

TEMPORARY SIGN: Any sign designed, constructed, or erected to display a

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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.

TERRACE, OPEN. A level and rather narrow place or platform which, for the purpose of this Ordinance, is located adjacent to one or more faces of the principal structure and which is constructed not more than four feet in height above the average level of the adjoining ground.

THEATER. An establishment used to observe films and other visual material which is neither an Adult Motion Picture Theater nor an Adult Mini-Motion Picture Theater.

THOROUGHFARES. Primary, secondary and collector, as defined by the Official Kendall County Comprehensive Plan.

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

TOXIC MATERIALS. A substance (liquid, solid, or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

TRAILER. Every vehicle without motive power designed for carrying property and for being drawn by a motor vehicle.

TRAILER, RECREATIONAL. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use. It has a permanent chassis and it has its own motive power or is mounted on or towed by another vehicle. It is sometimes referred to as a travel trailer, camping trailer, truck camper, motor home or recreational vehicle.

TRAILER CAMP OR PARK. Any premises occupied by or designed to accommodate two or more automobile house trailers or mobile homes, or the parking of two or more trailers for business or storage purposes.

TRAILER, OFFICE OR STORAGE. Any trailer designed for temporary use for an office or storage and not used as living quarters, temporary or permanent.

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TRUCK PARKING AREA OR YARD. Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicle, while not loading or unloading, and which exceeds one and one-half tons in capacity.

TRUCK STOP. A facility that provides a much broader range services than a typical "Service Station". Such facilities are generally designed to accommodate the needs of commercial vehicles and interstate truck traffic in addition to the motoring public at large. Facilities may include one or more buildings designed for the maintenance, servicing, storage or repair of commercial and passenger vehicles; for the dispensing of motor fuel and other petroleum products directly into motor vehicles, and trucks; the sale of accessories or equipment for trucks and similar commercial vehicles as well as areas for overnight parking and storage of such vehicles. A truck stop may also include overnight accommodations, car and truck wash facilities, showers and/or restaurant facilities, primarily for the use of truck crews and the traveling public. *(Amended 6/19/2007)*

USE. The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

USED CAR LOT. A zoning lot on which used cars or new cars, trailer, or trucks are displayed in the open for sale or trade.

VIEWING DEVICE. Any device, whether or not coin operated which projects or displays visual images of moving and stationary objects, including but not limited to magic lanterns, films or slide projector or other light projection device, and video screens, cable receivers, or any electronic device which receives electromagnetic waves or electronic signals and displays the reconverted images on a screen.

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.

WATCHMAN. A person who maintains security on a piece of land and/or its structures to protect it from fire, vandals, or thieves.

WATERCOURSE. Any flowing body of water including rivers, creeks, streams or waterways; not to include small swales, impressions or areas that puddle.

WETLANDS. Areas inundated or saturated by surface water or ground water at a frequency or duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.

WIND FARM, COMMERCIAL A single wind driven machine or a collection of wind

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driven machines or turbines that convert-wind energy into electrical power for the primary purpose of sale, resale or offsite use. *(Amended 6/20/2006)*

WIND ENERGY SYSTEM, SMALL A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power. If all applicable regulations are met a small wind energy system may contain more than one wind energy conversion system. *(Amended 2/16/2010)*

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.

WRECKING YARD. Any place where two or more vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof, and including the commercial salvaging of any goods, articles, or merchandise. *(Amended 6/19/2007)*

YARD. An open space on the same zoning lot with the principal building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this ordinance, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for which the zoning lot is located.

YARD, CORNER SIDE. A yard extending across the full length of a corner side lot line and lying between the roadway right-of-way line and the nearest line of the buildings. *(Amended 2/15/2005)*

YARD, FRONT. A yard extending across the full width of the zoning lot and lying between the roadway right-of-way line and the nearest line of the buildings.

YARD, REAR. A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, REQUIRED. The area between the road right-of-way and/or the property line and the minimum distance established for the appropriate setback for either front, side, or rear yard. *(Amended 10/17/2000)*

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YARD, SIDE. The part of the yard lying between the nearest line of the principal building and a side lot line, and extending from the required front yard (or from the front lot line if there is no required front yard) to the required rear yard.

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

ZONING ADMINISTRATOR. Wherever in this Ordinance the term Zoning Administrator is used, it shall mean the Zoning Administrator appointed by the County Board and such deputies or assistants as have been or shall be duly appointed by the County Board. That officer is hereby authorized and it is his duty to administer and enforce the orders as are necessary therefore, and requiring such plats, plans, and other descriptive materials in connection with application for permits as are necessary for him to judge compliance with this Ordinance.

ZONING MAPS. The map or maps incorporated into this Ordinance as a part hereof, designating Zoning Districts.

ZONING LOTS. Hereby defined to mean a contiguous piece of land in one ownership irrespective of intervening waterways or right of ways for roads or utilities and further irrespective of the division of said land by survey, plat or otherwise which is or may be occupied by a use, building or buildings including the open spaces required by this Ordinance.

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)~~ **(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.

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4:01 INTERPRETATION.

- A. **MINIMUM REQUIREMENTS.** The provisions of this zoning ordinance shall be held to be minimum requirements for the promotion of public health, safety, morals, and welfare.
- B. **RELATIONSHIP WITH OTHER LAWS.** Where the conditions imposed by any provision of this amended zoning ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable condition imposed by any other provision of this ordinance or regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
- C. **EFFECT ON EXISTING AGREEMENTS.** This amended ordinance is not intended to abrogate any easement, covenant or any other private agreement provided that where the regulations of this amended ordinance are more restrictive (or impose higher standards or requirements) that such easements, covenants or other private agreements, the requirements of this amended ordinance shall govern.

4:02 SCOPE OF REGULATIONS

- A. **CHANGE IN STRUCTURES OR USE.** Except as may otherwise be provided in Section 5:00, "Non-conforming Building and Uses", all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter shall be subject to all regulations of this amended ordinance (which are applicable to all regulations of this amended ordinance) which are applicable to the zoning districts in which such buildings, uses or land shall be located.
- B. **NON-CONFORMING BUILDINGS, STRUCTURES AND USES.** Any lawful buildings, structures or use existing at the time of the enactment of this amended ordinance may be continued, even though such building, structure or use does not conform to the provisions of this amended ordinance for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions of Section 5.00, "Non-conforming Buildings and Uses."
- C. **BUILDING PERMITS.** When a building permit for a building or structure has been issued in accordance with law prior to the effective date of this amended ordinance, and provided that construction is begun within six months of such effective date and diligently prosecuted to completion, said building or structure

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may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may upon completion be occupied under a certificate of occupancy by the use for which originally designated - subject thereafter to the provision of Section 5:00 "Non-conforming Buildings and Uses."

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

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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 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;

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- 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 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)

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:

Permitted Obstruction	Front	Side	Rear
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

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Permitted Obstruction	Front	Side	Rear
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
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 or attached (?) accessory buildings 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 County codes and ordinances of the County			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

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Permitted Obstruction	Front	Side	Rear
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
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. F E 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

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- 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 must meet principle building setbacks as set forth in section ~~7:01.H.2.a~~ **7:01.G.2.a** of the Zoning Ordinance.
- D. TIME OF CONSTRUCTION. Except in Agricultural Districts, no accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory. (Amended 11/18/2003)
- E. HEIGHT OF ACCESSORY BUILDINGS IN REQUIRED REAR YARDS. No accessory building or portion thereof located in a required rear yard shall exceed the maximum height outlined below:

Zoning	Maximum Height
A-1	No limit
R1, R2, RPD-1, RPD-2	25'
R3 or RPD-3	20'
Other residential classification	15'
Commercial or industrial	25'

(Amended 11/18/2003)

- F. FOOTPRINT OF ACCESSORY BUILDINGS. Any detached accessory building must have a footprint no larger than 70% of the principal structure if located in the R5, R6 or R7 zoning districts. (Amended 11/18/2003)
- G. ON REVERSED CORNER LOTS. On a reversed corner lot in a Residential District, and within fifteen (15) feet of any adjacent property to the rear in a Residence District, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to sixty (60) percent of the least depth which would be required under this ordinance for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory building shall be located within five (5) feet of any part of a rear lot line which coincides with a side lot line or portion thereof of

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property in a Residence District.

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.
2. A maximum sign of **eight** (8) square feet will be permitted but must meet setback requirements in **sSection 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.

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.
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.
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.

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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.
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.**

4:08 LOT AREA AND DIMENSIONS

- A. **CONTIGUOUS PARCELS.** When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the Use District in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.
- B. **LOTS OR PARCELS OF LAND OF RECORD.** Any single lot or parcel of land held in one ownership which was of record, May 10, 1960, that does not meet requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts, or usable open spaces are not less than seventy-five percent (75%) of the minimum required dimensions or area, except as provided in ~~sub-s~~ **S**ection 5:15.

4:09 ACCESS TO PUBLIC STREETS

- A. Every principal building that is constructed on a lot shall have vehicular access by private driveway to a public street. Private driveways shall be located, designed, and constructed according to the standards in the Subdivision Ordinance.
- B. Individual driveways which provide access to one lot and shared private driveways which provided access to two lots shall be approved by the Zoning Administrator.
- C. Shared private driveways which provide access to three or more lots shall be approved by the County Board. In cases where the proposed access would be for lots that existed before March 17, 1998; the procedure for approval would be recommended by the Zoning Administrator, Plat Officer, Planning, Building, and Zoning Committee, and a vote by the County Board. Other cases would be part of the subdivision review procedure.

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4:10 NUMBER OF BUILDINGS ON A ZONING LOT

Except in the case of a Planned Development, not more than one principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the said zoning lot with any other principal building.

4:11 TENTS

Tents shall not be erected, used or maintained on any lot, except such small tents as are customarily used for recreational purposes and located on the same lot as a dwelling. Temporary use of tents for religious, amusement and recreation, business or manufacturing purposes shall be permitted. Temporary as defined as no longer than 7 days. If a tent will be erected longer than 7 days a permit must be acquired from the Zoning Administrator or his or her designee. Agriculturally zoned property is exempt from these provisions.

4:12 PERFORMANCE STANDARDS (Amended 8/19/2014)

Any use established after the effective date of this comprehensive amendment shall be so operated as to comply with the performance standards set forth in Title 35 of the Illinois Administrative Code and Administered by the Illinois Pollution Control Board (www.ipcb.state.il.us). No use lawfully established on the effective date of this comprehensive amendment shall be so altered or modified as to conflict with, or further conflict with these performance standards.

4:13 EXISTING SPECIAL USES (Amended 11/18/2003)

When a use is classified as a special use under this amended ordinance, and exists as a permitted use at the date of adoption of this ordinance, it shall be considered as legal use, without further action of the County Board, the Zoning Administrator or the Board of Appeals.

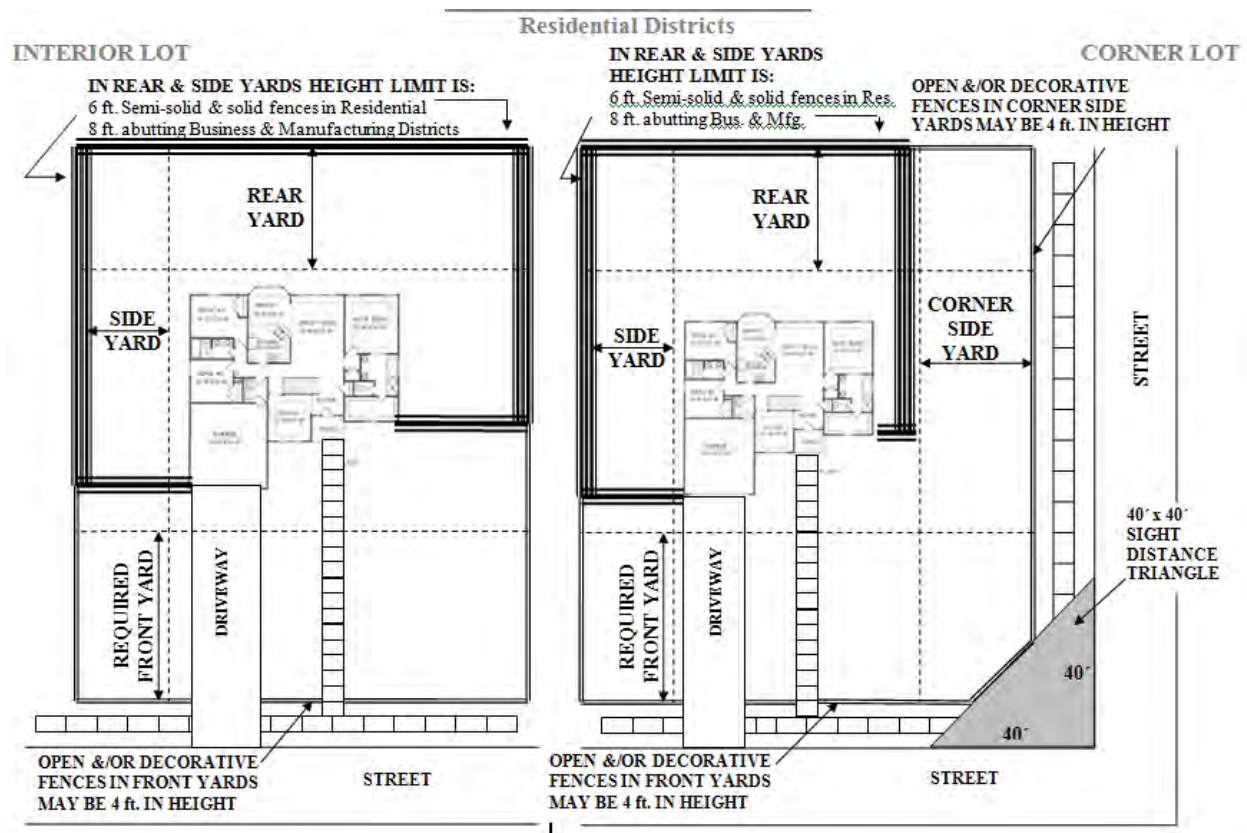
4:14 FENCES

- 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

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roadway right-of-way line and the nearest line of the building)



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

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encroach into rights-of-way.

