

## **SECTION 9.00 BUSINESS DISTRICTS**

Updated on 11.19.19

### **9.00 COMMERCIAL ZONING DISTRICTS**

#### **9.01 PURPOSE**

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

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

#### **9.02 B-1 LOCAL SHOPPING DISTRICT**

- A. Purpose. The B-1 Local Shopping District is composed of those areas of the County whose principal use is neighborhood-oriented, limited retail, service and repair business activities which serve the surrounding area. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads. To these ends, certain uses which would interfere with the operation of these business activities and the purpose of this district have been excluded.
- B. Permitted Uses. The following uses are permitted:
1. Accessory uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.
  2. Adult Day Care or Respite Care
  3. Art Galleries and Studios
  4. Bait Shop
  5. Barber Shops, Beauty Parlors, Massage or Similar Personal and business Service Shops
  6. Bicycle Sales and Repair

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7. Convenience Store
8. Custom Dressmaking, Millinery, Tailoring or Shoe Repair Shops
9. Drug Store
10. Fire Stations
11. Gardening Supplies and Seed Stores (retail sales only)
12. Governmental buildings and facilities
13. Grocery and food sales under 10,000 square feet
14. Indoor business sales and service under 10,000 square feet
15. Indoor retail sales of goods under 10,000 square feet, including repair of goods sold on the premises
16. 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.
  - 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.
17. Offices, business and professional, including medical clinics
18. Personal and business service shops under 10,000 square feet but not including uses regulated in Section 4.16
19. Photography Studios
20. Police Stations.
21. Postal substations

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22. Restaurants, cafes, cafeterias or other similar establishments including but not limited to retail food stores.
  23. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
  24. Tobacco Shops
- C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00:
1. Book and Stationery Stores when Services are intended to serve the immediate convenience needs of persons employed in the area
  2. Business Planned Developments
  3. Camera and Photographic Supply Stores
  4. Clubs and lodges (non-profit), fraternal or religious institutions
  5. Communications use
  6. Currency Exchange
  7. Child Day Care Facility
  8. Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
  9. Dwelling units for Watchmen and Families including a Caretaker.
  10. Musical Instrument Sales and Repair (including lessons)
  11. 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

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12. 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
  13. Telecommunications Stations
  14. Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation.
  15. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)
- D. Conditional Uses. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator:
1. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
  2. Electrical Appliance Stores and Repair with a size limit of 10,000 square feet.
  3. Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.
  4. Small Wind Energy Systems subject to the conditions of Section 4.18
- E. Lot Size. Every lot or tract of land upon which a building is erected or maintained shall have an area of not less than 10,000 square feet and a width of not less than 100 feet as measured from the front building line.
- F. Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building:
1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

- a. Arterial Roadways. Fifty (50) feet from a dedicated road right-of-

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way or one hundred (100) feet from the center line of all adjacent roads, whichever is greater.

- b. Major or Minor Collector Roadways. Forty (40) feet from a dedicated road right-of-way or ninety (90) feet from the center line of all adjacent roads, whichever is greater.
  - c. All Other Streets. Thirty feet (30) from a dedicated road right-of-way or seventy-five (75) feet from the center line of all adjacent roads, whichever is greater.
2. Side Yard. Ten feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be ten feet, or equivalent to said adjacent setback, whichever is greater.
  3. Rear Yard. Twenty feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required rear yard shall be twenty feet, or equivalent to said adjacent setback, whichever is greater.
- G. Lot Coverage.
1. Maximum Floor Area Ratio. Not to exceed 0.50.
  2. Impervious Lot Coverage (buildings, parking, drives, etc.). Not to exceed 75% of the lot.
- H. Maximum Building Height. No building hereinafter erected shall exceed 35 feet in height.
- I. Signs. In accordance with the regulations set forth in Section 12.00.
- J. Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00. Parking shall not encroach upon the required front or side yard. Parking may encroach upon the required rear yard, provided that a landscaped buffer yard of at least 10' from the rear property line is maintained.
- K. Other Provisions.
1. Performance Standards. All activities shall conform with the performance standards set forth in section 10.01.G.
  2. Refuse Enclosures. Refuse or trash collection areas shall be completely

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screened from view on all sides, with solid fencing of either wood or masonry construction, and shall include a concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.

3. Waste Materials. No materials or wastes shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces.
4. Screening and Landscaping. Where a commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Section 13.00. Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-1 zoning is made.

