

ORDINANCE # 2012- 03

AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE
Section 7.00- "Agricultural Districts," Section 8.00- "Residential Districts," Section
9.00- "Business Districts" and Section 10.00- "Manufacturing Districts"

WHEREAS, Kendall County regulates development under authority of its Zoning Ordinance and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including a Public Hearing held before the Kendall County Zoning Board of Appeals on February 27, 2012.

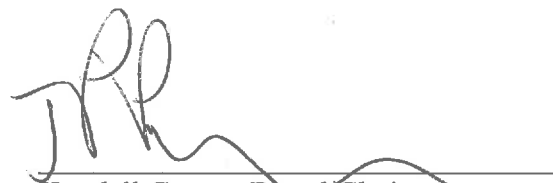
NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 7.00- "Agricultural Districts," Section 8.00- "Residential Districts," Section 9.00- "Business Districts" and Section 10.00- "Manufacturing Districts" of the Kendall County Zoning Ordinance as provided in attached Exhibit "A".

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 20th day of March, 2012.

Attest:



Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
John Purcell

7.01 A-1 Agricultural District

A. PURPOSE

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

Specific purposes for this district are:

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

B. POLICY

To achieve the purposes of the agricultural district it shall be the policy of the county:

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

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C. USES PERMITTED

1. Accessory Uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.
2. Crop and tree farming
3. Dairy and livestock farming
4. Dwelling Unit for Watchmen and Families including a Caretaker
5. Farming
6. Farm Animals
7. Forest Preserve
8. Forestry
9. Game breeding
10. Grazing and forage
11. Greenhouses and nurseries
12. Group Homes, subject to the following:
 - a. No more than eight (8) persons plus staff.
 - b. Licensed or certified by the State of Illinois.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
13. Home occupation provided it follows the definition in Section 3.02, meets the conditions in Section 4.06 and an affidavit is filled out in the Planning, Building and Zoning office stating you meet those conditions.
14. Horse breeding and raising
15. Land Application of domestic septage with approval from the Health Department in accordance with the requirements set forth in the most recent version of the Kendall County Private Sewage Disposal Ordinance and the Illinois EPA.
16. Roadside stands, with not more than six hundred (600) square feet of gross floor area, including outdoor display, and set back at least ninety (90) feet from the center line of all adjacent roads, and with off-street parking for a minimum of five (5) cars, or one space for each fifty (50) square feet of structure, whichever is greater. Sales shall be limited to only those products grown or produced on the premises. Sales only permitted from March 15 through November 15.
17. Signs, as permitted and regulated by Section 12.00.
18. Single Family Residential Use, provided:
 - a. Standard Lot - A new residence shall be permitted on a zoning lot forty (40) acres or larger. Prior to the construction of any new residence, the property owner shall file with the Kendall County Planning, Building and Zoning Department a legal description detailing the location of the parcel, along with a sketch identifying the location of the proposed residence. The County will maintain records of parcels that have been allocated for single-family residences. (AMENDED – 12/16/03)

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- b. Allocation –Parcels of forty (40) acres or more in size shall be entitled to one allocation for a single-family residence for each forty acres of available land within the overall zoning lot. Available land shall be determined as the total acreage of any parcel regardless of the number of existing residences on the premises or replacement homes for which the parcel may be eligible. The available allocations shall be registered in accordance with the procedures outlined in subsection 7.01.C.16.e. below. Prior to the construction of any new residence, the property owner shall file with the Kendall County Planning, Building and Zoning Department a legal description detailing the location of the acreage to which the allocation(s) is/are being assigned. All parcels upon which a single-family residence is to be constructed utilizing a building permit allocation shall be a minimum of 130,000 square feet with a minimum lot width of 200 feet at the front building setback line. The County will maintain records of parcels that have been registered for single-family residences, and record the dimensions of the parcels upon which the single-family residences are built upon. *(AMENDED – 7/17/07)*
- c. Existing Approved Lots - Single Family Dwellings on zoning lots approved pursuant to the applicable regulations prior to 8th day of March, 1977, which are as follows:
- i. Any three-quarter (3/4) acre lot, or larger, existing prior to July 17, 1959.
 - ii. Any vacant three (3) acre parcel or larger that existed prior to August 8, 1971.
 - iii. Any vacant five (5) acre parcel or larger that existed prior to August 28, 1972.
 - iv. Any vacant twenty (20) acre parcel or larger that existed prior to March 8, 1977.
 - v. Any lot in a subdivision or group of lots combined to meet the minimum area requirements of a zoning lot except as otherwise permitted under Section 5.15.B of this ordinance. *(AMENDED – 12/16/03)*
- d.
- i. Replacement Home – A replacement home is defined as a residence intended to replace a pre-existing home destroyed or damaged to the extent that it was demolished. *(AMENDED – 12/16/03)*
 - ii. A replacement home shall be permitted in those instances where the owner can supply physical evidence documenting the prior existence of a residence on the property and further provided that it is registered in accordance with the procedures and deadlines established below in subsection 7.01.C.16.e. Evidence shall be submitted to the Kendall County Planning, Building and

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Zoning Department and may include historic aerial photographs, tax records, plat maps or other legal documentation verifying the prior existence of a residential dwelling. *(AMENDED – 12/16/03)*

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

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zoning lot in excess of 40 acres in size that remains within the original parent parcel. These additional allocations will be registered in the same manner as outline in subsection 7.01.C.16.e. (Amended 7/17/2007)

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

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

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

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

D. SPECIAL USES PERMITTED

The following special uses may be permitted only if specifically authorized by the County Board as allowed in Section 13.07.

1. Adult Day Care or Respite Care
2. Agency Licensed Family Residential Care Homes - Transitional Halfway house.
3. Agency Licensed Group Residential Care Home- Permanent
4. Agricultural implement sales and service.
5. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions:
 - a. Site shall be a minimum of fifty (50) acres for a Basic Utility Stage 1 airport with a two thousand two hundred (2,200') foot runway. More area is required for larger airports. Airport size and layout shall conform to current FAA and IDOT Division of Aeronautics requirements.
 - b. There shall be a minimum three hundred (300') foot distance between airport property and the nearest residence.

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- c. Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6') feet in height.
- d. Other requirements as noted in Section 4.13 of this zoning ordinance. *(Amended 6/20/2006)*
- e. Airports and surrounding territory are subject to the rules and regulations of the State of Illinois Department of Aeronautics and to the following:
 - 1. Height of structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the State of Illinois Department of Aeronautics shall be in accordance with the requirements set forth in the approach plan.
 - 2. Height of structures, in areas ten thousand lineal feet beyond the boundaries of airports that do not have an established approach plan shall be governed by the following:
 - a. For an airport having the longest runway less than thirty-nine hundred and fifty lineal feet in length, structures located just beyond the boundaries of the airport shall not be in excess of fifteen feet in height, and for every two hundred lineal feet of additional distance from the airport boundaries the height of structures may be increased by not more than ten feet.
 - b. For an airport having a runway of thirty-nine hundred and fifty lineal feet or more in length, structures just beyond the boundaries of the airport shall not be in excess of fifteen feet in height; and for every two hundred lineal feet of additional distance from airport boundaries, the height of structures may be increased by not more than five feet and where a runway has been designated as an instrument runway, the height of structures may be increased by not more than four feet in every two hundred lineal feet of additional distance from airport boundaries, for the first ten thousand lineal feet, and for the area covered in the next forty thousand lineal feet, the height of structures may be increased by not more than five feet in every additional two hundred lineal feet.
 - 3. Structures exceeding the limiting heights shall be considered obstruction to air navigation unless found not to be objectionable after special aeronautical study. Such structures may be specifically authorized as a variation after public hearing by the Zoning Board as provided by law.
- 6. Animal feed; preparation, grinding, mixing and storage.
- 7. Athletic Field with lights, provided that the following conditions are met:
 - a. The minimum site area shall be 140,000 square feet.
 - b. All structures, viewing, parking, and seating areas shall be set back at least 100 feet from any street or property line.

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- c. Photometric lighting plans will be submitted and approved by the County. All lighting shall be directed downward, and should minimize glare and light trespassing on adjacent property.
8. Auction Facility
9. Bait Shop with items not produced on the property.
10. Banquet Halls are permitted subject to the following conditions:
 - a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
 - b. The subject parcel must be a minimum of 5 acres.
 - c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
 - d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
 - e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
 - f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
 - g. The noise regulations are as follows:

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

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

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

11. Bed and breakfast establishments are permitted subject to the following conditions:
 - a. Shall have no more than five (5) guest rooms for rent.
 - b. Shall be in operation for not less than six (6) nights in a six (6)

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- month period.
 - c. Shall maintain a guest register which shall be available at all times for inspections.
 - d. Shall be located in a single family detached dwelling, not an accessory building or garage.
 - e. Shall satisfy all requirements of the Kendall County Health Department in accordance with the requirements set forth in the most recent version of the Kendall County Food Establishment Sanitation Ordinance and Building Department prior to the issuance of occupancy permits.
 - f. In addition to the parking requirements for a single family detached dwelling, the bed and breakfast establishment shall provide one (1) additional space for each guest room. The off street parking for a bed and breakfast establishment shall not be located in any required yard, but it shall be screened from adjacent properties by a landscape screen of at least fifty (50) percent capacity.
 - g. Only one (1) sign shall be permitted for each bed and breakfast establishment. The maximum size of such sign shall be four (4) square feet per sign face.
 - h. Each guest room may have its own private bath. No guest room shall have any kitchen facilities.
 - i. Guest room shall mean sleeping room intended to serve no more than two (2) adult transient guests per night.
 - j. Accommodations shall be provided in guest rooms only. The length of stay in a bed and breakfast establishment shall be a maximum of One (1) week.
 - k. Any application for a special use shall include, in addition to all other documents required for a special use application, floor plans drawn to scale accurately showing the guest rooms in relation to the rest of the single family detached dwelling.
12. Cemeteries, including crematoriums and mausoleums provided no building shall be located less than one hundred (100) feet from a lot line.
13. Child Day Care Facilities.
14. Communication Use
15. Composting of landscape waste and food waste, subject to the following:
- a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Sub-chapter 1, Park 830, Standards for compost facilities.
 - b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
 - c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.

