

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
AGENDA

Wednesday, February 26, 2020 – 7:00 p.m.

CALL TO ORDER

ROLL CALL: Bill Ashton (Chair), Roger Bledsoe, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson (Secretary), Ruben Rodriguez (Vice-Chairman), Bob Stewart, Claire Wilson, and One Vacancy

APPROVAL OF AGENDA

APPROVAL OF MINUTES Approval of Minutes from January 22, 2020 Meeting (Pages 2-21)
Approval of Minutes from February 1, 2020 Annual Meeting (Pages 22-30)

PETITIONS

1. **19 – 41 – Kendall County Planning, Building and Zoning Committee (Pages 31-38)**
Request: Text Amendments to the Kendall County Zoning Ordinance Pertaining to Zoning Ordinance Enforcement (Citation Authority), Hearing Officer, and Fines
Purpose: Proposal Moves the Procedure for Handling Violations from Various Sections to One Section; Establishes a Procedure for Issuing Citations and Remedies for Zoning Ordinance Violations; Abolishes the Hearing Officer for Zoning Ordinance Violations; Clarifies the Fine Structure.

CITIZENS TO BE HEARD/PUBLIC COMMENT

NEW BUSINESS

1. Approval to Initiate Text Amendments to Section 1:00 “Title” of the Kendall County Zoning Ordinance (Pages 39 and 43)
2. Approval to Initiate Text Amendments to Section 2:00 “Intent and Purpose” of the Kendall County Zoning Ordinance (Pages 39 and 44)
3. Approval to Initiate Text Amendments to Section 3:00 “Rules and Definitions” of the Kendall County Zoning Ordinance and Related Appendices (Pages 40-41 and 45-93)
4. Approval to Initiate Text Amendments to Section 4:00 “General Provisions” of the Kendall County Zoning Ordinance (Pages 41-42 and Page 94-118)

OLD BUSINESS

1. Discussion of Amending the Future Land Use Map in Land Resource Management Plan by Having the Transportation Plan Correspond to the 2019-2039 Long Range Transportation Plan, Updating Municipal Boundaries, Reclassifying Islands in the Fox River from Unknown to Open Space and Reclassifying the Remaining Unknown Properties to Match Adjoining Land Use Classifications (Pages 119-123)

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 19-47 Kennel and Veterinary at Northeast Corner of Ridge Road and Bell Road

OTHER BUSINESS/ANNOUNCEMENTS

ADJOURNMENT Next Meeting on March 25, 2020

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
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of January 22, 2020 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Bill Davis, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, and Claire Wilson

Members Absent: Karin McCarthy-Lange and Ruben Rodriguez

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Ron Smrz, Dan Kramer, Emily Hoffmann, Michael Cook, Deb Chow, Pat Colaric, Sylvia Torto, Mike Torto, Len Pfaff, Laurie Pfaff, Ron Zier, Zach, Morerod, and Kyle Breyne

APPROVAL OF AGENDA

Member Bledsoe made a motion, seconded by Member Casey, to approve the agenda. With a voice vote of seven (7) ayes, the motion carried.

APPROVAL OF MINUTES

Member Bledsoe made a motion, seconded by Member Davis, to approve the minutes of the October 23, 2019 meeting. With a voice vote of seven (7) ayes, the motion carried.

PUBLIC HEARING

19-37 John Dollinger on Behalf of Hansel Ridge, LLC

The Kendall County Regional Planning Commission started their review of this Petition at 7:02 p.m.

Mr. Asselmeier summarized the Petition.

Hansel Ridge, LLC would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately eighteen point seven more or less (18.7 +/-) acres located on the northern half of the property currently addressed as 195 Route 52. If approved, the Petitioner would like to rezone the property to allow an athletic facility and a storage business to be located on the property; both of these requests were submitted as separate petitions.

The application materials were provided. A map showing the property was provided; the northern portion of the property is the subject of this Petition.

The adjacent land uses were agricultural or agricultural related. The adjacent zonings were agricultural or agricultural with a special use permit. The Land Resource Management Plan calls for the area to be Suburban Residential and Public/Institutional. The zonings within one half (1/2) mile were agricultural or agricultural with a special use permit.

Pictures of the property were provided.

The property owner is not requesting a change in the Future Land Use Map for the southern twenty-one more or less (21 +/-) acres of their property. Their property will remain classified as Public/Institutional on the Future Land Use Map.

Minooka School District 111 owns the adjacent properties to the north and west of the subject property.

The A-1 special use to the north is for a church. The A-1 special use to the south is for a fertilizer and grain storage operation. The A-1 special use to the west appears to be for an airstrip. The property at 276 Route 52 has a special use permit for a landscaping business.

Seven (7) existing houses are within one half (1/2) mile of the subject property.

Petition information was sent to Seward Township on October 21, 2019. The Seward Township Planning Commission reviewed this request at their meeting on January 14, 2020. Concerns were expressed regarding traffic congestion and the potential for increased vehicular accidents. Discussion also occurred regarding drainage. The property's proximity to Shorewood and its location were the reasons for seeking the change to the Land Resource Management Plan and for the requested map amendments and special use permits. The Seward Township Planning Commission recommended approval of the request. The minutes of this meeting are included were provided.

The Seward Township Board reviewed this request at their meeting on January 14, 2020. They echoed the concerns of the Seward Township Planning Commission regarding traffic and drainage. The Seward Township Board recommended approval of the request. The minutes of this meeting were provided.

Petition information was sent to the Village of Shorewood on October 21, 2019. The Village of Shorewood submitted an email on January 6, 2020, stating that they were in discussions with the Petitioner and would have further review at the Village's February 5th Planning and Zoning Commission meeting. This email was provided.

The Troy Fire Protection District has no objections to commercial uses as this location.

ZPAC reviewed this proposal at their meetings on November 5, 2019, and January 7, 2020. At the November 5th meeting, discussion occurred regarding well and septic service at the site. The Petitioner agreed to a right-of-way dedication along the County Line Road frontage. At the January 7th meeting, the Petitioner provided updated septic information and updated traffic information. The final size of the detention pond had yet been determined. The Petitioner was working on a pre-annexation agreement with Shorewood that would allow the Village to annex the property when the property becomes contiguous to the Village. It was noted that the Village of Shorewood would like the special use to apply to only the storage portion of the property and that the acreage between the storage units and County Line Road be zoned business without a special use permit and that a formal subdivision occur. The Petitioner agreed to a sixty foot (60') right-of-way dedication as measured from the centerline of County Line Road including a ten foot (10') dedication for utilities. It was also noted that the Village of Shorewood requested the removal of some fencing and the reorientation of some of the storage buildings. It was noted that the landscaping plan and signage plan required more definition. ZPAC recommended forwarding the proposal to the Kendall County Regional Planning Commission without objection; two (2) members were absent. The minutes of these meetings were provided.

The Village of Shorewood's Future Land Use Map calls for this property to be Commercial and Government/Institutional.

Will County gives deference to the Village of Shorewood. Will County favors suburban development, whether that be commercial or residential, in this area.

The subject property was originally planned to be a future school location. The southern portion of the subject property and the property immediately to the north of the subject property are both planned to be Public/Institutional. In addition, the property to the west and the property to the north are both owned by the Minooka School District 111. A school could still be placed in the area. Therefore, uses that support and that are not in conflict with educational related uses, including many commercial uses, could be placed on the subject property.

Because commercial uses require site plan approval, because the Village of Shorewood's Comprehensive Plan calls for this property to be Commercial, and because many commercial uses could be placed on the subject property that would complement education uses, Staff recommends approval of the requested change.

Chairman Ashton opened the public hearing at 7:10 p.m.

Member Davis asked if any of the farm buildings would be removed. Dan Kramer, Attorney for the Petitioner, responded no; the farm buildings are not located on the portion of the property under consideration for the map change.

Pat Colaric, County Line Road, requested clarification of the request. Mr. Asselmeier explained that the existing Future Land Use Map calls for this property to be Public/Institutional. The Petitioner would like to rezone the property to commercial uses. One (1) of the criteria used to evaluate the rezoning from agricultural to business was consistency with the Land Resource Management Plan. The Petitioner needs the Future Land Use Map changed in order to have the rezoning request be consistent with the Land Resource Management Plan. Chairman Ashton said that the zoning portion of the request will occur later in the meeting. Mr. Colaric was concerned about commercial uses in the area because of traffic concerns.

Member Hamman asked if Minooka School District had any input on the proposal. Mr. Asselmeier responded that Minooka School District owns the property to the west and to the north of the subject property. The School District still has plans to use their property for educational purposes. The School District was notified of the hearing.

Dan Kramer, Attorney for the Petitioner, testified that the southern portion of the property would not be sold as part of the requested rezoning. Mr. Kramer explained the types of sports teams that would use the athletic facility. The athletic facility would have an indoor baseball field. The School District favors the idea. This facility would be four (4) times bigger than the facility on Galena Road. Mr. Kramer requested approval of the amendment to the Land Resource Management Plan.

Chairman Ashton adjourned the public hearing at 7:16 p.m.

Member Nelson made a motion, seconded by Member Casey, to recommend approval of Petition 19-37.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Davis, Hamman, Nelson, and Wilson

Nays (0): None

Absent (2): McCarthy-Lange and Rodriguez

The motion carried. The proposal goes to the Zoning Board of Appeals on January 27, 2020.

The Kendall County Regional Planning Commission concluded their review of Petition 19-37 at 7:17 p.m.

PETITIONS

19-34 Ronald Smrz on Behalf of the Bank of Lyon Trust

Mr. Asselmeier summarized the request.

Ron Smrz, on behalf of Bank of Lyon Trust, would like to establish a storage business for boats and RVs at the subject property. The application material and amended site plan were provided. The Petitioner updated the site plan in December to address stormwater management concerns.

The property was granted a special use permit for the retail sale of nursery stock through Ordinance 1985-10, a copy of which was provided. This proposal will not impact the existing special use permit.

The property is approximately seventeen (17) acres in size, but the special use area is approximately one (1) acre in size.

The current land use is agricultural. The future land use is rural residential. Route 71 is a State maintained highway and is considered a Scenic Route at the subject property. Yorkville has a trail planned along Route 71. There is a farmable wetland on the property consisting of approximately a tenth (0.1) of an acre. The adjacent land uses are agricultural, single-family residential, and farmstead. The adjacent zonings are A-1, A-1 SU, R-1, R-3, and R-3 PUD. The Land Resource Management Plan calls for the area to be rural residential. The nearby zonings are A-1, A-1 SU, A-1 BP, R-3, RPD-2, and R-3 PUD.

The special use permit to the north is for a campground. The special use permit to the east is for a landscaping business.

Lyon Farm is located south of the subject property.

The Richard Young and Lyon Forest Preserves are in the vicinity.

The aerial of the property was provided.

Pictures of the property were provided.

EcoCat submitted on June 6, 2019, as part of the Wetland Delineation Report and found the Fox River INAI Site and Yorkville Seep INAI Site in the area. The entire Wetland Delineation Report was provided. The Petitioner submitted a formal EcoCat on December 23, 2019, and no negative impacts were foreseen.

NRI application submitted on August 2, 2019. The NRI Report was not available.

Oswego Township was emailed the original information on September 24, 2019. The revised site plan was emailed on December 31, 2019.

The Bristol-Kendall Fire Protection District was emailed the original information on September 24, 2019. The revised site plan was emailed on December 31, 2019.

The United City of Yorkville was emailed the original information on September 24, 2019. The revised site plan was emailed on December 31, 2019. Yorkville will be reviewing this proposal at their February meetings.

ZPAC met on this proposal on October 1, 2019. Discussion occurred at that meeting regarding obtaining a variance to the Stormwater Management Ordinance. In the ensuing months, the Petitioner decided not to pursue the variance and amended the site plan to meet the requirements of the Kendall County Stormwater Management Ordinance. ZPAC reviewed the revised site plan at their meeting on January 7, 2020, and recommended approval of the proposal with no objections. The minutes of the October ZPAC meeting were provided. The minutes of the January ZPAC meeting were provided.

According to revised site plan, the Petitioner plans to offer rental space for fifty-one (51) parking stalls which is down from the two hundred (200) rental units in the original proposal. The proposed hours of operation are daily from 6:00 a.m. until 9:00 p.m.

Prospective renters would meet with the Petitioner at the property at a pre-arranged time to view the property, sign a contract, and receive their access code. The Petitioner plans to use the existing storage building as the office for the business.

The Petitioner and his wife would be the only employees of the business.

No new structures are planned for the property. A new occupancy permit might be required for the existing storage building.

The location of the well was shown on the proposed site plan south of the existing house. No bathrooms or potable water sources would be available to patrons of the storage business.

The Petitioner indicated that the storage area would have a gravel base.

The site plan shows the proposed use to be away from the farmable wetland.

The Petitioner plans to monitor the site for motor vehicle related leaks and would remove contaminated gravel from the property.

The property fronts Route 71 and an existing access point off of Route 71 exists.

The Illinois Department of Transportation provided comments regarding this proposal. A new access permit will be required.

Parking will occur in the gravel areas east of the existing building.

The Petitioner provided a lighting plan showing six (6) new light poles, each twenty feet (20') in height. The lighting plan was provided.

The Petitioner plans to install a sign along Route 71. The sign must meet all of requirements of the Kendall County Zoning Ordinance and must not be illuminated.

The Petitioner plans to remove the three (3) existing Norway Spruce trees. The Petitioner plans to plant seven (7) evergreens that will be between approximately four feet and six feet (4'-6') in height at the time of planting. The evergreens will be placed southeast of the parking area. The evergreens will be planted by the end of May 2020. A vegetative swale is also planned for south of the parking area.

The Petitioner indicated that the storage area will have a chain-link fence around the storage area. The fence is planned to be six feet (6') in height.

There will be a twenty foot (20') wide automatic gate on the east side of the storage area to control access to the area. The lock on the gate will be timed to prevent patrons from accessing the property during non-business hours. The gate will be adjacent to the shed.

A security monitoring system will also be installed with cameras on the shed shown.

The Petitioner agreed to provide the Sheriff's Department and Bristol-Kendall Fire Protection District with a passcode to access the gate.

No information was provided regarding noise control.

No new odors are foreseen.

While very little trash or litter is expected to be generated by the proposed, no plans for litter control were provided.

If approved, this would be the fifth active special use permit for this type of storage in unincorporated Kendall County.

The Petitioner currently resides in the house on the property.

The Petitioner agreed that all items stored on the property would remain licensed and in good working order.

The Petitioner agreed to follow the Kendall County Inoperable Vehicle Ordinance and the Junk and Debris Ordinance. The Petitioner also agreed that none of the vehicles stored as part of the special use permit would be for agricultural purposes.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare provided that the operator of the business allowed by this special use permit develops the site according to the submitted site plan, follows the agreed upon hours of operation, has a plan to address motor vehicle related leaks, and follows the Kendall County Inoperable Vehicle Ordinance and related ordinances.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. The Illinois Department of Transportation has not expressed any

concerns regarding this use locating at this property. The business will not have any restroom facilities or drinking water facilities for patrons. The Petitioner will have to secure a stormwater management permit.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for “a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents” through the encouragement “. . . of locally owned businesses.”

Staff recommends approval of the requested special use permit for a storage facility for motor vehicles, boats, trailers, and other recreational vehicles subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan, landscaping plan, and lighting plan.
2. The operator(s) of the business allowed by this special use permit shall plant the vegetation identified in the landscaping plan by the end of May 2020.
3. One (1) non-illuminated sign may be installed on the subject property in substantially the location shown on the site plan.
4. The motor vehicles, boats, trailers, and other recreational vehicles stored on the premises may be stored outdoors.
5. None of the motor vehicles, boats, trailers or other recreational vehicles stored on premises shall be considered agricultural equipment as they relate to the business allowed by this special use permit.
6. All of the motor vehicles, boats, trailers, and other recreational vehicles stored on the premises shall be maintained in good working order and shall be licensed.
7. The hours of operation for the business allowed by this special use permit shall be daily from 6:00 a.m. until 9:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation.
8. The maximum number of employees for the business allowed by this special use permit shall be two (2), including the business owners.
9. The operator(s) of the business allowed by this special use permit shall diligently monitor the property for motor vehicle related leaks and shall promptly and properly dispose and replace any gravel contaminated by such leaks.
10. The operator(s) of the business allowed by this special use permit shall provide the Kendall County Sheriff's Department and Bristol-Kendall Fire Protection District with passcodes to the gate upon the request of these agencies.
11. The operator(s) of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
12. The conditions and restrictions contained in Ordinance 1985-10 pertaining to the retail sale of nursery stock shall remain valid, enforceable, and separate from the conditions and restrictions for the special use permit for a storage facility for motor vehicles, boats, trailers, and other recreational vehicles.