### 9.03 B-2 GENERAL BUSINESS DISTRICT

- A. Purpose. The B-2 General Business District is composed of those areas of the County whose principal use is general retail, service and repair business activities which serve persons and businesses in the County. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads.
- B. Permitted Uses. The following uses are permitted:
  1. All permitted uses in the B-1 Local Shopping District
  2. Private Ambulance service
  3. Antique Shops
  4. Art and school supply stores
  5. Auction Facility when conducted wholly within an enclosed building and with no outside storage.
  6. Banks and financial institutions
  7. Book and Stationery Stores
  8. Building material sales (retail)
  9. Camera and Photographic Supply Stores

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10. Catering Establishments
  11. Copying/Reproduction Stores & banner or sign supplies
  12. Electrical Appliance Stores and Repair
  13. Furrier
  14. Glass cutting and glazing establishments
  15. Grocery and food sales
  16. Indoor business sales and service in excess of 10,000 square feet
  17. Indoor retail sales of goods in excess of 10,000 sq. feet, including repair of goods sold on the premises
  18. Monument sales, but not including the cutting or grinding of stones
  19. Motor Vehicle accessory store
  20. Musical Instrument Sales and Repair (including lessons)
  21. Packaged Liquor Store or any sale of alcoholic beverages
  25. Personal and business service shops in excess of 10,000 Sq. ft.
  26. Pet shop when conducted wholly within an enclosed building
  27. Plumbing, heating, and roofing supply shops
  28. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
  29. Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation.
- C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00:
1. Agricultural implement sales and service on an open lot or within a building

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2. Boat, Trailer and Recreational Vehicle sales or rental and service.
3. Child Day Care Facility
4. Clubs and lodges (non-profit), fraternal or religious institutions
5. Communications use
6. Crematories/Funeral Homes
7. Currency Exchange
8. Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
9. Dwelling units for Watchmen and Families including a Caretaker.
10. Fertilizer sales, including limited storage.
11. Hospital
12. Indoor entertainment and recreation
13. 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. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.
14. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
15. Meeting halls
16. Motor Vehicle Service Stations for Retail Sale of Gasoline and Oil for



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### Motor Vehicles

17. Motor Vehicle /Motorcycle service stations, including repair and rebuilding, or painting of motor vehicles
  18. Motor vehicle-Sales/ Motorcycle Sales
  19. Motor vehicle washing including the use of mechanical conveyers, blowers and steam cleaning
  20. Outdoor storage, provided such storage is screened from adjacent and surrounding properties
  21. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity
  22. 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
  23. 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
  24. Taverns
  25. Telecommunications Stations
  26. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)
- D. Conditional Uses. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator:

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1. Contractor or construction Services such as: building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air-conditioning, heating and ventilating.
2. Contractors' offices and shops, where no fabrication is done on the premises and where all storage of material and equipment is within a building.
3. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
4. Enclosed self-service storage facility, provided that:
  - a. Each self-service storage facility shall be governed by the provisions of the Illinois Self-Service Storage Facility Act, 770 ILCS 95/1 et seq.
  - b. A fence and landscaping shall be provided which completely encloses the facility and screens it from view of residential structures and residentially zoned property
5. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place
6. Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.
8. Outdoor Display may be permitted subject to the following:
  - a. **TEMPORARY SEASONAL DISPLAYS**
    - (i) Seasonal displays not exceeding 60 days per calendar year may be conducted on the same zoning lot as the principal business.
    - (ii) A site plan must be submitted by the applicant and approved by the Zoning Administrator showing the location of the seasonal display, the items to be displayed and the duration of the display.
    - (iii) Seasonal display areas shall be located at least 10 feet from any property line, shall not use required parking spaces, and

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shall not encroach into any required vision triangle areas.

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

- b. **PERMANENT OUTDOOR DISPLAYS**
  - (i) Shall only be permitted on the same zoning lot as the principal business, and shall only display merchandise which is sold at the subject premises. Items which are not sold on the premises or which are general outdoor storage are not permitted.
  - (ii) Shall not exceed 10% of the subject area or 1,000 square feet in area, whichever is smaller.
  - (iii) Shall be subject to site plan review and approval by the Zoning Administrator.
  - (iv) Shall be located at least 10 feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.
  - (v) Displays shall not be higher than 15 feet in height.
  - (vi) All signage for outdoor display areas shall conform with Section 12.00 of the Kendall County Zoning Ordinance.
  - (vii) A zoning certificate and fee are required for approval of an outdoor display area.
  - (viii) Any outdoor display area shall be subject to review by the Planning, Building and Zoning Committee and may be rescinded if deemed necessary.
  - (ix) Any outdoor display area which does not meet these requirements may be permitted as a special use.
- 9. Processing or assembly, provided that space occupied in a building does not exceed six thousand square feet of total floor space and basement space, not including stairwells or elevator shafts; and provided such processing or assembly can be conducted without noise, vibration, odor, dust or any other conditions which might be disturbing to occupants of adjacent buildings. When manufacturing operations of the same or similar products demand space exceeding six thousand square feet, they shall

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then be located in the M-1 Manufacturing District.