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.

B. REQUIRED FENCES, HEDGES, AND WALLS. (Amended 11/18/2003)

1. A ~~six-foot-high~~ fence or wall shall be constructed along the perimeter of all areas considered by the Board of Appeals to be dangerous to the public health.
2. When required by the Zoning Administrator, a ~~six-foot-high~~ solid masonry wall shall be erected along the property line or zone boundary lines to separate industrial and commercial districts or uses from abutting residential district as follows:
 - a. Where the zone boundary is at a rear lot line which is not a street, the wall shall be on that line.
 - b. Where the boundary is a side lot line, the wall shall be parallel to said side lot line and be reduced to three feet in height in the area set forth as a required front yard for the abutting residential district. The wall paralleling the front property line shall be set back from said property line not less than ten feet and the space between the wall and the property line to be landscaped and maintained.
 - c. Where the boundary is a street, the wall shall be set back from the property line ~~a distance of~~ ten (10) feet. The space between the wall and the property line shall be landscaped and maintained.
 - d. Where the boundary is an alley, the wall shall be on the property line along the alley.
 - e. Nothing in this section shall be deemed to set aside or reduce the requirements established for security fencing by either local, State or Federal law.

4:15 USES - NOT PERMITTED. (Amended 11/18/2003)

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When a use is not specifically listed in the sections devoted to "Uses Permitted", it shall be assumed that such uses are hereby expressly prohibited unless, by a written decision of the ~~Zoning Board of Appeals~~ **ZBA** it is determined that said use is similar to and not more objectionable than use listed.

4:16 REGULATED USES. (Amended 6/19/2007)

- A. The following uses are deemed to be regulated uses:
1. Adult Book Store.
 2. Adult Motion Picture Theater.
 3. Adult Mini-Motion Picture Theater.
 4. Adult Entertainment Facilities.
 5. Adult Use.
 6. Adult Massage Parlors or Spas.
 7. Tattoo Parlors and Permanent Body Art Establishments.
 8. Striptease Club or Gentlemen's Club.
 9. 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.

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

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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.
- 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

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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.
- 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)

- A. Roof Mounted for On-Site Energy Consumption. Solar panels located on the roof of an existing structure shall be permitted in all districts. Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted. Roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. Roof mounted or building integrated private solar energy systems for residential or business use shall be considered an accessory use in all zoning districts where there is a principal structure and shall meet the regulations of the Kendall County Zoning Ordinance. Roof mounted solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits. The use of roof mounted solar panels for on-site energy consumption shall comply will all applicable federal, state, and local laws and the rules of the local electrical utility.

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- B. Freestanding for On-Site Energy Consumption. Solar panels located on the ground or attached to a framework located on the ground shall be classified as accessory structures in all zoning districts provided that the system is no larger than necessary to provide one hundred twenty percent (120%) of the electrical and/or thermal requirements of the structure to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems. Freestanding solar panels shall be permitted if they comply with the standards listed in the Kendall County Zoning Ordinance. Ground or pole mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located. Freestanding solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits. The use of freestanding solar panels for on-site energy consumption shall comply with all applicable federal, state, and local laws and the rules of the local electrical utility.
- C. Solar Gardens. Solar gardens shall be allowed in all zoning districts and shall require a special use permit whether accessory or principal use of the property subject to the following requirements:
1. Unless otherwise noted in the Kendall County Zoning Ordinance, solar gardens must comply with all required standards for structures in the district in which the system is located.
 2. Rooftop community systems are permitted in all zoning districts where buildings are permitted.
 3. Ground-mount community solar energy gardens must be less than or equal to twenty (20) acres in total size. Ground-mount solar developments covering more than twenty (20) acres shall be considered solar farms.
 4. Solar gardens are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.
 5. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
 6. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal

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regulatory codes, including the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met.

- D. Solar Farms. Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market are permitted under the following standards:
1. Unless otherwise noted in the Kendall County Zoning Ordinance, solar farms must comply with all required standards for structures in the district in which the system is located.
 2. Solar farms are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.
 3. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. A plan must be approved by the Kendall County Soil and Water Conservation District and paid for by the developer. Applicable noxious weed ordinances shall be followed. Due to potential County liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)), it is required that any crops or vegetation planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. A report showing demonstration of plan compliance shall be submitted annually and paid for by the developer.
 4. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
 5. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes and the National Electric Code, as amended.
 6. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Kendall County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or distance makes undergrounding infeasible, at the discretion of the Kendall County Planning, Building and Zoning Department. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies

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in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.

7. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by Kendall County. The site plan should also show all zoning districts and overlay districts.
- E. Setback Requirements. Unless otherwise stated in the Kendall County Zoning Ordinance, the setback requirements for all solar energy systems shall meet the structure minimum setback requirements when the solar energy system is oriented at any and all positions.

No solar energy system shall be located in any front yard of any residentially zoned or used property.

- F. Design Standards. Active solar energy systems shall be designed to conform to the County's Land Resource Management Plan and to blend into the architecture of the building or may be required to be screened from the routine view from public rights-of-way other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.
1. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
 2. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.
 3. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the

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orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

4. Damaged field drain tile shall be repaired or rerouted on a timetable approved by the Kendall County Planning, Building and Zoning Department.
- G. Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.
- H. Plan Approval Required. All solar energy systems shall require administrative plan approval by the Kendall County Building Official via the review of the application for a building permit.
1. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system including the property lines.
 2. For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 3. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
 4. Applications that meet the design requirements of the Kendall County Zoning Ordinance and do not require an administrative variance shall be granted administrative approval by the Zoning Administrator and not require Planning, Building and Zoning Committee review. Plan approval does not indicate compliance with Building or Electrical Codes.
- I. Approved Solar Components. Electric solar energy system components must have a UL listing approved equivalent and solar hot water systems must have an

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SRCC rating.

- J. Compliance with Building Code. All active solar energy systems shall meet approval of County building officials; solar thermal systems shall comply with HVAC-related requirements of the Illinois State Energy Code. All County adopted building codes will apply and take precedence where applicable.
- K. Utility Notification. All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
- 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 submitted to and collected by the Kendall County Planning, Building and Zoning Department as follows:

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

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.

- M. Liability Insurance and Indemnification.
 - 1. For Solar Farms and Solar Gardens, commencing with the issuance of building permits, the Applicant, Owner, or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least Three Million Dollars (\$3 Million) per occurrence and Five Million Dollars (\$5 Million) in the aggregate. Such insurance may be

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provided pursuant to a plan of self- insurance, by a party with a net worth of Twenty Million Dollars (\$20 Million) or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.

2. Any SES(s), applicant, owner, or operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of applicant, owner, or operators selection, construction, operation, and removal of the SES(s) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the County's other indemnification rights available under the law.

N. Decommissioning Plan.

1. Upon the request of the Kendall County Planning, Building and Zoning Department, an owner of a solar energy system must provide documentation, within thirty (30) days, that the solar energy system is still in use. If the solar energy system is not in use, the owner of the system shall have 180 days, after notification from the Kendall County Planning, Building and Zoning Department, to remove the solar energy system from the property.
2. A decommissioning plan shall be required at the time of applying for all solar farms and solar gardens to ensure that the facilities are properly removed after their useful life.
3. Decommission of solar panels must occur in the event they are not in use for ninety (90) consecutive days.
4. The owner or operator will have six (6) months to complete the decommissioning plan after operation of a solar farm or solar garden ceases.

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5. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.
 6. The Kendall County Board shall require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a building permit for the facility.
 7. In the event that the State of Illinois enacts a law with regards to the decommissioning of a solar farm, the strictest requirements shall prevail.
- O. Other Requirements.
1. Upon request from the Kendall County Planning, Building and Zoning Department, the owner or operator of a solar farm or a solar garden must submit, within fourteen (14) calendar days, a current operation and maintenance report to the Department.
 2. In all undeveloped areas, the solar energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat shall be provided to the Kendall County Planning, Building and Zoning Department before a permit or special use permit will be issued.
 3. No fencing is required; however, if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.
 4. Any lighting for solar farms or solar gardens shall be installed for security and safety purposes only. Except for lighting that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.
 5. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

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6. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
7. Solar energy systems must be in compliance with all State of Illinois Plumbing and Energy Codes.
8. For solar energy systems located within five hundred feet (500') of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

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 ~~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.

1. Christmas Tree Sales; each permit shall be valid for a period of not more than sixty (60) days in any Agricultural or Business District.
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

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- 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) 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)**
4. Portable Concrete Crushing, Screening and Stockpiling of Dirt, Crushed Concrete and RAP (recycled asphalt pavement), when necessary and incidental to a major construction project in any Agricultural, Business or Manufacturing District as long as the following conditions are met:
- 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 operation shall be located a minimum of seven hundred and

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- fifty (750) feet from the lot line of any residential building and/or a minimum of three hundred (300) feet from the lot line from retail businesses.
- 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.
 - d. The operation shall have hard surface road frontage. If located in an Agricultural District, the operation must have frontage onto an arterial or major collector roadway as depicted on the Kendall County ~~Land Resource Management Plan LRMP~~.
 - 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.
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)**

SECTION 5.00 NON-CONFORMING BUILDINGS AND USES
(Amended 3-21-2018 Ord. #2018-04)

5:01 PURPOSE AND SCOPE

- A. It is the purpose of this Section **5.00** to provide for the regulation of legally nonconforming structures, lots of record and uses, and to specify those circumstances and conditions under which such non-conformities shall be permitted to continue. It is necessary and consistent with the regulations prescribed by this Ordinance that those non-conformities which adversely affect orderly development and the value of nearby property not be permitted to continue without restriction.
- B. This Section **5.00 is intended to regulate regulates** and limits the development and continued existence of uses, structures, and lots established prior to the effective date of this Ordinance which do not conform to the requirements herein.
- C. The limitations of this Section **5.00** shall not apply to uses, structures, or lots whose nonconforming features are the subject of a variation or special use permit.

PART A NON-CONFORMING USES

5:02 CONTINUANCE OF NON-CONFORMING USES

- A. Any lawfully established use of a building or land, at the effective date of this amended ordinance, or of amendments thereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.
- B. No use, which is accessory to a principal nonconforming use, shall continue after such principal use shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.

5:03 TRANSFER OF A NON-CONFORMING USE

The purchaser of property constituting a legal nonconforming use is entitled to the same rights as the grantor of that property except as provided in Section 5:04 below.

SECTION 5.00 NON-CONFORMING BUILDINGS AND USES

(Amended 3-21-2018 Ord. #2018-04)

5:04 DISCONTINUANCE OF A NON-CONFORMING USE

- A. Whenever any part of a building, structure or land occupied by a non-conforming use is changed to or replaced by a use which conforms to the provisions of this amended ordinance, such premises shall not thereafter be used or occupied by a non-conforming use.
- B. Whenever a non-conforming use of a building or structure, or part thereof, has been discontinued for a period of twelve consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a non-conforming use, such use shall not after being discontinued or abandoned, be re-established and the use of the premises thereafter shall be in conformity with the use regulations of this Ordinance.
- C. Where no enclosed building is involved, discontinuance of a non-conforming use for a period of six months shall constitute abandonment, and said land shall not thereafter be used in a non-conforming manner.

5:05 REPAIRS AND ALTERATIONS TO BUILDINGS CONTAINING NON-CONFORMING USES

- A. So long as a building or structure is used or is eligible for use, normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs, replacement of roof covering, veneering of outer walls, and incidental alterations which do not extend or intensify the non-conforming use.
- B. No structural alteration shall be made in a building or other structure containing a non-conforming use, except in the following situations:
 - 1. When the alteration is required by law.
 - 2. When the alteration will **actually** result in eliminating the non-conforming use.
 - 3. When a building containing residential non-conforming uses is altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

SECTION 5.00 NON-CONFORMING BUILDINGS AND USES

(Amended 3-21-2018 Ord. #2018-04)

5:06 EXPANSION OF NON-CONFORMING USES

- A. A building containing a non-conforming use may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all the regulations of the district in which it is located.
- B. A nonconforming use of land shall not be increased in intensity, nor be expanded or extended beyond the area it occupied at the date of the adoption of this Ordinance or any amendment to this Ordinance.
- C. A nonconforming use shall not be expanded or extended beyond the floor area or lot area that it occupied on the effective date of this Ordinance, or the effective date of any amendment thereto rendering such use nonconforming, and shall not be expanded so that it displaces any conforming use in the same structure or on the same parcel.
- D. No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.
- E. No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed at the effective date of this amended ordinance, or to displace any conforming use in the same building or on the same parcel.

5:07 EXEMPTED USES

When a lawfully existing building or other structure otherwise conforms to the height, bulk and yard regulations of this amended ordinance, but is non-conforming only in the particular manner herein after specified, the building and use thereof shall be exempt from the requirements of **sub-section Section** 5:04 through 5:08.

- A. In any "R" District, where a dwelling is non-conforming only as to the number of dwelling units it contains provided no such building shall be altered in any way so as to increase the number of dwelling units therein.
- B. In any "R" District, where a use permitted in the B-1 District occupies ground floor space within a multiple-family dwelling located on a corner lot.
- C. In any "B" or "M" District, where the use is less distant from an "R" District than that specified in the regulation for the district in which it is located.

SECTION 5.00 NON-CONFORMING BUILDINGS AND USES

(Amended 3-21-2018 Ord. #2018-04)

- D. In any District, where an established use is non-conforming with respect to the standards prescribed in this amended ordinance for off-street parking or loading.
- E. In any A-1 District where an established non-farm dwelling was located on or before July 10, 1973, it shall be deemed to be a legal use.