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- d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
 - e. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
 - f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - g. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - h. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
 - i. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
 - j. Truck weights shall be limited to 73,280 pounds.
 - k. The operator shall provide weight receipts to Kendall County.
 - l. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
 - m. Other conditions as appropriate for the particular facility. *(Amended 6/20/2006)*
16. Correctional Facilities subject to the following:
- a. The facility shall be at least 650 feet from the nearest property which is residentially zoned or used.
 - b. The facility shall not be established within 1,320 feet of a public or private school, day care or place of worship.
 - c. The County may deny the permit when the use would be detrimental to nearby properties or may add conditions or safeguards to the approval in order to protect the health and welfare of citizens. *(Amended 6/20/2006)*
17. Fertilizer and seed sales, including bulk storage and mixing.
18. Golf courses, club houses, country clubs, and membership riding clubs.
19. Governmental buildings and facilities.
20. Grain Storage, when not accessory to the pursuit of agriculture.
21. Group Homes, subject to the following:
- i. More than nine (9) persons plus staff.
 - ii. Licensed or certified by the State of Illinois.
 - iii. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.

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22. Halfway house must be located a minimum of one thousand (1,000) feet of any dwelling.
23. Hospice.
24. Indoor Target Practice
25. Kennels with the condition that the kennels must be located inside and must be located a minimum of 250' from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and 150' from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset.
26. Landscaping business, provided that:
 - a. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
 - b. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use. (Amended 7/17/2007)
 - c. No landscape waste generated off the property can be burned on this site.
27. Nano Breweries, subject to the following conditions: *(Amended 11/15/11; Ord. 11-29)*
 - a. The facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
 - b. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
 - c. Locally grown inputs shall be used to the greatest extent possible, with production utilizing crops grown on the same property or in combination with crops grown off-site.
 - d. Any tasting or sale of beer shall be subject to the Kendall County Liquor Control regulations.
28. Offices of architects, brokers, engineers, insurance agents, lawyers, real estate agents, planners and other professionals, medical and dental practitioners, clergy, salesmen, sales representatives or manufacturing representatives, provided that the subject parcel is not less than 3.0 acres in size; is located within $\frac{3}{4}$ mile of an existing or proposed commercial center as designated on the County LRMP; has hard-surfaced road frontage onto an arterial or major collector roadway as depicted on the Kendall County Land Resource Management Plan; and is located in an area not designated on the Land Resource Management Plan as dedicated for agricultural uses.
 - a. The following purpose is served:

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

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thereto shall be supplied to demonstrate how the special use will serve to preserve or enhance the architecture of the existing structures and agricultural character of the property. Such plans and drawings shall include details regarding facilities for traffic movement, parking and loading; the design and appearance of all sides of any existing or future buildings to be maintained on the premises including any areas of demolition or expansion and the size thereof; details of any proposed landscaping or buffering as are necessary or appropriate to maintain the agricultural character of the premises and to fit harmoniously with the character, use and zoning of adjoining surrounding properties and to avoid any appreciable adverse effect upon such properties.

7. No sign, other than one identification sign as permitted in Chapter 12 of this ordinance shall be allowed.
 8. Off-street parking shall be provided in accordance with the provisions of Chapter 11 of this ordinance. (AMENDED - 9/21/04)
29. Outdoor Commercial Sporting Activities including but not limited to sports shooting, swimming facilities and motocross sports. Appropriate regulations for lighting noise and hours of operation shall be included in the conditions. Outdoor commercial sporting activities shall exclude athletic fields with lights, paintball facilities and riding stables including but not limited to polo clubs, and similar uses.
30. Paintball Facilities subject to the following conditions:
- a. Minimum lot size of 20 acres;
 - b. The facility shall have direct access to a road designated as a major collector (or higher) in County Land Resource Management Plan unless the Township Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road;
 - c. Hours and days of operation as specified in Special Use Permit to be determined by the County Board
 - d. All safe and spectator areas must be protected by special paintball netting, and participants and spectators must wear approved paintball goggles; and
 - e. No paintball activity shall leave the boundaries of the site, including fired paintballs.
 - f. Requirement of netting to be installed around the property shall be determined by the County Board
 - g. Paintball guns shall only be powered by carbon dioxide (CO₂), high pressured air (HPA) or Nitrogen (N₂).
 - h. All signage shall comply with the provisions of Section 12 of the Kendal County Zoning Ordinance.
 - i. Ammo for such paintball guns shall only include paintball pellets made of non-toxic, biodegradable water soluble substances.

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- j. All applicable State and County rules and regulations pertaining to wastewater treatment and disposal, potable water supply, and food service shall be adhered to.
26. Parks.
 27. Philanthropic institutions and institutions supported by charity.
 28. Places of Worship subject to the following conditions:
 - a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
 - b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
 - c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00.
 29. Public or Private Utilities and Service uses:
 - a. Telecommunications hub
 - b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses
 30. Private Airstrip and/or heliports, provided it complies with all Illinois Department of Transportation (IDOT) Division of Aeronautics and Federal Aviation Administration (F.A.A.) requirements and provisions of Section 4.13 of this Zoning Ordinance. *(Amended 6/20/2006)*
 31. Private clubs or lodges not including uses regulated in Section 4.16 (Adult Book Store, Adult Motion Picture Theater, Adult Mini-Motion Picture Theater, Adult Entertainment Facilities, Adult Use, Adult Massage Parlors or Spas, Tattoo Parlors and Permanent Body Art Establishments, Striptease Club or Gentlemen's Club and Adult Video Store.)
 32. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above listed items are also permitted. *(Amended 9/15/2009)*
 33. Recreational camps and recreational vehicle parks subject to the following conditions:
 - a. The minimum lot size must be 20 acres

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- b. All standards of the Health Department are met in accordance with the requirements set forth in the most recent version of the Kendall County Food Establishment Sanitation Ordinance and Kendall County Food Establishment Sanitation Ordinance.
 - c. Must seek approval from the Fire and police departments
 - d. Adequate directional signage must be throughout the property
 - e. Maximum continuous stay shall not exceed 90 days.
34. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
35. Retail or Wholesales sale of pottery, art, or home décor products, *alone or* together with the operation of a tea room, sit-down food sale area for food sales on-premises incidental to the operation of the primary retail sales use provided that the subject parcel is not less than 3.0 acres in size, has hard-surfaced road frontage onto an arterial or major collector roadway as depicted on the Kendall County Land Resource Management Plan; and is located in an area not designated on the Land Resource Management Plan as dedicated for agricultural uses.
- a. The following purpose is served:
 - To encourage the preservation of existing farmhouses, barns and related structures and the pastoral setting and viewscapes they provide.
 - To allow for the establishment of low intensity retail or wholesale uses within existing structures that will serve as transitional uses between agricultural areas and advancing suburban development.
 - To prevent spot zoning of parcels for commercial uses and the expansion of commercial strips along the County's arterial roadways.
 - b. All special use permit applications for a retail or wholesale use must meet the following requirements:
 1. Unless otherwise approved by the County Board, the retail or wholesale use shall be conducted within one or more buildings or structures on a qualifying zoning lot unless the applicant can demonstrate to the County's satisfaction that conversion of an existing structure is not feasible due to structural or other similar limitations.
 2. If any proposed additions or new structure are to be built on the property, (a) the architectural design of those structures must be reflective of the existing architecture on the site; (b) the additional square footage may not exceed fifty (50) percent of the combined square footage of the existing structures on the parcel; and (c) placement of any new structures or additions to existing buildings shall be done in a manner that does not detract from the maintenance of the existing viewscape of the locality.
 3. There shall be no outside display of goods or outside storage of equipment, materials, or motor vehicles utilized in conducting the retail or wholesale use.

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4. The retail or wholesale use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the A-1 zoning district.
 5. Limited demolition of an existing farmhouse, barn, or accessory structure may be permitted upon the submission of a site plan and architectural drawings for review and approval by the county as part of any such special use request for retail or wholesale uses provided that such demolition shall not exceed 15% of the combined square footage of all existing structures on the premises. The combined square footage of existing structures shall be defined as the sum total of the square footage of all existing structures situated on a qualifying zoning parcel at the time of submission and approval of the first application for such a special use on said qualifying parcel.
 6. Submission of a site plan and drawings indicating the location of existing structures and any proposed or existing additions thereto shall be supplied to demonstrate how the special use will serve to preserve or enhance the architecture of the existing structures and agricultural character of the property. Such plans and drawings shall include details regarding facilities for traffic movement, parking and loading; the design and appearance of all sides of any existing or future buildings to be maintained on the premises including any areas of demolition or expansion and the size thereof; details of any proposed landscaping or buffering as are necessary or appropriate to maintain the agricultural character of the premises and to fit harmoniously with the character, use and zoning of adjoining surrounding properties and to avoid any appreciable adverse effect upon such properties.
 7. No sign, other than one identification sign as permitted in Chapter 12 of this ordinance shall be allowed.
 8. Off-street parking shall be provided in accordance with the provisions of Chapter 11 of this ordinance. (*Amended 9/18/2007*)
36. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses subject to the following:
- i. All such facilities shall meet all State Animal Management Statutes.
 - ii. Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time, unless otherwise approved in the special use permit.
 - iii. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
 - iv. Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.
 - v. Submissions of a manure management plan for review and approval by the Kendall County Health Department.
 - vi. Hours of operation for the indoor arenas shall be restricted to 6:00 am –