10. Small Wind Energy Systems subject to the conditions of Section 4.18
- E. Lot Size. Every lot or tract of land upon which a building is erected or maintained shall have an area of not less than 10,000 square feet and a width of not less than 100 feet.
- F. Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building:
1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
    - a. Arterial Roadways. Fifty feet (50) from the dedicated road right-of-way or one hundred (100) feet from the center line of all adjacent roads, whichever is greater.
    - b. Major or Minor Collector Roadways. Forty (40) feet from the dedicated road right-of-way or ninety (90) feet from the center line of all adjacent roads, whichever is greater.
    - c. All Other Streets. Thirty (30) feet from the dedicated road right-of-way or seventy (70) feet from the center line of all adjacent roads, whichever is greater.
    - d. 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 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. Ten feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be ten feet, or equivalent to said adjacent setback, whichever is greater.
  3. Rear Yard. Twenty feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required rear yard shall be twenty feet, or equivalent to said adjacent setback, whichever is greater.

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- G. Lot Coverage.
1. Maximum Floor Area Ratio. Not to exceed 0.50.
  2. Impervious Lot Coverage (buildings, parking, drives, etc.). Not to exceed 70% of the lot.
- H. Maximum Building Height. No building hereinafter erected shall exceed 35 feet in height.
- I. Signs. In accordance with the regulations set forth in Section 12.00.
- J. Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00. Parking shall not encroach upon the required front or side yard. Parking may encroach upon the required rear yard, provided that a landscaped buffer yard of at least 10' from the rear property line is maintained.
- K. Other Provisions.
1. Performance Standards. All activities shall conform with the performance standards set forth in section 10.01.G.
  2. Outdoor Sales. All outdoor sales space shall be provided with a permanent durable and dustless surface, and shall be graded and drained as to dispose of all surface water.
  3. Refuse Enclosures. Refuse or trash collection areas shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, to a height of seven feet; and shall include concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.
  4. Waste Materials. No materials or wastes shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces.
  5. Screening and Landscaping. Where a commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Section 13.00 Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-2 zoning is made.

### 9.04 B-3 HIGHWAY BUSINESS DISTRICT

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A. Purpose: The B-3, Highway Business District is intended for major retail, service and repair establishments serving a large trade area, usually the entire County or beyond and oriented to the traveling public. The trade area population served by these establishments requires easy access, although patronage is more dispersed and visits to these establishments less frequent than in the B-1 District and B-2 District. It is the intent of the B-3 District regulations that establishments desiring location along major traffic routes are grouped with appropriate and adequate access ways provided.

B. Permitted Uses. The following uses are permitted:

1. All Permitted Uses identified in the B-2 General Business District
2. Agricultural implement sales and service on an open lot or within a building.
3. Animal hospital
4. 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.
  - b. The subject parcel must be a minimum of 5 acres.
  - c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
  - d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
  - e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
  - f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
  - g. The noise regulations are as follows:

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

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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.

5. Beverages, non-alcoholic, bottling and distributing.
6. Boat, Trailer and Recreational Vehicle sales or rental and service
7. Carpet and Rug Stores
8. 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.
  - 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 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.
9. Construction equipment sales and service.
10. Crematories/ Funeral Homes

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11. Currency exchange.
12. Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
13. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
14. Health clubs (public or private) and related accessory uses.
15. Hotel and/or Motels
16. Indoor entertainment and recreation
17. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
18. Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.
19. Miniature Golf Courses
20. Motor Vehicle Service Stations for Retail Sale of Gasoline and Oil for Motor Vehicles
21. Motor Vehicle Sales/Motorcycle Sales
22. Motor Vehicle/Motorcycle service stations, including repair and rebuilding, or painting of motor vehicles
23. Motor Vehicle washing—Facilities including the use of mechanical conveyers, blowers and steam cleaning.
24. Nurseries and greenhouses
25. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity.
26. Restaurants, including the drive-in type where food is served to customers remaining in motor vehicles.



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### 27. Taverns

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

1. Adult-Use Cannabis Dispensing Organization subject to the following conditions:
  - a. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
  - b. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
  - c. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
  - d. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Cannabis Regulation and Tax Act and no dispensing organization shall also sell food for consumption on the premises other than as authorized below in the same tenant space.
  - e. Onsite consumption of cannabis by the public shall not be allowed at Adult Use Cannabis Dispensing Organizations.
  - f. On properties zoned M-1 or M-2, Adult-Use Cannabis Dispensing Organizations may co-locate with Adult-Use Craft Growers and Adult-Use Cannabis Infuser Organizations or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
  - g. On properties zoned B-3, Adult-Use Cannabis Dispensing Organizations may co-locate with Adult-Use Cannabis Infuser Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
  - h. On properties zoned B-3, this use shall be within one thousand feet (1,000') of an interchange of an Interstate Highway and a County or State Highway.