13. The operator(s) of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
14. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
15. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Member Hamman asked about the lights. Mr. Asselmeier responded the site plan shows six (6) lights, twenty feet (20') in height. Member Hamman asked if the lights would be on all the time. Ron Smrz, Petitioner, stated the lights would be turned off when the business is closed.

Member Wilson asked about the landscaping business. Mr. Smrz responded that the property still has a special use permit for a landscaping business, but he did not operate the business.

Member Wilson asked about the type of fence. Mr. Smrz responded a chain linked fence.

Member Wilson asked about the distance from neighbors. Mr. Smrz responded several hundred feet.

Mr. Smrz lives on the premises.

Discussion occurred regarding the County's lighting regulations. Mr. Asselmeier noted the light poles were proposed at the maximum height, no light would cross the property line, and no neighboring property owner would see the light source. Having the lights off when the business during non-operational hours will be added as a condition.

Member Hamman asked if the Historical Society. Mr. Smrz responded that the Historical Society was sent notices.

Sylvia Torto expressed concerns about the lights and the view of vehicles stored on the property. She also expressed concerns about vehicles pulling in and out of the property.

Len Pfaff did not want a commercial business in the area. He expressed concerns about fuel leaks and noise. He would like the area to stay rural.

Ron Zier loves the rural atmosphere of the area. He does not favor lights or vehicles at the property.

Zack Morerod expressed concerns about his ability to resell his property if the proposed use occurs at the subject property.

Mike Torto echoed the concerns of his fellow neighbors. He would like additional landscaping on the north side of the subject property.

Mr. Smrz proposed to install additional trees. The original plan called for more trees, but they were removed as part of the stormwater control of the site.

Member Hamman asked about Route 71 improvements. Mr. Smrz stated that he would have full access at his property. The existing perimeter trees would be removed by the Illinois Department of Transportation and Mr. Smrz would request that the removed trees be replaced.

Mr. Smrz noted that his original proposal was much larger than what he is currently proposing.

Discussion occurred about installing a berm on the property.

Discussion occurred about the definitions of motor vehicles, recreational vehicle, and self-storage facility and mini-warehouse facility. Mr. Asselmeier read these definitions from the Zoning Ordinance. Member Wilson suggested a restriction not allowing semis, cargo containers, and the like not be stored on the property.

Member Wilson asked about leak control. Mr. Smrz described the method for soaking the leak and removing the gravel. Member Wilson expressed concerns that leaks might not be discovered immediately.

Mr. Asselmeier read the email from the Illinois Department of Transportation.

Concerns were expressed about derelict and abandoned vehicles, boats, and campers.

Zack Morerod asked if Commissioners would want this use in their backyards.

Laurie Pfaff expressed concerns about fuel leaks and well contamination. She also expressed concerns about increased lighting.

Chairman Ashton noted that the storage of recreational vehicles and boats are not allowed in some places in Kendall County.

Member Nelson suggested that the special use be tied to the Petitioner and not the land. Mr. Smrz opposed having the special use go away if he sold the property.

Discussion occurred about indoor storage. Upon review, none of the existing special use permits for this type of storage allows outside storage in the A-1 District.

Discussion occurred about the scenic route designation. The view shed area was not defined.

Chairman Ashton asked if the Petitioner wanted to table the request. The Petitioner asked for a vote.

Member Wilson made a motion, seconded by Member Nelson, to recommend approval of Petition 19-34.

The votes were as follows:

Ayes (0): None

Nays (7): Ashton, Bledsoe, Casey, Davis, Hamman, Nelson, and Wilson

Absent (2): McCarthy-Lange and Rodriguez

The motion failed. The proposal goes to the Zoning Board of Appeals on January 27, 2020.

Member Wilson voted no because she wished that the Petitioner had talked to his neighbors at the beginning of the process. She felt the use was more appropriate in an industrial or business park. She was also concerned about potential leaks at the site.

Chairman Ashton concurred with Member Wilson's reasons for recommending denial.

19-38 John Dollinger on Behalf of Hansel Ridge, LLC and Jason Shelley on Behalf of Goprobball, LLC

Mr. Asselmeier summarized the request.

Goprobball, LLC would like to purchase the subject property and construct an indoor baseball and soccer facility on the subject property. The site plan was provided.

Based on the original information submitted to the County, the property owner, Hansel Ridge, LLC, would like to sell the northern eighteen point seven more or less (18.7 +/-) acres for the proposed athletic facility and for an indoor and outdoor storage facility. The proposed athletic facility would be located on approximately nine point one-nine (9.19) acres on the northwest side of the property with a strip of land providing access to Line Road.

County Line Road is a Township Road classified as an Arterial.

There are no trails or floodplains or wetlands on the subject property.

The adjacent land uses are agricultural with a fertilizer and grain operation at the southwest corner of Route 52 and County Line Road. The adjacent zonings and zonings within one half (1/2) mile are A-1 or A-1 SU. The Kendall County Land Resource Management Plan calls for the property to the north and south to be Public/Institution and Suburban Residential. The property to the west is classified as Suburban Residential. The Will County Land Resource Management Plan calls for the property to the east to be Suburban Development. The Village of Shorewood's Comprehensive Plan calls for this property to be Commercial and Government/Institutional. Minooka School District 111 owns the property to the north and west and plans to use that property for educational purposes.

The aerial of the property and pictures of the property were provided.

The A-1 special use to the north is for a church. The A-1 special use to the south is for a fertilizer and grain storage operation. The A-1 special use to the west appears to be for an airstrip. The property at 276 Route 52 has a special use permit for a landscaping business.

Seven (7) existing houses are within one half (1/2) mile of the subject property.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on September 26, 2019. The NRI Report was not available.

Petition information was sent to Seward Township on October 21, 2019. The Seward Township Planning Commission reviewed this request at their meeting on January 14, 2020. Concerns were expressed regarding traffic congestion and the potential for increased vehicular accidents. Discussion also occurred regarding drainage. The property's proximity to Shorewood and its location were the reasons for seeking the change to the Land Resource Management Plan and for the requested map amendments and special use permits. The Seward Township Planning Commission recommended approval of the request. The minutes of this meeting were provided.

The Seward Township Board reviewed this request at their meeting on January 14, 2020. They echoed the concerns of the Seward Township Planning Commission regarding traffic and drainage. The Seward Township Board recommended approval of the request. The minutes of this meeting were provided.

Petition information was sent to the Village of Shorewood on October 21, 2019. The Village of Shorewood submitted an email on January 6, 2020, stating that they were in discussions with the Petitioner and would have

further review at the Village's February 5th Planning and Zoning Commission meeting. This email was provided.

The Troy Fire Protection District has no objections to commercial uses as this location.

ZPAC reviewed this proposal at their meetings on November 5, 2019, and January 7, 2020. At the November 5th meeting, discussion occurred regarding well and septic service at the site. The Petitioner agreed to a right-of-way dedication along the County Line Road frontage. At the January 7th meeting, the Petitioner provided updated septic information and updated traffic information. The final size of the detention pond had yet been determined. The Petitioner was working on a pre-annexation agreement with Shorewood that would allow the Village to annex the property when the property becomes contiguous to the Village. It was noted that the Village of Shorewood would like the special use to apply to only the storage portion of the property and that the acreage between the storage units and County Line Road be zoned business without a special use permit and that a formal subdivision occur. The Petitioner agreed to a sixty foot (60') right-of-way dedication as measured from the centerline of County Line Road including a ten foot (10') dedication for utilities. It was also noted that the Village of Shorewood requested the removal of some fencing and the reorientation of some of the storage buildings. It was noted that the landscaping plan and signage plan required more definition. ZPAC recommended forwarding the proposal to the Kendall County Regional Planning Commission without objection; two (2) members were absent. The minutes of these meetings were provided.

Per State law, map amendments cannot be conditioned. However, Section 13.10 of the Kendall County Zoning Ordinance requires that commercial site plans be approved by the Kendall County ZPAC.

The Petitioner desires the map amendment in order to construct an indoor athletic facility.

Goprobball, LLC provided a business plan. As noted in the business plan, they would have between twenty (20) and forty (40) part-time employees with no more than four (4) to six (6) employees onsite. They have fifteen (15) existing traveling baseball teams and hope to expand to twenty-five (25) teams within the next five (5) years. They would also like to use the facility to attract other sports including girls soccer and softball. They would have a concession area and rehabilitation services would be provided onsite. The proposed hours of operation are between 8:00 a.m. and midnight. The proposed facility is approximately sixty-nine thousand, three hundred (69,300) square feet and will have a parking area to the east.

Any new structures would require applicable building permits.

The property will access County Line Road. County Line Road has an eighty thousand (80,000) pound weight restriction. Depending on the uses, additional right-of-way could be necessary and the Petitioner was agreeable to a right-of-way dedication as part of a special use permit.

No new odors are foreseen, but the site plan for future commercial activities on the site should be examined to address odors.

The parking lot will have lights. Security lighting will also be installed. Commercial establishments could have additional lights and illuminated signage on the building and associated with monument signage. The site plan of commercial establishments should be evaluated to address lighting.

Any fencing or buffering should be evaluated as part of the site plan review process.

The original site plan showed two detention ponds. The Petitioners indicated that the stormwater plans could be altered as part of the adjoining special use permit. Development on the site would require stormwater management permits.

Electricity is nearby. New well and septic information would have to be evaluated as part of the building permit process. The Petitioners provided septic plan information.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used agricultural or uses similar to agricultural uses such as farmsteads and fertilizer operations.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 or A-1 with a special use.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 and can be used for farming.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is stable with residential growth and special uses normally found in agricultural zoned areas.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Public/Institutional because Minooka School District #111 plans to construct a school on the property to the west. The Village of Shorewood's Future Land Use Map calls for this property to be Commercial and Government/Institutional. The property owner of the subject property submitted an application to reclassify the property as Commercial on the Future Land Use Map contained in the Kendall County Land Resource Management Plan. If this reclassification amendment to the Land Resource Management Plan is approved, then the proposed map amendment would be consistent with the purpose and objectives of the Land Resource Management Plan.

Provided that the amendment to the Land Resource Management Plan is approved reclassifying the subject property as Commercial, Staff recommended approval of this requested map amendment.

Dan Kramer, Attorney for the Petitioner, provided a history of the evolution of the project. He noted that the Health Department approved the well and septic plans. Mr. Kramer noted that a subdivision would occur at the site; there would be no additional access cuts on County Line Road. The stormwater detention ponds might be merged into one (1) pond.

Member Davis asked where the nearest sanitary sewer service was located. Mr. Kramer stated that the nearest sanitary sewer was at least one (1) mile away from the site.

Discussion occurred about the traffic safety at the intersection of Route 52 and County Line. Mr. Kramer clarified the minutes from Seward Township saying that the Petitioners cannot solve the traffic problem at the intersection. He noted that traffic for the athletic facility will be directed to Baltz Road.

Pat Colaric stated the proposal will exacerbate the traffic problems in the area. He would like to see the area stay rural. He would rather see the athletic facility than houses.

Member Nelson made a motion, seconded by Member Davis, to recommend approval of Petition 19-38.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Davis, Hamman, Nelson, and Wilson

Nays (0): None

Absent (2): McCarthy-Lange and Rodriguez

The motion carried. The proposal goes to the Zoning Board of Appeals on January 27, 2020.

19-39 John Dollinger on Behalf of Hansel Ridge, LLC, Jason Shelley on Behalf of Goprobball, LLC, and James and Denise Maffeo

Dan Kramer, Attorney for the Petitioner, requested that the Petition be laid over until the February 26, 2020, meeting in order to obtain an updated site plan.

Without objection, the Commission laid over the Petition as requested.

19-47 Deb Chow on Behalf of Jade Restorations, Inc. and D. Howard on Behalf of Bullmastiff Construction Company, LTD

Mr. Asselmeier summarized the request.

Jade Restorations, Inc. is working with Bullmastiff Construction Company to construct a kennel and veterinary clinic at the subject property. At this time, Jade Restorations, Inc. has no plans to sell the subject property.

The application material was provided. The site plan, landscaping plan, photometric plan, and proposed building information were provided.

The property is approximately twenty (20) acres in size, but the special use portion would cover approximately eight point five (8.5) acres.

The future land use is commercial.

Ridge Road is a County Road classified as an Arterial Road. Bell Road is a Township Road classified as a Minor Collector. Minooka has a trail planned along Ridge Road. Shorewood has a trail planned along Bell Road.

The adjacent land uses are agricultural in all directions with a farmstead and landscaping business to the west.

The adjacent zonings are A-1 and A-1 SU. There is R-1 zoning within one half (1/2) mile to the east. There are twelve (12) homes located within one half (1/2) mile of the subject property. The special uses to the north and south are landing strips. The special use to the east is for natural gas compression. The special use to the west is for a landscaping business.

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The aerial of the property was provided.

EcoCat submitted on December 5, 2019, and consultation was terminated.

NRI application submitted on December 18, 2019. The NRI Report was not available.

Seward Township was emailed information on December 31, 2019. The Seward Township Planning Commission reviewed this request at their meeting on January 14, 2020. Concerns were expressed regarding drainage and traffic. The property's location and availability were the reasons for seeking the special use permit. The Seward Township Planning Commission recommended approval of the request. The minutes of this meeting was provided.

The Seward Township Board reviewed this request at their meeting on January 14, 2020. They echoed the concerns of the Seward Township Planning Commission regarding traffic and drainage. The Seward Township Board recommended approval of the request. The minutes of this meeting was provided.

The Minooka Fire Protection District was emailed information on December 31, 2019. They wanted the Petitioners to be aware of the new State kennel regulations regarding staffing and sprinkling requirements. The Minooka Fire Protection District's email was provided.

The Village of Shorewood was emailed information on December 31, 2019. The Village of Shorewood expressed concerns about noise. The Village of Shorewood's email was provided.

The Village of Minooka was emailed information on December 31, 2019.

ZPAC reviewed this proposal at their meeting on January 7, 2020. Discussion occurred about the soil analysis in relation to the well and septic system. The Highway Department was satisfied with the proposed right-of-way dedication for Ridge Road. The Petitioner will finalize hours of operation, the timeline for landscaping installation, and frequency of refuse pick-up. ZPAC recommended forwarding the proposal to the Kendall County Regional Planning Commission without any objections. The minutes of this meeting were provided.

According to the information provided to the County, the Petitioners plan to offer veterinary services, pet daycare, boarding, and grooming services. The proposed normal hours of operation for both uses will be Monday through Friday from 6:00 a.m. until 7:00 p.m. and Saturday and Sunday from 7:00 a.m. until 7:00 p.m. The veterinary establishment may be open beyond these hours of operation to handle medical emergencies. The maximum number of employees will be seventy (70), including part-time employees. The kennel will be staffed at all times. Overlap in employees will occur. Grooming services will be provided as needed. The maximum number of animals planned for the kennel is eighty (80). Per the Kendall County Zoning Ordinance, all animals will be indoors by sunset.

As noted in the site plan, the Petitioners plan to construct an approximately eighteen thousand (18,000) square foot building facing south towards Bell Road. The proposed location of the building on the property was placed in accordance to the setback requirements of the Kendall County Zoning Ordinance.

Elevations of the building were provided. A rendering of the site was provided.

The building shall consist of waiting areas for grooming and exams, eight (8) exam rooms, a treatment room with pharmacy area, two (2) surgery rooms, an X-ray room, a recovery room, two (2) isolation rooms, a doctor's room, a staff room, a janitorial room, a cat boarding room, three (3) bathrooms, a laundry area, a

grooming area, a store, a storage area, a groom kennel, two (2) play areas, a pool, and a boarding kennel area. The building is planned to be slightly over twenty-three feet (23') tall at its highest point and made of metal.