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- 10:00 pm daily. Outdoor use of the property for riding horses shall be permitted from dawn to dusk daily.
- vii. Off-street parking and loading at a ratio of not less than one parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e. storage of horse trailers used in conjunction with the stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)
 - viii. Provision of handicapped accessible bathroom facilities for customers and employees.
 - ix. Compliance with basic life safety requirements for building ingress and egress. *(Amended 6/20/2006)*
37. Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic field auxiliary thereto.
38. Service Clubs.
39. Storage facilities for motor vehicles, boats, trailers, and other recreational vehicles provided that the business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs. Unless specifically permitted under a special use permit, all storage shall be in enclosed buildings. Self-storage or mini-warehouse facilities are specifically prohibited in the Agricultural District. *(Amended 6/20/2006)*
40. Telecommunications Stations
41. Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation. *(Amended 6/20/2006)*
42. Wind Farms, Commercial, subject to the following:
- a. Location Guidelines - The following guidelines shall be considered in evaluating the appropriateness of proposed locations for Wind Farms and the proposed project components. The purpose of these guidelines is to assist decision-makers in uniformly analyzing the site-specific impacts of each proposed project and thereby arrive at consistent and balanced decisions.
 - i. Natural and Biological Resources - Wind Farms should not be located in areas that have a large potential for biological conflicts. Wind Farms should not be located in large impact areas such as wilderness study areas, areas of critical environmental concern, county and state parks, historic trails, and special management areas. Wind Farms should not significantly impact important wildlife habitat.
 - ii. Visual Impacts - Wind Farms should avoid those visual corridors that are designated by the County as essential view sheds or scenic areas. Essential view sheds or scenic areas are those areas designated in the County's LRMP or in other locations determined by the County Board after analyzing the applicant's wind farm visual simulations and considering public hearing comments. A Wind Farm project should maintain visual unity

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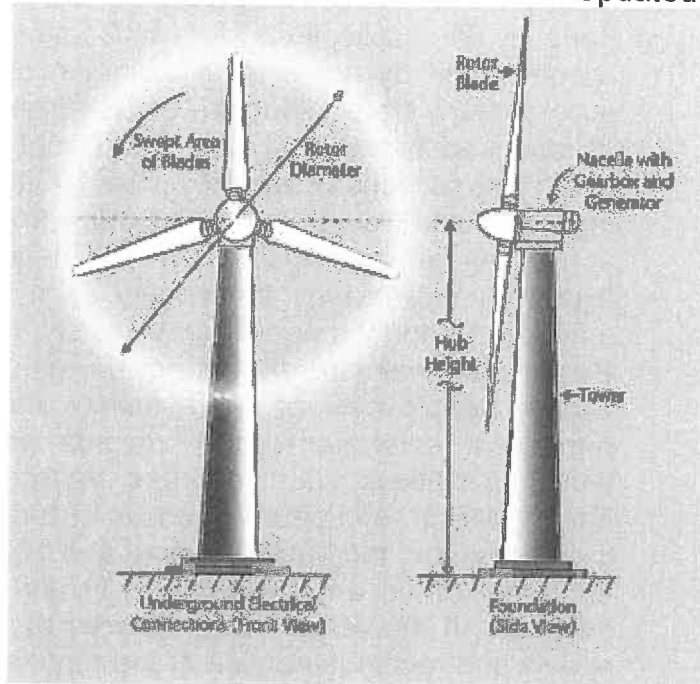
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- among clusters of turbines. To promote visual uniformity, the rotors, nacelles and towers of all turbines in an array should appear similar. To avoid visual clutter, intra-project power lines having a voltage of 34,500 volts or less, should be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines/standards, violate applicable law, render the project economically infeasible or be hidden from public view. To avoid cluttering the skyline, transformers and other electric equipment should be hidden from view or otherwise constructed in harmony with the surrounding landscape.
- iii. Soil Erosion & Water Quality - Wind Farms should avoid erosion. Disturbance and construction on erodible slopes should be minimized. The number of improved roads and construction staging areas should be kept to a minimum. The grading width of roads should be minimized. One-lane roadways with turn-outs are recommended. The number and size of staging areas and crane pad sites should be minimized.
 - iv. Historical, Cultural & Archeological Resources - Wind Farms should avoid sites with known sensitive historical, cultural or archeological resources.
 - v. Public Safety – Wind Farms shall be developed in a manner that utilizes sound engineering practices and considers public safety in regard to the potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created.
- b. Performance Standards - The following standards are to be achieved by each Wind Farm project without exception. Because they are standards, they are considered to be requirements of any Wind Farm project. The final decision on whether or not a particular standard is achieved by a Wind Farm project shall be made by the County Board after considering the recommendations of all advisory bodies.
- i. Noise Management - The noise level caused by the operation of the project, measured at five (5) feet above ground level at the property line coincident with or outside the project boundary, shall not exceed 65 decibels (A-weighted) and shall not exceed 50 decibels (A-weighted) if it is determined that a pure tone noise is generated by the project. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
 - ii. Wind Farm Design: Wind Farms that are not designed in “accordance with proven good engineering practices” or not purchased from a national manufacturer with a proven track record shall be prohibited. Wind Farms designed with the following characteristics shall be deemed in “accordance with proven good engineering practices”:

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1. at least 3 blades.
 2. upwind rotor.
 3. no furling, where "furling" means that the wind turbine is designed to limit its power output in high winds by changing the rotor's plane of rotation to a plane that is not perpendicular to the prevailing wind direction.
 4. tapered and twisted blades.
 5. a well-designed braking system.
- iii. Visual Impacts - To provide visual order to a Wind Farm project, all individual turbines shall have the same number of rotor blades and all rotor blades shall spin in the same direction (i.e., clockwise or counter-clockwise) in relation to the wind. To promote visual uniformity, all turbines at a similar ground elevation shall have the same height from blade tip to the ground. Except during construction, re-construction or removal, outdoor storage is not permitted within the project boundary except at locations that are screened from view. To avoid cluttering the skyline, inverters and pendant power cables shall be located inside the wind turbine tower, nacelle or structure. No telecommunications dishes, antennas, cellular telephone repeaters or other similar devices shall be attached to wind turbine towers. Aircraft obstruction markings of the turbines by use of alternating red and white bands shall be prohibited. No Billboards, logos and advertising signs of any kind shall be located on the turbines.
- iv. Soil Erosion & Water Quality - Construction and maintenance shall be done in strict accordance with the erosion and sediment control plan submitted with the Building Permit so as to minimize soil erosion and damage to existing vegetation. If vegetation is damaged during construction, in areas not occupied by the Wind Farms and related facilities and roads, it shall be restored after construction is complete. Disturbed areas shall be reseeded to the land owner's or manager's requirements. Dust control on the project site is required.
- v. Setback - Individual wind turbines shall be set back from all property lines coincident with or outside of the project boundary a distance equal to 1.1 times the turbine hub height. Individual wind turbines shall be set back from all public roads a distance equal to at least 1.1 times the turbine hub height. *(Amended 2/16/2010)*



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

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

- c. Roads - All routes on either County or Township roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either ingress or egress need to be shown. The routing shall be subject to the approval of the Kendall County Highway Engineer in coordination with the Township Road Commissioner(s). The developer shall provide and complete a pre-construction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The developer shall provide a road repair plan to improve any and all damage, installation or replacement of roads that might be required by the developer. The developer shall provide a letter of credit or a surety bond in amount and form approved by the highway official(s).

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- d. Fees - All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney's fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the hearing officer, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board.
- e. Removal of Defective Wind Energy Systems: Any wind energy system found to be unsafe by an authorized county official shall be repaired by the owner to meet federal, state and local safety standards or removed within sixty (60) days. If any wind energy system is not operated for a continuous period of 12 months, the county will notify the landowner by registered mail and provide 45 days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action as unreasonable, they must notify the operator and such operator shall remove the turbine within 120 days of receipt of notice from the county.
- f. Decommissioning Plan: A Commercial Wind Farm shall submit a decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Facility abandonment shall include the ceasing of operations for a period of not less than one (1) year. Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of the project life or facility abandonment. At

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the time of decommissioning, an Alta Survey shall be submitted to the County. The decommissioning plan shall state how the facility will be decommissioned, a professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County which states:

- i. The financial resources for decommissioning which shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the County.
- ii. If the Applicant chooses an escrow agreement:
 1. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed; and
 2. The County shall have access to the escrow account funds for the express purpose of completing decommissioning if decommissioning is not completed by the applicant within sixty (60) days of the end of the project life or facility abandonment.
- iii. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- iv. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the applicant or applicant's successor, or in which they have an interest, for the amount of excess, and to take all steps allowed to enforce said lien.