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- i. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- j. At the time of application, the Petitioner shall submit the following information:
  - i. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
  - ii. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
  - iii. Hours of operation.
  - iv. Anticipated number of employees and customers.
  - v. Anticipated parking demand and available parking supply.
  - vi. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
  - vii. Site design, including access points and internal site circulation.
  - viii. Proposed signage plan.
  - ix. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
- k. No flashing light, search light, spot lights, or other similar lighting systems may be used on the exterior of the building.
- l. Electronic message boards and temporary signs are not allowed. Any additional merchandise packaging provided by an Adult Use Cannabis Dispensing Organization, such as bags, sacks, totes, or boxes shall be opaque and identify the name of the Adult Use Cannabis Dispensing Organization.
- m. Hours of operation are 6:00 a.m. until 10:00 p.m.
- n. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
- o. This use shall be in a stand-alone building.
- p. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
- q. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.  
*(Amended 11/19/19)*

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2. Adult-Use Cannabis Infuser Organization subject to the following conditions:
  - a. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
  - b. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
  - c. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
  - d. At least seventy-five percent (75%) of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Cannabis Regulation and Tax Act.
  - e. On properties zoned M-1 or M-2, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Craft Growers or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
  - f. On properties zoned B-3, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
  - g. On properties zoned B-3, this use shall be within one thousand feet (1,000') of an interchange of an Interstate Highway and a County or State Highway.
  - h. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
  - i. At the time of application, the Petitioner shall submit the following information:
    - i. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
    - ii. Information on the proposed structure the facility will be

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- located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
- iii. Hours of operation.
  - iv. Anticipated number of employees and customers.
  - v. Anticipated parking demand and available parking supply.
  - vi. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
  - vii. Site design, including access points and internal site circulation.
  - viii. Proposed signage plan.
  - ix. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
- j. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
  - k. This use shall be in a stand-alone building.
  - l. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  - m. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.  
*(Amended 11/19/19)*
3. Adult-Use Cannabis Processing Organization subject to the following conditions:
- a. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
  - b. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
  - c. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age

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- or older. The measurement shall be from the cannabis use.
  - d. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Cannabis Regulation and Tax Act.
  - e. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
  - f. At the time of application, the Petitioner shall submit the following information:
    - i. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
    - ii. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
    - iii. Hours of operation.
    - iv. Anticipated number of employees and customers.
    - v. Anticipated parking demand and available parking supply.
    - vi. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
    - vii. Site design, including access points and internal site circulation.
    - viii. Proposed signage plan.
    - ix. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
  - g. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
  - h. On properties zoned B-3, this use shall be within one thousand feet (1,000') of an interchange of an Interstate Highway and a County or State Highway.
    - i. This use shall be in a stand-alone building.
  - j. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  - k. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.  
*(Amended 11/19/19)*
- 4. Child Day Care Facility

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5. Clubs and Lodges (non-profit), fraternal or religious institutions.
6. Communication Uses
7. Community Center/ After school programs/ Educational Center
8. Consumer credit, payday loan offices, financing or financial offices.
9. Dwelling units for Watchmen and Families including a Caretaker.
10. Fertilizer sales, including limited storage.
11. Hospitals
12. 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. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.
13. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
14. Kennels with the condition 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.
15. 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.

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- 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.
  - c. No landscape waste generated off the property can be burned on this site.
16. Medical Cannabis Dispensing Organization subject to the following conditions:
- a. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
  - b. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
  - c. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
  - d. Onsite consumption of cannabis by the public shall not be allowed at Medical Cannabis Dispensing Organizations.
  - e. Facility may not conduct any sales or distribution of cannabis other than as authorized by State law.
  - f. At the time of application, the Petitioner shall submit the following information:
    - i. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
    - ii. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code

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- compliance.
  - iii. Hours of operation.
  - iv. Anticipated number of employees and customers.
  - v. Anticipated parking demand and available parking supply.
  - vi. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
  - vii. Site design, including access points and internal site circulation.
  - viii. Proposed signage plan.
  - ix. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
  - g. No flashing lights, search lights, spot lights, or other similar lighting systems may be used on the exterior of the building.
  - h. Electronic message boards and temporary signs not allowed. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
  - i. Hours of operation are 6:00 a.m. until 10:00 p.m.
  - j. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
  - k. On properties zoned B-3, this use shall be within one thousand feet (1,000') of an interchange of an Interstate Highway and a County or State Highway.
  - l. This use shall be in a stand-alone building.
  - m. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  - n. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply. *(Amended 11/19/19)*
17. Meetings Halls
18. Micro-Brewery and/or Winery
19. 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.
  - b. Locally grown inputs shall be used to the greatest extent possible



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- c. The number of hours permitted to operate shall be on the approving ordinance.
  - d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
  - e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
  - f. Shall contact & meet all requirements of the Kendall County Health Department.
  - g. A waste management plan should be submitted to the Kendall County Health Department
20. Outdoor storage provided such storage is screened from adjacent and surrounding properties.
21. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
22. Pawn Shop
23. Performing arts center subject to the following conditions:
- a. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
  - b. The site shall be shown as a commercial area on the Land Resource Management Plan.
  - c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
  - d. The amount of students and type of events are listed in the approving ordinance.
  - e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
  - f. Must meet applicable Fire Protection District codes.
24. 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

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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
25. 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 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.
26. 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
27. 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.
28. Self-Service Storage Facilities
29. Telecommunications Stations
30. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
31. Truck Driving School
32. Truck Stop
33. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)

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D. Conditional Uses. All conditional uses outlined in the B-2 General Business District (Section 9.03D) may be permitted only if specifically authorized by the Zoning Administrator.