Two (2) approximately twelve thousand (12,000) square foot outdoor play areas are planned on both sides of the kennel wing of the building. A six foot (6') tall cedar fence would be located around the outdoor play area.

Building and Occupancy Permits will be required for the new building.

The site plan shows one (1) raised septic field west of the building and parking lot and one (1) raised septic field south of the parking lot. The proposed well would be located east of the building.

The site plan shows two (2) wet detention ponds on the north side of the subject property. A dual-phase restricted stormwater detention outlet is planned to discharge stormwater at the northwest corner of the site into ditches along the east side of Ridge Road.

If the special use permit is approved, the Petitioners would need to secure a stormwater management permit from Kendall County.

The property fronts Bell Road and two (2) points of ingress/egress are planned from Bell Road.

The Petitioners plan to dedicate right-of-way for a depth of fifty feet (50') along the entire Bell Road frontage of the property and a depth of seventy-five feet (75') along the entire Ridge Road side of the property.

The Petitioners propose to install a fifty-two (52) stall parking lot to the south and east of the building. Three (3) of the spaces would be handicapped accessible.

The Petitioners plan to install six (6) lights along the driveway and in the parking lot. The lights will be LED and on poles a maximum twenty feet (20') in height. There will be an additional eight (8) building mounted lights at various locations around the exterior of the building. Lighting information can be found on the photometric plan.

The Petitioners plan to have one (1) monument sign along Bell Road and one (1) monument sign along Ridge Road. Both signs are planned to be four feet by eight feet (4'X8') and a maximum of eight feet (8') in height. Neither sign will be illuminated.

Per the landscaping plan, the Petitioners plan to install thirty-eight (38) shade trees of various types, seventy-eight (78) evergreen trees of various types, sixty-eight (68) evergreen shrubs of various types, two hundred eighty-two (282) deciduous shrubs of various types, and one hundred fifteen (115) perennials of various types. In addition, a wet-to-mesic prairie seed mix is planned around the stormwater detention ponds.

Berms are planned along the west, east, and southeast corner of the property. An additional berm is planned south of the parking lot. The berms will vary in height from three feet (3') to seven feet (7').

A topsoil stockpile area is planned east of the parking lot.

Noise will be addressed with soundproofing of the building, the fence mentioned previously, the installation of trees and berms, and having the animals indoors by sunset.

The Petitioners plan to install a refuse enclosure at the northern end of the eastern parking lot. The screening shall be either of wood or masonry construction at least seven feet (7') in height. The Petitioners also indicated that they may screen the refuse area with a chain link fence and dense plantings.

If approved, this would be the sixth active special use permit for a kennel and second active special use for a veterinary establishment in unincorporated Kendall County.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties are also zoned A-1 or A-1 with a special use permit. In addition, the site plan shows a six foot (6') tall fence around the outdoor play area. The proposed building will be soundproofed. The proposed landscaping and berming should also reduce noise coming from the property. The Petitioners intend to follow the Kendall County Zoning Ordinance as it relates to having all pets inside by dusk.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The Petitioners plan to install fencing and security lighting. The Petitioners agreed to have animals indoors by sunset. The proposed hours of operation will also prevent injury to neighboring land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. Adequate ingress and egress will be provided off of Bell Road. The Petitioners will have to secure applicable permits related to stormwater, well, and septic systems.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. True, the Petitioners are not requesting any variances.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents" through the encouragement ". . . of locally owned businesses."

Staff recommended approval of the requested special use permit for a kennel and veterinary establishment subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan, landscaping plan, and photometric plan.
2. Within sixty days (60) days of approval of this special use permit ordinance, the property owners shall convey land to Kendall County and Seward Township for Ridge Road and Bell Road right-of-way in the locations and depths shown on the Right-of-Way Plat of Dedication.

3. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and One Hundred Fifty Feet (150') from Lots Zoned Other Than Residential or Shown on the LRMP Map as non-residential.
4. Two (2) non-illuminated signs may be installed on the subject property in substantially the locations shown on the site plan.
5. All vegetation and berms shall be installed within six (6) months of the opening of either the kennel or veterinary establishment at the subject property. The businesses shall be considered open on the date when the Kendall County Planning, Building and Zoning Department issues a certificate of occupancy for the building. Damaged or dead vegetation shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
6. A maximum of eighty (80) pets may be kenneled on the subject property at any time.
7. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
8. In the event that the kennel operations cease at the property, the veterinary business allowed by this special use permit may not board animals overnight except for medical treatment and observations.
9. The normal hours of operation for the businesses allowed by this special use permit shall be Monday through Friday from 6:00 a.m. until 7:00 p.m. and Saturday and Sunday from 7:00 a.m. until 7:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Pets experiencing medical emergencies at the kennel may be tended to outside the hours of operation. The veterinary establishment may be open beyond the hours of operation listed to handle medical emergencies.
10. The maximum combined number of employees for the businesses allowed by this special use permit shall be seventy (70), including the business owners.
11. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
12. Any construction on the property related to the businesses allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
13. The operator(s) of the businesses allowed by this special use permit may sell ancillary items related to their operations.
14. The operator(s) of the businesses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The operator(s) of the businesses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
16. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
17. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Chairman Ashton asked about the fire hydrant. Mike Cook, Cook Engineering Group, responded that wet basins north of the site would be used as the water source. The hydrant would be a dry hydrant; the suggestion was made to change the plans to reflect the hydrant as a dry hydrant. The building will be sprinklered.

Member Davis made a motion, seconded by Member Hamman, to recommend approval of Petition 19-39 with the conditions proposed by Staff.

Member Casey asked about the animals that will be served at the site. Deb Chow responded that a horse rescue was planned for the back of the property in addition to the dog daycare.

Member Wilson asked if any of the Petitioners were veterinarians. Ms. Chow responded that her son is in veterinary school.

Discussion occurred about animals being indoors by sunset. It was noted that the business would close at 7:00 p.m.

Member Davis made a motion, seconded by Member Hamman, to recommend approval of Petition 19-47 with the conditions proposed by Staff.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Davis, Hamman, Nelson, and Wilson

Nays (0): None

Absent (2): McCarthy-Lange and Rodriguez

The motion carried. The proposal goes to the Zoning Board of Appeals on January 27, 2020.

Discussion occurred about the number of employees and the traffic impacts of those employees.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

Member Nelson made a motion, seconded by Member Casey, to nominate Bill Ashton for the position of Chairman. No additional nominees were presented. With a voice vote of seven (7) ayes, the motion carried.

Member Nelson made a motion, seconded by Chairman Ashton, to nominate Ruben Rodriguez for the position of Vice Chairman. No additional nominees were presented. With a voice vote of seven (7) ayes, the motion carried.

Member Wilson made a motion, seconded by Chairman Ashton, to nominate Larry Nelson for the positions of Treasurer and Secretary. No additional nominees were presented. With a voice vote of seven (7) ayes, the motion carried.

Member Nelson made a motion, seconded by Chairman Ashton, to nominate Matt Asselmeier for the position of Recording Secretary. No additional nominees were presented. With a voice vote of seven (7) ayes, the motion carried.

Appointments to Comprehensive Land Plan and Ordinance Committee

Chairman Ashton announced the appointments to the Comprehensive Land Plan and Ordinance Committee as follows: Larry Nelson (Chairman), Chairman of the Kendall County Regional Planning Commission or Their Designee (Bill Ashton), Chairman of the Kendall County Zoning Board of Appeals or Their Designee (Randy Mohr), Chairman of the Kendall County Board or Their Designee (Scott Gryder), Chairman of the Kendall County Planning, Building and Zoning Committee or Their Designee (Matthew Prochaska), Megan Andrews, and Jeff Wehrli.

Annual Meeting-February 1, 2020 at 9:00 a.m.

The Commission reviewed the draft agenda for the Annual Meeting.

OLD BUSINESS

Update on Zoning Ordinance Project

Mr. Asselmeier reported that Comprehensive Land Plan and Ordinance Committee has completed their review of the Zoning Ordinance and the proposal will be advanced in sections with the intention of having the entire proposal enacted on December 1st.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Petition 19-26, regarding the landscaping business at 276 Route 52, was approved by the County Board. Several Commissioners noted that burning was occurring on the property and that the property owners were not taking care of the property.

Petition 19-31, regarding cannabis zoning regulations, was approved by the County Board.

Petition 19-35, regarding a kennel at 3601 Plainfield Road, was approved by the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the text amendment to the Zoning Ordinance pertaining to citation authority, hearing officer, and fines will be on the February agenda. The owner of the property where ServPro was previously located submitted an application for a text amendment and special use permit for a trucking business at the property. However, the owner is also considering requesting a change to the Land Resource Management Plan and a map amendment at the property.

ADJOURNMENT

Member Casey made a motion, seconded by Member Hamman, to adjourn. With a voice vote of seven (7) ayes, the motion passed. The Kendall County Regional Plan Commission meeting adjourned at 9:35 p.m.

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

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JANUARY 22, 2020**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Dan Kramer	1107 D S. Brook St Jubilee IL 62560	19-37 / 19-38 / 19-39
PAT COLARTE	[REDACTED]	[REDACTED]
RON SMRZ	[REDACTED]	
Sylvia Forts	[REDACTED]	
Len Pfaff	[REDACTED]	
Ron Zies	[REDACTED]	
Zack Morevod	[REDACTED]	
Mike Forts	[REDACTED]	

Kyle Boyke

[REDACTED]

Laurie Pfaff

[REDACTED]

KENDALL COUNTY REGIONAL PLANNING COMMISSION

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

Meeting Minutes of February 1, 2020 - Annual Meeting

Call to Order: Chairman Bill Ashton called the meeting to order at 9:01 a.m.

KCRPC Roll Call

Members Present: Bill Ashton (Chairman), Roger Bledsoe, Tom Casey, Bill Davis, Dave Hamman, Karin McCarthy-Lange, Larry Nelson (Secretary), Ruben Rodriguez (Vice-Chairman), Claire Wilson (arrived at 9:22 a.m.), and One Vacancy (Kendall Township)

Members Absent: None

Staff Present: Matt Asselmeier, Senior Planner

Members of the Audience: Jim Bateman, Rod Zenner, Krysti Barksdale-Noble, Tom Lindblom, Pam Wynne, JoAnn Gryder, Jonathan Proulx, Jeff Palmquist, Megan Andrews, Matthew Prochaska, Scott Gryder, and Victoria Wax

Welcoming Remarks

Chairman Ashton welcomed and thanked everyone for attending the annual meeting and explained the purpose of the meeting. He announced that no business will be transacted at this meeting.

Approval of Agenda

Mr. Nelson made a motion, seconded by Ms. McCarthy-Lange, to approve the agenda as written. With a voice vote of eight (8) ayes, the motion was approved.

Review of Minutes from 2019 Annual Meeting

Commissioners reviewed the minutes of the 2019 Annual Meeting.

Request for Plan Amendments

Kendall County Zoning Ordinance Project

Mr. Asselmeier explained that the Comprehensive Land Plan and Ordinance Committee reviewed the Zoning Ordinance looking for typographical errors, incorrect citations, places to add acronyms, and conflicting and confusing language. The objectives of the project were to unify the Zoning Ordinance into one (1) searchable document. The Kendall County Regional Planning Commission will initiate text amendments to the Zoning Ordinance with each section as a separate petition. Because some sections are longer than others, because some sections have more changes, and because the workload of the Kendall County Regional Planning Commission varies each month, the number of sections reviewed by the Kendall County

Regional Planning Commission each month will vary. Also, the sections may not be advanced in chronological order. The goal is to have the entire Zoning Ordinance approved by the County Board by December 1, 2020. With this goal in mind, the sections that are approved by the County Board will not become effective until December 1, 2020.

Changes to the Future Land Use Map to Correspond to the 2019-2039 Long-Range Transportation Plan and Update to Municipal Boundaries

Mr. Asselmeier stated that, in December 2019, the County Board approved a 2019-2039 Long Range Transportation Plan.

This Plan has several changes from the Future Land Use Map contained in the Land Resource Management Plan. Fran Klaas suggested the following changes to the Land Resource Management Plan:

Remove

- Prairie Parkway
- Lisbon / Helmar Bypass.
- Caton Farm Road West Route 71
- Fox River Drive Westerly Bypass of Village of Newark.
- Whitfield Road Extension North to Griswold Springs Road
- Gates Lane West of Route 47
- County has now taken position to keep WIKADUKE Trail on the existing Stewart Road alignment all the way to Rance Road and then extend a new alignment northeasterly to Route 30 and Heggs Road.

Add

- Millington Road Extending North of Lions Road to Connect to Route 34.
- Walker Road Relocated West of Route 71 to Make Connection to New Fox River Drive / Crimmins Rd intersection
- Westerly Extension of Collins Road West of Minkler Road to Route 71.

In addition to these changes, the Planning, Building and Zoning Committee is also exploring connecting Millbrook Road with the Millbrook Bridge.

In addition to the changes to the Transportation Plan changes, Staff is proposing to update the Future Land Use Map to reflect municipal annexations that occurred since the last map update, correct the classification of the Minooka School District property near the intersection of Route 52 and County Line Road, and to classify the parcels of land shown as "Unknown" on the Future Land Use Map.

The Planning, Building and Zoning Committee could refer these changes to the Kendall County Regional Planning Commission at their February 10, 2020, meeting.

2019 PBZ Projects Summary & 2020 Future Projects/Goals

Mr. Asselmeier reported the summary for 2019 and 2020 future projects and goals.

46 Petitions Filed in 2019; 33 Petitions Filed in 2018; 33 Petitions Filed in 2017

Outdoor Shooting Range Zoning Regulations Adopted

Cannabis Zoning Regulations Adopted

New Junk and Debris Ordinance Adopted

Greater Enforcement of the Inoperable Vehicle Ordinance

Assisted with Preparing a Job Description for Part-Time Code Enforcement Officer

Prepared Proposal to Allow the Planning, Building and Zoning Department to Issue Citations of the Zoning Ordinance

Two Parties Were Found Guilty and Fined for Violating the Zoning Ordinance

Land Resource Management Plan Update in Lisbon Township Along Route 47 Denied

Fair Market Value Amendment to Land Cash Ordinance Denied

Fee Schedule Updated for Variance Applications

Update to the Kendall County Stormwater Management Ordinance Regarding Bulletin 70

Organized a Public Hearing Regarding Kendall County's Stormwater Management Ordinance

Distributed a Survey to the Townships Regarding Kendall County's Stormwater Management Activities

Organized a Joint Meeting of Historic Preservation Groups within the County

Implemented Historic Preservation Commission Awards

Met with Oswego Township, Fox Township, and Seward Township Regarding Their Roles in the Development Approval Process

Met with Kendall Township Regarding Cannabis Related Zoning Regulations

Noxious Weed Related Documents and Notices Drafted and Approved by the County Board

Continue Project with Teska to Correct Typographical and Citation Errors in the Zoning Ordinance

Complete Project with Teska to Correct Typographical and Citation Errors in the Zoning Ordinance

Update Transportation Plan in Land Resource Management Plan to Match the Long Range Transportation Plan

Continue to Meet with Townships Regarding Their Role in the Development Approval Process

Work with WBK Engineering to Review the County's Stormwater Regulations and Recommend Appropriate Changes Based on Changes in Federal and State Stormwater Regulations

Continue to Monitor Changes to Zoning Related Regulations at the State Level

Continue to Work with GIS to Ensure Correct Zoning Information for Each Parcel; Work Towards Formally Updating the Official Zoning Map

Continue to Work with GIS to Connect Parcels to the Applicable Special Use and Map Amendment Ordinances

Continue to Work to Ensure Special Use Permits that Require Renewals and Reviews Are Examined in a Timely Manner

Ensure that Noxious Weed and NPDES Permit Documents Are Submitted to the State in a Timely Manner

Increase the Visibility and Activities of the Historic Preservation Commission Through Collaboration with Other Historic Preservation Organizations and Events

Update to the Historic Preservation Ordinance to Obtain Certified Local Government Status

Review and If Necessary Update Job Descriptions for Department Staff

Continue Working with the Northwest Water Planning Alliance

Participate with Implementation of CMAP's 'On To 2050 Plan' for the Chicago Region

Continue Reviewing and Addressing Potential Changes to the Zoning Ordinance and Departmental Operations for Increased Efficiency

In 2019 there were nine (9) new special use permit applications initiated.