5:08 CONVERSION TO SPECIAL USE

Any non-conforming use may be made a Special Use by the granting of a Special Use Permit as authorized by **sub-section Section** 13:00, if the use meets the requirements and standards applicable to Special Use approval, and if the use is authorized by the provisions of the Kendall County Zoning Ordinance.

PART B NON-CONFORMING STRUCTURES

5:09 CONTINUANCE OF NON-CONFORMING STRUCTURES

- A. Any legal non-conforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
- B. Any building for which a permit has been lawfully granted prior to the effective date of this amended ordinance, or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within six months and diligently pursued to completion. Such building shall thereafter be deemed a lawfully established building.
- C. No structure in an R-3, R-4, R-5, R-6 or R-7 zoning district, which is accessory to a principal nonconforming structure, shall continue after such principal structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance. This requirement may be waived if, in the opinion of the Zoning Administrator, maintaining the accessory structure will not adversely affect the health, safety, value, or general welfare of adjoining or neighboring properties. The Zoning Administrator may, at his or her discretion, refer the matter to the Planning and Zoning Committee for review and recommendation.

SECTION 5.00 NON-CONFORMING BUILDINGS AND USES

(Amended 3-21-2018 Ord. #2018-04)

5:10 REPAIRS TO NON-CONFORMING STRUCTURES

Normal maintenance of a non-conforming building or other structure is permitted, including necessary structural repairs, replacement of roof covering, veneering of outer walls, and incidental alterations which do not constitute additions or expansions as regulated by **sub-section Section** 5:11.

5:11 ADDITIONS AND EXPANSIONS TO NON-CONFORMING STRUCTURES

A building or structure which is non-conforming with respect to yards, maximum lot coverage, height, or any other element of bulk regulated by this amended ordinance shall not be altered or expanded in any manner which would increase the degree or extent of its non-conformity with respect to the yard, height or bulk regulations for the district in which it is located, except where a variation is granted according to the regulations of Section 13:00 of this Ordinance.

5:12 RESTORATION OF A DAMAGED NON-CONFORMING STRUCTURE

- A. No repairs or reconstruction shall be made unless construction is commenced within one year from the date of the fire or other casualty or act of God, and is diligently pursued until completion. The structure may be restored to its original condition and the occupancy or use of such structure may be continued which existed at the time of such partial destruction. Failure to initiate or conclude restoration within these limits shall constitute abandonment, after which said building must conform to the provisions of the zoning district in which it is located, except as otherwise specified in subparagraph 5.12.B.
- B. Any accessory building or structure located in a R5, R6 or R7 district that is damaged by any means if such damage results in a loss of property of 50% or greater, as based on floor area as determined by the **Planning, Building and Zoning-PBZ** Department, shall not be reconstructed unless such reconstruction is in conformance with setback, height and other bulk regulations of this ordinance.

5:13 NON-CONFORMING SIGNS, BILLBOARDS AND OUTDOOR ADVERTISING STRUCTURES

Non-conforming signs, billboards, and outdoor advertising structures shall be subject to the rules and regulations as specified in Section 12.00 **“Signs SIGNS”** of this **e**Ordinance.

SECTION 5.00 NON-CONFORMING BUILDINGS AND USES

(Amended 3-21-2018 Ord. #2018-04)

5.14 EXEMPTED BUILDINGS AND STRUCTURES

When a lawfully existing building or other structure otherwise conforms to the use regulations of this amended ordinance, but is non-conforming only in the particular manner herein after specified, the building shall be exempt from the requirements of **sub-section SECTION** 5:11 through 5:13.

- A. Any Single Family Dwelling which became non-conforming on the effective date of this ordinance and is non-conforming only as to total lot area, front, side or rear yard requirements, may be remodeled, extended, or structurally altered, if in the opinion of the Zoning Administrator such alteration will not adversely affect the health, safety, value, or general welfare of adjoining or neighboring properties. The Zoning Administrator may, at his or her discretion, refer the matter to the Planning and Zoning Committee for review and recommendation.

PART C NON-CONFORMING LOTS

5:15 DEVELOPMENT OF NON-CONFORMING LOTS

- A. A lot which met the lot area, lot width, and other dimension requirements of the zoning district at the time such lot was recorded shall be considered a legal non-conforming lot. Construction of new buildings, or repair of existing buildings that are being used for permitted uses, shall be permitted provided setback provisions of this ordinance are met. Where setback and/or lot area provisions cannot be met, the **Planning, Building and Zoning PBZ** Director may permit an exception. If the lot is served by a sanitary sewer line, exceptions may be granted up to the standards of the zoning district at the time such lot was recorded. If the lot is non-sewered, an exception of up to 25% of the required setback or lot size may be granted if requirements of the County Health Department are met. Where a setback reduction of more than 25% is required, a variance shall be required,
- B. A lot which was established in an agricultural district by recorded deed or is part of an approved plat of subdivision, or was otherwise legally established on or before the adoption of this amendatory ordinance, may be used for single family residence purposes provided that the yard requirements of the R-2 District are complied with.

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.
8:07	R-2 One Family Residential District	90,000 sq. ft.
8:08	R-3 One Family Residential District	45,000 sq. ft.
8:09	R-4 One Family Residence District	30,000 sq. ft.
8:10	R-5 One Family Residence District	15,000 sq. ft.
8:11	R-6 One Family Residence District	7,000 sq. ft.
8:12	R-7 General Residence District	Varies
9:02 9:01	B-1 Local Shopping District	10,000 sq. ft.
9:03 9:02	B-2 General Business District	10,000 sq. ft.
9:04 9:03	B-3 Highway Business District	10,000 sq. ft.
9:05 9:04	B-4 Commercial Recreation District	20,000 sq. ft.
9:06 9:05	B-5 Business Planned Development District	Varies
9:07 9:06	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 Earth Aggregate 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 on a link with the same name on the Kendall County PBZ Department's website. **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.

6:03 DISTRICT BOUNDARIES

When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Maps, the following rules shall apply:

- A. District boundary lines are either the center lines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, quarter sections, divisions of sections tracts or lots, or such lines extended otherwise indicated.
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the center line or the street or highway, and the length of frontage shall be in accordance with the dimensions shown on the map from section, quarter section, or division lines, or center lines of streets, highways, or railroad rights-of-way unless otherwise indicated.
- C. Where a lot held in one ownership and of record at the effective date of this ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this construction shall not apply if it increases the less restricted portion of the lot by more than twenty-five (25) feet.

SECTION 6.00 ZONING DISTRICTS

6:04 ZONING OF STREETS, ALLEYS, PUBLIC-WAYS, WATERWAYS, AND RIGHTS-OF-WAY

All streets, alleys, public-ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, street, public-ways, waterways, and railroad rights-of-ways. Where the center line of a street, alley, public-way, waterway or railroad rights-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

6:05 DISCONNECTED TERRITORY

Any addition to the unincorporated area of the County, resulting from disconnection by municipalities or otherwise, or from submerged land which may be reclaimed hereafter, shall be automatically classified in the "A-1" Agricultural District until such time as the County Board designates the permitted use of land in accordance with the administrative provisions of this amended ordinance.

6:06 UTILITIES

A. The following utility facilities are exempted from regulation by this Zoning Ordinance:

Poles, towers, wires, cables, conduits, vaults, or any other similar distributing equipment of a public utility as defined in the Public Utilities Act, if the public utility is subject to the Messages Tax Act, the Gas Revenue Tax Act, of the Public Utilities Revenue Act, or if such facilities or equipment are located on any rights of way and are used for railroad purposes; except as regulated by subsection B below.

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

1. Definitions

- a. "county jurisdiction area" means those portions of the County of Kendall that lie outside the corporate limits of cities, villages, and incorporated towns that have municipal zoning ordinances in effect:
- b. "county board" means the county board of the County of Kendall.
- c. "residential zoning district" means a zoning district that is designated under the Kendall County Zoning Ordinance and is zoned predominantly for residential uses:
- d. "non-residential zoning district" means the county jurisdiction area except for those portions within a residential zoning district;
- e. "residentially zoned lot" means a zoning lot in a residential zoning district;

SECTION 6.00 ZONING DISTRICTS

- f. “non-residentially zoned lot” means a zoning lot in a non-residential zoning district;
- g. “telecommunications carrier” means a telecommunications carrier as defined in the Public Utilities Act as of January 1, 1997.
- h. “facility” means that part of the signal distribution system used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including: **(changed to Roman numerals)**
 - i. one or more antennas;
 - ii. a supporting structure and the hardware by which antennas are attached;
 - iii. equipment housing; and
 - iv. ancillary equipment such as signal transmission cables and miscellaneous hardware;
- i. “FAA” means the Federal Aviation Administration of the United States Department of Transportation;
- j. “FCC” means the Federal Communications Commission;
- k. “antenna” means an antenna device by which radio signals are transmitted, received, or both;
- l. “supporting structure” means a structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility;
- m. “qualifying structure” means a supporting structure that is: **(changed to Roman numerals)**
 - i. an existing structure, if the height of the facility, including the structure, is not more than 15 feet higher than the structure just before the facility is installed, or
 - ii. a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement structure, is not more than 15 feet higher than the height of the existing structure just before the facility is installed;
- n. “equipment housing” means a combination of one or more equipment buildings or enclosures housing equipment that operates in conjunction with the antennas of a facility, and the equipment itself;
- o. “height” of a facility means the total height of the facility’s supporting structure and any antennas that will extend above the top of the supporting structure; however, if the supporting structure’s foundation extends more than 3 feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of 3 feet shall be counted as an additional foot of facility height. The height of a facility’s supporting structure is to be measured from the highest point of the supporting structure’s foundation;
- p. “facility lot” means the zoning lot on which a facility is or will be located;
- q. “principal residential building” has its common meaning but shall not include any building under the same ownership as the land of the

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facility lot. "Principal residential building" shall not include any structure that is not designed for human habitation;

- r. "horizontal separation distance" means the distance measured from the center of the base of the facility's supporting structure to the point where the ground meets a vertical wall of a principal residential building; and
- s. "lot line set back distance" means the distance measured from the center of the base of the facility's supporting structure to the nearest point on the common lot line between the facility lot and the nearest residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot line of the nearest residentially zoned lot without deducting the width of any intervening right of way.

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)**

3. Design Guidelines

- a. No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
- b. Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries or a facility.
- c. No facility should encroach onto an existing septic field.
- d. Any facility located in a special flood hazard area or wetland should meet the legal requirements for those lands.

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- e. Existing trees more than 3 inches in diameter should be preserved if reasonably feasible during construction. If any tree more than 3 inches in diameter is removed during construction a tree 3 inches or more in diameter of the same or a similar species shall be planted as a replacement if reasonably feasible. Tree diameter shall be measured at a point 3 feet above ground level.
 - f. If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of the facility. The quantity and type of that landscaping should be in accordance with any county landscaping regulations of general applicability, except that paragraph e of this subsection 3 shall control over any tree-related regulations imposing a greater burden.
 - g. Fencing should be installed around a facility. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.
 - h. Any building that is part of a facility located adjacent to a residentially zoned lot should be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.
4. Standards
- a. Except as provided in this section, no yard or setback regulation shall apply to or be required for a facility.
 - b. A facility may be located on the same zoning lot as ~~one or more~~ other structures or uses without violating any ordinance or regulation that prohibits or limits multiple structures, buildings, or uses on a zoning lot.
 - c. No minimum lot area, width, or depth shall be required for a facility, and unless the facility is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a facility. If the facility is to be manned on a regular, daily basis, one off-street parking space shall be provided for each employee regularly at the facility. No loading facilities are required.
 - d. No portion of a facility's supporting structure or equipment housing shall be less than 15 feet from the front lot line of the facility lot or less than 10 feet from any other lot line.

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- e. No bulk regulations or lot coverage, building coverage, or floor area ratio limitations shall be applied to a facility or to any existing use or structure coincident with the establishment of a facility. Except as provided in this Section, no height limits or restrictions shall apply to a facility.
- f. The improvements and equipment comprising the facility may be wholly or partly freestanding or wholly or partly attached to, enclosed in, or installed in or on a structure or structures.

5. Approval Process

- a. A facility is permitted if its supporting structure is a qualifying structure or if both or the following conditions are met: **(changed to Roman numerals)**
 - (i.) The height of the facility shall not exceed 200 feet, except that if a facility is located more than one and one-half miles from the corporate limits of any municipality with a population of 25,000 or more the height of the facility shall not exceed 350 feet; and
 - (ii.) The horizontal separation distance to the nearest principal residential building shall not be less than the height of the supporting structure; except that if the supporting structure exceeds 99 feet in height, the horizontal separation distance to the nearest principal residential building shall be a least 100 feet or 80% of the height of the supporting structure, whichever is greater. Compliance with this paragraph shall only be evaluated as of the time that a building permit application for the facility is submitted. If the supporting structure is not an antenna tower this paragraph is satisfied.
- b. Unless a facility is permitted under paragraph a. of this section 5, a facility can be established only after the county board gives its approval following consideration of the provisions of paragraph c. of this subsection 5. The county board may give its approval after one public hearing by the ~~Zoning Board of Appeals~~ **ZBA** on the proposal, but only by the favorable vote of a majority of the members present at a meeting held no later than 75 days after submission of a complete application by the telecommunications carrier, if the county board fails to act on the application within 75 days after its submission, the application shall be deemed to have been approved. No more than one public hearing shall be required.