E. Lot Size. Every lot or tract of land upon which a building is erected or maintained shall have an area of not less than 10,000 square feet and a width of not less than 100 feet.

F. Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building:

1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
  - a. Arterial Roadways. Fifty (50) feet from a dedicated road right-of-way or one hundred (100) feet from the centerline of all adjacent roads, whichever is greater.
  - b. Major or Minor Collector Roadways. Forty (40) feet from a dedicated road right-of-way or ninety (90) feet from the centerline of all adjacent roads, whichever is greater.
  - c. All Other Streets. Thirty feet (30) from a dedicated road right-of-way or seventy-five (75) feet from the centerline of all adjacent roads, whichever is greater.
2. Side Yard. Twenty (20) feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be twenty (20) feet, or equivalent to said adjacent setback, whichever is greater.
3. Rear Yard. Twenty (20) feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be twenty (20) feet, or equivalent to said adjacent setback, whichever is greater.

G. Lot Coverage.

1. Maximum Floor Area Ratio. Not to exceed 0.50.
2. Impervious Lot Coverage (building, parking, drives, etc.). Not to exceed 70% of the lot.

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H. Maximum Building Height. No building hereinafter erected shall exceed 35 feet in height.

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

J. Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00. Parking shall not encroach along the required front or side yard. Parking may encroach upon the required rear yard, provided that a landscaped buffer yard of at least ten (10) feet from the rear property line is maintained.

K. Other Provisions.

1. Performance Standards. All activities shall conform to the performance standards set forth in section 10.01.G.
2. Outdoor Sales. All outdoor sales space shall be provided with a permanent durable dustless surface, and shall be graded and drained as to dispose of all surface water.
3. Refuse Enclosure. Refuse or trash collection areas shall be completely screened from view on all sides, with solid fencing or either wood or masonry construction, to a height of seven (7) feet; and shall include concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.
4. Waste Material. No materials or wastes shall be deposited upon a lot in such a form that natural causes or forces may transfer them off the property.
5. Screening and Landscaping. Where commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Section 13, Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-3 zoning is made.

### **9.05 B-4 COMMERCIAL RECREATION**

A. Purpose. The B-4 Commercial Recreation District is intended to accommodate commercial activities that serve the recreational needs of County residents, or which are dependent upon locations near recreational resources, such as lakes. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads.

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B. Permitted Uses. The following uses are permitted:

1. Accessory uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.
2. Auction Facility when conducted with another permitted use in this district.
3. 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.
  - b. The subject parcel must be a minimum of 5 acres.
  - c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
  - d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
  - e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
  - f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
  - g. The noise regulations are as follows:

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

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

**EXEMPTION:** Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the

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hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

4. Boat launching ramp
5. Boat, Trailer and Recreational Vehicle sales or rental and service
6. Child Day Care facilities
7. Dwelling Unit for Watchmen and Families including a Caretaker
8. Fairgrounds
9. Fire Stations
10. Golf courses (including miniature golf), golf driving range, club houses, county clubs, and membership riding clubs
11. Governmental buildings and facilities
12. Health clubs (public or private) and related accessory uses
13. Non-profit recreational facilities and related accessory uses
14. Performing arts center subject to the following conditions:
  - a. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
  - b. The site shall be shown as a commercial area on the Land Resource Management Plan.
  - c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
  - d. The amount of students and type of events are listed in the approving ordinance.
  - e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
  - f. Must meet applicable Fire Protection District codes.
15. Philanthropic institutions and institutions supported by charity.
16. Police Stations.
17. Postal substations

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18. Seasonal Festivals provided that the following conditions and restrictions are met:
  - i. Adequate parking on site shall be provided in such a way that no on-street parking is necessary
  - ii. Event areas, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office
  - iii. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services
  - iv. Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services
  - v. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements
  - vi. Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property
  - vii. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Department
  - viii. No event activity shall start earlier than 9:00 A.M. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30pm Thursday thru Sunday
  - ix. Events shall be permitted once a year unless otherwise approved by the PBZ Committee
  - x. Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year
  - xi. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted during the duration of the Seasonal Festival subject to the review and approval of the Zoning Administrator.
  - xii. All signage shall comply with Section 12.00 of the Zoning Ordinance
  - xiii. All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot-candles at any property line
  - xv. Any Seasonal Festival which cannot meet these standards may still be permitted if approved as a Special Use. An applicant seeking an approval of the conditional use shall submit an application to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning

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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.

19. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.
  20. Truck and Tractor Amusement Competition Events, provided that the following conditions and restrictions are met:
    - i. Event tracks, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 500 feet of a residential district, or residential structure located off the subject property unless written consent from the effected residents is provided to the Planning, Building and Zoning Office.
    - ii. The operator shall provide adequate parking on the site, such that no on-street parking will be required.
    - iii. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.
    - iv. No alcohol shall be sold on the premises without a Kendall County liquor license.
    - v. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
    - vi. Events shall not exceed six (6) consecutive days in duration.
    - vii. Events shall not exceed two (2) times per calendar year on any particular property.
    - viii. Noise levels shall not exceed 90 dB as measured at the nearest property line, not including any residences located on the subject property.
    - ix. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Department.
    - x. Any event activities shall start no earlier than 9:00 A.M., and shall end no later than 9:00 P.M., any day of the week.
    - xi. Any truck and tractor amusement competition event which cannot meet these standards may still be permitted via a special use.
- C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00:
1. Amphitheater, drive-in theater, auditorium, stadium and sports arena, provided that the following conditions are met:



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- a. The minimum site area shall be 200,000 square feet.
  - b. All structures, viewing and seating areas shall be set back at least 100 feet from any street or property line.
  - c. The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
  - d. The following accessory uses may be permitted as incidental to, and limited to patrons of, the principal use:
    - (i) playground
    - (ii) refreshment stand or booth
    - (iii) souvenir stand or booths
    - (iv) offices
  - e. For any drive-in theater:
    - (i) The theater screen shall not be visible from any collector street, arterial street, or freeway within 1,200 feet.
    - (ii) The viewing/parking area shall be screened in such a manner that it cannot be observed from outside the property.
    - (iii) Off-street space for automobiles of patrons awaiting admission to the theater shall be equal to a minimum of 15 percent of the capacity of the viewing area. All entrances and exits shall be separated, and internal circulation shall provide one-way traffic.
2. Athletic Fields 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

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County. All lighting shall be directed downward, and should minimize glare and light trespassing on adjacent property.

3. Amusement park, including go-cart tracks, water parks and other rides, provided that the following minimum standards are met:
  - a. The site shall be located and designed to minimize adverse impacts on adjacent uses.
  - b. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
4. Bait Shop
5. Convenience Store
6. Hotel and/or Motel
7. Indoor entertainment and recreation
8. 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. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.
9. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
10. Kennels when located more than 600' from any occupied residential structure other than the owners residence
11. Places of Worship subject to the following conditions:
  - a. The height for the towers and steeples shall not exceed seventy-five

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- (75) feet and not more than forty-five (45) feet for the main structure.
- b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
  - c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00
12. Planned Developments- Business
  13. 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 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.
  14. Racetrack provided that the following minimum standards are met:
    - a. The minimum site area shall be 20 acres.
    - b. The racetrack and all building, viewing areas, seating areas, and structures for housing animals shall be located no closer than 275 feet from any public road right-of-way or property line.
    - c. If night racing is to be conducted, all parking areas and access ways shall be adequately lit; provided that such lighting, as well as lighting for the racetrack shall meet the lighting standards set forth in section 11.02.
    - d. If a vehicle racetrack is proposed a noise study shall be prepared by a trained professional addressing anticipated noise levels during races or practice sessions. This study shall also address how excessive noise will be mitigated. The County shall reserve the right to obtain an independent review of this study, and require additional noise mitigation beyond that outlined in the noise study.

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- e. If an animal racetrack is proposed all facilities for housing and maintaining equine shall comply with the following requirements:
  - (i) An approval for such facility from the Kendall County Health Department must accompany the application for a Special Use Permit.
  - (ii) A 100 foot wide area of vegetation cover, exclusive of pasture area, shall be maintained between any corral, un-vegetated exercise area, manure pile, or application area and any surface water or well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.
  - (iii) All facilities for housing and maintaining other animals shall meet the conditions specified in the Special Use Permit.
- f. The accessory uses may be permitted as incidental to and limited to patrons of the principal use:
  - (i) refreshment stands or booths
  - (ii) souvenir stands or booths
  - (iii) wagering facilities
  - (iv) restaurants or lounges
  - (v) playgrounds or child day care facilities
  - (vi) vehicle fuel and supplies sales limited to owners or operators of vehicles to be raced
  - (vii) temporary campgrounds
  - (viii) any other customary and incidental uses which are deemed appropriate by the County Board.
- 15. 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.
  - 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.