Regarding major amendments to special uses, there was one (1) in 2019.

Regarding minor amendments to special uses, there were two (2) in 2019.

There were four (4) special use permit revocations.

There was one (1) special use permit renewal.

There were zero (0) stand-alone variances.

There were four (4) approved and two (2) denied administrative variances.

There was one (1) stormwater variance.

There were three (3) approved conditional use permits.

There were two (2) site plan reviews.

There was one (1) plat of vacation.

One (1) text amendment was approved, one (1) was denied, and two (2) were withdrawn.

There was one (1) Land Resource Management Plan amendment denied.

There were three (3) map amendments approved in 2019.

There were no historic landmarks.

There was one (1) ongoing text amendments to the Historic Preservation Ordinance.

There were eight (8) ZPAC meetings in 2019.

The Regional Planning Commission met eleven (11) times in 2019, including the Annual Meeting.

The Zoning Board of Appeal met seven (7) times in 2019.

The Historic Preservation Commission met nine (9) times in 2019.

The Stormwater Management Oversight Committee met one (1) time in 2019.

The Comprehensive Land Plan and Ordinance Committee met seven (7) times in 2019.

The Planning, Building and Zoning Committee met nineteen (19) times in 2019.

Of the thirty-nine (39) ordinances approved by the County Board in 2019, twenty-two (22) were Planning and Building related.

The Department investigated zero (0) noxious weed violations in 2019.

In 2019, there were twenty (20) single-family residential permits approved in the unincorporated area. The breakdown by township and subdivision was provided to the Commission.

Claire Wilson arrived at this time (9:22 a.m.).

The Code Inspector did two hundred thirty-seven (237) site visits inspections in 2019.

There were four hundred six (406) building related violations in 2019 compared to one hundred ninety-six (196) building related violations in 2018. There were seven (7) zoning related violations in 2019 compared to five (5) the previous year.

Total permits issued were two hundred sixty-one (261) in 2019 compared to two hundred forty-two (242) in 2018.

Mr. Asselmeier read an email from Tom Horak of the City of Sandwich regarding the Little Rock Creek Watershed Plan. The City will be working with Applied Ecological Services, Inc. (AES) to prepare the Little Rock Creek Watershed Plan. The Fox River Watershed, which includes the Little Rock Creek Watershed, is featured as a priority for IEPA watershed-based plan funding. The nine minimum elements of the watershed plan must include the following: identify causes and sources of pollution that need to be controlled; determine load reductions needed; develop management measures to achieve goals; develop implementation schedule; develop interim milestones to track implementation of management measures; develop criteria to measure progress toward meeting watershed goals; develop monitoring component; develop information/education component; identify technical and financial assistance needed to implement plan. The City received a grant through the IEPA 319 program in an amount of \$48,000.00 for the \$80,000.00 project. The DeKalb County Community Foundation has contributed \$14,000.00 to the project. Other local project partners include Kendall County, DeKalb County, City of Plano, Sandwich Park District, the DeKalb County and Kendall County Soil and Water Conservation Districts, Kendall-Grundy Farm Bureau, Little Rock Township, Fox River Ecosystem Partnership, and The Conservation Foundation. There have two meetings thus far. AES presented the watershed inventory at the January 29th meeting. The next meeting will be March 18, 2020. The draft of the watershed resource inventory is to be submitted to the IEPA prior to May 1, 2020. The final watershed resource inventory report is to be submitted prior to July 1, 2020. The draft watershed-based plan document is due May 1, 2021, and the final watershed-based plan is due August 1, 2021. Discussion occurred regarding Sandwich's sewer system discharges.

Krysti Barksdale-Noble, United City of Yorkville, stated that Yorkville issued two thousand one hundred (2100) building permits in 2019. One hundred seventy-eight (178) new houses were constructed. Foreclosures declined in 2019. Ms. Barksdale-Noble highlighted new commercial

developments including the Holiday Inn Express, Arby's and new gas station by the water park. There were twenty-seven (27) building and zoning related applications in 2019. Yorkville continues to work on a downtown art program and tactical urbanism. Yorkville is working on a unified development ordinance that will result in an interactive, web-based smart code. Yorkville adopted the 2018 ICC Code. They are working on updates to their Comprehensive Plan. A public hearing on proposed changes to the Comprehensive Plan is scheduled for February 12th and includes changing classifications on Eldamain Road, highlighting the BNSF certified site, and proposed METRA stops. Yorkville is working on updating boundary agreements with Plano, Plainfield, and Oswego.

Rod Zenner, Village of Oswego, stated ninety (90) residential starts occurred in 2019. Oswego issued six thousand (6,000) residential permits. The Shodeen project is under construction with retail, apartments, and parking planned. The Old Village Hall Block will have a restaurant and residential on the upper stories of the project. Oswego updated their building codes to the 2018 ICC codes. They are working on a unified development ordinance, a bicycle-pedestrian plan, and partnering either with Joliet or DuPage for Lake Michigan water.

Jonathan Proulx, Village of Plainfield, stated two hundred (200) new homes were permitted in Plainfield in 2019, thirty-one (31) of which were in Kendall County. The apartment development on WIKADUKE Trail and 127th was still under construction. There was a new warehousing facility built at 143th Street and the Village is working with the County on an extension of 143rd street to Ridge Road.

Jeff Palmquist, Fox Valley Park District, said that no new additions occurred in Kendall County. However, the Stuart Sports Complex continues to be a regional and national destination for sporting events which has had a positive economic impact on the region. The Park District is working with the Village of Montgomery on bicycle-pedestrian planning and new trails.

Scott Gryder, Kendall County Board Chairman, thanked the Kendall County Regional Planning Commission for their service. Chairman Gryder thanked the municipalities for providing updates on their activities. He noted that the State is funding the construction of the Eldamain Road bridge. He advised everyone to consider the impacts of the new bridge. He noted the importance of the Collins Road extension and the impacts on traffic by this extension. He mentioned the importance of the WIKADUKE Trail. Chairman Gryder discussed the widening of Route 47 in Kendall County and pressure on County roads caused by this widening. He advised the Commission to examine Little Rock Road and Galena Road regarding traffic congestion and the area around Woody's Orchard with regards to traffic. He reminded everyone that Kendall County is the fastest growing County in state and increased economic development through data centers and agricultural related businesses.

Old Business

None

New Business

None

Public Comment

None

Other Business

None

Adjournment

Member Hamman made a motion, seconded by Member Nelson, to adjourn the meeting. With a voice vote of nine (9) ayes, the motion carried. At 10:01 a.m. the Regional Plan Commission adjourned.

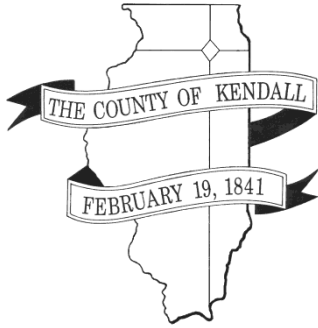
Submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Enc.

KENDALL COUNTY REGIONAL PLANNING COMMISSION ANNUAL MEETING ATTENDANCE SIGN IN SHEET

February 1, 2020- 9:00 A.M.

NAME	ADDRESS (Optional)	EMAIL ADDRESS (Optional)
Jim Bateman	BICFD	
Ral Zehner	100 Parkers Mill Oshgo	
Kristi Noble	CITY OF Yorkville	knoble@yorkville.il.us
Tom Lindblom	BRISTOL-PENNINGTON FIRE	
John Bateman		
Paul Wynne		
Jo Ann Gylk		
Jonathan Probst	PLAINFIELD	JPROBST@GOPLANFIELD.COM
Jeff Palmquist	FOX VALLEY PARK DISTRICT	JPalmquist@foxval.net
Megan Andrews	Kendall Co SWCD	
Scott Gryder	Kendall Co.	



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Planning Commission
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: February 7, 2020
Re: Petition 19-41 Request from the Kendall County Planning, Building and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Zoning Code Enforcement (Citation Authority) and Fines

For the last several months, the Planning, Building and Zoning Committee has been discussing allowing the Planning, Building and Zoning Department to issue citations in an effort to streamline and increase the time for obtaining compliance for violations to the Zoning Ordinance.

In summary, this proposal does the following:

1. Moves the procedure for handling violations of the signage portion of the Ordinance (Section 12) to the same section as the procedure for handling other violations of the Zoning Ordinance. Violations to the signage portions of the Zoning Ordinance will be treated the same as violations of other portions of the Zoning Ordinance.
2. Establishes the procedures for issuing citations and other remedies of violations to the Zoning Ordinance.
3. Abolishes the Hearing Officer for Zoning Ordinance violations. All citations will be sent to court for hearings.
4. Clarifies the fines the County may pursue in cases of violations.
5. Sets the fine structure for violations of the site plan review portions of the Zoning Ordinance as the same as other violations of the Zoning Ordinance.
6. Moves the procedure for handling violations of the site plan review portions of the Zoning Ordinance to the same section as the procedure for handling other violations of the Zoning Ordinance. Violations to the site plan portions of the Zoning Ordinance will be treated the same as violations of other portions of the Zoning Ordinance.

On October 7, 2019, the Planning, Building and Zoning Committee voted to initiate this text amendment and have the State's Attorney's Office assist in preparing the amendment. On November 12, 2019, the Committee reviewed the changes Staff incorporated based on the State's Attorney's Office's comments and the Committee did not object to the changes to the proposal. The Committee was asked to review retaining the Hearing Officer. At their meeting on January 13, 2020, the Committee chose not to amend the proposal and remove the Hearing Officer.

This proposal was sent to the townships on January 22, 2020. To date, no comments have been received from the townships.

ZPAC reviewed this proposal at their meeting on February 4, 2020. ZPAC recommended approval of the proposal without objection; three (3) members were absent.

The redlined copy of the proposal is attached.

If you have any questions, please let me know.

MHA

ENCs.: Redlined Proposal
February 4, 2020 ZPAC Minutes

Zoning Citation Authority Proposal

Reference 55 ILCS 5/5-12017 and 55 ILCS 5/5-1113

1. The first paragraph of Section 12:19 is amended as follows:

Any of the following shall be a violation of this ordinance and shall be subject to the ~~procedures in case of violation and penalties found in Section 13:00 of this Ordinance as well as the remedies set forth in Section 13:00 of this Ordinance. enforcement remedies and penalties in accordance with the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law.~~

2. Section 12:20 is deleted in its entirety (language moved to Sections 13:01.A or 13:11).

~~12.20 ENFORCEMENT AND REMEDIES~~

~~A. Any violation or attempted violation of this ordinance, or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings as provided for under the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law: (Amended 8/17/04)~~

~~Issuing a stop-work order for any and all work on any signs in the same zoning lot;~~

~~Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;~~

~~Imposing any penalties that can be imposed directly by the County under the zoning ordinance;~~

~~Seeking in court the imposition of any penalties that can be imposed by such court under the zoning ordinance; and~~

~~In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the County under the applicable provisions of the zoning ordinance and building code for such circumstances.~~

~~Enforcement of building codes.~~

~~The County shall have such other remedies as provided for or allowed by state law for the violation of the zoning ordinance and building code.~~

~~All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.~~

3. Section 13:01.A.3 is amended as follows:

~~Procedure in case of violation. Whenever the Zoning Administrator or his or her designee determines that a violation of this Ordinance has occurred, the Zoning Administrator or his or her designee shall sign and cause a written Citation to be served upon the owner, tenant, and/or occupant of the property (it being the intent of this Ordinance to make all such persons jointly and severally liable for compliance), which Citation shall inform the person served of the Ordinance violation and the date of a required court appearance.~~

~~Any violation or attempted violation of this Ordinance, or any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by any of the following remedies or any other remedies available at law or in equity:~~

~~Issue a stop-work order for any and all work or use;~~

~~Revoke all permits and cause the cessation of any and all construction activities;~~

~~Seek an injunction or other order of restraint or abatement that requires the removal of the sign(s), the correction of the nonconformity, or the abatement of the activity or use;~~

~~Impose any penalties that can be imposed directly by the County under the Zoning Ordinance;~~

~~Seek in court the imposition of any penalties that can be imposed by such court under the Zoning Ordinance;~~

~~In the case of a sign, construction activity, or use that poses an immediate danger to the public health or safety, taking such measures as are available to the County under the applicable provisions of the zoning ordinance and building code for such circumstances; and~~

~~Enforcement of building codes.~~

All enforcement procedures found in this Ordinance are cumulative and the County shall have available all remedies for violations of this Ordinance as provided for or allowed by State law.

~~Whenever there is found a violation of the terms of this ordinance, the Zoning Administrator or his or her designee shall file a formal complaint in accordance with the procedures as established under the ordinances of the County regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law. When compliance is so secured, the Zoning Administrator shall issue an occupancy certificate certifying such compliance.~~

4. Section 13:01.D is deleted in its entirety.

~~13.01.D. HEARING OFFICER.~~

~~A Hearing Officer shall be appointed by the County Board on the basis of training and experience which qualifies them to conduct hearings, make recommendations or findings of fact and conclusions on the matters heard and otherwise exercise and perform the powers, duties and functions delegated in accordance with this Section. The Hearing Officer shall receive such compensation as the County Board shall provide, and the County Board may establish a schedule of fees to defray the costs of providing a hearing officer. (Amended 4.20.04)~~

~~1. Powers and Duties. Hearing Officer shall be responsible for:~~

~~a) Conducting hearings and performing all other duties as assigned under the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County. (Amended 3.21.18)~~

5. Section 13:09 is reserved and the following language is moved to Section 13:11 and amended as follows:

13:11 PENALTIES.

Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a petty offense punishable by a fine not to exceed \$500 with each week the violation remains uncorrected constituting a separate offense ~~and shall be assessed in accordance with the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law. (Amended 8.17.04).~~

In addition to the above, the County may take summary steps to abate violations to this Ordinance and charge the violator with the cost of abating the violation. Upon nonpayment, the County may file a lien against the property.

In addition to the fines herein, the County shall be entitled to all costs of prosecution, including attorney fees incurred by the County, and the cost, if any, of abating the violation.

6. Section 13:10.H is amended as follows (language moved to Sections 13:01.A.3 and 13:11):

13.10 SITE PLAN REVIEW

H. Enforcement. It is the policy of the County that enforcement of this Site Plan review requirement is in the highest public interest. If any person, firm, or corporation violates the provisions of this **Section Chapter**, the County may exercise any or all of the remedies and penalties available under law. **including, but not limited to the following:**

~~1. Imposition of a fine of not less than \$100 nor more than \$1,000 for the first offense. For the second and subsequent offences, the fine shall not be less than \$500 nor more than \$1,000. A separate offense shall be deemed committed on each day during or on which such violation occurs or continues.~~

~~2. Said violation shall be considered a nuisance. The County may take summary steps to abate the nuisance and charge the violator with the cost of abating the nuisance. Upon nonpayment, the County may file a lien against the property.~~

~~3. If the violation occurs in connection with the development of property or the building of structures, the County may revoke all permits and cause the cessation of any and all construction.~~

~~4. The County may obtain an injunction requiring the abatement of the violation.~~

~~5. In addition to the fines herein, the County shall be entitled to all costs of prosecution, including attorney fees incurred by the County, and the cost, if any, of abating the violation.~~

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
February 4, 2020 – Unapproved Meeting Minutes**

PBZ Chairman Matthew Prochaska called the meeting to order at 9:00 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Matt Asselmeier – PBZ Department
Meagan Briganti – GIS
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Matthew Prochaska – PBZ Committee Chair
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department
David Guritz – Forest Preserve

Audience:

None

AGENDA

Mr. Rybski made a motion, seconded by Ms. Andrews, to approve the agenda as presented. With a voice vote of seven (7) ayes, the motion carried.