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

E. CONDITIONAL USES:

1. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator.
 - a. Accessory agricultural services such as a Black smith; Sale of farm supplies by farmers as agents, where grain elevators or similar commercial facilities are not maintained on the farm premises; or similar accessory use to a farm residence provided:

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- i. The applicant shall send notice to all owners of property within five hundred (500) feet of the subject site by certified mail within five (5) days of filing the applications of the intent and location of the service. If any owner receiving notice as described above shall, within ten (10) days after the date of the notice, file a written objection with the Zoning Administrator thereto, the question of whether such application shall be granted shall be referred to the Zoning Board of Appeals which shall consider the matter at its next regular or special meeting. A report summarizing the findings of fact and a recommendation of the Zoning Board of Appeals shall be forwarded to the County Board for a determination.
 - ii. Such use shall be operated and storage maintained entirely within an enclosed building or screened on all sides by a solid fence not less than six (6) feet in height.
 - iii. Such use shall not utilize more that twenty-five (25%) percent of the lot area or two (2) acres, whichever is less.
 - iv. On-site employees shall consist of immediate family members, and not more that three (3) other persons.
 - v. Said business shall be owned by the owner of the residence.
 - vi. Such businesses shall provide a parking area to accommodate at least two (2) cars in addition to one parking space for each on-site employee. Such off-street parking area shall be appropriately landscaped so that it does not detract from the residential character of the property or its surroundings.
 - vii. No more than one business shall be permitted on a site.
 - viii. Such businesses shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat on or off the premises of such use.
- b. Agricultural Labor Housing or living quarters for a groomsman or an employee-watchman, provided that the following conditions and restrictions are met:
 - i. Shall be used in connection with an agricultural purpose as defined in State Statute 55ILCS 5/5-12001 as here after amended.
 - ii. Shall meet all requirements of the Kendall County Health Department.
 - iii. Shall be used for agricultural labor housing or living quarters for a groomsman, an employee watchman and immediate family.
 - iv. Shall meet all required setbacks and minimum lot size.
 - c. Elderly Cottage Housing Opportunities (ECHO Housing), provided:
 - i. One manufactured home is permitted on a separate ground area of not less than five acres in an A-1 District. Current health codes must be met.

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- ii. The following purpose is served:
 - To permit adult offspring to provide small temporary residences for their aging parents who are in need of support while maintaining independence.
 - To permit families to provide security and support for non-elderly relatives with serious health problems or physical disabilities.
 - To reduce the degree to which frail elderly homeowners have to choose between increasing isolation in their own homes and institutionalization in nursing homes.
 - To develop housing types in single-family neighborhoods that are appropriate for households at a variety of stages in the life cycle.
 - To permit E.C.H.O. housing in a manner that protects the property values and single-family character of neighborhoods by ensuring that the units are compatible with the neighborhood and are easily removed.
- iii A conditional use permit must meet the following requirements for Temporary E.C.H.O.:
 - There can only be one (1) E.C.H.O. housing unit located on each parcel.
 - The E.C.H.O. housing unit must comply with all setbacks within the respective zoning districts.
 - The E.C.H.O. housing unit must not exceed one thousand-two hundred (1,200) square feet of living space with not more than two (2) bedrooms.
 - The E.C.H.O. housing unit must be compatible with the surrounding area.
 - The E.C.H.O. housing unit must be an attached or detached pre-manufactured home with a removable foundation or a mobile home.
 - Each E.C.H.O. housing unit may have one (1) parking space.
 - The owner of the principal residence and at least one occupant of the E.C.H.O. unit must be related by blood, marriage or adoption.
 - The owner(s) of the principal residence and lot must live in one of the dwelling units on the lot. No more than two occupants shall reside in an E.C.H.O. unit.
 - In order to be eligible for E.C.H.O. housing, at least one of the occupants of the E.C.H.O. unit must be over sixty-two (62), or unable to live independently because of mental or physical disabilities. All disabled occupants must submit a letter from a physician verifying the disability and stating the projected duration of the disability.
 - The principal owner of the property must annually submit an affidavit to the Zoning Administrator, verifying that the unit is still occupied by the eligible resident(s). Once the unit is no longer occupied by the eligible resident(s), the principal owner has six (6) months to remove the unit from the property. If the unit is not

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removed within six (6) months, the Kendall County Zoning Department may remove the structure. The principal owner of the property will be held financially liable for the cost. If the principal owner has not cleared debts within thirty (30) days of notification, a lien may be placed against the property.

- d. Feed yards provided that the lot is not located nearer than one thousand (1,000) feet from a Residence District.
- e. Guest house with kitchen facilities provided it is in an accessory structure
- f. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
- g. Livestock sales and purchasing, but not a stockyard or a slaughter house. Such uses may not be located nearer than one thousand (1,000) feet from a Residence District.
- h. Public 911 safety towers provided:
 - i. The height cannot exceed 200' if it is located within 1.5 miles from the corporate limits of any municipality with a population of 25,000 or more. If it is further than 1.5 of a municipality with a population of 25,000 or more, it can be 350'.
 - iii. No building or tower that is part of a public 911 safety tower should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
 - iv. Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries or a facility.
 - v. No public 911 safety tower should encroach onto an existing septic field.
 - vi. Except as provided in this section, no yard or setback regulation shall apply to or be required for a public 911 safety tower.
 - vii. No minimum lot area, width, or depth shall be required for a public 911 safety tower and unless the tower is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a public 911 safety tower. If the tower is to be manned on a regular, daily basis, one off-street parking space shall be provided for each employee regularly at the site. No loading facilities are required.

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- viii. No portion of a tower's supporting structure or equipment housing shall be less than 15 feet from the front lot line or less than 10 feet from any other lot line.
 - ix. Fencing should be installed around a public 911 safety tower. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.
- i. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses, provided:
- i. The lot is not located nearer than five hundred (500) feet from an existing dwelling other than the owners residence or a Residential District.
 - ii. All such facilities shall meet all State Animal Management Statutes.
 - iii. Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time.
 - iv. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
 - v. Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.
 - vi. Submission of a manure management plan for review and approval by the Kendall County Health Department.
 - vii. Hours of operation for the indoor arenas shall be restricted to 6:00 am – 10:00 pm daily. Outdoor use of the property for riding horses shall be permitted from dawn to dusk daily.
 - viii. Off-street parking and loading at a ratio of not less than one parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e. storage of horse trailers used in conjunction with the stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)
 - ix. Provision of handicapped accessible bathroom facilities for customers and employees.
 - x. Compliance with basic life safety requirements for building ingress and egress. *(Amended 6/20/2006)*
- j. Seasonal Festivals provided that the following conditions and restrictions are met: *(Amended 5/18/2010)*
- i. Adequate parking on site shall be provided in such a way that no on-street parking is necessary
 - ii. Event areas, stands, booths, parking and other uses and facilities

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appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office

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

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

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

- I. Small Wind Energy Systems subject to the conditions of Section 4.17
- m. Truck and Tractor Amusement Competition Events, provided that the following conditions and restrictions are met: *(Amended 5/18/2010)*
 - i. Event tracks, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 500 feet of a residential district, or residential structure located off the subject

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

F. TEMPORARY USES PERMITTED

Upon application and issuance by the Zoning Administrator of a permit thereof, the following uses may be operated as temporary uses. The Zoning Administrator may require that a site plan be submitted with the application to provide a means of evaluating compliance with Ordinance requirements. Any permitted temporary use may be treated as a special use (per the procedures contained in Section 13.07) if the stated time limit is to be exceeded.

1. Christmas Tree Sales; each permit shall be valid for a period of not more than sixty (60) days.
2. Concrete ready-mix or asphalt concrete plants, when necessary and incidental to a major construction project.
 - 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.

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- c. All facilities placed or located on the site shall be removed and the site restored to a clean and vegetated 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 plants constructed to support a major road project, the plant shall be located adjacent to the roadway.
 - 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.
 - 4. Trailers or mobile homes may be used for residential purposes only during the construction of a residence and must be removed within thirty (30) days of obtaining a certificate of occupancy or completion of construction. In no case shall a trailer or mobile home be permitted to remain on the premises for more than two years.
- G. **ACCESSORY USES PERMITTED**
Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use are permitted; provided they are operated and maintained under the same ownership, on the same lot, and do not include structures or structural features inconsistent with the permitted use or special use.

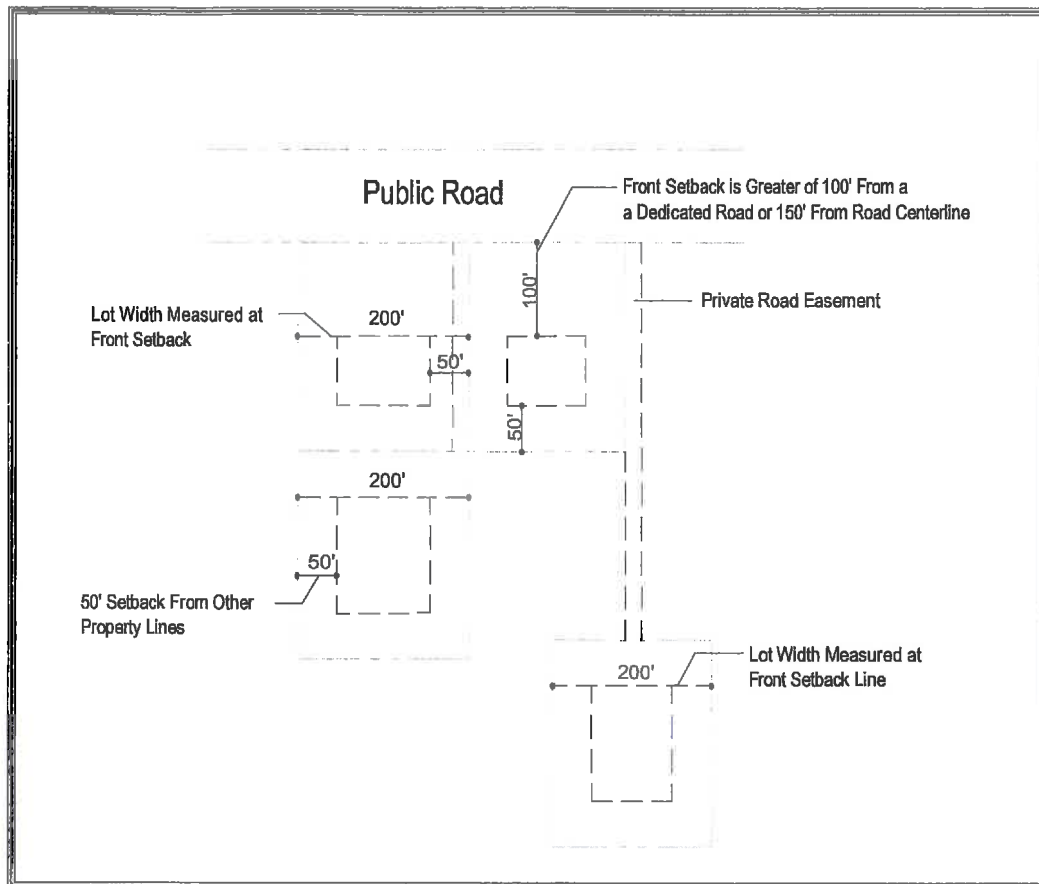
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H. **SITE AND STRUCTURE REQUIREMENTS - (AMENDED – 12/16/03)**