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16. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses subject to the following:
    - a. All such facilities shall meet all State Animal Management Statutes.
    - b. Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time, unless otherwise approved in the special use permit.
    - c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
    - d. Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.
    - e. Submissions of a manure management plan for review and approval by the Kendall County Health Department.
    - f. Hours of operation for the indoor arenas shall be restricted to 6:00 am – 10:00 pm daily. Outdoor use of the property for riding horses shall be permitted from dawn to dusk daily.
    - g. Off-street parking and loading at a ratio of not less than one parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e. storage of horse trailers used in conjunction with the stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)
    - h. Provision of handicapped accessible bathroom facilities for customers and employees.
    - i. Compliance with basic life safety requirements for building ingress and egress.
  17. Seminaries, convents, monasteries, and similar religious institutions including dormitories and other accessory uses required for operation.
  18. Telecommunications Stations
  19. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-4 District
  20. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)
- D. Conditional Uses. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator:
1. Small Wind Energy Systems subject to the conditions of Section 4.18

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- E. Lot Size. Every lot or tract of land upon which a building is erected or maintained shall have an area of not less than 20,000 square feet and a lot width of 100 feet measured at the front building line.
- F. Number of Buildings. Due to the nature of the uses permitted in this zoning district, multiple buildings may be permitted on a single zoning lot, without requiring Planned Development approval.
- G. Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building:
  - 1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
    - a. Arterial Roadway. Fifty (50) feet from the dedicated road right-of-way or one hundred (100) feet from the center line of all adjacent roads, whichever is greater.
    - b. Major or Minor Collector Roadway. Fifty (50) feet from the dedicated road right-of-way or one hundred (100) feet from the center line of all adjacent roads, whichever is greater.
    - c. All Other Streets. Forty (40) feet from the dedicated road right-of-way or eighty (80) feet from the center line of all adjacent roads, whichever is greater.
  - 2. Side Yard. Ten feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be ten feet, or equivalent to said adjacent setback, whichever is greater.
  - 3. Rear Yard. Ten feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required rear yard shall be ten feet, or equivalent to said adjacent setback, whichever is greater.
- H. Lot Coverage.
  - 1. Maximum Floor Area Ratio. Not to exceed 0.20.
  - 2. Impervious Lot Coverage (buildings, parking, drives, etc.). Not to exceed 75% of the lot.
- I. Maximum Building Height. No building hereinafter erected shall exceed 50 feet

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in height.

- J. Signs. In accordance with the regulations set forth in Section 12.00.
- K. Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00.
- L. Other Provisions.
  - 1. Performance Standards. All activities shall conform with the performance standards set forth in section 10.01.G.
  - 2. Refuse Enclosures. Refuse or trash collection areas shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, to a height of seven feet; and shall include concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.
  - 3. Waste Materials. No materials or wastes shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces.
  - 4. Screening and Landscaping. Adequate screening and landscaping for adjoining residential areas shall be provided as set forth in Section 13, Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-4 zoning is made.

### 9.06 B-5 BUSINESS PLANNED DEVELOPMENT

- A. Purpose. The B-5 Business Planned Development (BPD) District is intended to provide for greater freedom, imagination, and flexibility in the development of land while assuring appropriate development standards. To this extent it allows diversification and variation in the relationship of uses, structures, and open spaces in developments planned as comprehensive, cohesive projects which are unified by a shared concept. It is further intended to encourage the beneficial integration of different compatible land uses at a proper scale and to encourage better design, provision of amenities, and the efficient use of public services through the use of planned unit development procedures. The intensity and profile of the development within this District are intended to be compatible with all adjacent uses.
- B. Permitted Uses. Permitted uses shall be consistent with the purpose of this District, including a wide variety of retail, office, general commercial and light industry. A permitted use list shall be developed and approved with each zoning

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request in the BPD District.

C. Lot, Yard, Coverage and Height. Uses in the BPD District shall conform to a plan for the District, as adopted by ordinance by the County Board. The plan must include, at a minimum, the following:

1. Minimum yard requirements, including appropriate landscape easements
2. Lot coverage permitted
3. Building height permitted
4. Minimum landscape and site open space standards
5. Minimum architectural standards
6. Lighting

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

E. Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00. Parking may encroach upon the required side or rear yard, provided that a landscaped buffer yard of at least 10' from the side or rear property line is maintained. Trucks and semitrailer shall not be parked or stored out-of-doors overnight, in the parking lot or on the premises, except within an area screened from adjacent properties by a walled and gated sight screen enclosure, fence or landscaped berm. However, temporary parking, overnight, not to exceed a 24-hour time period, may be permitted for delivery vehicles which arrive after normal business hours.

F. Other Provisions.

Performance Standards. All activities shall conform with the performance standards set forth in section 10.01.G.

Outdoor Sales. All outdoor sales space shall be provided with a permanent durable and dustless surface, and shall be graded and drained as to dispose of all surface water.

Outdoor Storage. No outdoor storage shall be permitted unless approved as a part of the BPD.