MINUTES

Ms. Briganti made a motion, seconded by Commander Langston, to approve the January 7, 2020, meeting minutes. With a voice vote of seven (7) ayes, the motion carried.

PETITIONS

Petition 19-41 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

For the last several months, the Planning, Building and Zoning Committee has been discussing allowing the Planning, Building and Zoning Department to issue citations in an effort to streamline and increase the time for obtaining compliance for violations to the Zoning Ordinance.

In summary, this proposal does the following:

1. Moves the procedure for handling violations of the signage portion of the Ordinance (Section 12) to the same section as the procedure for handling other violations of the Zoning Ordinance. Violations to the signage portions of the Zoning Ordinance will be treated the same as violations of other portions of the Zoning Ordinance.
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On October 7, 2019, the Planning, Building and Zoning Committee voted to initiate this text amendment and have the State's Attorney's Office assist in preparing the amendment. On November 12, 2019, the Committee reviewed the changes Staff incorporated based on the State's Attorney's Office's comments and the Committee did not object to the

changes to the proposal. The Committee was asked to review retaining the Hearing Officer. At their meeting on January 13, 2020, the Committee chose not to amend the proposal and remove the Hearing Officer.

The redlined proposal was reviewed by the Committee.

Mr. Holdiman made a motion, seconded by Ms. Briganti, to recommend approval of the proposal.

Ayes (7): Andrews, Asselmeier, Briganti, Holdiman, Langston, Prochaska, and Rybski
Nays (0): None
Present (0): None
Absent (3): Chismark, Guritz, and Klaas

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on February 26, 2020.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier distributed copies of the Planning, Building and Zoning Department's Annual Report. Mr. Holdiman noted that the County updated to the 2018 ICC Codes.

Mr. Asselmeier informed the Committee that the Kendall County Regional Planning Commission would initiate petitions to update the Zoning Ordinance. A general summary was provided to Committee members.

Mr. Asselmeier provided an update on proposed changes to the Land Resource Management Plan. The Kendall County Planning, Building and Zoning Committee would be reviewing these changes at their February 10th meeting.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Ms. Andrews made a motion, seconded by Mr. Rybski, to adjourn. With a voice vote of seven (7) ayes, the motion carried. The ZPAC, at 9:17 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Zoning Ordinance Changes Summary

Throughout the Document

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

Section 1:00 Title

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

Section 2:00 Intent and Purpose

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

Section 3:00 Rules and Definitions

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

12. The definition of Loading and Unloading Space, Off Street was amended by deleting the phrase of land.
13. The definition of Microbrewery was amended by clarifying the Class 1 brewer reference from State law.
14. The definition of Non-Conforming Use was moved to the appropriate place alphabetically.
15. The reference “see Billboard” was added to the definition Outdoor Advertising Structure: Billboard.
16. The reference to eleemosynary institutions was removed from the definition of Philanthropic Institutions.
17. The definition of Railroad Right-of-Way was amended to clarify that the definition only applied to certain uses under regulation by the Interstate Commerce Commission.
18. The definition of Service Station was amended by replacing referencing with public garage with motor vehicle repair facility.
19. The definition of Short-Term Rental was added.

Section 4:00 General Provisions

1. In Section 4:03, the buildings and structures shall conform to regulations, not just building regulations.
2. In Section 4:05.A.3, merchandise storage shall be on the same lot as the business use and not restricted to just retail services.
3. In Section 4:05.A.15, short-term rentals were added as accessory uses provided they are registered.
4. In Section 4:05.B, Permitted Obstructions Table, the reference to attached accessory buildings for eaves and gutters was removed.
5. In Sections 4:06.1 and 4:07.1, research and development businesses were exempted from the requirement that they be conducted indoors.
6. In Section 4:06.6 and 4:07.7, noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbances cannot be perceivable at the property line or cross the property line unless otherwise permitted by law.

7. In Section 4:18.L, the fee schedule for solar panels was adjusted to round kW up to the nearest whole number.

ZONING ORDINANCE OF KENDALL COUNTY

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

SECTION 1:00 TITLE

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

SECTION 2:00 INTENT AND PURPOSE

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

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

SECTION 3:00 RULES AND DEFINITIONS

Updated on 11.19.19

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.
- F. Words and terms not defined shall have the meanings indicated by common dictionary definition.**

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)

SECTION 3:00 RULES AND DEFINITIONS

Updated on 11.19.19

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 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

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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)*

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT. An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization. *(Amended 11/19/2019)*

ADULT-USE CANNABIS CRAFT GROWER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder. *(Amended 11/19/2019)*

ADULT-USE CANNABIS CULTIVATION CENTER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder. *(Amended 11/19/2019)*

ADULT-USE CANNABIS DISPENSING ORGANIZATION. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder. *(Amended 11/19/2019)*

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder. *(Amended 11/19/2019)*

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, as it may be

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amended from time-to-time, and regulations promulgated thereunder. *(Amended 11/19/2019)*

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER. An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder. *(Amended 11/19/2019)*

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

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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 (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, hangars 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

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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.

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**

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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 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.

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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. 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)

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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.**~~

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 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

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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.

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

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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.

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".

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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 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

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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 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

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cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

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

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

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

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

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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.

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

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.

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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:

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-

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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, 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:

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skating rink, arcades, billiards rooms/pool halls, dance hall/club, dance/music school or studio, gymnastic facility, martial arts facility, sports training facility, health/fitness club, and similar land uses. Adult and Regulated Uses are specifically excluded from this category.

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

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

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

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

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 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.

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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.

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".

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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 definition from State law shall govern. (Amended 11/19/2019)

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 this definition and the statute, the definition from State law shall govern. (Amended 11/19/2019)

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 DISTILLERY. 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)

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.

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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.

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

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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 (See Billboard).

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.

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 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.

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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, ~~ect~~ 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 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.

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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 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

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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, 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

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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".

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

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

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

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

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

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

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

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

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

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

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

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

~~**SMALL POULTRY AND SMALL ANIMAL PROCESSING PLANT.** Operations in which the carcasses of slaughtered poultry are defeathered, eviscerated, cut-up, skinned, boned, canned, salted, stuffed, rendered, or otherwise manufactured or processed.~~

SECTION 3:00 RULES AND DEFINITIONS

Updated on 11.19.19

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 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

SECTION 3:00 RULES AND DEFINITIONS

Updated on 11.19.19

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)

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.

SECTION 3:00 RULES AND DEFINITIONS

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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 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.

SECTION 3:00 RULES AND DEFINITIONS

Updated on 11.19.19

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 exceeds 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 than 7 days including weekends.

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

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.

SECTION 3:00 RULES AND DEFINITIONS

Updated on 11.19.19

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.

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

SECTION 3:00 RULES AND DEFINITIONS

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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 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)*

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.

SECTION 3:00 RULES AND DEFINITIONS

Updated on 11.19.19

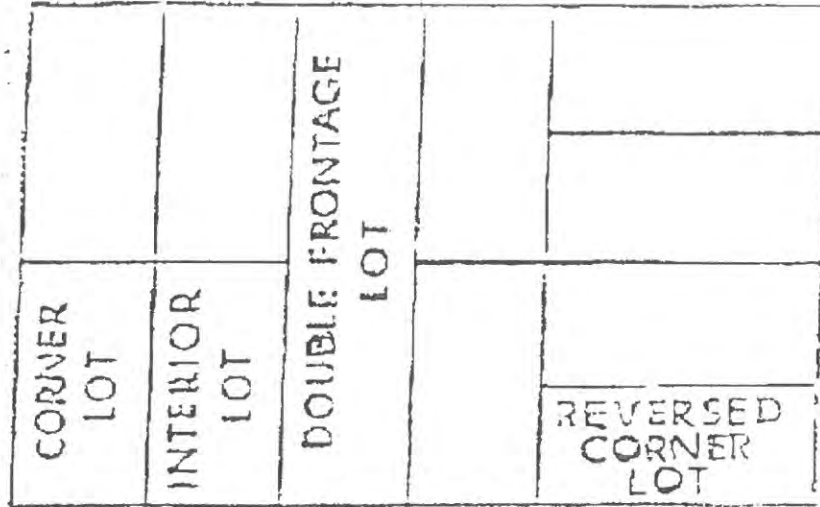
ZONING MAPS. The map or maps incorporated into this Ordinance as a part hereof, designating Zoning Districts.

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.

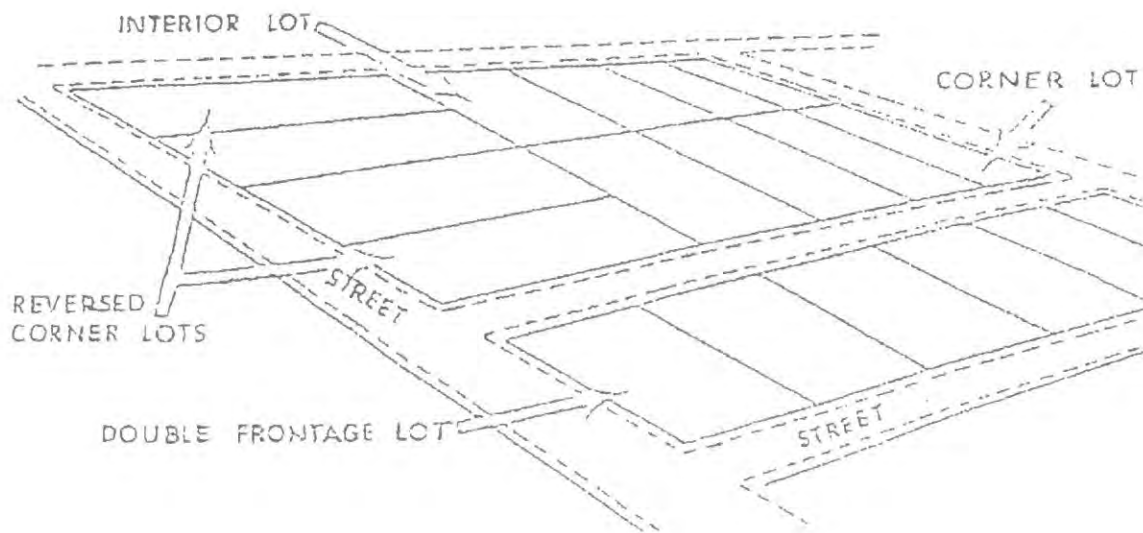
ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC). An informal, strictly advisory committee and not a County Board committee comprised primarily of County staff and advisors. Membership includes, but is not limited to, representatives from the County ~~Planning, Building and Zoning (PBZ)~~ Department (**PBZ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