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- c. For purposes of paragraph b. of this subsection 5, the following siting considerations, but no other matter, shall be considered by the county board or any other body conducting the public hearing **(changed to Roman numerals)**:
 - i. The criteria in subsection 2 regarding location guidelines of this Section;
 - ii. Whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
 - iii. The benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility;
 - iv. The existing uses on adjacent and nearby properties; and
 - v. The extent to which the design of the proposed facility reflects compliance with subsection 3 regarding design guidelines **of this Section.**
- d. A county's review of a building permit application for a facility shall be completed within 30 days. If a decision of the county board is required to permit the establishment of a facility, the county's review of the application shall be simultaneous with the process leading to the county board's decision.
- e. Any public hearing authorized under this Section shall be conducted in a manner determined by the county board. Notice of any such public hearing shall be published at least 15 days before the hearing in a newspaper or general circulation published in the county
- f. Any decision regarding a facility by the county board or a county agency or official shall be supported by written finding of fact. The circuit court shall have jurisdiction to review the reasonableness of any adverse decision and the plaintiff shall bear the burden of proof, but there shall be no presumption of the validity of the decision.

6:07 PIPELINES (Amended 3/21/18)

The purpose of this Ordinance is to minimize the negative agricultural impacts and to protect sensitive areas by affording minimal negative impact during and after pipeline construction. This Ordinance shall pertain to all pipelines to be located within agricultural properties with sensitive areas including but not limited to wetlands and existing forested or natural areas, which are not constructed in relation to the direct development of property. Such pipelines shall meet the following standards:

A. Pipeline Depth

1. Except for above ground piping facilities, such as mainline block valves, tap valves, meter stations, etc., the pipeline will be buried with:
 - a. A minimum of five (5) feet of top cover where it crosses cropland.

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- b. A minimum of five (5) feet of top cover where it crosses **pasture-land pastureland** or other agricultural land comprised of soils that are classified by the USDA as being prime soils.
 - c. A minimum of three (3) feet of top cover where it crosses **pasture land pastureland** and other agricultural land not comprised of prime soils.
 - d. A minimum of three (3) feet of top cover where it crosses wooded/brushy land or other sensitive areas.
 - e. Substantially the same top cover as an existing parallel pipeline, but not less than three (3) feet, where the route parallels an existing pipeline within a 100-foot perpendicular offset.
2. Notwithstanding the foregoing, in those areas where rock is in its natural formation and/or a continuous **strata stratum** of gravel exceeding 200 feet in length are encountered, the minimum cover will be 30 inches.
- B. Replacement of Topsoil
1. The topsoil depth shall be determined by a properly qualified soil scientist or soil technician who will set stakes every 200 feet along the right-of-way identifying the depth of topsoil to be removed.
 2. The actual depth of the topsoil, not to exceed 36 inches, will first be stripped from the area to be excavated above the pipeline, and from the adjacent subsoil storage area. The topsoil will be stored in a windrow parallel to the pipeline trench in such a manner that it will not become intermixed with subsoil materials.
 3. The topsoil must be replaced so that after settling occurs, the topsoil's original depth and contour (with an allowance for settling) will be restored. The same shall apply where excavations are made for road, stream, drainage ditch, or other crossings. In no instance will the topsoil materials be used for any other purpose.
 4. As the topsoil is replaced, all rocks greater than three (3) inches in dimension shall be removed from the topsoil.
- C. Restoration of Ground Cover
1. All soil conservation practices (such as terraces, grassed waterways, etc.) which are damaged by the pipeline's construction will be restored to their pre-construction condition.
 2. Sensitive areas shall be restored by seeding or planting vegetation that will establish pre-existing character or to the **landowners landowner's** desire, not to exceed what was formerly present.

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D. Restoration and/or Repair of Field Tiles

1. The Company will endeavor to locate all tile lines within the right-of-way prior to the pipeline's installation so repairs can be made if necessary. The Company will contact affected landowners/tenants for their knowledge of the tile line locations prior to the pipeline's installation. All identified tile lines will be staked or flagged prior to construction to alert construction crews to the possible need for tile line repairs.
2. All the tile lines that are damaged, cut or removed shall be staked or flagged with the stakes or flags in such a manner they will remain visible until permanent repairs are completed. Tile lines must be restored to their original route within 14 days of the pipeline being laid.
3. Where tile lines are severed by the pipeline trench, angle iron, I-beams or an equivalent, shall be used to support the repaired tile lines. The support member shall be sufficient to support a ten (10) ton point load on the surface directly above the repaired tile line.

E. Ingress and Egress Routes

Prior to the pipeline's installation, the Company and the landowner/tenant will reach a mutually acceptable agreement on the route that will be utilized for entering and leaving the pipeline right-of-way should access to right-of-way not be practical or feasible from adjacent segments of the pipeline right-of-way or public highway or railroad right-of-way.

F. Property Owner/Tenant Notification **and Information** Procedure

1. The property owners/tenants of the land on which the pipe will be located shall be notified of the project intent and approximate scheduling of the construction.
2. Written permission shall be obtained from each property owner/tenant affected for pipelines not approved by the Federal Energy Regulatory Commission.

G. Special Provisions Pertaining to Pipeline Locations

1. All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of 500 feet from any occupied principal structure.
2. All pipelines which cross a regulatory floodplain must obtain a special use pursuant to Section 13:00 of this Ordinance.

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.

C. USES 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.
2. Crop and tree farming
3. Dairy and livestock farming
4. Dwelling Unit for Watchmen and Families including a Caretaker
5. Farming
6. Farm Animals
7. Forest Preserve
8. Forestry
9. Game breeding
10. Grazing and forage
11. Greenhouses and nurseries
12. Group Homes, subject to the following:
 - a. No more than eight (8) persons plus staff.
 - b. Licensed or certified by the State of Illinois.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
13. Home occupation provided it follows the definition in Section 3:02, meets the conditions in Section 4:06 and an affidavit is filled out in the Planning, Building and Zoning office stating you meet those conditions.
14. Horse breeding and raising
15. Land Application of domestic septage with approval from the Health Department in accordance with the requirements set forth in the most recent version of the Kendall County Private Sewage Disposal Ordinance and the Illinois EPA.
16. Roadside stands, with not more than six hundred (600) square feet of gross floor area, including outdoor display, and set back at least ninety (90) feet from the center line of all adjacent roads, and with off-street parking for a minimum of five (5) cars, or one space for each fifty (50) square feet of structure, whichever is greater. Sales shall be limited to only those products grown or produced on the premises. Sales only permitted from March 15 through November 15.
17. Signs, as permitted and regulated by Section 12:00.
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.
 - 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 29th, 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 29th, 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

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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*)

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

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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 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 29th, 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 29th, 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)~~

- 20. Sod farms
- 21. Storage of products when accessory to the pursuit of agriculture.
- 22. Truck farming

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 3/21/18)*

- 1. Adult Day Care or Respite Care
- 2. Agency Licensed Family Residential Care Homes - Transitional **Halfway house.**
- 3. Agency Licensed Group Residential Care Home- Permanent
- 4. Agricultural implement sales and service.
- 5. 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)**
 - 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,

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- 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.
6. Animal feed; preparation, grinding, mixing and storage.
 7. Athletic Field with lights, provided that the following conditions are met:
 - 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. Auction Facility
 9. Bait Shop with items not produced on the property.
 10. 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
 - ~~d. Off-street parking, lighting and landscaping shall be provided~~

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~~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.

11. 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. 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 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) additional space for each guest room. The off-street parking for a

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- 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. Cemeteries, including crematoriums and mausoleums provided no building shall be located less than one hundred (100) feet from a lot line.
13. Child Day Care Facilities.
14. Clean up and restoration services with the following conditions:
- 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 LRMP**.
 - 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.
 - 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 12:00 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.
15. Communication Use
16. 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

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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.
 - 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*)
17. Correctional Facilities subject to the following:
- 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, day care or place of worship.
 - c. 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. (*Amended 6/20/2006*)
18. Fertilizer and seed sales, including bulk storage and mixing.
19. Golf courses, club houses, country clubs, and membership riding clubs.

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20. Governmental buildings and facilities.
21. Grain Storage, when not accessory to the pursuit of agriculture.
22. Group Homes, subject to the following: (Changed to a, b,c)
 - a. More than nine (9) persons plus staff.
 - b. Licensed or certified by the State of Illinois.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
23. Halfway house must be located a minimum of one thousand (1,000) feet **of from** any dwelling.
24. Hospice.
25. Indoor Target Practice with the following conditions:
 - 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. **Compliance with all All** applicable Federal, State, EPA and County rules and regulations **shall be adhered to.**
26. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
27. Kennels **with the condition provided** 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.
28. Landscaping business, provided that:
 - 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 are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use. (Amended 7/17/2007)

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- c. No landscape waste generated off the property can be burned on this site.
29. Micro Distillery subject to the following conditions:
- 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 LRMP~~.
 - 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 11:00 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
30. Nano Breweries, subject to the following conditions: *(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 LRMP~~.
 - 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.
31. Offices of architects, brokers, engineers, insurance agents, lawyers, real estate agents, planners and other professionals, medical and dental practitioners, clergy, salesmen, sales representatives or manufacturing representatives, provided that the subject parcel is not less than 3.0 acres in size; is located within $\frac{3}{4}$ mile of an existing or proposed commercial center as designated on the County LRMP; has hard-surfaced road frontage onto an arterial or major collector roadway as depicted on the Kendall County ~~Land Resource Management Plan LRMP~~; and is located in an area not designated on the ~~Land Resource Management Plan LRMP~~ as dedicated for agricultural uses.
- a. The following purpose is served: **(changed bullets to Roman numerals)**
 - i. To encourage the preservation of existing farmhouses, barns and related structures and the pastoral setting and viewscapes they provide.
 - ii. To allow for the establishment of low intensity office uses within

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- existing structures that will serve as transitional uses between agricultural areas and advancing suburban development.
- iii. To prevent spot zoning of parcels for commercial uses and the expansion of commercial strips along the County's arterial roadways.
- b. All special use permit applications for an office use must meet the following requirements: **(changed numbers to Roman numerals)**
- i. Unless otherwise approved by the County Board, the office use shall be conducted within one or more buildings or structures on a qualifying zoning lot unless the applicant can demonstrate to the County's satisfaction that conversion of an existing structure is not feasible due to structural or other similar limitations.
 - ii. If any proposed additions or new structure are to be built on the property, (a) the architectural design of those structures must be reflective of the existing architecture on the site; (b) the additional square footage may not exceed fifty (50) percent of the combined square footage of the existing structures on the parcel; and (c) placement of any new structures or additions to existing buildings shall be done in a manner that does not detract from the maintenance of the existing viewscape of the locality.
 - iii. There shall be no outside display of goods or outside storage of equipment, materials, or motor vehicles utilized in conducting the office use.
 - iv. The office use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the A-1 zoning district.
 - v. Limited demolition of an existing farmhouse, barn, or accessory structure may be permitted upon the submission of a site plan and architectural drawings for review and approval by the county as part of any such special use request for office uses provided that such demolition shall not exceed 15% of the combined square footage of all existing structures on the premises. The combined square footage of existing structures shall be defined as the sum total of the square footage of all existing structures situated on a qualifying zoning parcel at the time of submission and approval of the first application for such a special use on said qualifying parcel.
 - vi. Submission of a site plan and drawings indicating the location of existing structures and any proposed or existing additions thereto shall be supplied to demonstrate how the special use will serve to preserve or enhance the architecture of the existing structures and agricultural character of the property. Such plans and drawings shall include details regarding facilities for traffic

movement, parking and loading; the design and appearance of all sides of any existing or future buildings to be maintained on the premises including any areas of demolition or expansion and the size thereof; details of any proposed landscaping or buffering as are necessary or appropriate to maintain the agricultural character of the premises and to fit harmoniously with the character, use and zoning of adjoining surrounding properties and to avoid any appreciable adverse effect upon such properties.

- vii. No sign, other than one identification sign as permitted in **Chapter Section 12:00** of this ordinance shall be allowed.
 - viii. Off-street parking shall be provided in accordance with the provisions of **Chapter Section 11:00** of this ordinance. (AMENDED - 9/21/04)
32. Outdoor Commercial Sporting Activities including but not limited to swimming facilities and motocross sports. Appropriate regulations for lighting, noise, and hours of operation shall be included in the conditions. Outdoor commercial sporting activities shall exclude outdoor target practice or shooting, athletic fields with lights, paintball facilities and riding stables, including but not limited to polo clubs, and similar uses. (*Amended 5/7/2019*)
33. Outdoor Target Practice or Shooting (not including private shooting on your own yard) with the following conditions:
- 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 PBZ** 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

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- 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 PBZ** 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

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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.
- 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 1st and

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March 31st, no firing shall take place prior to 10:00 a.m. or after 5:00 p.m. and between April 1st and September 30th, no firing shall take place prior to 10:00 a.m. or after 8:30 p.m. However, ~~notwithstanding~~ **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~~ **PBZ** Department annually on or before February 1st 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~~ **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:
 - 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

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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*)
34. Paintball Facilities subject to the following conditions:
 - a. Minimum lot size of 20 acres;
 - b. The facility shall have direct access to a road designated as a major collector (or higher) in County ~~Land Resource Management Plan LRMP~~ unless the Township Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road;
 - c. Hours and days of operation as specified in Special Use Permit to be determined by the County Board
 - d. All safe and spectator areas must be protected by special paintball netting, and participants and spectators must wear approved paintball goggles; and
 - e. No paintball activity shall leave the boundaries of the site, including fired paintballs.
 - f. Requirement of netting to be installed around the property shall be determined by the County Board
 - g. Paintball guns shall only be powered by carbon dioxide (CO₂), high pressured air (HPA) or Nitrogen (N₂).
 - h. All signage shall comply with the provisions of Section 12:00 of the Kendall County Zoning Ordinance.
 - i. Ammo for such paintball guns shall only include paintball pellets made of non-toxic, biodegradable water soluble substances.
 - j. All applicable State and County rules and regulations pertaining to wastewater treatment and disposal, potable water supply, and food service shall be adhered to.
35. Parks.
36. Performing arts center subject to the following conditions:
 - a. The site shall have frontage on and access to a collector or arterial road,