1. Minimum Lot Area and Minimum Lot Width per the following table:

Type of Use	Minimum Lot Area	Minimum Lot Width (measured at the front building setback line)
New Residence	Forty (40) acres	200 feet
Existing Residences or Replacement Homes that are subdivided from a larger agricultural parcel	130,000 square feet	200 feet
Other Permitted Residences	As provided in Section 7.01C.16 c	No minimum.
Special or Conditional Uses	No minimum, unless specifically listed	200 feet or as approved for the special or conditional use
All Other Permitted Agricultural Uses	No minimum	200 feet measured from the front building setback line



2. Setbacks

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

I. SPECIAL PROVISIONS

1. Parking requirements – in accordance with the applicable regulations set forth in Section 11.00.
2. Sign Requirements - in accordance with the applicable regulations set forth in Section 12.00.
3. Variances to the 40 acre minimum lot size requirement – the Zoning Administrator shall have the authority to administratively grant a variance

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of less than 10% to the minimum 40 acre lot size requirement for an allocation as set forth in paragraph 7.01.A.16.b. above. Said variance shall be processed in accordance with the terms of the administrative authority as provided for under the ILCS as amended. *(AMENDED – 12/16/03)*

SECTION 8.00 RESIDENTIAL DISTRICT

EXHIBIT A

8.01 Purpose, Goals and Objectives

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

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

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

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

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

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

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8.02 R-1 ONE-FAMILY ESTATE RESIDENCE DISTRICT

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

A. Permitted Uses. The following uses are permitted:

1. Accessory Uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.
2. Fire stations.
3. Group homes, subject to the following:
 - a. No more than eight (8) persons plus staff.
 - b. Licensed or certified by the State of Illinois.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group home and adjacent properties as measured from the lot line.
4. Home occupation provided it follows the definition in Section 3.02, meets the conditions in Section 4.07 and an affidavit is filled out in the Planning, Building and Zoning office stating you meet those conditions.
5. Lands and buildings used for horticultural or farm purposes.
6. Parks
7. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet back from the nearest right-of-way line.
8. Single Family detached dwellings.
9. Signs, as permitted and regulated by Section 12.00.
10. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.

11. Farm type animals - shall be permitted in accordance with the following:

On lots less than one (1) acre, no farm-type animals shall be permitted.

On lots at least one acre but less than three acres in size, a maximum of one horse and a maximum combined total of five ducks, rabbits, chickens, or goats, with the following exception: The number of horses permitted on lots less than three acres in size created prior to October 17, 2000, shall be determined in accordance with the methodology as specified in Section 8.02-A.12.d.

On lots three acres or more in size, one horse per acre shall be permitted provided that 21,780 square feet of contiguous land is dedicated as pasture for each horse permitted on a lot. Any lot with more than three horses shall submit a manure management plan to PBZ Staff for review. In addition, for lots over 3 acres but less than 5 acres, maximum combined total of ten ducks, rabbits, chickens, or goats is allowed. Additional farm type animals may be permitted temporarily for 4-H projects.

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

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

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NUMBER OF ANIMAL UNITS PER ANIMAL	TYPE OF ANIMAL
1.4	Dairy Cattle
1.0	Beef Cattle
0.66	Horses
0.8	Lamas
0.4	Ostrich
0.4	Goats
0.4	Hogs
0.2	Ducks
0.1	Sheep
0.02	Turkeys
0.02	Rabbits
0.01	Chickens

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

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

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

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

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

1. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
2. Model homes, with the following restrictions:
 - (i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the Planning, Building and Zoning Department.
 - (ii) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.

- (iii) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.
 - (iv) All signs must conform to the standards set forth in Section 12.00 of this ordinance.
 - 3. Small Wind Energy Systems subject to the conditions of Section 4.17
- C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.07:
- 1. Agency Licensed Family Residential Care Homes – Transitional Halfway House. (A single housekeeping unit of three (3) or fewer persons receiving care in a family-like atmosphere where the residents are residing in the home on a transitional or temporary basis where the length of residency is not expected to be more than one (1) year. Oversight and supervisory personnel shall be on the premises in addition to this number.)
 - 2. Agency Licensed Group Residential Care Home- Permanent
 - 3. Airport, private airstrip, heliports and aircraft landing fields provided airports and surrounding territory are subject to the rules and regulations of the State of Illinois Department of Aeronautics and must comply with all Illinois Department of Transportation (IDOT) Division of Aeronautic and Federal Aviation Administration (F.A.A.) requirements and provisions as follows:
 - A. Height of structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the State of Illinois Department of Aeronautics shall be in accordance with the requirements set forth in the approach plan.
 - B. Height of structures, in areas ten thousand lineal feet beyond the boundaries of airports that do not have an established approach plan shall be governed by the following:
 - 1. For an airport having the longest runway less than thirty-nine hundred and fifty lineal feet in length, structures located just beyond the boundaries of the airport shall not be in excess of fifteen feet in height, and for every two hundred lineal feet of additional distance from the airport boundaries the height of structures may be increased by not more than ten feet.
 - 2. For an airport having a runway of thirty-nine hundred and fifty lineal feet or more in length, structures just beyond the boundaries of the airport shall not be in excess of fifteen feet in

height; and for every two hundred lineal feet of additional distance from airport boundaries, the height of structures may be increased by not more than five feet and where a runway has been designated as an instrument runway, the height of structures may be increased by not more than four feet in every two hundred lineal feet of additional distance from airport boundaries, for the first ten thousand lineal feet, and for the area covered in the next forty thousand lineal feet, the height of structures may be increased by not more than five feet in every additional two hundred lineal feet.

- C. Structures exceeding the limiting heights shall be considered obstruction to air navigation unless found not to be objectionable after special aeronautical study. Such structures may be specifically authorized as a variation after public hearing by the Zoning Board as provided by law.
4. Bed and breakfast establishments are permitted subject to the following conditions:
- a. Shall have no more than five (5) guest rooms for rent.
 - b. Shall be in operation for not less than six (6) nights in a six (6) month period.
 - c. Shall maintain a guest register which shall be available at all times for inspections.
 - d. Shall be located in a single family detached dwelling, not an accessory building or garage.
 - e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
 - f. In addition to the parking requirements for a single family detached dwelling, the bed and breakfast establishment shall provide one (1) additional space for each guest room. The off street parking for a bed and breakfast establishment shall not be located in any required yard, but it shall be screened from adjacent properties by a landscape screen of at least fifty (50) percent capacity.
 - g. Only one (1) sign shall be permitted for each bed and breakfast establishment. The maximum size of such sign shall be four (4) square feet per sign face.
 - h. Each guest room may have its own private bath. No guest room shall have any kitchen facilities.
 - i. Guest room shall mean sleeping room intended to serve no more than two (2) adult transient guests per night.

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- j. Accommodations shall be provided in guest rooms only. The length of stay in a bed and breakfast establishment shall be a maximum of One (1) week.
 - k. Any application for a special use shall include, in addition to all other documents required for a special use application, floor plans drawn to scale accurately showing the guest rooms in relation to the rest of the single family detached dwelling.
- 5. Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within five hundred feet of any dwelling.
- 6. Child Day Care Facilities.
- 7. Communications Use.
- 8. Golf courses, regulation size, including "par 3" golf courses, commercially operated driving ranges and planned unit development for conventional golf courses including a driving range.
- 9. Group Homes, subject to the following:
 - i. More than nine (9) persons plus staff.
 - ii. Licensed or certified by the State of Illinois.
 - iii. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
- 10. Halfway house must be located a minimum of one thousand (1000) feet from any dwelling.
- 11. Hospice.
- 12. Philanthropic and eleemosynary institutions.
- 13. Places of Worship subject to the following conditions:
 - a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
 - b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.

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- c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00.
 14. Public or Private Utilities and Service uses:
 - a. Telecommunications hub
 - b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses
 15. Rest homes, nursing homes and sanitariums, for human beings only.
 16. Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic field auxiliary thereto.
 17. Seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land not less than five acres.
 18. Uses, not otherwise listed herein, may be granted special use approval if such uses conform to the purpose, goals and objectives of the Residential Zoning Districts as described in Section 8.01.
- D. Lot Size.
1. Permitted and Conditional Uses: 130,000 square feet minimum lot with a width at the established building line of not less than two hundred (200) feet.
 2. Special uses: Lot size for special uses shall be specified in the special use permit
- E. Yard Areas.
1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard of as follows:
 - a. One hundred and fifty feet (150') from the roadway centerline when fronting on a Federal, State or County roadway or one hundred (100') feet from the right-of-way, whichever is greater.