EXAMPLE OF LOT TYPES

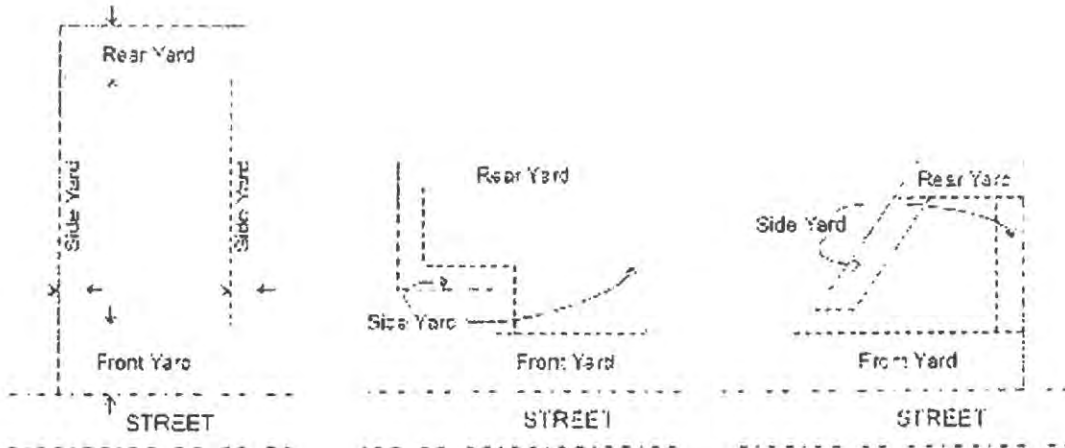
STREET



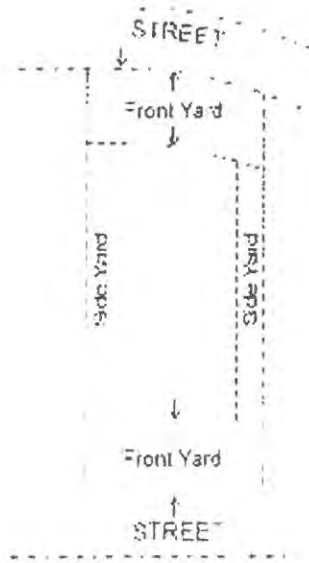
STREET



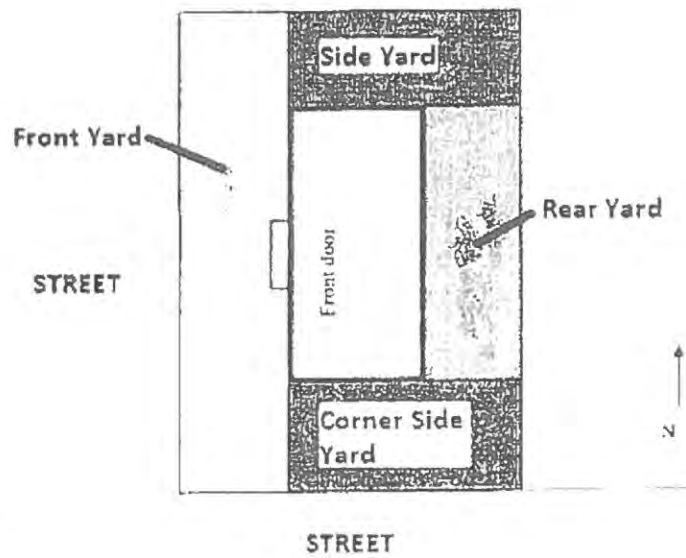
REQUIRED YARDS ILLUSTRATED



INTERIOR LOTS



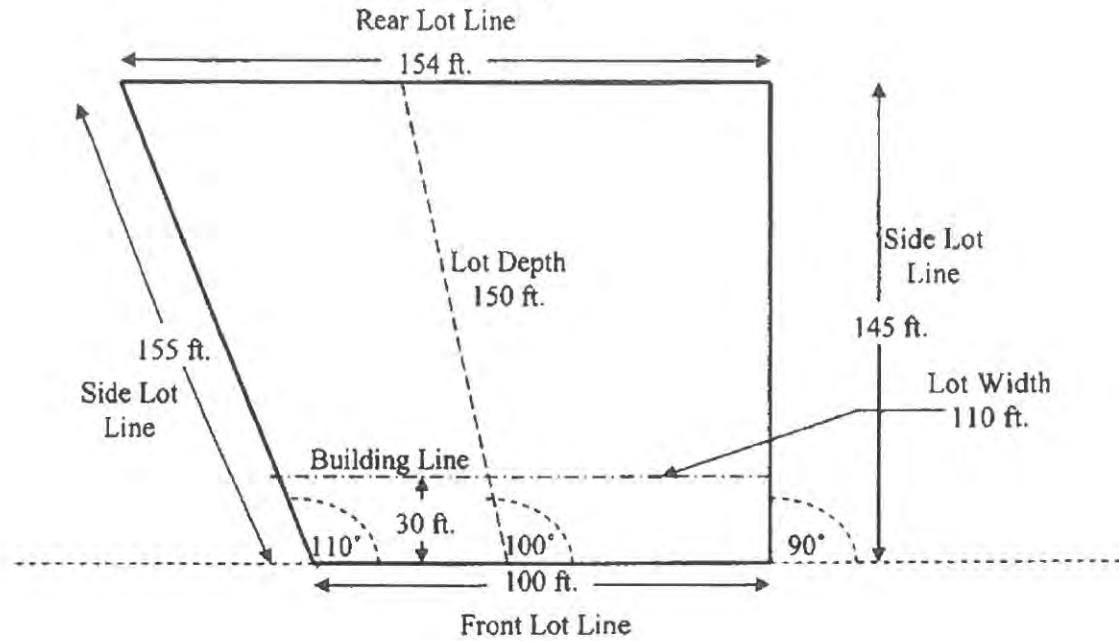
THROUGH LOT



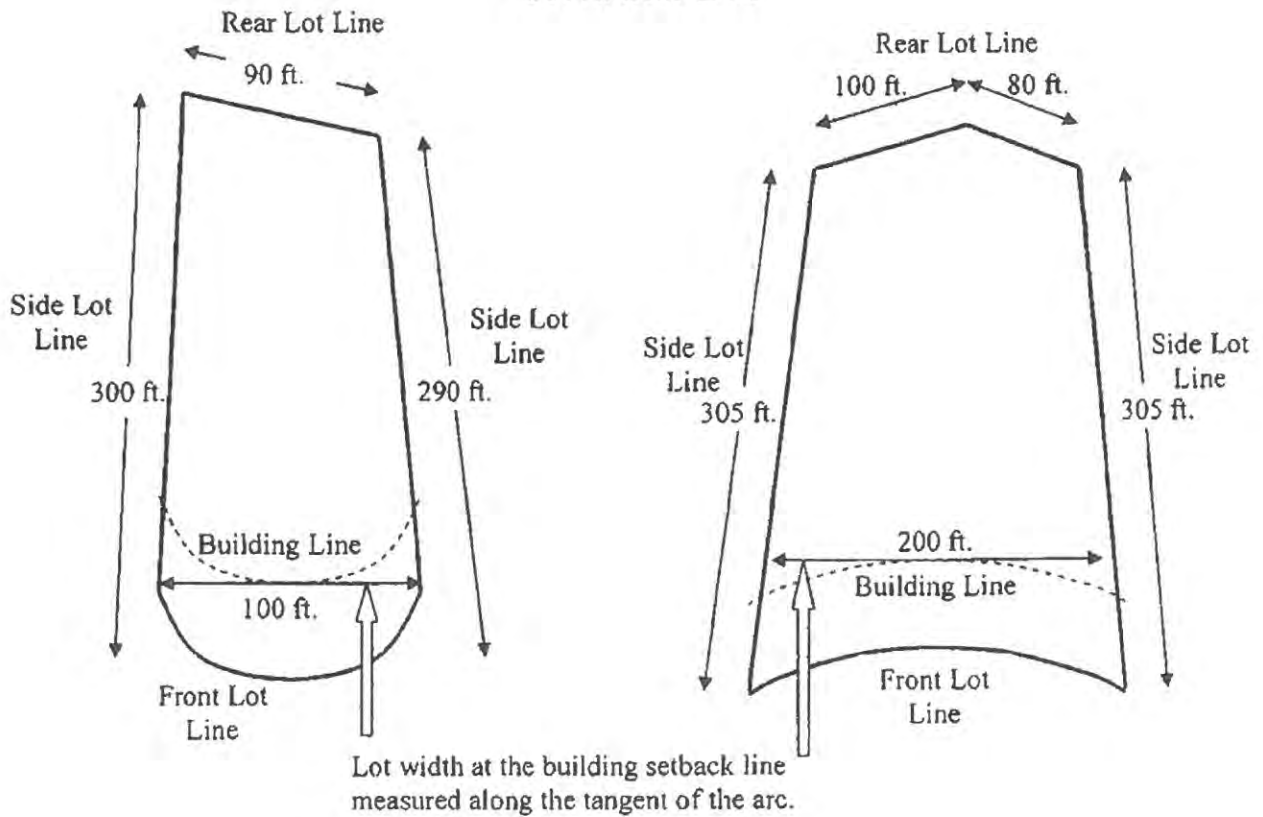
CORNER LOT

On a corner lot, the corner side yard is from the side of the house to the street, where the front of the houses faces is considered the front yard.

**Lot Width & Depth Explained
Rectangular Lots**



Curvilinear Lots

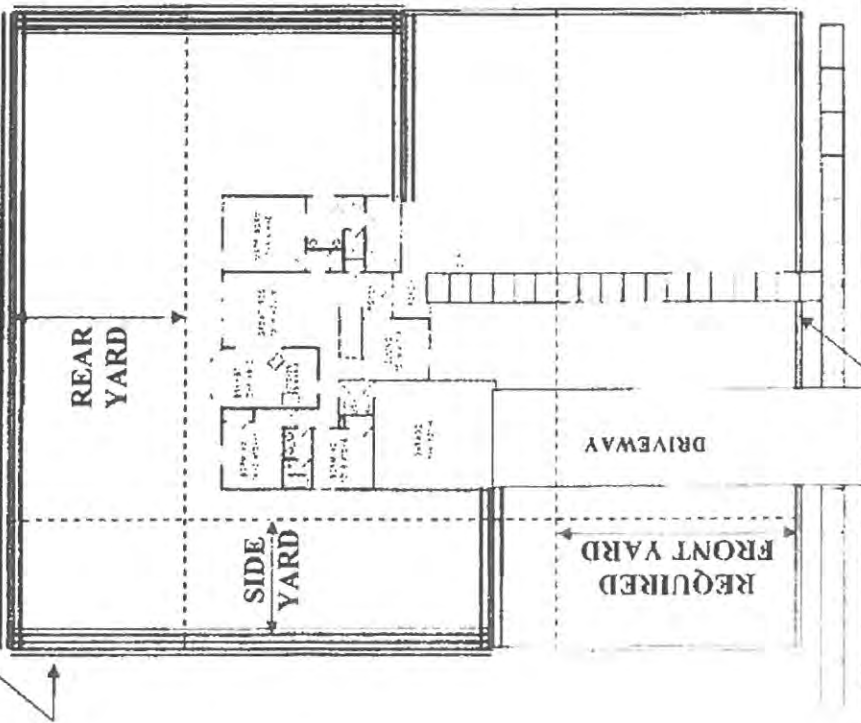


PERMITTED FENCES,
LOCATIONS IN YARDS AND
HEIGHT LIMITS ILLUSTRATED

Residential Districts

INTERIOR LOT

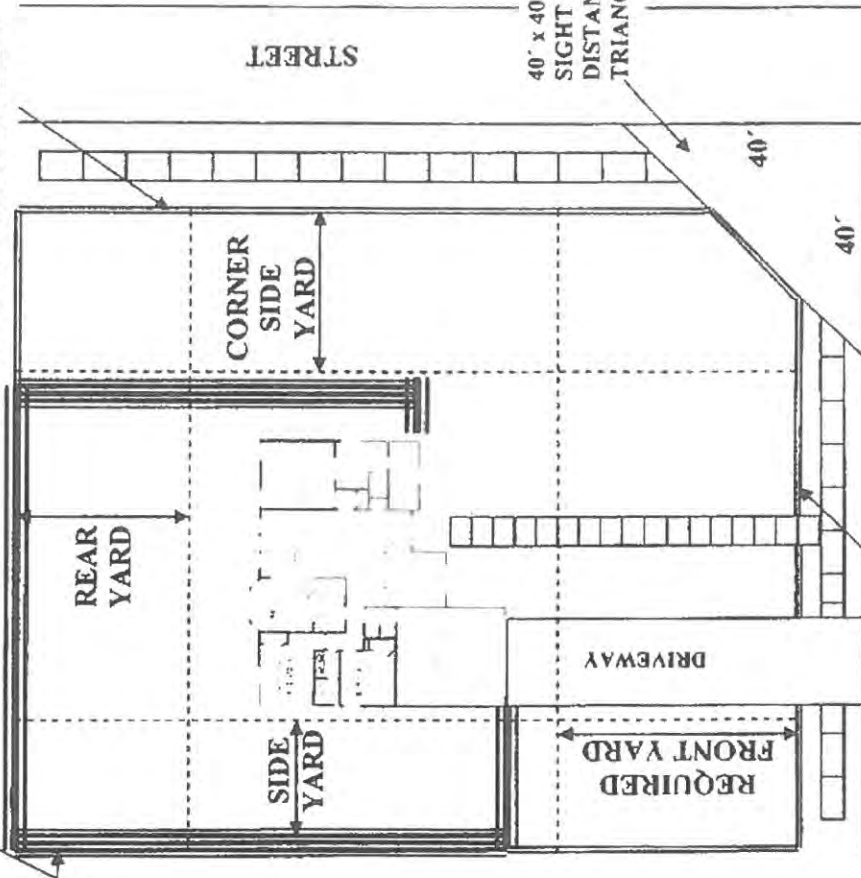
IN REAR & SIDE YARDS HEIGHT LIMIT IS:
6 ft. Semi-solid & solid fences in Residential
8 ft. abutting Business & Manufacturing Districts



OPEN &/OR DECORATIVE
FENCES IN FRONT YARDS
MAY BE 4 ft. IN HEIGHT

IN REAR & SIDE YARDS

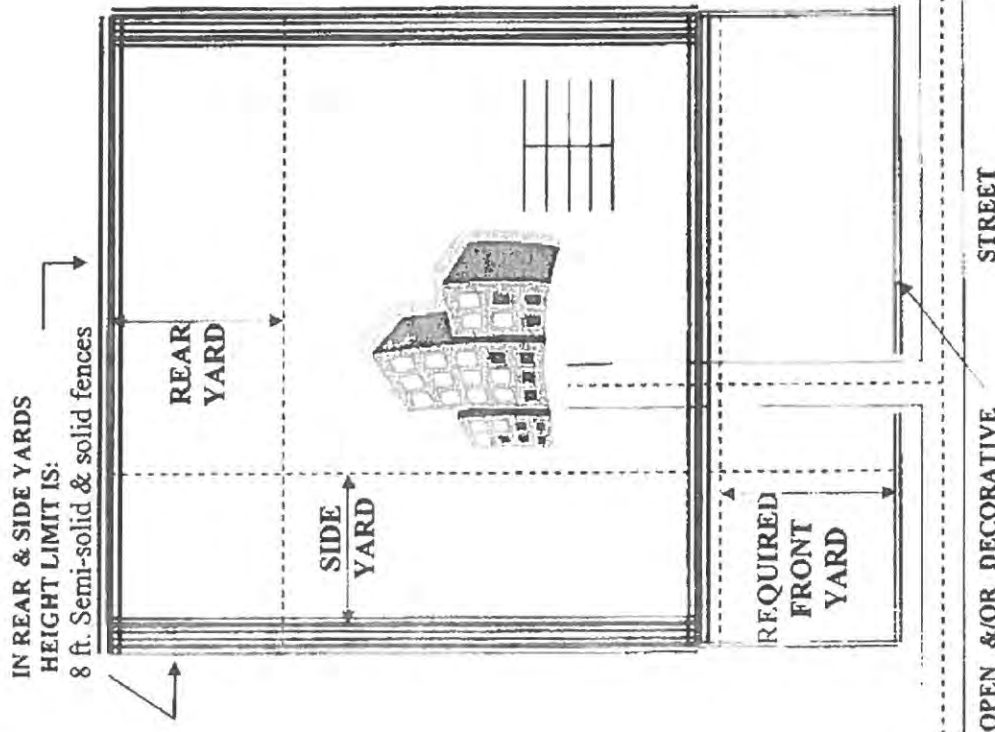
HEIGHT LIMIT IS:
6 ft. Semi-solid & solid fences in Res.
8 ft. abutting Bus. & Mfg.



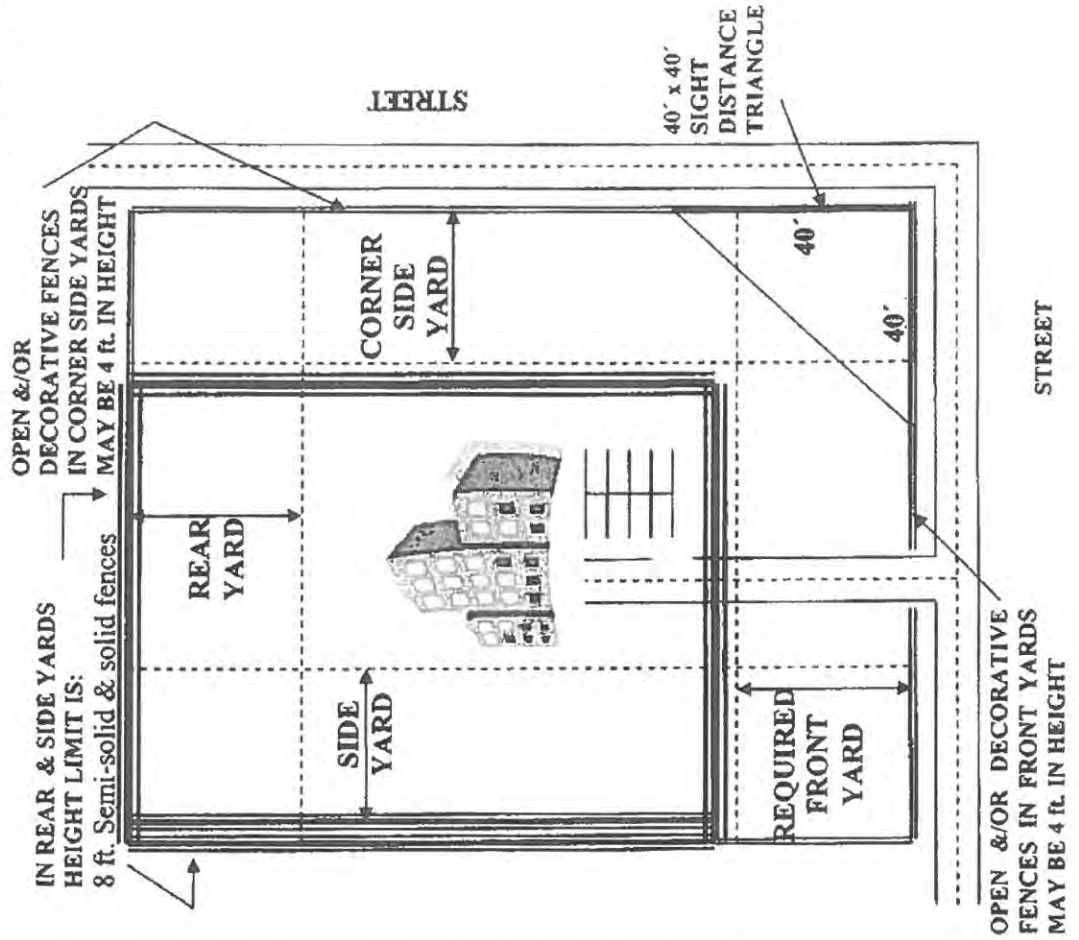
OPEN &/OR DECORATIVE
FENCES IN FRONT YARDS
MAY BE 4 ft. IN HEIGHT

PERMITTED FENCES,
LOCATIONS IN YARDS AND
HEIGHT LIMITS ILLUSTRATED
Business & Manufacturing Districts