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- 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-LRMP**.
 - 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.
37. Philanthropic institutions and institutions supported by charity.
38. 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.
39. Public or Private Utilities and Service uses:
- a. Telecommunications hub
 - b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses
40. Private Airstrip and/or heliports, provided it complies with all Illinois Department of Transportation (IDOT) Division of Aeronautics and Federal Aviation Administration (F.A.A.) requirements and provisions of Section 4:13 of this Zoning Ordinance. *(Amended 6/20/2006)*
41. Private clubs or lodges not including indoor or outdoor gun clubs and uses regulated in Section 4.16 (Adult Book Store, Adult Motion Picture Theater, Adult Mini-Motion Picture Theater, Adult Entertainment Facilities, Adult Use, Adult Massage Parlors or Spas, Tattoo Parlors and Permanent Body Art Establishments, Striptease Club or Gentlemen's Club and Adult Video Store.)
42. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not

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exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above listed items are also permitted. *(Amended 9/15/2009)*

43. Recreational camps and recreational vehicle parks subject to the following conditions:
 - a. The minimum lot size must be 20 acres
 - b. All standards of the Health Department are met in accordance with the requirements set forth in the most recent version of the Kendall County Food Establishment Sanitation Ordinance and Kendall County Food Establishment Sanitation Ordinance.
 - c. Must seek approval from the Fire and police departments
 - d. Adequate directional signage must be throughout the property
 - e. Maximum continuous stay shall not exceed 90 days.
44. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
45. Retail or Wholesales sale of pottery, art, or home décor products, *alone or* together with the operation of a tea room, sit-down food sale area for food sales on-premises incidental to the operation of the primary retail sales use provided that the subject parcel is not less than 3.0 acres in size, has hard-surfaced road frontage onto an arterial or major collector roadway as depicted on the Kendall County ~~Land Resource Management Plan LRMP~~; and is located in an area not designated on the ~~Land Resource Management Plan LRMP~~ as dedicated for agricultural uses.
 - a. The following purpose is served: **(changed to Roman numerals)**
 - i. To encourage the preservation of existing farmhouses, barns and related structures and the pastoral setting and viewscapes they provide.
 - ii. To allow for the establishment of low intensity retail or wholesale uses within existing structures that will serve as transitional uses between agricultural areas and advancing suburban development.
 - iii. To prevent spot zoning of parcels for commercial uses and the expansion of commercial strips along the County's arterial roadways.
 - b. All special use permit applications for a retail or wholesale use must meet the following requirements: **(changed to Roman numerals)**
 - i. Unless otherwise approved by the County Board, the retail or wholesale use shall be conducted within one or more buildings or structures on a qualifying zoning lot unless the applicant can demonstrate to the County's satisfaction that conversion of an existing structure is not feasible due to structural or other similar limitations.
 - ii. If any proposed additions or new structure are to be built on the property, (a) the architectural design of those structures must be reflective of the existing architecture on the site; (b) the additional

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- square footage may not exceed fifty (50) percent of the combined square footage of the existing structures on the parcel; and (c) placement of any new structures or additions to existing buildings shall be done in a manner that does not detract from the maintenance of the existing viewscape of the locality.
- iii. There shall be no outside display of goods or outside storage of equipment, materials, or motor vehicles utilized in conducting the retail or wholesale use.
 - iv. The retail or wholesale use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the A-1 zoning district.
 - v. Limited demolition of an existing farmhouse, barn, or accessory structure may be permitted upon the submission of a site plan and architectural drawings for review and approval by the county as part of any such special use request for retail or wholesale uses provided that such demolition shall not exceed 15% of the combined square footage of all existing structures on the premises. The combined square footage of existing structures shall be defined as the sum total of the square footage of all existing structures situated on a qualifying zoning parcel at the time of submission and approval of the first application for such a special use on said qualifying parcel.
 - vi. Submission of a site plan and drawings indicating the location of existing structures and any proposed or existing additions thereto shall be supplied to demonstrate how the special use will serve to preserve or enhance the architecture of the existing structures and agricultural character of the property. Such plans and drawings shall include details regarding facilities for traffic movement, parking and loading; the design and appearance of all sides of any existing or future buildings to be maintained on the premises including any areas of demolition or expansion and the size thereof; details of any proposed landscaping or buffering as are necessary or appropriate to maintain the agricultural character of the premises and to fit harmoniously with the character, use and zoning of adjoining surrounding properties and to avoid any appreciable adverse effect upon such properties.
 - vii. No sign, other than one identification sign as permitted in **Chapter Section 12:00** of this ordinance shall be allowed.
 - viii. Off-street parking shall be provided in accordance with the provisions of **Chapter Section 11:00** of this ordinance. *(Amended 9/18/2007)*
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.

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- ~~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 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)*
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. 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.
 - b. Facilities (the unloading area) must be located at least 400' from any principle structure.
 - c. No rendering may take place on the site.
 - d. Live animals may be held on the site for no more than twenty-four (24) hours.
 - e. All slaughtering/processing permitted only in an enclosed building.
 - f. The number of hours and days of operation as specified in Special Use Permit to be determined by the County Board.
 - g. Poultry processed to be sold for retail or wholesale sale shall be specified in the special use permit as a condition.
 - h. Parking shall be in accordance with Section 11:00 of the Zoning Ordinance including lighting.
 - i. All Applicable Federal, State and County rules and regulations shall apply.
 - j. Other such conditions as approved by the County Board.
 - k. Waste, by-products or any decomposable residue which results from

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the slaughtering of animals must be kept in a sealed container and picked up within 48 hours.

- l. All signage shall comply with the provisions of Section 12:00 of the Kendall County Zoning Ordinance (Sign Regulations)
 - m. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
 - n. Performance Standards. All activities shall conform to the performance standards set forth in ~~section 10.01.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)*.
 - 52. Storage facilities for motor vehicles, boats, trailers, and other recreational vehicles provided that 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 specifically permitted under a special use permit, all storage shall be in enclosed buildings. Self-storage or mini-warehouse facilities are specifically prohibited in the Agricultural District. *(Amended 6/20/2006)*
 - 53. Telecommunications Stations
 - 54. Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation. *(Amended 6/20/2006)*
 - 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 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, 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 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

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(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.
- 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.
 - 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.
2. Agricultural Labor Housing or living quarters for a groomsman or an

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employee-watchman, provided that the following conditions and restrictions are met: **(changed from Roman numerals to letters)**

- a. Shall be used in connection with an agricultural purpose as defined in State Statute 55ILCS 5/5-12001 as here after amended.
 - b. Shall meet all requirements of the Kendall County Health Department.
 - c. Shall be used for agricultural labor housing or living quarters for a groomsmen, an employee watchman and immediate family.
 - d. Shall meet all required setbacks and minimum lot size.
3. Elderly Cottage Housing Opportunities (~~ECHO~~ **E.C.H.O.** Housing), provided: **(changed from Roman numerals to letters and bullets to Roman numerals)**
- a. One manufactured home is permitted on a separate ground area of not less than five acres in an A-1 District. Current health codes must be met.
 - b. The following purpose is served:
 - i. To permit adult offspring to provide small temporary residences for their aging parents who are in need of support while maintaining independence.
 - ii. To permit families to provide security and support for non-elderly relatives with serious health problems or physical disabilities.
 - iii. To reduce the degree to which frail elderly homeowners have to choose between increasing isolation in their own homes and institutionalization in nursing homes.
 - iv. To develop housing types in single-family neighborhoods that are appropriate for households at a variety of stages in the life cycle.
 - v. To permit E.C.H.O. housing in a manner that protects the property values and single-family character of neighborhoods by ensuring that the units are compatible with the neighborhood and are easily removed.
 - c. A conditional use permit must meet the following requirements for Temporary E.C.H.O.:
 - i. There can only be one (1) E.C.H.O. housing unit located on each parcel.
 - ii. The E.C.H.O. housing unit must comply with all setbacks within the respective zoning districts.
 - iii. The E.C.H.O. housing unit must not exceed one thousand-two hundred (1,200) square feet of living space with not more than two (2) bedrooms.
 - iv. The E.C.H.O. housing unit must be compatible with the surrounding area.
 - v. The E.C.H.O. housing unit must be an attached or detached pre-

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- manufactured home with a removable foundation or a mobile home.
- vi. Each E.C.H.O. housing unit may have one (1) parking space.
 - vii. The owner of the principal residence and at least one occupant of the E.C.H.O. unit must be related by blood, marriage or adoption.
 - viii. The owner(s) of the principal residence and lot must live in one of the dwelling units on the lot. No more than two occupants shall reside in an E.C.H.O. unit.
 - ix. In order to be eligible for E.C.H.O. housing, at least one of the occupants of the E.C.H.O. unit must be over sixty-two (62), or unable to live independently because of mental or physical disabilities. All disabled occupants must submit a letter from a physician verifying the disability and stating the projected duration of the disability.
 - x. The principal owner of the property must annually submit an affidavit to the Zoning Administrator, verifying that the unit is still occupied by the eligible resident(s). Once the unit is no longer occupied by the eligible resident(s), the principal owner has six (6) months to remove the unit from the property. If the unit is not removed within six (6) months, the Kendall County Zoning Department may remove the structure. The principal owner of the property will be held financially liable for the cost. If the principal owner has not cleared debts within thirty (30) days of notification, a lien may be placed against the property.
4. Feed yards provided that the lot is not located nearer than one thousand (1,000) feet from a Residence District.
5. Guest house with kitchen facilities provided it meets the following conditions: **(changed Roman numerals to letters)**
- a) The parcel must be 3.0 acres or greater 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 guest house in accordance with all applicable Health Department regulations and guidelines in effect at the time of application.
 - b) The guest house shall comply with the building setbacks of the Agricultural district and shall be a minimum of 20 feet from the principle structure.
 - c) All guest houses shall not exceed the height of the main dwelling.
 - d) Adequate off-street parking shall be available for the guest house.
 - e) Covenant or Deed Restrictions: As a condition of securing a Building Permit for construction of a guest house being added to an existing parcel containing a single-family home, the property owner shall record against the deed to the subject property, a covenant or

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- deed restriction which shall prohibit the rental, lease or sale of the guest house 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 **Planning, Building and Zoning PBZ** Department prior to the issuance of the Building Permit for the guest house.
- f) The materials, colors, and architectural style of the guest house shall be similar to the principal residence.
 - g) The livable floor area of the guest house shall not exceed 50% (fifty percent) of the livable floor area of the principal residence.
 - h) Construction of all guest houses shall meet applicable building codes.
6. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
 7. Livestock sales and purchasing, but not a stockyard or a **slaughter house slaughterhouse**. Such uses may not be located nearer than one thousand (1,000) feet from a Residence District.
 8. Public 911 safety towers provided: (changed Roman numerals to letters)
 - a) The height cannot exceed 200' if it is located within 1.5 miles from the corporate limits of any municipality with a population of 25,000 or more. If it is further than 1.5 of a municipality with a population of 25,000 or more, it can be 350'.
 - b) No building or tower that is part of a public 911 safety tower should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
 - c) Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries or a facility.
 - d) No public 911 safety tower should encroach onto an existing septic field.
 - e) Except as provided in this section, no yard or setback regulation shall apply to or be required for a public 911 safety tower.
 - f) No minimum lot area, width, or depth shall be required for a public 911 safety tower and unless the tower is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a public 911 safety tower. If the tower is to be manned on a regular, daily basis, one off-street parking space shall be provided for each employee regularly at the site. No loading facilities are

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- required.
- g) No portion of a tower's supporting structure or equipment housing shall be less than 15 feet from the front lot line or less than 10 feet from any other lot line.
 - h) Fencing should be installed around a public 911 safety tower. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.
9. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses, **provided the conditions in 7:01.D.46 are met:**
- ~~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.~~
 - ~~x. Compliance with basic life safety requirements for building ingress and egress. (Amended 6/20/2006)~~
10. Seasonal Festivals provided that the following conditions and restrictions are met: *(Amended 5/18/2010)* **(changed Roman numerals to letters)**
- a) Adequate parking on site shall be provided in such a way that no

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on-street parking is necessary

- b) 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.
- c) The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services
- d) No alcohol shall be sold on the premises
- e) Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services
- f) All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
- g) Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property
- h) The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
- i) 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
- j) Events shall be permitted once a year unless otherwise approved by the PBZ Committee.
- k) Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year.
- l) 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.
- m) All signage shall comply with Section 12:00 of the Zoning Ordinance.
- n) All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot-candles at any property line.
- o) 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-PBZ** Committee of the County Board for

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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.~~

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.

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

12. Small Wind Energy Systems subject to the conditions of Section 4:17
13. Truck and Tractor Amusement Competition Events, provided that the following conditions and restrictions are met: *(Amended 5/18/2010)*
(changed Roman numerals to letters)
 - a) 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.
 - b) The operator shall provide adequate parking on the site, such that no on-street parking will be required.
 - c) The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.
 - d) No alcohol shall be sold on the premises without a Kendall County liquor license.
 - e) All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
 - f) Events shall not exceed six (6) consecutive days in duration.
 - g) Events shall not exceed two (2) times per calendar year on any particular property.
 - h) Noise levels shall not exceed 90 dB as measured at the nearest property line, not including any residences located on the subject property.
 - i) The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
 - j) 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.
 - k) Any truck and tractor amusement competition event which cannot meet these standards may still be permitted via a special use.

F. **ACCESSORY USES PERMITTED.** Accessory uses, buildings, or other structures and devises customarily incidental to and commonly associated with a permitted or special use are permitted; provided they are operated and maintained under the same ownership, on the same lot, and do not include structures or structural features inconsistent with the permitted use or special use.