- b. Fifty feet (50') from the right-of way or access easement on all township or private roadways, with the following exception:
Where lots comprising fifty percent of the frontage on the same side of the street within the same block as the subject property are developed, and the developed properties have front yards that vary from one another not more than 10 feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage of the subject property. However, in no case shall a front yard of more than fifty feet be required. *(AMENDED 8/17/04)*
- 2. Side Yard. A side yard on each side of the zoning lot of not less than fifty feet, and where a side yard adjoins a street, the minimum width shall be fifty feet.
- 3. Rear Yard. A rear yard of not less than fifty feet.
- F. Lot Coverage. No more than ten (10) percent of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.
- G. Maximum Building Height. No building or structure shall be erected or structurally altered to exceed the following heights:
 - 1. One-family detached dwellings: Forty (40) feet and not more than two and one-half stories providing such maximum may be waived through the normal variation procedure as provided in Section 13.04 of this Zoning Ordinance.
 - 2. Other non-residential permitted or conditional buildings and structures shall not exceed forty-five (45) feet and not more than three stories in height.
 - 3. Special Uses: Maximum height limitations shall be specified with the granting of a Special Use permit.

8.03 RPD-1 RESIDENTIAL PLANNED DEVELOPMENT - ONE

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

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- A. **Density.** Base density of 0.33 dwelling units per acre of buildable acreage (excluding any density bonuses as permitted under Section 8.03 C Density Incentives), provided that not less than 30% of the total acreage of the property is designated as open space. To determine the permitted number of dwelling units, the buildable area of the site shall be multiplied by the sum of the base density, plus any applicable density bonuses.
- B. **Maximum Density.** Maximum density, including all density bonuses as provided in Section 8.03 C, shall not exceed 0.45 dwelling units per acre of buildable land (0.33 dwelling units per buildable acre base density, plus maximum incentive of 0.12 dwelling units per buildable acre¹). Provision of multiple amenities shall not entitle the applicant to a density which exceeds the maximum density of 0.45 dwelling units per buildable acre. Regardless of the application of density bonuses, at least 30% of the total acreage must still be designated as open space.
- C. **Density Incentives.** The following density incentives may be used to increase development density up to the permitted maximum density in each RPD District. Provision of multiple amenities shall not entitle the applicant to a density which exceeds the maximum density for the applicable RPD District. Regardless of the application of density bonuses, at least 30% of the total acreage must still be designated as open space.
 1. Provision of public access to open space areas (bonus not to exceed 0.03 dwelling units per buildable acre¹). Some examples would include trails (walking or bike), sidewalks, etc.
 2. Innovative detention/retention facilities or sewage disposal methods (bonus not to exceed 0.04 dwelling units per buildable acre¹). The following are examples of improvements which may qualify for a density bonus:
 - a. Significant use of native vegetation such as prairies and wetlands to retain water.
 - b. Integration of natural land forms, existing soil filtration characteristics and natural landscaping into the drainage plan, in

¹ Subject to approval by the County Board.

- order to enhance water quality while reducing or eliminating stormwater runoff and the attendant flooding and erosion.
- c. Provision of alternatives to detention basins such as stormwater infiltration in naturalized swales, native prairie landscapes and gently sloped depressional areas through the development.
3. Secondary open space that is substantially more than the minimum size otherwise required for storm water detention or through park dedication requirements (bonus not to exceed 0.07 dwelling units per buildable acre¹).
 4. Provision of recreational amenities, beyond minimum standards established in the subdivision ordinance, including but not limited to: a golf course, ball fields, playground equipment, tennis courts, basketball courts, swimming pool, hiking and bicycling paths (beyond those designated on the County Transportation Plan), community centers, and exceptional landscape improvements such as native or natural plantings (bonus not to exceed 0.01 dwelling units per buildable acre¹).
 5. Offsite and perimeter road improvements or an ownership and maintenance fund for management of open space in addition to those needed to provide adequate access solely for the proposed development (bonus not to exceed 0.03 dwelling units per buildable acre¹).
 6. Conservation of traditional rural architecture reminiscent of Kendall County's agricultural heritage, preservation of historical structures, or design of new structures which reflect these architectural themes (bonus not to exceed 0.01 dwelling units per buildable acre²).
 7. Enhancement or expansion of an existing wetland or creation of a new wetland beyond that required for compliance with Army Corps of Engineers Section 404 Permit requirements (bonus not to exceed 0.01 dwelling units per buildable acre¹).

1 Subject to approval by the County Board.

2 As determined by the County Board or as identified in a local historic preservation plan.

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- D. Lot Size. Due to the existing soils types which are prevalent throughout Kendall County, a minimum lot size of 45,000 will be required if the subdivision design contemplates the use of traditional septic leach fields and individual wells up to a maximum lot size of 130,000 sq. ft. Lot sizes of less than 45,000 sq. ft. down to a minimum size of 20,000 sq. ft. may be considered under one or more of the following circumstances:
- 1) The developer can demonstrate to the satisfaction of the Kendall County Health Department and Planning, Building and Zoning Department that each lot has been appropriately sized to provide:
 - a) An adequate area of undisturbed and unencumbered soils within each lot that can support a primary and secondary area for a conventional septic drainfield which complies with the schedule for sizing of septic envelopes as specified in the Kendall County Subdivision Regulations, and
 - b) Sufficient buildable area outside the septic envelope to allow construction of a standard single-family residential dwelling which complies with all applicable setbacks and height bulk requirements of the corresponding RPD Zoning District, and which meets the required setbacks and separation requirements between the sewage disposal system(s) and potable water supply system(s).
 - 2) A centralized on-site wastewater treatment and disposal system is contemplated meeting the requirements of all applicable state and local government agencies.
 - 3) A community well is proposed to serve the individual lots within the proposed development provided the developer has demonstrated that the individual lots comply with the requirements as stated under Section 8.03.D.1 herein.
- E. Lot Width. Lot width shall not be less than one hundred (100) feet measured at the front building setback.
- F. Permitted Uses.
1. Accessory Uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.

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2. Attached Dwelling Units- shall be limited to a maximum of seventy-five (75) percent of the total dwelling units in the Planned Development.
3. Duplexes or Two-family detached dwellings
4. Farming
5. Group homes, subject to the following:
 - a. No more than eight (8) persons plus staff.
 - b. Licensed or certified by the State of Illinois.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group home and adjacent properties as measured from the lot line.
6. Health clubs (public or private) and related accessory uses only when included in the original plan.
7. Home occupation provided it follows the definition in Section 3.02, meets the conditions in Section 4.07 and an affidavit is filled out in the Planning, Building and Zoning office stating you meet those conditions.
8. Lands and buildings used for horticultural or farm purposes.
9. Multiple-Family dwellings.
10. Parks, forest preserves and recreational areas, when publicly owned and operated.
11. Planned Unit Development.
12. Police and fire stations.
13. Postal substations
14. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet back from the nearest right-of-way line.

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15. Signs, as permitted and regulated by Section 12.00. However, no part of a sign in a RPD District shall be greater than 10' above ground level and no larger than 30 square feet.
 16. Single Family Detached Dwellings.
 17. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.
- G. Conditional Uses. In residential planned developments containing over fifty (50) dwelling units, the following uses shall be allowed, provided that the general conditions and use-specific conditions are met.
1. General Conditions.
 - a. Conditional uses shall not occupy more than fifteen percent of the buildable acreage of the development.
 - b. Conditional uses, shall front arterial or major collector level streets, as defined in the County Transportation Plan. Model homes shall be excluded from this provision.
 2. Specific Conditions
 - a. Home based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
 - b. Model homes, with the following restrictions:
 - (i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the Planning, Building and Zoning Department.
 - (ii) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.
 - (iii) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.
 - (iv) All signs must conform to the standards set forth in Section 12.00 of this ordinance.
 - c. Places of Worship subject to the following:

- (i) The maximum lot coverage of structures may not exceed 35%; total impervious surfaces may not exceed 70% of the lot area.
 - (ii) Buildings shall maintain a minimum setback of eighty (80) feet from the center of the road and 30' from all other property lines
 - (iii) The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
 - v) Off-street parking, lighting and loading facilities shall be provided as required or permitted in Section 11.00.
 - vi. Other related uses, such as schools, child day care services, kindergartens shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
- d. Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic fields auxiliary thereto, subject to the following:
- (i) The minimum lot area shall be one (1) acre.
 - (ii) The minimum lot width requirement shall be one hundred and twenty (120) feet.
 - (iii) A front setback of eighty (80) feet from the center of the road shall be required.
 - (iv) Side and rear yards of no less than twenty-five (25) feet shall be provided. Where any outdoor activity area, swimming pool, ball field or court adjoins a residential land uses, such yards shall be buffered with landscaping across 50% of the lot width.
 - (v) Off-street parking and loading facilities shall be provided as required or permitted in section 11.00.
 - (vi) Hours of operation shall be limited to the following:
 - (1) Outdoor group activities shall not be allowed after 10 PM.
 - (2) The facility may not be used as a regular overnight domicile or shelter. This provision does not limit the school from being used for overnight retreats or events for school members and guests.

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- (3) Lighted outdoor recreation facilities, parking lots and lighting shall be designed to avoid excessive light and glare impacts on adjacent properties. Restrictions on light pole height and types, deflectors and other such measures may be required as necessary to prevent overspill and excessive intensity of light.

- e. Small Wind Energy Systems subject to the conditions of Section 4.17

H. Special Uses.

1. The following uses may be allowed by a special use permit in accordance with the provisions of Section 13.07 if approved with the Planned Development or as an amendment to a Planned Development.
 - a. Agency Licensed Group Residential Care Home- Permanent
 - b. Airport, private airstrip, heliports and aircraft landing fields provided airports and surrounding territory are subject to the rules and regulations of the State of Illinois Department of Aeronautics and must comply with all Illinois Department of Transportation (IDOT) Division of Aeronautic and Federal Aviation Administration (F.A.A.) requirements and provisions as follows:
 - i. Height of structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the State of Illinois Department of Aeronautics shall be in accordance with the requirements set forth in the approach plan.
 - ii. Height of structures, in areas ten thousand lineal feet beyond the boundaries of airports that do not have an established approach plan shall be governed by the following:
 1. For an airport having the longest runway less than thirty-nine hundred and fifty lineal feet in length, structures located just beyond the boundaries of the airport shall not be in excess of fifteen feet in height, and for every two hundred lineal feet of additional distance from the airport boundaries the height of structures may be increased by not more than ten feet.