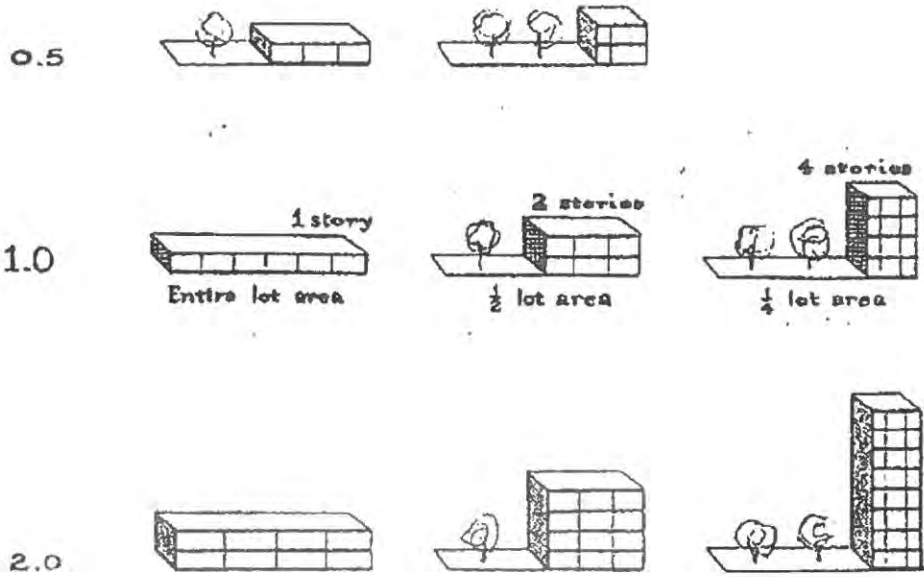
INTERIOR LOT



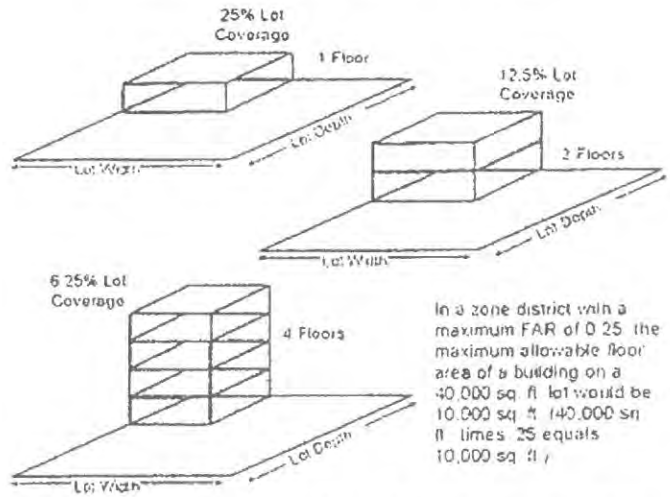
CORNER LOT



FLOOR AREA MEASUREMENTS (how to calculate)



Possible Building Configurations for 0.25 FAR



In a zone district with a maximum FAR of 0.25 the maximum allowable floor area of a building on a 40,000 sq ft lot would be 10,000 sq ft (40,000 sq ft times .25 equals 10,000 sq ft)

NOTE: Variations may occur if upper floors are stepped back from ground level lot coverage.

$$\text{Floor Area Ratio (FAR)} = \frac{\text{Gross Building Area (All Floors)}}{\text{Lot Area}}$$

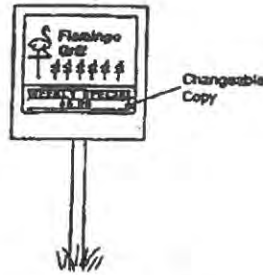
SECTION 12.00 SIGNS

KENDALL COUNTY SIGN ORDINANCE

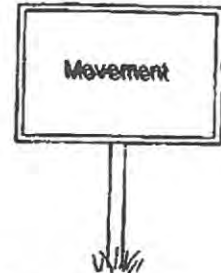
SIGN DEFINITIONS



Banner Sign



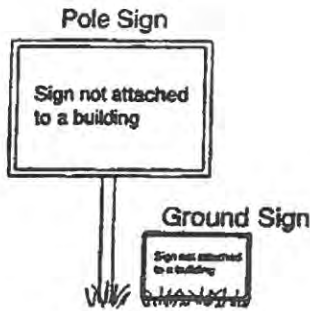
Changeable Sign



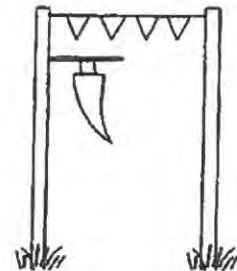
Animated Sign



Construction Sign



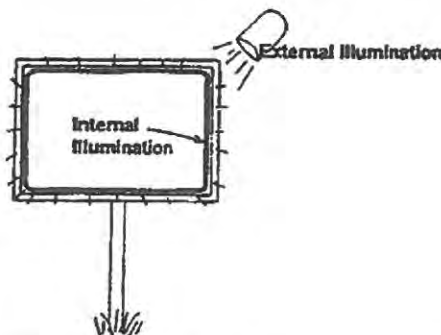
Freestanding Signs



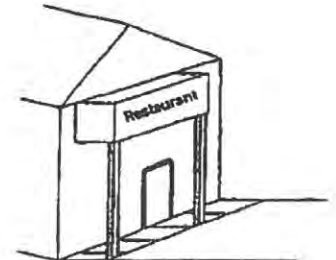
Pennant



Inflatable Sign



Illuminated Sign



Marquee or Canopy Sign

SECTION 12.00 SIGNS

KENDALL COUNTY SIGN ORDINANCE

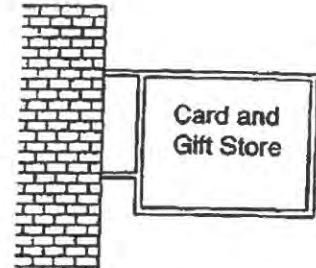
SIGN DEFINITIONS



Memorial or
Tablet Sign



Portable Sign



Projecting Sign



Roof Sign



Wall Sign



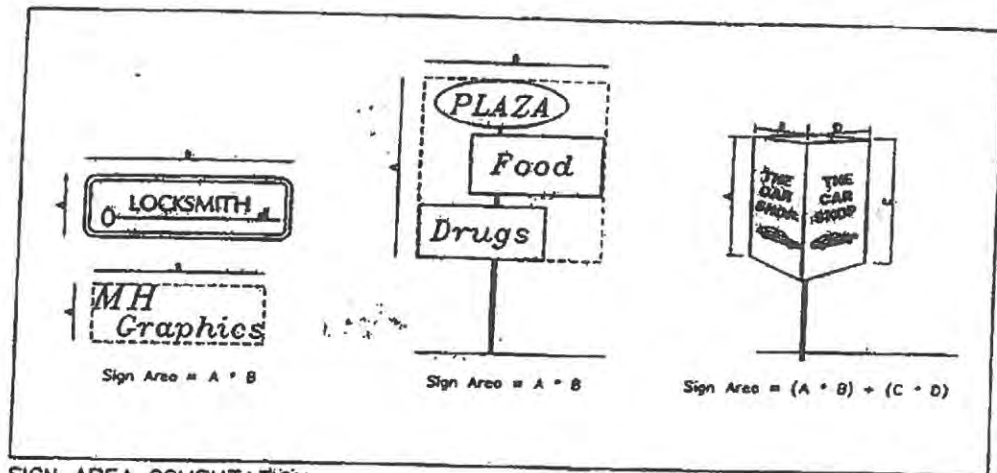
Real Estate Sign



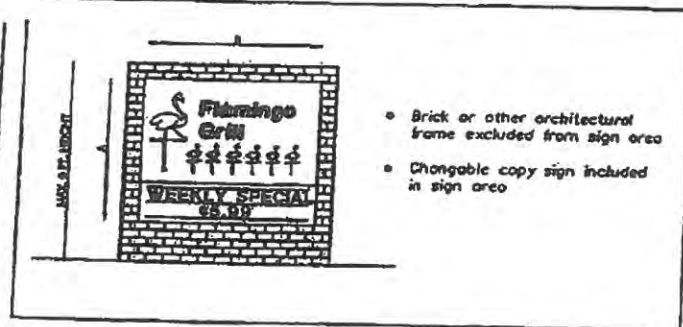
Nameplate

SECTION 12.00 SIGNS

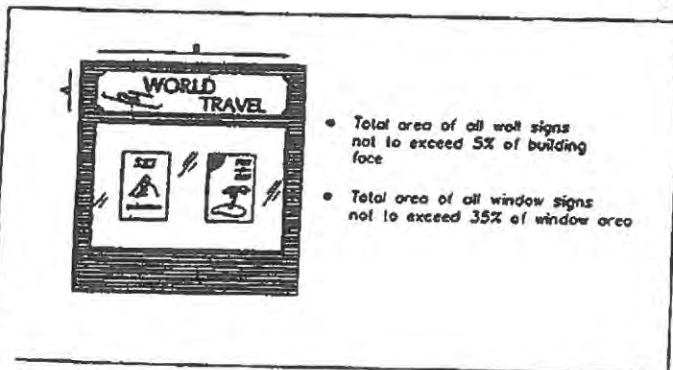
KENDALL COUNTY SIGN DIAGRAMS



SIGN AREA COMPUTATION



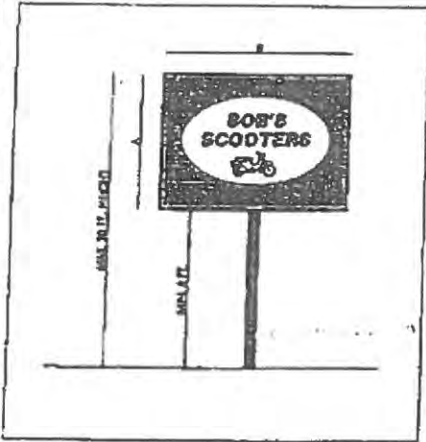
GROUND SIGN



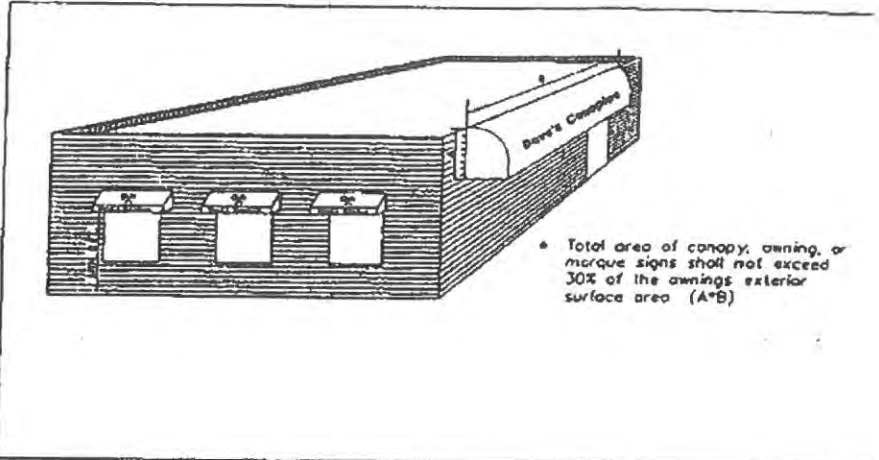
WALL AND WINDOW SIGNS

SECTION 12.00 SIGNS

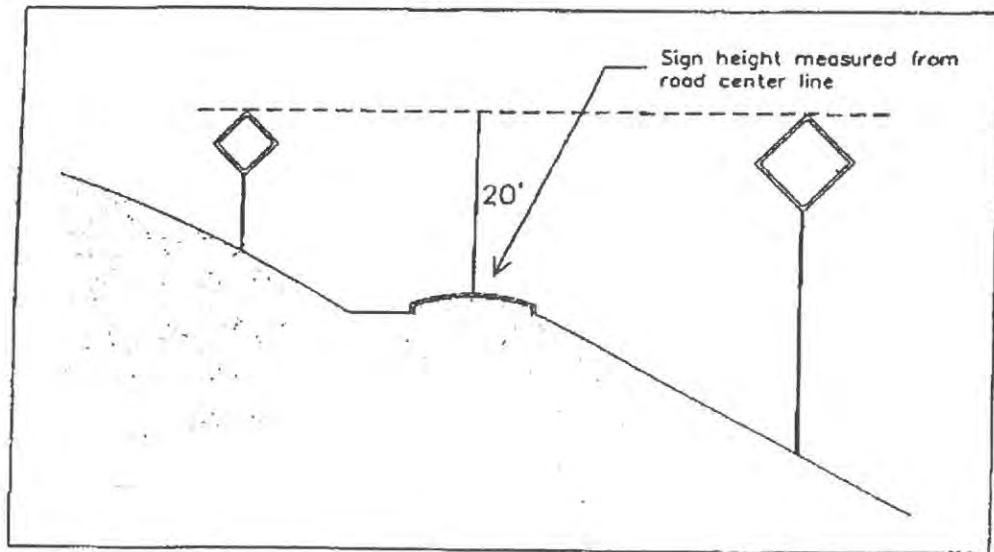
KENDALL COUNTY SIGN DIAGRAMS



POLE SIGN



CANOPY AND AWNING SIGNS



SIGN HEIGHT

SECTION 4:00 GENERAL PROVISIONS

Updated on 11.20.18

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)
- 15. Short-Term Rental provided the property is annually registered with the Kendall County Planning, Building and Zoning Department.**

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

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

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

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

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Permitted Obstruction	Front	Side	Rear
Balconies			X
Bay windows - projecting not more than three (3) feet into a yard.	X	X	X
Chimneys, attached - projecting not more than three (3) feet into a yard.	X	X	X
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. **Research and development related businesses shall be exempt from the requirement that the home occupation be conducted entirely within the dwelling or permitted accessory structure, unless otherwise prohibited by law.**
2. A maximum sign of **eight** (8) square feet will be permitted but must meet setback requirements in ~~s~~Section 11:00 of the Zoning Ordinance and be unlit.
3. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises except that items incidental to the home occupation may be sold, i.e., hair products may be sold at a salon.
4. No person shall be employed on site other than members of the family residing on the premises and two persons outside the family, providing that additional persons outside of the family may be permitted by the **Zoning Board of Appeals ZBA** pursuant to an application for special use filed in accordance with the provisions of this ordinance.
5. The number of off-street parking spaces for that use is provided as required by the ~~Off-Street Parking, Loading, and Landscape Requirements~~ **Section 11:00** of this Ordinance.
6. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines, **unless otherwise permitted by law.**

4:07 HOME OCCUPATION- RESIDENTIAL provided:

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

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

4:08 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

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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.

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 ~~e~~Ordinance, it shall be considered as legal use, without further action of the County Board, the Zoning Administrator or the Board of Appeals.

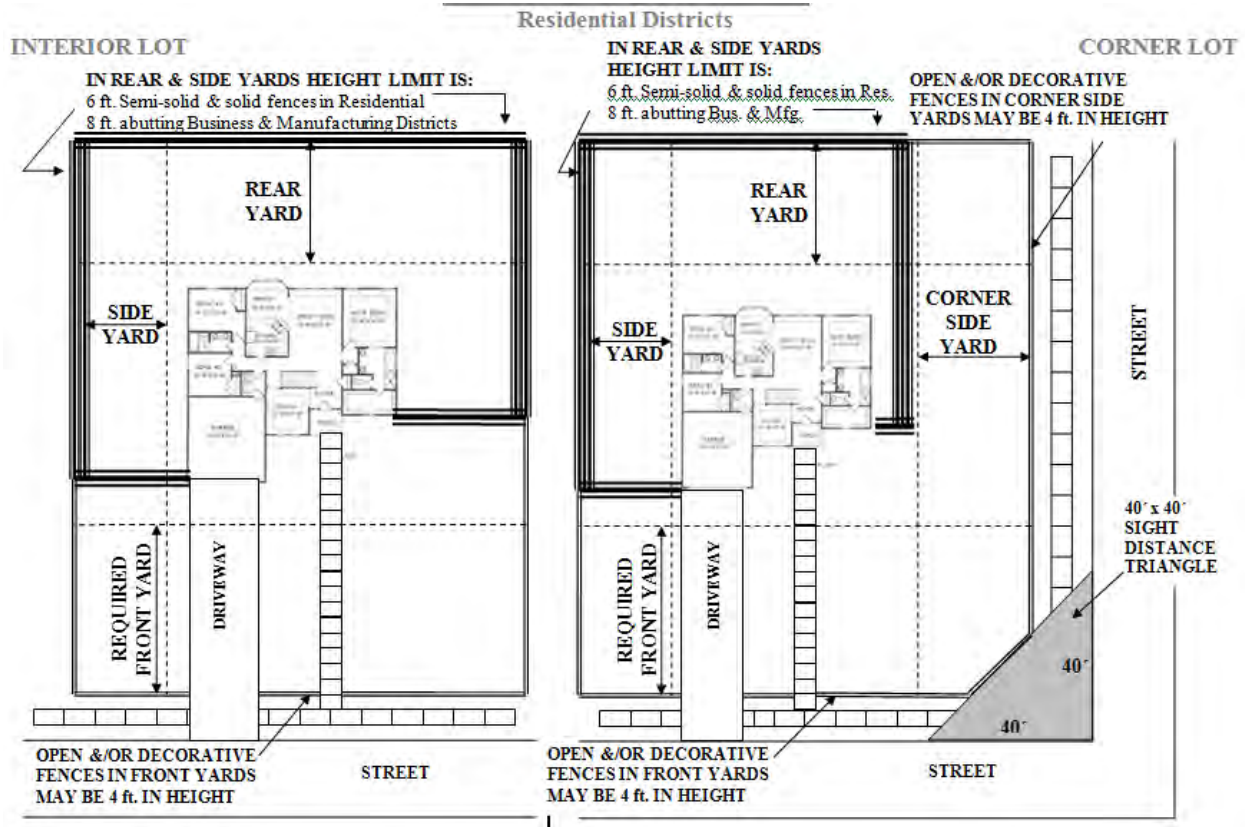
4:14 FENCES

- 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:

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1. Fences located in the A-1 District shall be excluded from any fence height restriction or fence type restriction specified in this section below.
2. Only decorative or open fences, which do not exceed four feet (4') in height, are allowed in a front yard. (The front yard is a yard lying between the roadway right-of-way line and the nearest line of the building)



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)

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

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- 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)

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

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height. This clear zone shall be maintained free of any occupied structures on adjoining properties, tanks containing combustible/ flammable liquids, and above ground utility/electrical lines.