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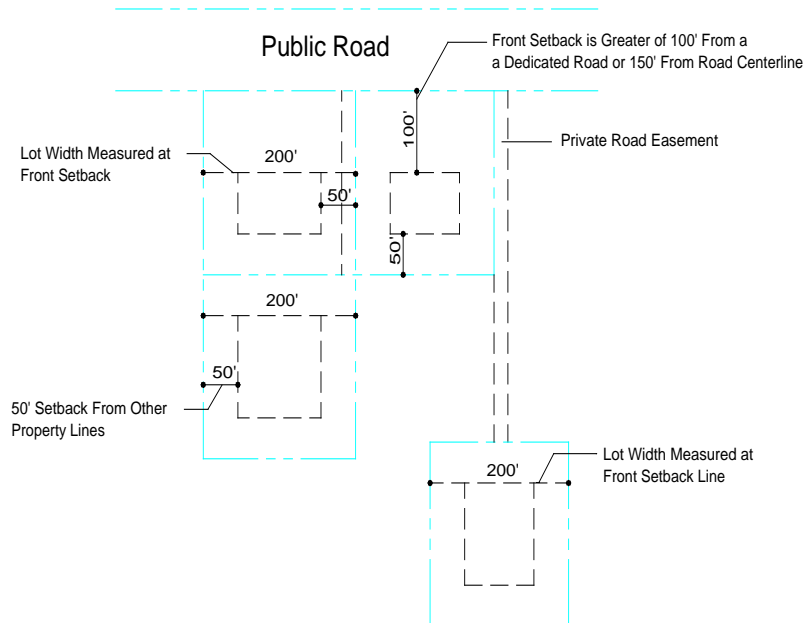
G. SITE AND STRUCTURE REQUIREMENTS - (AMENDED – 12/16/03)

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 (measured at the front building setback line)
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.16 18.c	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. SPECIAL PROVISIONS

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 uncongested 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.

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:

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
2. Fire stations
3. Group homes, subject to the following:
 - a. No more than eight (8) persons plus staff.
 - b. Licensed or certified by the State of Illinois.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group home and adjacent properties as measured from the lot line.
4. Home occupations provided **if 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 conditions.
5. Lands and buildings used for horticultural or farm purposes
6. Parks
7. 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.
8. Single Family detached dwellings
9. Signs, as permitted and regulated by Section 12:00
10. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.

11. Farm type animals - shall be permitted in accordance with the following: **(added letters)**
- a. On lots less than ~~one~~ **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 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:

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NUMBER OF ANIMAL UNITS PER ANIMAL	TYPE OF ANIMAL
1.4	Dairy Cattle
1.0	Beef Cattle
0.66	Horses
0.8	Lamas or Alpacas
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.
 - 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.
 - 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 Committee **(PBZ), with the appropriate administrative appeal fee?**

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- 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~~
4. Small Wind Energy Systems subject to the conditions of Section 4:17
- 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.)~~
 - 2. Agency Licensed Group Residential Care Home- Permanent

3. 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 and provisions as follows: **(lowercased letters and changed numbers to Roman numerals)**
 - a) 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.
 - b) 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.
- C.** 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.

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.~~
5. Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within five hundred feet of any dwelling
6. Child Day Care Facilities
7. Communications Use

8. Golf courses, regulation size, including "par 3" golf courses, commercially operated driving ranges and planned unit development for conventional golf courses including a driving range
9. Group Homes, subject to the following: (changed to letters)
 - a. More than nine (9) persons plus staff.
 - b. Licensed or certified by the State of Illinois.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
10. Halfway house must be located a minimum of one thousand (1000) feet from any dwelling
11. Hospice
12. Philanthropic and **eleemosynary** institutions
13. 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.~~
14. Public or Private Utilities and Service uses:
 - a. Telecommunications hub
 - b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses
15. Rest homes, nursing homes and sanitariums, **for human beings only**
16. Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic field auxiliary thereto.

17. Seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land not less than five acres.
18. **Solar Gardens subject to the provisions of Section 4:00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)**
19. Uses, not otherwise listed herein, may be granted special use approval if such uses conform to the purpose, goals and objectives of the Residential Zoning Districts as described in Section 8:01.
- ~~20. **Solar Gardens subject to the provisions of Section 4:00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)**~~

D. Lot Size.

1. Permitted and Conditional Uses: 130,000 square feet minimum lot with a width at the established building line of not less than two hundred (200) feet.
2. Special Uses: Lot size for special uses shall be specified in the special use permit.

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

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minimum front yard 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').
- F. Lot Coverage. No more than ten (10) percent of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.
- 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.~~
 2. Other non-residential permitted or conditional buildings and structures shall not exceed forty-five (45) feet and not more than three stories in height.
 3. Special Uses: Maximum height limitations shall be specified with the granting of a Special Use permit.

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 ~~s~~ must meet the following standards:

- A. DENSITY. Base density of 0.33 dwelling units per acre of buildable acreage (excluding any density bonuses as permitted under Section 8:03.C Density Incentives), provided that not less than 30% of the total acreage of the property is designated as open space. To determine the permitted number of dwelling units, the buildable area of the site shall be multiplied by the sum of the base density, plus any applicable density bonuses.

- 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.
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**).
 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**).
- D. LOT SIZE. Due to the existing soils types which are prevalent throughout Kendall County, a minimum lot size of 45,000 will be required if the subdivision design contemplates the use of traditional septic leach fields and individual wells up to a maximum lot size of 130,000 sq. ft. Lot sizes of less than 45,000 sq. ft. down to a minimum size of 20,000 sq. ft. may be considered under one or more of the following circumstances:
1. The developer can demonstrate to the satisfaction of the Kendall County Health Department and **Planning, Building and Zoning PBZ** Department that each lot has been appropriately sized to provide:
 - a) An adequate area of undisturbed and unencumbered soils within each lot that can support a primary and secondary area for a conventional septic drainfield which complies with the schedule for

- sizing of septic envelopes as specified in the Kendall County Subdivision Regulations; and
- b) Sufficient buildable area outside the septic envelope to allow construction of a standard single-family residential dwelling which complies with all applicable setbacks and height bulk requirements of the corresponding RPD Zoning District, and which meets the required setbacks and separation requirements between the sewage disposal system(s) and potable water supply system(s).
2. A centralized on-site wastewater treatment and disposal system is contemplated meeting the requirements of all applicable state and local government agencies.
 3. A community well is proposed to serve the individual lots within the proposed development provided the developer has demonstrated that the individual lots comply with the requirements as stated under Section 8:03.D.1 herein.
- E. LOT WIDTH. Lot width shall not be less than one hundred (100) feet measured at the front building setback.
- F. PERMITTED USES.
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
 2. Attached Dwelling Units- shall be limited to a maximum of seventy-five (75) percent of the total dwelling units in the Planned Development.
 3. Duplexes or Two-family detached dwellings
 4. Farming
 5. Group homes, subject to the following:
 - a. No more than eight (8) persons plus staff.
 - b. Licensed or certified by the State of Illinois.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group home and adjacent properties as measured from the lot line.

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6. Health clubs (public or private) and related accessory uses only when included in the original plan
 7. 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
 8. Lands and buildings used for horticultural or farm purposes
 9. Multiple-Family dwellings
 10. Parks, forest preserves and recreational areas, when publicly owned **and operated**
 11. Planned Unit Development
 12. Police and fire stations
 13. Postal substations
 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
 16. Single Family Detached Dwellings
 17. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
- 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

- 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.
 - (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*).

- a. Agency Licensed Group Residential Care Home- Permanent
- ~~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**

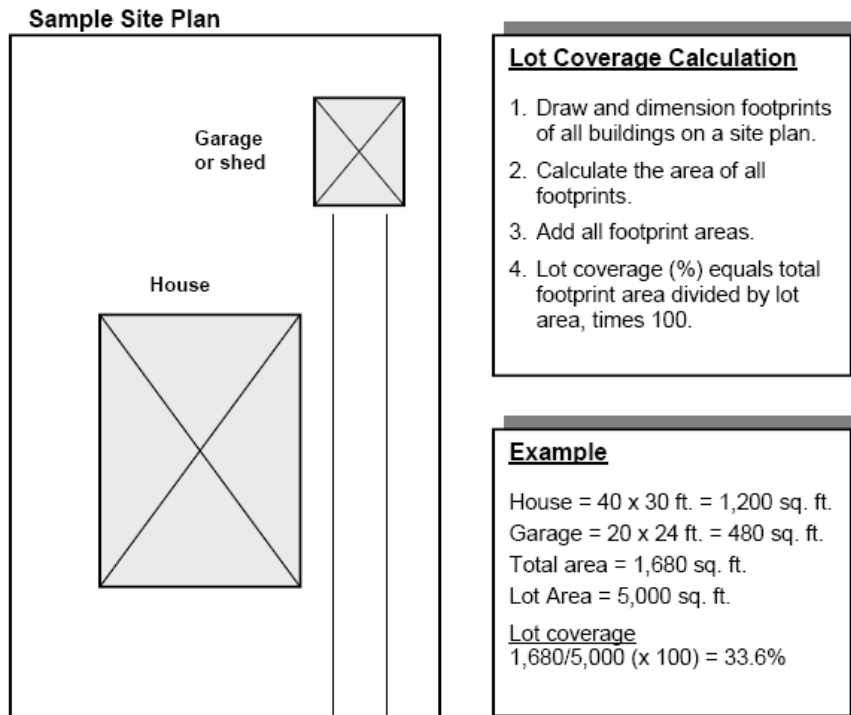
~~feet of additional distance from airport boundaries, for the first ten thousand lineal feet, and for the area covered in the next forty thousand lineal feet, the height of structures may be increased by not more than five feet in every additional two hundred lineal feet.~~

~~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.~~

- c. Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within five hundred feet of any dwelling
- d. Colleges and universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds, but not including business colleges or trade schools when operated for profit
- e. Community Centers
- 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').
- g. Drug store if it is associated with a hospital.
- h. Farm-type animals on open space acreage as detailed in an approved special use permit.
- 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.~~
- j. Group Homes, subject to the following:
- i. More than nine (9) persons plus staff.
 - ii. Licensed or certified by the State of Illinois.

- iii. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
- k. Personal and business service shops but not including uses regulated in Section 4:16
- l. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses **subject to Section.7.01.D:**
 - ~~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.

- n. Seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land not less than five acres.

- o. Solar Gardens subject to the provisions of Section 4:00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)
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*).
- 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
- e. Hospice
- f. Places of Worship subject to the following conditions:
- (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.
 - 2. Sidewalks. Sidewalks are generally not required unless necessary to fulfill or complete an existing pedestrian circulation system. However, connections to local and regional trail systems shall be provided.
 - 3. Parkway Trees. Shade trees shall be provided such that the total number of trees shall equal or exceed the ratio of one tree for each forty (40) feet of street frontage. Appropriate location of parkway tree planting shall be determined at the time of final plat approval. Parkway tree plantings shall generally be within the required front yard of home sites.
 - 4. Landscaping. Building foundation landscaping shall be provided on those sides of permitted non-residential buildings that face a public right-of-way. Loading docks, service yards, parking areas, and trash dumpsters shall be

screened by a solid fence or continuous landscaping of at least six (6) feet in height.

J. YARD/SETBACK AND HEIGHT STANDARDS.

1. Yard Areas.

- a. *Front Yard*. Thirty (30) feet or greater, measured from the front property line.
- b. *Side Yards*. 10% or greater of the lot width as measured at the front yard setback line.
- c. *Rear Yard*. Fifty (50) feet or greater from the rear property line.

2. Maximum Building Height. No building or structure shall be erected or structurally altered to exceed the following heights:

- a. *Residential Dwelling Unit*. Forty (40) feet and not more than two and one-half stories.
- b. Other non-residential permitted or conditional buildings and structures shall not exceed forty-five (45) feet and not more than three stories in height.
- c. *Special Uses*. Maximum height limitations shall be specified with the granting of a Special Use permit.

K. SIGNS. In accordance with the regulations set forth in Section 12:00 or as specified in the Planned Development agreement.

L. OFF-STREET PARKING AND LOADING. In accordance with the regulations set forth in Section 11:00.

M. MINIMUM AMOUNT AND SIZE OF OPEN SPACE. The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided, and restricted from further subdivision though a recorded permanent conservation easement held (at the County's option) by the County, Forest Preserve, or a recognized land trust or conservancy, shall be specified as follows:

1. A minimum of 30% of the total acreage of the development shall be used for open space. The open space areas shall include the following:

- a. all non-buildable acreage (except land within an existing road right-of-way), and
 - b. a minimum of twenty-five percent (25%) of the buildable acreage.
2. At least twenty-five percent (25%) of the minimum required open space shall be suitable for active recreation purposes, but no more than fifty percent (50%) of the total open space provided shall be utilized for that purpose. This maximum active recreation area may exceed fifty percent for a golf course development. The uses for which open space areas are proposed shall be documented by the applicant.
3. The minimum width of any open space shall be 50'.
4. Wherever practical, the open space areas shall generally be designated as undivided, contiguous open space, to facilitate easement monitoring and enforcement, and to promote appropriate management by a single entity according to approved land management standards.
5. Undivided open space shall be directly accessible to the largest practical number of residential lots within a RPD. The majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient access to all lots not adjoining the open space shall also be provided. Where the undivided open space is designated as separate, ~~non-contiguous~~ **noncontiguous** parcels, no parcel shall consist of less than three (3) acres in area nor have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed as village greens, ball fields, buffers to wetlands, water bodies/watercourses, or trail links.
6. The required open space may be used for underground drainage fields for individual or community septic systems, and for "spray fields" or spray irrigation purposes in a "land treatment" sewage disposal system. However, "mound" systems protruding above grade and aerated sewage treatment ponds or "spray fields" shall be limited to no more than ten percent (10%) of the required minimum open space.
7. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground utilities. However, land within the rights-of-way of over-head

high tension power lines shall not be included as comprising part of the minimum required open space. In no event shall the areas devoted to stormwater management ponds or basins constitute more than 50% of the minimum required open space.

N. TYPES AND LOCATION OF OPEN SPACE. Open space shall be comprised of two types of land: "Primary Open Space and "Secondary Open Space."