2. For an airport having a runway of thirty-nine hundred and fifty lineal feet or more in length, structures just beyond the boundaries of the airport shall not be in excess of fifteen feet in height; and for every two hundred lineal feet of additional distance from airport boundaries, the height of structures may be increased by not more than five feet and where a runway has been designated as an instrument runway, the height of structures may be increased by not more than four feet in every two hundred lineal feet of additional distance from airport boundaries, for the first ten thousand lineal feet, and for the area covered in the next forty thousand lineal feet, the height of structures may be increased by not more than five feet in every additional two hundred lineal feet.
 - iii. Structures exceeding the limiting heights shall be considered obstruction to air navigation unless found not to be objectionable after special aeronautical study. Such structures may be specifically authorized as a variation after public hearing by the Zoning Board as provided by law.
- c. Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within five hundred feet of any dwelling.
- d. Colleges and universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds, but not including business colleges or trade schools when operated for profit.
- e. Community Centers
- f. Convenience Establishments consistent with the permitted uses as specified in the B-1 district subject to the following:
 - (i) The area, size, and uses to be included in Convenience Establishments shall be established and regulated in the Planned Development Ordinance passed pursuant to Section 8.06.B.6(g).

- (ii) When one or more convenience establishment is proposed, they shall be grouped, arranged and designed for maximum pedestrian convenience.
- (iii) Convenience establishments shall not have substantial adverse effects on residential uses within the RPD or adjoining uses by reason of their location, design, construction, manner or timing of operation, signs, lighting, parking or access arrangements. Signage and lighting requirements may be more restrictive than the signage requirements of Section 12.00 and the Kendall County Subdivision Ordinance.
- (iv) The maximum parcel size: 100,000 square feet. No convenience establishment shall have a gross floor area in excess of 5,000 square feet per building. Lot coverage of all buildings shall not exceed thirty percent (30%) of the area of the parcel, exclusive of rights-of-way of adjoining streets.

Sample Site Plan

Lot Coverage Calculation

1. Draw and dimension footprints of all buildings on a site plan.
2. Calculate the area of all footprints.
3. Add all footprint areas.
4. Lot coverage (%) equals total footprint area divided by lot area, times 100.

Example

House = 40 x 30 ft. = 1,200 sq. ft.
 Garage = 20 x 24 ft. = 480 sq. ft.
 Total area = 1,680 sq. ft.
 Lot Area = 5,000 sq. ft.

Lot coverage
 $1,680/5,000 \times 100 = 33.6\%$

- (v) Landscaped open space shall be utilized to protect the residential character of the RPD and surrounding uses, in an amount equal to or at least fifteen percent (15%) of the area of the parcel, exclusive of rights-of-way of adjoining streets.

Such space shall be landscaped or otherwise appropriately improved to provide convenient pedestrian circulation, play areas for children, passive recreation areas, and the like. Pedestrian sidewalks intended for circulation between parking areas and convenience establishments shall not be included as the improved open space required by this paragraph.

- (vi) Convenience establishments shall have a front setback of at least thirty-five (35) feet, and rear setbacks of at least fifty (50) feet, or equal to the adjoining lot setbacks, whichever is greater. Side setbacks shall be at least ten (10) feet, or equal to the side setback of an adjacent residential use, whichever is greater.
 - (vii) Transition landscaping shall be provided where the convenience establishment parcel abuts residential areas. Continuous landscaping shall be provided across one hundred (100%) percent of the yard to a minimum mature height of six (6') feet. Plant material shall consist of approximately fifty (50%) percent evergreen plants and fifty (50%) percent deciduous material. Shrubs shall be spaced at a maximum of four feet (4') on center. A solid screen may be achieved by clustering shrubs beneath shade or ornamental trees, by using evergreen trees, or any mix thereof, or by providing a six (6') foot high solid commercial grade wood fence along the length of the property. Any fence shall be of one material and one color, and shall have shade trees placed on the side of the fence closest to the commercial use, at the equivalent of one (1) tree for every fifty lineal feet (50').
- g. Drug store if it is associated with a hospital.
 - h. Farm-type animals on open space acreage as detailed in an approved special use permit.
 - i. Golf courses, Club House, Country Clubs and Membership Riding Clubs
 - j. Golf courses, including "par 3" golf courses, unlit commercially operated driving ranges, unlit miniature golf courses and planned unit development for conventional golf courses.

- k. Group Homes, subject to the following:
 - i. More than nine (9) persons plus staff.
 - ii. Licensed or certified by the State of Illinois.
 - iii. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.

- l. Personal and business service shops but not including uses regulated in Section 4.16

- m. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses subject to the following:
 - i. All such facilities shall meet all State Animal Management Statutes.
 - ii. Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time, unless otherwise approved in the special use permit.
 - iii. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
 - iv. Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.
 - v. Submissions of a manure management plan for review and approval by the Kendall County Health Department.
 - vi. Hours of operation for the indoor arenas shall be restricted to 6:00 am – 10:00 pm daily. Outdoor use of the property for riding horses shall be permitted from dawn to dusk daily.
 - vii. Off-street parking and loading at a ratio of not less than one parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e. storage of horse trailers used in conjunction with the stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)
 - viii. Provision of handicapped accessible bathroom facilities for customers and employees.
 - ix. Compliance with basic life safety requirements for building ingress and egress.

- n. Secondary Dwelling Unit as approved on a case by case basis by the County Board, provided the following purpose is served and all of the following conditions are met :

1. Purpose:

- (i) To provide additional housing on a single parcel for family members and visiting guest of the owners of the single-family dwelling while maintaining and rehabilitating the historically significant structure as the principle or secondary dwelling unit.

2. Conditions:

- (i) At least one of the structures has been identified by the County Board as having historical significance and must incorporate or involve the preservation of an existing structure that can be retrofitted for residential uses or unique buildings which add to the history and heritage of Kendall County.
- (ii) The parcel must be greater than 45,000 square feet in size and must be able to demonstrate the ability to provide adequate water and sanitary wastewater treatment facilities to service both the principle residence and secondary residential unit in accordance with all applicable Health Department regulations and guidelines in effect at the time of application for the Special Use.
- (iii) The units shall comply with the height bulk regulations and building setbacks of the RPD district.
- (iv) The property shall be maintained as a single parcel containing two dwelling units unless otherwise approved by the County Board and provided the resulting lots can demonstrate compliance with all of the requirements of the RPD District and applicable Health Department regulations in effect at the time the parcel is divided.
- (v) All secondary dwelling units shall not exceed the height of the main dwelling.
- (vi) All secondary dwelling units shall be served by the same address, electrical, water, and gas meters that serve the main single-family dwelling unit. No separate meters shall be allowed.

- (vii) Adequate off-street parking shall be available for the secondary dwelling unit.
 - (viii) Covenant or Deed Restrictions: As a condition of securing a Building Permit for construction of a secondary dwelling unit being added to an existing single-family home, the property owner shall record against the deed to the subject property, a covenant or deed restriction which shall prohibit the rental, lease or sale of the secondary dwelling unit separately from the rental, lease or sale of the main dwelling unit. Proof that such a covenant or deed restriction has been recorded shall be provided to the Kendall County Zoning Administrator prior to the issuance of the Building Permit for the secondary dwelling unit.
 - (ix) The materials, colors, and architectural style of the secondary dwelling unit shall be similar to the principal residence
 - (x) The livable floor area of the secondary dwelling unit shall not exceed fifty percent (50%) of the livable floor area of the principal residence.
 - (xi) Construction of all secondary dwelling units shall meet applicable building codes.
 - (xii) There must be a shared driveway between both dwelling units.
- o. Seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land not less than five acres.
2. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.07 without inclusion in the Planned Development or a subsequent amendment.
- a. Agency Licensed Family Residential Care Homes - Transitional Halfway house. (A single housekeeping unit of three (3) or fewer persons receiving care in a family-like atmosphere where the residents are residing in the home on a transitional or temporary basis where the length of residency is not expected to be more than one (1) year. Oversight and supervisory personnel shall be on the premises in addition to this number.)

- b. Bed and breakfast establishments are permitted subject to the following conditions:
 - a. Shall have no more than five (5) guest rooms for rent.
 - b. Shall be in operation for not less than six (6) nights in a six (6) month period.
 - c. Shall maintain a guest register which shall be available at all times for inspections.
 - d. Shall be located in a single family detached dwelling, not an accessory building or garage.
 - e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
 - f. In addition to the parking requirements for a single family detached dwelling, the bed and breakfast establishment shall provide one (1) additional space for each guest room. The off street parking for a bed and breakfast establishment shall not be located in any required yard, but it shall be screened from adjacent properties by a landscape screen of at least fifty (50) percent capacity.
 - g. Only one (1) sign shall be permitted for each bed and breakfast establishment. The maximum size of such sign shall be four (4) square feet per sign face.
 - h. Each guest room may have its own private bath. No guest room shall have any kitchen facilities.
 - i. Guest room shall mean sleeping room intended to serve no more than two (2) adult transient guests per night.
 - j. Accommodations shall be provided in guest rooms only. The length of stay in a bed and breakfast establishment shall be a maximum of One (1) week.
 - k. Any application for a special use shall include, in addition to all other documents required for a special use application, floor plans drawn to scale accurately showing the guest rooms in relation to the rest of the single family detached dwelling.