- D. Noise: Wind energy systems shall not exceed **sixty (60)** dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- E. Tower Security: Any climbing apparatus must be located at least **twelve (12)** feet above the ground, and the tower must be designed to prevent climbing within the first **twelve (12)** feet.
- F. Lighting: Wind energy systems shall not be artificially lighted with accent lighting. For the protection of the flight patterns of aircraft and the protection of heliports, airports and landing strips, wind energy systems must be lighted in accordance to the regulations and guidelines of the Federal Aviation Administration (FAA) regulations or appropriate authorities.
- G. Signs/Advertising: No tower should have any sign, writing, or picture that may be construed as advertising.
- 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

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these regulations. The minimum distance between wind energy systems shall be equivalent to one hundred ten (110) percent of the hub height.

- J. Approved Wind Turbines: At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as the: California Energy Commission, National Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy Association.
- K. Onsite Electrical Use: On the Construction/Use Permit Application, the applicant must certify that the proposed system will be used primarily to reduce onsite consumption of electricity.
- ~~M~~ L. Compliance with the National Electrical Code: Construction/Use Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- ~~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

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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.

- 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 will 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.

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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 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

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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 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

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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 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.

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- 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 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

For the purposes of calculating fees, kW shall be rounded up to nearest whole number.

Any solar energy system that construction has started before a Building Permit

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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 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.

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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.
 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

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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.
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.

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

3. Temporary building, trailer, or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district provided that:
 - a. Each permit shall specify the location of the building, trailer, or yard and the area of permitted operation.
 - b. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) 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

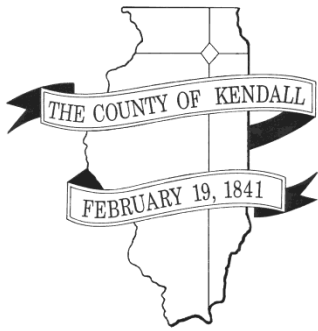
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Updated on 11.20.18

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 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)**



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Planning Commission

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: 2/18/2020

Subject: Potential Changes to the Transportation Plan in the Land Resource Management Plan

In December 2019, the County Board approved a 2019-2039 Long Range Transportation Plan.

This Plan has several changes from the Future Land Use Map contained in the Land Resource Management Plan. Fran Klaas suggested the following changes to the Land Resource Management Plan:

Remove

- Prairie Parkway
- Lisbon / Helmar Bypass.
- Caton Farm Road West Route 71
- Fox River Drive Westerly Bypass of Village of Newark.
- Whitfield Road Extension North to Griswold Springs Road
- Gates Lane West of Route 47
- County has now taken position to keep WIKADUKE Trail on the existing Stewart Road alignment all the way to Rance Road and then extend a new alignment northeasterly to Route 30 and Heggs Road, using the Village of Oswego's alignment for the WIKADUKE Trail.

Add

- Millington Road Extending North of Lions Road to Connect to Route 34.
- Walker Road Relocated West of Route 71 to Make Connection to New Fox River Drive / Crimmins Rd intersection
- Westerly Extension of Collins Road West of Minkler Road to Route 71.

At their January meeting, the PBZ Committee suggested connecting Millbrook Road with the Millbrook Bridge.

At their February meeting, the PBZ Committee suggested having Douglas Road's alignment correspond to the Village of Oswego's plans, aligning Cannonball Trail to Dickson Road and Gordon Street, aligning Millbrook Road and Whitfield Road behind the existing bank building, extending Cherry Road into the Henneberry Woods Forest Preserve, adding the extension of Johnson Road east from Ridge Road to the County Line, changing the Suburban Residential classification for the properties south of the Johnson Road extension to Mixed Use Business, and having the former FS property on Wabena Road be classified as Mixed Use Business.

In addition to the changes to the Transportation Plan changes, Staff is proposing to update the Future Land Use Map to reflect municipal annexations that occurred since the last map update, correct the classification of the Minooka School District property near the intersection of Route 52 and County Line Road, and to classify the parcels of land shown as "Unknown" on the Future Land Use Map.

An updated map is attached to this memo.

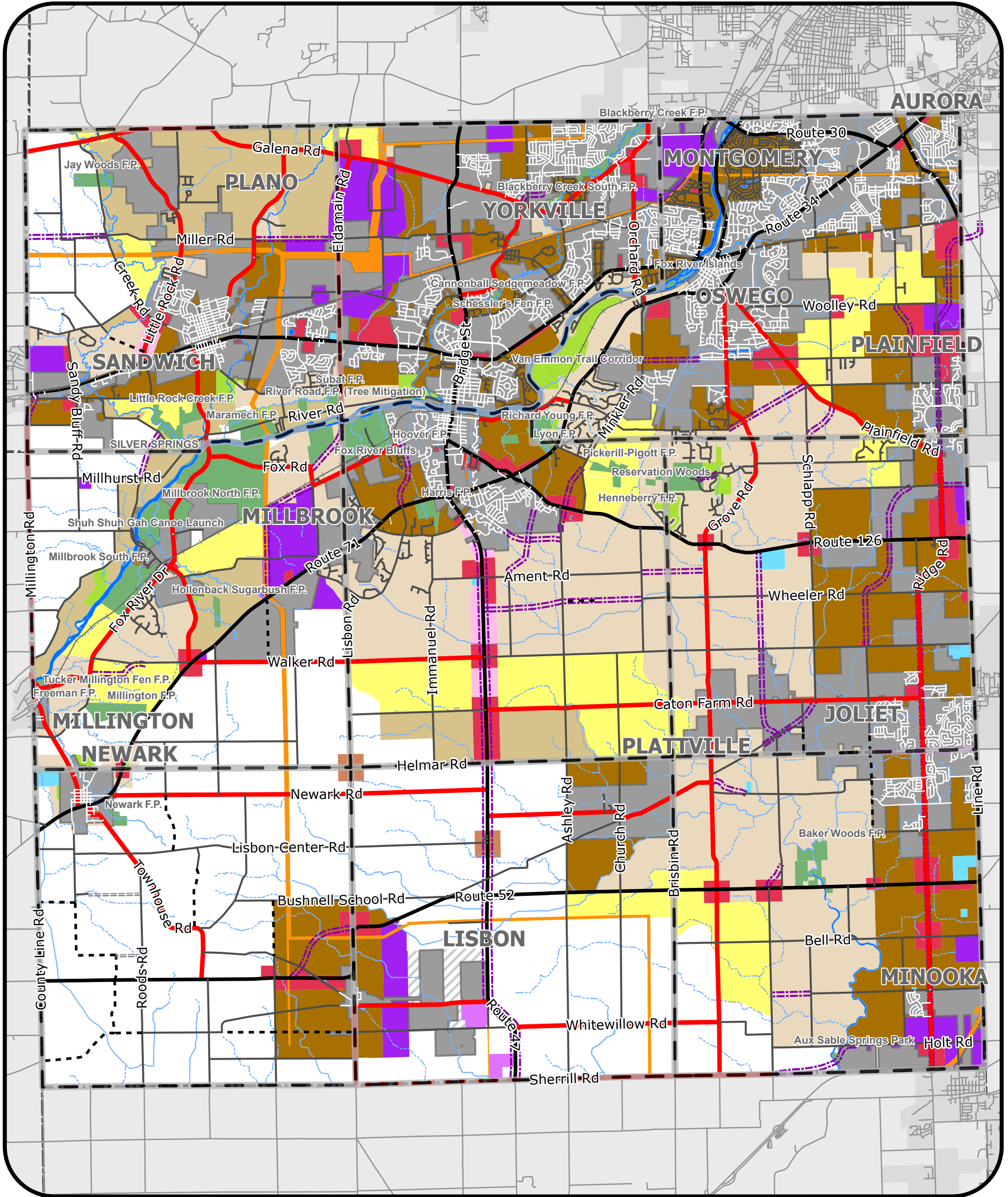
If you have any questions, please let me know.

Thanks,

MHA

Enc.

Future Land Use Plan in Kendall County, IL



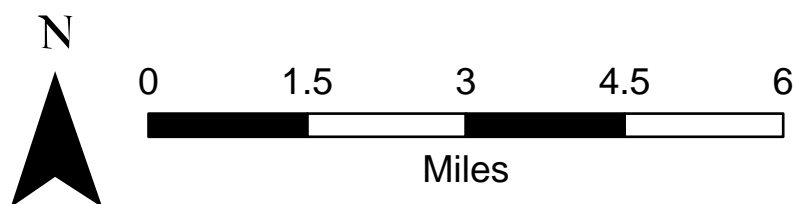
LAND USE TYPE

- URBAN AREAS - INCORPORATED
- SUBURBAN RESIDENTIAL - MAX DENSITY 1.00 DU ACRES
- RURAL RESIDENTIAL MAX DENSITY 0.65 DU ACRES

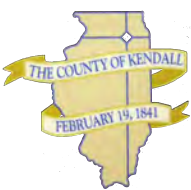
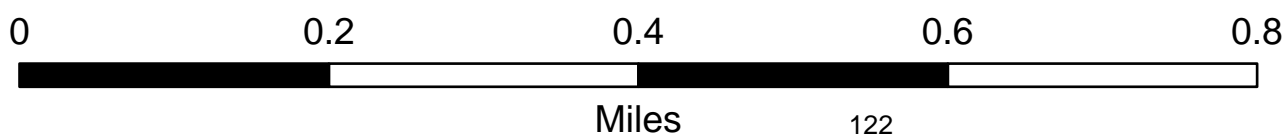
- RURAL ESTATE RESEIDENTIAL MAX DENSITY 0.45 DU ACRE
- COUNTRYSIDE RESIDENTIAL MAX DENSITY 0.33 DU ACRE
- COMMERCIAL
- MIXED USE BUSINESS

- COMMONWEALTH EDISON
- TRANSPORTATION CORRIDORS
- MINING
- POTENTIAL MINING DISTRICT
- PUBLIC/INSTITUTIONAL

- AGRICULTURE
- FOREST PRESERVE/ STATE PARKS
- OPEN SPACE
- HAMLETS
- ROADWAY IMPROVEMENTS
- TOWNSHIPS



Future Land Use Plan in Kendall County, IL



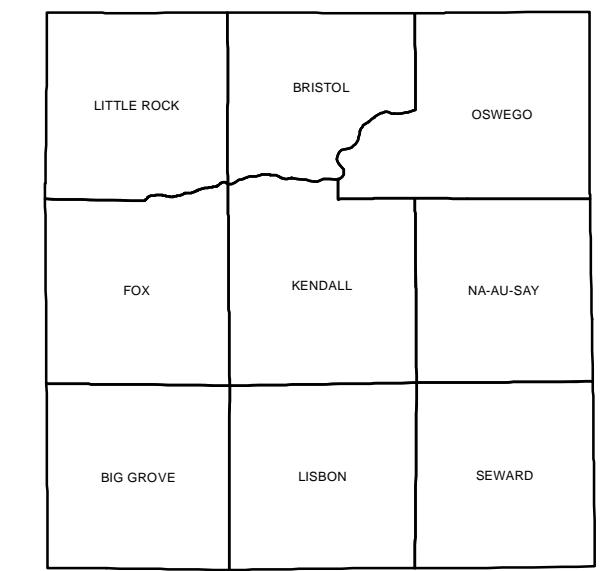
Kendall County GIS

111 West Fox Street - Room 308
Yorkville, Illinois 60560
630.553.4212

Created: 2/4/2020

Future Land Use Plan

Kendall County, Illinois



LEGEND

- Urbanized Areas (Incorporated)
- Suburban Residential (Max Density = 1.00 DU/Acre)
- Rural Residential (Max Density = 0.65 DU/Acre)*
- Rural Estate Residential (Max Density = 0.45 DU/Acre)
- Countryside Residential (Max Density = 0.33 DU/Acre)
- Commercial
- Mixed Use Business
- Transportation Corridors
- Mining
- Potential Mining District
- Public/Institutional
- Hamlets
- Agricultural
- Open Space
- Forest Preserves/State Park
- Natural Resource Areas
- Utility

*Note: Additional Density Bonuses up to 0.85 DU/Acre may be applicable; refer to individual township summaries for explanation of density bonuses

REVISIONS

RESOLUTION	DATE	CHANGE
2005-06	4/17/2005	MODIFIED CATEGORIES TO COORDINATE WITH PLANNED DEVELOPMENT ZONING, ADDED COMMERCIAL NODES AND UPDATE OF SEWARD AND NA-AU-SAY TOWNSHIPS
2007-21	06/20/07	ADDED RURAL RESIDENTIAL AND COMMERCIAL AREAS AROUND NEWARK AND LISBON TO REFLECT THE ADOPTED FUTURE LAND USE RECOMMENDATIONS FOR BIG GROVE TOWNSHIPS
2009-14	4/17/2009	MODIFIED CATEGORIES TO COORDINATE WITH THE FUTURE LAND USE PLAN FOR THE NORTHERN THREE TOWNSHIPS
2009-04	3/16/2009	ADDED FUTURE LAND USE AREAS IN LITTLE ROCK, BRISTOL, AND OSWEGO TOWNSHIPS TO REFLECT THE ADOPTED LAND USE RECOMMENDATIONS FOR THE NORTHERN THREE TOWNSHIPS AND REFLECT RECENT MUNICIPAL ANNEXATIONS BY SEWARD AND BRISTOL
2009-04	3/16/2009	ADDED FUTURE LAND USE AREAS IN NA-AU-SAY TOWNSHIP TO REFLECT THE ADOPTED LAND USE RECOMMENDATIONS FOR THE NA-AU-SAY TOWNSHIP (LAST ROUTE 130 CORRIDOR PLAN)
2005-08	3/15/2005	ADDED FUTURE LAND USE AREAS IN FOX, KENDALL, AND BIG GROVE TOWNSHIPS TO REFLECT ADOPTED LAND USE RECOMMENDATIONS
2005-25	12/20/2005	ADDED & UPDATED FUTURE LAND USE AREAS IN LISBON, SEWARD, AND SOUTHERN NA-AU-SAY TOWNSHIPS TO REFLECT ADOPTED LAND USE RECOMMENDATIONS
2009-25	8/22/2009	UPDATED PRAIRIE PARKWAY ALIGNMENT (PREFERRED ALTERNATIVE AS ALIGNMENT ANNOUNCED BY IDOT ON 06/15/07)
2009-24	06/30/09	UPDATED FUTURE LAND USE AREAS IN FOX, KENDALL, AND BIG GROVE TOWNSHIPS TO REFLECT ADOPTED LAND USE RECOMMENDATIONS FROM TOWNSHIP MAP UPDATES AND THE FOX RIVER CORRIDOR PLAN
2009-25	1/20/2009	UPDATED COUNTY AND TOWNSHIP LAMP MAPS BASED ON THE LAND USE MAP FOR THE ROUTE 130/MENLZER ROAD AREA
04/2011	04/2011	UPDATED SECTIONS 1 - 5

ORIGINAL ADOPTION - MARCH 1994 LAST REVISED - OCTOBER 2015