1. Primary Open Space consist of all non-buildable areas (except existing road rights-of-way), specifically wet-lands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the 100-year floodplain, slopes exceeding 25% and soils subject to slumping. The location of Primary Open Space Areas are predetermined by the locations of these features.
2. Secondary Open Space includes all buildable acreage protected as open space. Secondary open space areas 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 and Management Area Policies of the ~~Land Resource Management Plan LRMP~~ and shall typically include all or part of the following kinds of resources: the 500 year floodplain, mature woodlands, aquifer recharge areas, area 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.
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)**
- 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:
1. Protects floodplains, wetlands and steep slopes from clearing, grading, filling or construction.

2. Preserves and maintains mature woodlands, existing fields, pastures, meadows and orchards and creates a sufficient buffer area to minimize conflicts between residential and agricultural uses.
3. Locates development on open fields or pastures because of site constraints. Dwellings should be sited on the least prime agricultural soils or in locations at the far edge of a field, as seen from existing public roads.
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.
5. Maintains or creates an upland buffer of native species vegetation of at least 50 feet in depth adjacent to wetlands and surface waters and 150 feet deep greenway along all water bodies and water courses.
6. Landscaped common areas, cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value. Deciduous shade trees shall be planted at forty-foot intervals in the front yards on both sides of new streets.
7. Designs around existing hedgerows and tree lines between fields or meadows and minimizes impacts on large woodlands (greater than 5 acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive plants.
8. Protects wildlife habitat areas and ravines.
9. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares.
10. Avoid locating new construction on prominent hilltops or ridges, by taking advantage of lower topographical features.
11. Designs around and preserves sites of historic, archaeological value, or rural architecture reminiscent of Kendall County's agricultural heritage.
12. Protects roadside rural character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing

roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, etc., as identified in the County Transportation Plan.

13. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
 14. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels).
 15. Provides open space that is reasonably contiguous. To the greatest extent practicable, open space shall be designed as a single block with logical, straightforward boundaries.
- 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:

- A. **Base Density.** Base density of 0.45 dwelling units per acre of buildable land (excluding any density bonus which may be awarded in accordance with the provisions of Section 8:03.C, Density Incentives), provided that not less than 30% of the total acreage of the property is designated as open space.
- 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 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 U**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:

- A. Base Density. Base density of 0.86 dwelling unit per acre of buildable land (excluding any density bonus which may be awarded in accordance with the provisions of Section 8:03.C, Density Incentives), provided that not less than 30% of the total acreage of the property is designated as open space.
- B. Maximum Density. Maximum density, including all density bonuses as provided in Section 8:03.C, shall not exceed 1.0 dwelling units per acre of buildable land (.86 dwelling units per buildable acre base density, plus maximum incentive of .14 dwelling units per buildable acre). Provision of multiple amenities shall not entitle the applicant to a density which exceeds the maximum density of 1.0 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. 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. **(Possibly Move This Section to Section 13:00)**

- 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 **(of?)** 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. Primary Conservation Areas shall consist of wetlands, floodplains, slopes over 25%, and soils susceptible to slumping. 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. **O P** 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).



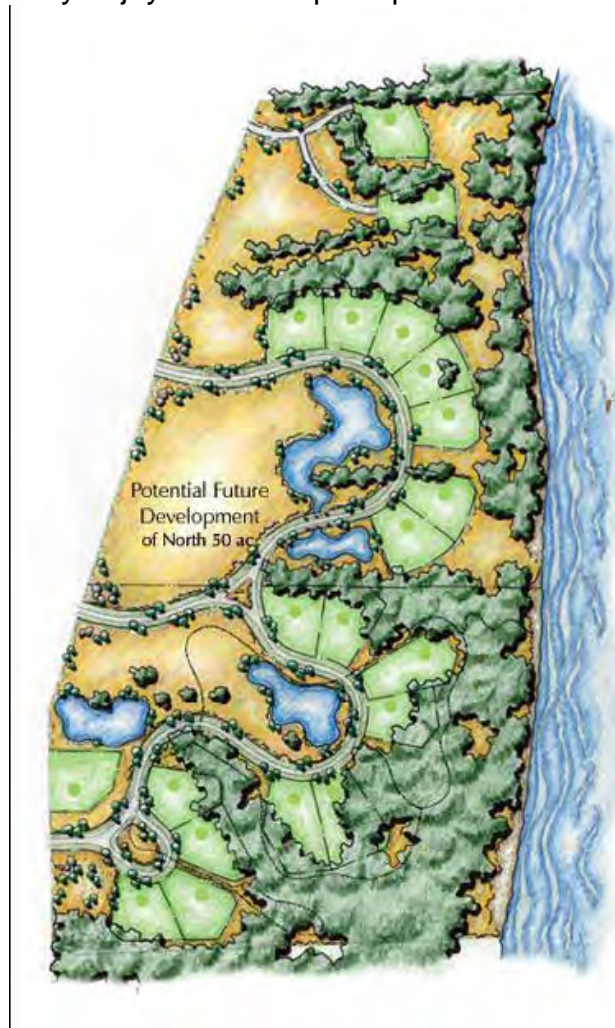
Step 3: Identifying “development opportunities” and “conservation opportunities.”

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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. 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 Committee shall review the petition within 30 days of the public hearing.**

- 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 8:06.B.4 and 8.06.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.

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- 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~~ine 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 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.

4. Relationship to Subdivision Approval

- a. An application for approval of a Residential Planned Development, as provided for in this Section 8:00, may be undertaken concurrently with an application for subdivision plat approval, as provided in the Kendall County Subdivision Control Ordinance.
- b. Certain large projects may be platted and developed in phases. In such cases, the final subdivision plat may be done on a phase-by-phase basis, after receiving preliminary Planned Development approval and preliminary subdivision approval for the entire development. However, the final Planned Development plan for

the entire development must be approved in advance of or concurrently with final plat approval of the first phase.

- c. Required Open Space in a Phased Subdivision Plat. In projects which are developed in phases, each subdivision plat phase need not provide 30% of that phase's area as open space (in accordance with the minimum open space requirement for Residential Planned Developments). However, each phase shall provide a reasonable amount of open space, to serve residents of that phase until the entire development is built out and the minimum required open space (30% of the total acreage of the entire development) is completed.

8:07 R-2 ONE-FAMILY RESIDENCE DISTRICT.

A. PERMITTED USES. The following uses are permitted:

1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A, except:
 - a. Lands and buildings used for horticultural or farm purposes,
 - b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and
 - c. Farm-type animals; shall be prohibited in the R-2 District with the exception of chickens.
2. Keeping of up to twelve (12) chickens on a zoning lot, provided that:
 - 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.

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- 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~~

D. LOT SIZE.

- 1. One Family detached dwellings:
 - a. Lot: 90,000 square feet minimum with a width at the established building line equal to forty percent of the depth.
- 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 acres and a width at the established building line of not less than forty percent of the depth of the lot, except municipal project and developments.
- 3. Special Uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.

E. YARD AREAS.

- 1. Front yard. Every building hereafter erected or enlarged shall provide and maintain a front yard of not less than fifty feet with this exception: Where lots comprising fifty percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.
- 2. Side yard. A side yard on each side of the zoning lot of not less than twenty-five (25) feet, and where a side yard adjoins a street, the minimum width shall be fifty (50) feet.

- 3. Rear yard. A rear yard of not less than fifty **(50)** feet.
- F. LOT COVERAGE. Not more than twelve percent of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.
- G. MAXIMUM BUILDING HEIGHT. Same regulations shall apply as permitted or required in the "R-1" One-Family Estate Residence District.
- 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.

8:08 R-3 ONE-FAMILY RESIDENCE DISTRICT

- A. PERMITTED USES. The following uses are permitted;
 - 1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A, except:
 - a. Lands and buildings used for horticultural or farm purposes,
 - b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and
 - c. Farm-type animals; shall be prohibited in the R-3 District with the exception of chickens.
 - 2. Keeping of up to twelve (12) chickens on a zoning lot, **provided that the conditions contained in Section 8:07.A.2 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:
1. Any use permitted as a special use in the R-1 One-Family Estate Residence District, Section 8:02.C, except a bed and breakfast and that Planned Developments may be considered where the zoning lot proposed for development has a gross area of not less than forty acres.
 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.
 - 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.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 Administrators 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.~~

D. LOT SIZE.

1. One family detached dwellings:

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- a. Lot: 45,000 square feet minimum with a width at the established building line equal to forty percent of the depth.
 - b. Density: Shall not exceed eight dwelling units per each ten gross acres.
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 acres and a width at the established building line of not less than forty 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.

E. YARD AREAS.

1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard of not less than fifty feet with this exception: Where lots comprising fifty percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten feet in depth of the average of such front yards shall establish the minimum front yard depth for the entire frontage, but no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.
2. Side Yard. For interior lots recorded prior to October 18, 2005 a side yard on each side of not less than ten percent (10%) of the lot width. For interior lots recorded after October 18, 2005 a side yard on each side of not less 15 feet or ten percent (10%) of the lot width whichever is greater. Where a side yard is adjacent to a street, a setback of not less than thirty feet (30') shall be provided. *[Amended 10/18/2005]*
3. Rear Yard. A rear yard of not less than fifty feet.

F. LOT COVERAGE. Not more than twenty percent of the area of a zoning lot may be covered by buildings, or structures, including accessory buildings.

G. MAXIMUM BUILDING HEIGHT. Same regulations shall apply as permitted or required in the "R-1" One-Family Estate Residence District.

- 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.

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

8:09 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.
3. Single family detached dwellings.
4. Signs, ~~as permitted and regulated by Section 12.00.~~
5. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.

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

1. Child Day Care Facilities
2. Golf courses, regulation size, but not including “Par 3” golf courses or commercially operated driving ranges.
3. Places of Worship subject to the ~~following~~ conditions ~~contained in Section 8:02.C:~~
 - 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.~~

4. Planned residential or institutional developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished, provided the property proposed for development shall have a gross area of at least twenty (20) acres. For such developments, the County Board may vary the bulk regulations subject to the conditions in this ordinance, provided such variations are consistent with the general purpose and intent of this ordinance, and will result in better site planning and thus be of greater benefit to the occupants of the development and to the surrounding area.
 5. Public or Private Utilities and Service uses:
 - a. Telecommunications hub
 - b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses
 6. Rest homes, nursing homes and sanitariums, ~~for human beings only.~~
 7. Seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation.
 8. Schools, public, elementary, junior high, and high, including playgrounds, garages for school buses, and athletic fields.
 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
1. Home-based retail and/or wholesale food operation ~~providing it meets all applicable county, state and federal public health requirements.~~

D. Lot Size.

1. One family detached dwellings:
 - a. Lot: 30,000 square feet minimum with a width at the established building line equal to forty (40) percent of the depth.
 - b. Density: Shall not exceed twelve (12) dwelling units per each ten (10) gross acre.
 - c. Utilities: All lots in this district shall be served by public sewerage 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.

E. Yard Areas.

1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - a. Freeway and Arterial Roads, as defined by the ~~Land Resource Management Plan-LRMP~~ - Forty (40) feet from the right-of-way line.
 - b. Major and Minor Collector Roads, as defined by the ~~Land Resource Management Plan-LRMP~~ - Thirty (30) feet from the right-of-way line.
 - c. All other roads - Twenty-five (25) feet from the right-of-way line.
 - d. Exception. Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.
2. Side Yard. For Interior lots a side yard on each side of the lot equal to ten percent (10%) of the lot width. Where a side yard is adjacent to a

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street, a setback of not less than thirty feet (30') shall be provided.
[Amended 10/18/2005]

- 3. Rear Yard. A rear yard of not less than thirty (30) feet.
- E. LOT COVERAGE. Not more than twenty (20) percent of the area of a zoning lot may be covered by buildings or structures including accessory buildings.
- F. MAXIMUM BUILDING HEIGHT. Same regulations shall apply as permitted or required in the R-1 One-Family Estate Residence, Section 8:02.G.

8:10 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 8:09.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 8:09.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:
 - a. Lot: 15,000 square feet minimum with a width at the established building line equal to forty (40) percent of the depth.
 - b. Density: Shall not exceed twenty-two (22) dwelling units per each ten (10) gross acre.
 - c. Utilities: All lots in this district shall be served by public sewerage 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.

E. **YARD AREAS.**

1. **Front Yard.** Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - a. Freeway and Arterial Roads, as defined by the ~~Land Resource Management Plan-LRMP~~ - Forty (40) feet from the right-of-way line.
 - b. Major and Minor Collector Roads, as defined by the ~~Land Resource Management Plan-LRMP~~ - Thirty (30) feet from the right-of-way line.
 - c. All other roads - Twenty-five (25) feet from the right-of-way line.
 - d. Exception. Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.
2. **Side Yard.** A side yard on each side of the lot equal to ten (10) percent of the lot width for interior side yards. A side yard to a street shall be not less than thirty (30) feet.
3. **Rear Yard.** A rear yard of not less than thirty (30) feet.

F. **HARD SURFACE COVERAGE.** Not more than forty (40) percent of the surface area of a zoning lot may be covered by hard surfaces. *(Amended 11/18/2003)*

G. **MAXIMUM BUILDING HEIGHT.** Same regulations shall apply as permitted or required in the R-1 One-Family Estate Residence, Section 8:02.G. *(Amended 11/18/2003)*

H. **FLOOR AREA RATIO.** The maximum FAR shall be .4. *(Amended 11/18/2003)*

8:11 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 8:09.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 8.09.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:-**
 - 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.
- E. YARD AREAS.
1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

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- a. Freeway and Arterial Roads, as defined by the ~~Land Resource Management Plan LRMP~~ - Forty (40) feet from the right-of-way line.
 - b. Major and Minor Collector Roads, as defined by the ~~Land Resource Management Plan LRMP~~ - Thirty (30) feet from the right-of-way line.
 - c. All other roads - Twenty-five (25) feet from the right-of-way line.
 - d. Exception. Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.
2. Side Yard. A side yard on each side of the lot equal to ten (10) percent of the lot width for interior side yards. A side yard to a street shall be not less than thirty (30) feet.
 3. Rear Yard. A rear yard of not less than thirty (30) feet.
- F. HARD SURFACE COVERAGE. Not more than forty (40) percent of the surface area of a zoning lot may be covered by hard surfaces. *(Amended 11/18/2003)*
- G. MAXIMUM BUILDING HEIGHT. Same regulations shall apply as permitted or required in the R-1 One-Family Estate Residence, Section 8:02.G. *(Amended 11/18/2003)*
- H. FLOOR AREA RATIO. The maximum FAR shall be .4. *(Amended 11/18/2003)*

8:12 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 8:09.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 8:09.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.
- 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
- D. LOT AREA AND ALLOWABLE DENSITY.
- 1. One family detached dwellings.