Refuse Enclosures. Refuse or trash collection areas shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, to a height of seven feet; and shall include concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.

Waste Materials. No materials or wastes shall be deposited upon a lot in such a



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form that they may be transferred off the property by natural causes or forces.

**Screening and Landscaping.** Where a commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Section 13, Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-5 zoning is made.

Solar Gardens shall be a special use in the B-5 Business Planned Development District. (Amended 11/20/2018)

### 9.07 B-6 OFFICE AND RESEARCH PARK DISTRICT

A. **Purpose.** The B-6 Office and Research District is intended to provide for innovative, well-designed and maintained office and nuisance-free research uses in an environment which is characterized by controlled ingress and egress to major streets and extensive setbacks and yard areas with imaginative landscaping. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads.

B. **Permitted Uses.** The following uses are permitted:

1. **Accessory uses.** Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.
2. **Banks and financial institutions**
3. **Business or trade school.**
4. **Colleges or 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.**
5. **Consumer credit, payday loan offices, financing or financial offices.**
6. **Fire Stations**
7. **Governmental buildings and facilities**
8. **Hospital.**

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9. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
  10. Offices, business and professional, including medical clinics.
  11. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity
  12. Planned Developments- Business
  13. Police Stations.
  14. Research laboratories, including the testing of products, but not including the manufacturing of products, except as incidental to the research and testing of products
  15. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
  16. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
  17. Wholesale sales, displays and offices, but not including storage or warehousing
- C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00:
1. Book and stationary stores when Services are intended to serve the immediate convenience needs of persons employed in the area
  2. Child Day Care Facility
  3. Convenience store
  4. Dwelling Unit for Watchmen and Families including a Caretaker
  5. Health clubs (public or private) and related accessory uses.
  6. Hotel and/or motel
  7. Indoor Target Practice with the following conditions:

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- a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.
  - b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.
  - c. Hours of operation from 7am to 10pm
  - d. No alcohol allowed.
  - e. Must meet all requirements of the Kendall County Health Department.
  - f. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.
8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
9. Light manufacturing and assembly
10. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
11. 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
12. Private clubs such as soccer, ect. provided all other sections of the Zoning Ordinance and Health Department regulations are met.
13. 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
14. Restaurants and/or taverns

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15. Services or commercial uses intended primarily to serve the immediate convenience needs of persons employed in the area, including office supply stores, restaurants (but not drive-in facilities), dry cleaning (but not on-site plant) and similar uses
  16. Self Service Storage Facilities (enclosed)
  17. Telecommunications stations
  18. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-6 District
  19. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)
- D. Conditional Uses. The following conditional uses may be permitted only if specifically authorized by the Zoning Administrator:
1. Small Wind Energy Systems subject to the conditions of Section 4.18
- E. Lot Size. Every lot or tract of land upon which a building is erected or maintained shall have an area of not less than 150,000 square feet and a width of not less than 250 feet.
- F. Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building.
1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
    - a. Arterial Roadways. Seventy-five (75) feet from the dedicated road right-of-way or one hundred and twenty-five (125) feet from the center line of all adjacent roads, whichever is greater.
    - b. Major or Minor Collector Roadways. Fifty (50) feet from the dedicated road right-of-way or one hundred (100) feet from the center line of all adjacent roads, whichever is greater.
    - c. All Other Streets. Forty (40) feet from the dedicated road right-of-way or ninety (90) feet from the center line of all adjacent roads, whichever is greater.
  2. Side Yard. Thirty feet from the property line. Where a side yard abuts a

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setback in an agricultural or residential district or a municipality, the required side yard shall be thirty feet, or equivalent to said adjacent setback, whichever is greater.

3. Rear Yard. Forty feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required rear yard shall be forty feet, or equivalent to said adjacent setback, whichever is greater.

### G. Lot Coverage.

1. Maximum Floor Area Ratio. Not to exceed 0.50.
2. Impervious Lot Coverage (buildings, parking, drives, etc.). Not to exceed 70% of the lot.

### H. Maximum Building Height. No building hereinafter erected shall exceed 75 feet in height. No building within 300 feet of a residential district shall exceed two stories, nor shall it exceed forty (40) feet in height.

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

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

### K. Other Provisions.

1. Performance Standards. All activities shall conform with the performance standards set forth in section 10.01.G.
2. Outdoor Sales. All outdoor sales space shall be provided with a permanent durable and dustless surface, and shall be graded and drained as to dispose of all surface water.
3. Outdoor Storage. No outdoor storage shall be permitted.
4. Refuse Enclosures. Refuse or trash collection areas shall be completely

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screened from view on all sides, with solid fencing of either wood or masonry construction, to a height of seven feet; and shall include concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.

5. Waste Materials. No materials or wastes shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces.
6. Screening and Landscaping. Where a commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Section 13, Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-6 zoning is made.