- a. Utilities: All lots in this district shall be served by public sewerage facilities.
- b. Every single-family detached dwelling and every two-family detached dwelling shall be on a lot conforming with the area requirements for a single-family detached dwelling in the R-6 Residence District.
- c. All residential structures containing two (2) or more attached dwelling units shall be located on a lot which provides the following minimum land area per dwelling unit:

Type of Dwelling Unit	Minimum Lot Area Per Dwelling Unit (in Sq. Ft.)
4 or more bedrooms	4,000

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3 bedroom	3,500
2 bedroom	3,000
1 bedroom	2,000
Efficiency	1,000

- d. For the purposes of determining lot area, any room other than a living room, dining room, kitchen or bath shall be counted as a bedroom.
 - e. Density: The maximum density allowed based upon the gross area shall be fifteen (15) dwelling units per acre.
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.
- E. LOT WIDTH. Every lot shall have a width equal to at least forty (40) percent of the lot depth.
- F. FLOOR AREA RATIO.
1. For one and two-family dwellings - 0.4. *(Amended 11/18/2003)*
 2. For multiple family buildings - 0.5.
 3. For permitted non-residential uses - 0.7.
- 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 8:11.D.
 2. For multiple family buildings, the following yards shall be provided:
 - a. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

1. Freeway and Arterial Roads, as defined by the ~~Land Resource Management Plan-LRMP~~ - Fifty (50) feet from the right-of-way line.
 3. Major and Minor Collector Roads, as defined by the ~~Land Resource Management Plan-LRMP~~ - Forty (40) feet from the right-of-way line.
 3. All other roads - Thirty (30) feet from the right-of-way line.
 4. Exception. Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.
- b. Side Yard. Two (2) side yards each not less than ten (10) feet in width, except a side yard adjoining a street shall not be less than thirty (30) feet in width and for structures more than thirty (30) feet in length measured perpendicularly to the front lot line, an interior side yard shall be increased in width by one-half (0.5) foot for each one (1) foot the building exceeds thirty (30) feet in length.
- c. Rear Yard. A rear yard of not less than thirty (30) feet.
- H. HARD SURFACE COVERAGE. Not more than forty (40) percent of the surface area of a zoning lot may be covered by hard surfaces. *(Amended 11/18/2003)*
- I. MAXIMUM BUILDING HEIGHT.
1. Single-family detached dwellings:. Same regulations shall apply as permitted or required in the R-1 One-Family Estate Residence, Section 8:02.G.
 2. All other dwelling types, not more than two (2) stories or twenty-four (24) feet, whichever is lower.

RESOLUTION NUMBER 2019-_____

A RESOLUTION ADOPTING AN AMENDMENT TO THE KENDALL COUNTY LAND RESOURCE MANAGEMENT PLAN TO UPDATE THE FUTURE LAND USE PLAN IN LISBON TOWNSHIP IN THE VICINITY OF ROUTE 47

WHEREAS, 50 ILCS 805 allows Counties to create and adopt Land Resource Management Plans; and

WHEREAS, 55 ILCS 5/5-14001 through 5-14008 specifies how a County may adopt and amend Official Plans; and

WHEREAS, Kendall County adopted a Land Resource Management Plan in March 1994; and

WHEREAS, the Kendall County Board has amended the Land Resource Management Plan on several occasions since its adoption in March 1994; and

WHEREAS, the Kendall County Land Resource Management Plan has adopted a Policy, Framework, Planning Goals & Objectives, Management Goals & Objectives, and Land Resource and Management Area Policies for the County; and

WHEREAS, the Kendall County Land Resource Management Plan has adopted official Future Land Use Maps for each township and for the County as a whole; and

WHEREAS, Illinois State Route 47 was widened to four lanes in Lisbon Township; and

WHEREAS, the Village of Lisbon adopted a Comprehensive Plan in January 2009 which included proposed land uses along a portion of Illinois State Route 47 in Lisbon Township; and

WHEREAS, the Kendall County Regional Planning Commission, hereinafter be referred to as “Petitioner,” believes that future land uses along Illinois State Route 47 will change due to the widening of the highway in Lisbon Township and that the Kendall County Land Resource Management Plan should be amended to incorporate portions of the Village of Lisbon’s Comprehensive Plan; and

WHEREAS, on February 28, 2018, Petitioner held a public meeting in the Village of Plattville at 6410 Chicago Road, Yorkville, Illinois to obtain input from the residents of Lisbon Township and two members of the public expressed opposition to the proposal; and

WHEREAS, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Regional Planning Commission conducted a public hearing on June 27, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner presented evidence, testimony, and exhibits in support of the requested amendment and one member of the public asked questions and zero members of the public testified in favor or testified in opposition to the request; and

WHEREAS, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals met on July 30, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner presented evidence, testimony, and exhibits in support of the requested map amendment and seven members of the public expressed opposition to the proposal; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended denial of the proposed amendment; and

WHEREAS, based on the evidence, testimony, and recommendation of the Kendall County Zoning Board of Appeals, on February 27, 2019, the Petitioner amended their Petition by reclassify all of the areas shown as mining to agriculture except for those properties already possessing a mining zoning classification; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and meetings, and has forwarded to the Kendall County Board a neutral recommendation of the proposed amendment; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee, the recommendation of the Kendall County Zoning Board of Appeals, the record of the public hearing conducted by the Kendall County Regional Planning Commission, the recommendation of the Kendall County Regional Planning, and has determined that said proposed amendment to the Kendall County Land Resource Management Plan is necessary and in the best interests of Kendall County; and

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The revisions to the Future Land Use Plan of the Land Resource Management Plan, attached hereto as Exhibit A, are hereby adopted as an amendment to the Kendall County Land Resource Management Plan.
2. Any text or maps contained in the Kendall County Land Resource Management Plan in conflict with the attached Exhibit A are hereby repealed.

IN WITNESS OF, this resolution has been enacted by a majority vote of the Kendall County Board and is effective this 27th day of August, 2019.

Attest:

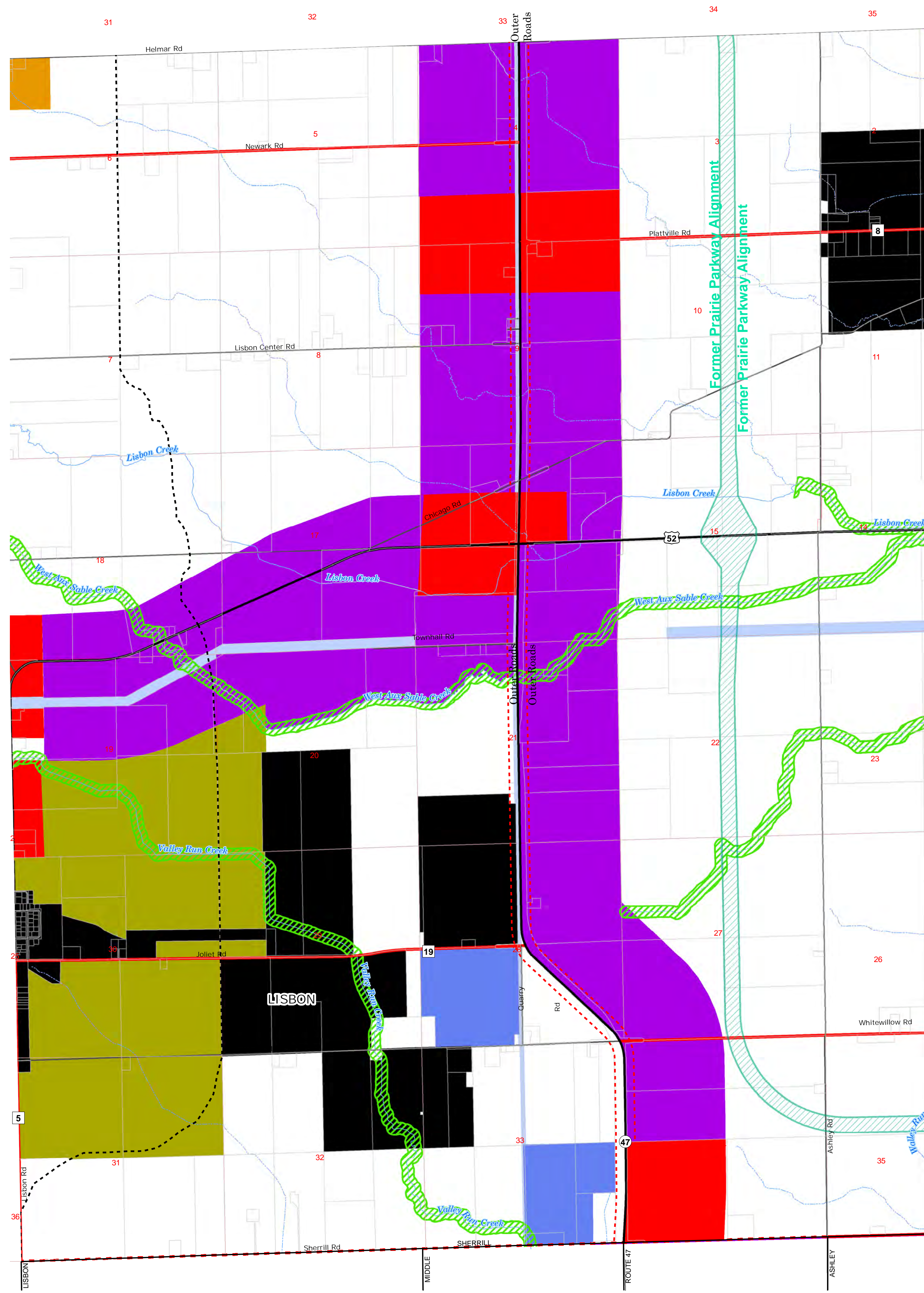
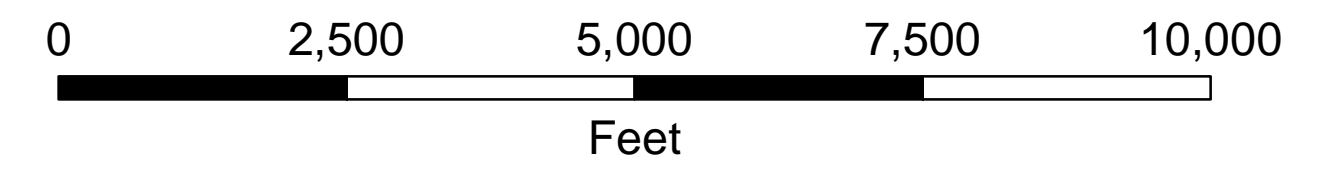
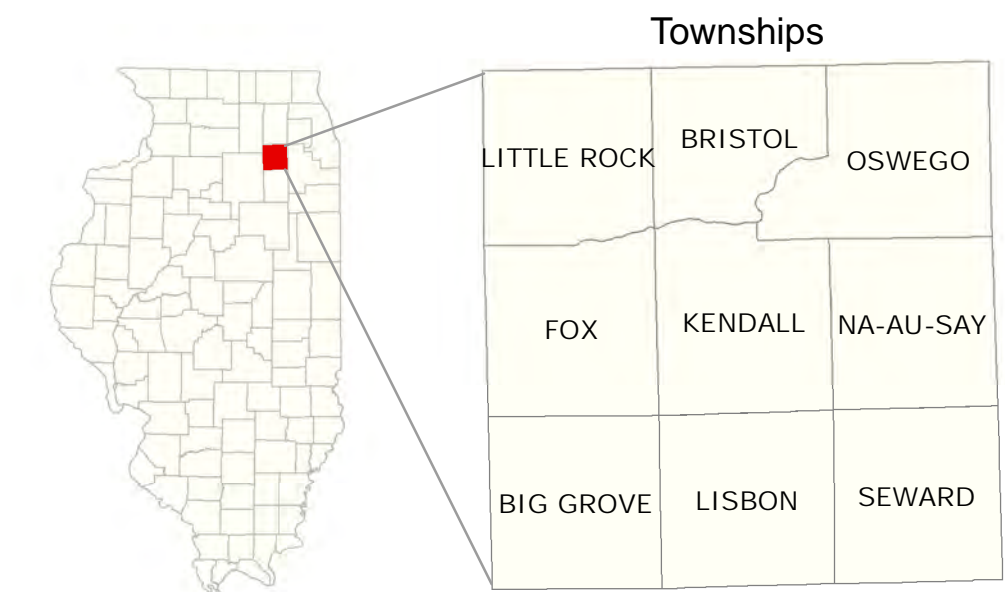
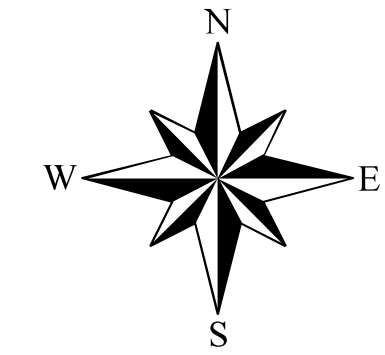
Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2019 -

<http://www.co.kendall.il.us>



Legend

- Outer Roads
- Proposed Roadways

Future LRMP

Abbreviation

- Urbanized Areas
- Mixed Use Business
- Public Institutional
- Mining
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential



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