- c. Child Day Care facilities , subject to the following:
 - (i) Minimum lot area of 45,000 gross square feet.
 - (ii) Off-street parking and loading facilities shall be provided as required or permitted in Section 11.00.

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- (iii) Provision of appropriate outdoor play areas.
 - (iv) Other standards as appropriate for the particular location and use such as screening, buffering, and fencing or other provisions to promote the health, safety, and welfare of County residents.
 - d. Home occupation provided it follows the definition in Section 3.02, meets the conditions in Section 4.07 and an affidavit is filled out in the Planning, Building and Zoning office stating you meet those conditions.
 - e. Hospice.
 - f. Places of Worship subject to the following conditions:
 - (i) Must be located on an arterial or major collector street as defined in the County Transportation Plan.
 - (ii) The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
 - vi) Off-street parking, lighting and loading facilities shall be provided as required or permitted in Section 11.00.
 - vi. Other related uses, such as schools, child day care services, kindergartens, meeting shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
 - g. Public or Private Utilities and Service uses:
 - (i) Telecommunications hub
 - (ii) Filtration plant, pumping station, and water reservoir.
 - (iii) Sewage treatment plant.
 - (iv) Electric substations and booster stations.
 - (v) Other Similar uses
 - h. Rest homes, nursing homes, hospitals and sanitariums, for human beings only.
- I. Development Standards. All developments shall be developed according to the standards of the Kendall County Subdivision Ordinance. In addition, the following requirements shall apply:

1. **Streets Access.** No residential lot shall have direct access to arterial or major collector roads. Private streets and driveways may only be approved to alleviate unusual circumstances. Specifically, private streets may only be approved if there is some desirable feature on the site that would not otherwise be preserved. Such features may include significant trees, topography, water features, historic sites, etc. The design and construction of private driveways and streets shall conform to the standards in Section 10.00.G.10 of the Subdivision Control Ordinance.
 2. **Sidewalks.** Sidewalks are generally not required unless necessary to fulfill or complete an existing pedestrian circulation system. However, connections to local and regional trail systems shall be provided.
 3. **Parkway Trees.** Shade trees shall be provided such that the total number of trees shall equal or exceed the ratio of one tree for each forty (40) feet of street frontage. Appropriate location of parkway tree planting shall be determined at the time of final plat approval. Parkway tree plantings shall generally be within the required front yard of home sites.
 4. **Landscaping.** Building foundation landscaping shall be provided on those sides of permitted non-residential buildings that face a public right-of-way. Loading docks, service yards, parking areas, and trash dumpsters shall be screened by a solid fence or continuous landscaping of at least six (6) feet in height.
- J. **Yard/Setback and Height Standards.**
1. **Yard Areas.**
 - a. **Front Yard.** Thirty (30) feet or greater, measured from the front property line.
 - b. **Side Yards.** 10% or greater of the lot width as measured at the front yard setback line.
 - c. **Rear Yard.** Fifty (50) feet or greater from the rear property line.
 2. **Maximum Building Height.** No building or structure shall be erected or structurally altered to exceed the following heights:

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- a. Residential Dwelling Unit. Forty (40) feet and not more than two and one-half stories.
 - b. Other non-residential permitted or conditional buildings and structures shall not exceed forty-five (45) feet and not more than three stories in height.
 - c. Special Uses: Maximum height limitations shall be specified with the granting of a Special Use permit.
- K. Signs. In accordance with the regulations set forth in Section 12.00 or as specified in the Planned Development agreement.
- L. Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00.
- M. Minimum Amount and Size of Open Space. The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided, and restricted from further subdivision though a recorded permanent conservation easement held (at the County's option) by the County, Forest Preserve, or a recognized land trust or conservancy, shall be specified as follows:
1. A minimum of 30% of the total acreage of the development shall be used for open space. The open space areas shall include the following:
 - a. all non-buildable acreage (except land within an existing road right-of-way), and
 - b. a minimum of twenty-five percent (25%) of the buildable acreage.
 2. At least twenty-five percent (25%) of the minimum required open space shall be suitable for active recreation purposes, but no more than fifty percent (50%) of the total open space provided shall be utilized for that purpose. This maximum active recreation area may exceed fifty percent for a golf course development. The uses for which open space areas are proposed shall be documented by the applicant.
 3. The minimum width of any open space shall be 50'.

4. Wherever practical, the open space areas shall generally be designated as undivided, contiguous open space, to facilitate easement monitoring and enforcement, and to promote appropriate management by a single entity according to approved land management standards.
 5. Undivided open space shall be directly accessible to the largest practical number of residential lots within a RPD. The majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient access to all lots not adjoining the open space shall also be provided. Where the undivided open space is designated as separate, non contiguous parcels, no parcel shall consist of less than three (3) acres in area nor have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed as village greens, ball fields, buffers to wetlands, water bodies/watercourses, or trail links.
 6. The required open space may be used for underground drainage fields for individual or community septic systems, and for "spray fields" or spray irrigation purposes in a "land treatment" sewage disposal system. However, "mound" systems protruding above grade and aerated sewage treatment ponds or "spray fields" shall be limited to no more than ten percent (10%) of the required minimum open space.
 7. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground utilities. However, land within the rights-of-way of over-head high tension power lines shall not be included as comprising part of the minimum required open space. In no event shall the areas devoted to stormwater management ponds or basins constitute more than 50% of the minimum required open space.
- O. Types and Location of Open Space. Open space shall be comprised of two types of land: "Primary Open Space and "Secondary Open Space."
1. Primary Open Space consist of all non-buildable areas (except existing road rights-of-way), specifically wet-lands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the 100 year floodplain, slopes exceeding 25% and soils subject to slumping. The location of Primary Open Space Areas are predetermined by the locations of these features.

2. Secondary Open Space includes all buildable acreage protected as open space. Secondary open space areas shall include, at a minimum, a 150 foot deep greenway buffer along all water bodies and watercourses, and a 50 foot greenway buffer alongside arterial and major collector streets and wetlands. The location of Secondary open space areas shall be guided by the maps and policies contained in the Land Resource and Management Area Policies of the Land Resource Management Plan and shall typically include all or part of the following kinds of resources: the 500 year floodplain, mature woodlands, aquifer recharge areas, area with highly permeable soil according to the Kendall County Soil Survey, significant wildlife habitats, sites listed by the Critical Trends Assessment Program of the Illinois Department of Natural Resources, prime farmland, historic or traditional rural architecture reminiscent of Kendall County's agricultural heritage, and scenic views into the property from existing public roads.
3. The location of open space conserved through compact residential development shall be consistent with the policies contained in the Land Resource and Management Area Policies of the Land Resource Management Plan, the recommendations contained in this section and the Development Evaluation Criteria of Section 8.03 P.
4. All lands within both the Primary and Secondary Open Space shall be permanently reserved as open space and protected from being developed for anything other than passive or active open space uses through one or more of the following means:
 - a) Through the donation or dedication of the proposed open space parcels to a Forest Preserve or local Park District for use as perpetual open space. In such instances the donation or dedication shall be noted in any accompanying development agreements and the individual parcels planned for dedication or donation shall be noted as "Park Site" or "Forest Preserve" lands on the final plat.
 - b) Imposition and recordation of a deed restriction limiting the use of the property to passive or active open space in perpetuity and identifying the maintenance responsibilities of the individuals or entities having ownership of the properties (i.e. individual lot owners and or Homeowner's Associations). Such restrictions and conditions shall be noted on the final plat and shall also be referenced in any accompanying development agreements.

- c) Through the recordation of a conservation easement that prohibits further development, and sets other standards safeguarding the site's special resources from negative changes provided:
 - i. The property contains significant wetlands, fens, native areas or tree stands that require specialized care and maintenance to insure the preservation of specific natural features; and,
 - ii. An established conservation agency, land conservancy foundation, trust or group with the knowledge and skill to manage and oversee the short and long term maintenance of these specialized areas has agreed to either take title to the property or enforce the provisions of the easement.

The easement provisions, restrictions and conditions shall be noted on the final plat and shall also be referenced in any accompanying development agreements.

- P. Development Evaluation Criteria. In evaluating the layout, amount, and location of lots and open space, the County shall evaluate the extent to which the site plan does the following:
 - 1. Protects floodplains, wetlands and steep slopes from clearing, grading, filling or construction.
 - 2. Preserves and maintains mature woodlands, existing fields, pastures, meadows and orchards and creates a sufficient buffer area to minimize conflicts between residential and agricultural uses.
 - 3. Locates development on open fields or pastures because of site constraints. Dwellings should be sited on the least prime agricultural soils or in locations at the far edge of a field, as seen from existing public roads.
 - 4. Visually buffers development from existing public roads, such as by a planting screen primarily consisting of indigenous trees, shrubs and wildflowers as identified in Appendix 4 of the Subdivision Control Ordinance.

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5. Maintains or creates an upland buffer of native species vegetation of at least 50 feet in depth adjacent to wetlands and surface waters and 150 feet deep greenway along all water bodies and water courses.
6. Landscaped common areas, cul-de-sac islands, and both sides of new streets with native specie shade trees and flowering shrubs with high wildlife conservation value. Deciduous shade trees shall be planted at forty-foot intervals in the front yards on both sides of new streets.
7. Designs around existing hedgerows and tree lines between fields or meadows and minimizes impacts on large woodlands (greater than 5 acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive plants.
8. Protects wildlife habitat areas and ravines.
9. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares.
10. Avoid locating new construction on prominent hilltops or ridges, by taking advantage of lower topographical features.
11. Designs around and preserves sites of historic, archaeological value, or rural architecture reminiscent of Kendall County's agricultural heritage.
12. Protects roadside rural character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stones walls, hedgerows, etc., as identified in the County Transportation Plan.
13. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
14. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels).

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15. Provides open space that is reasonably contiguous. To the greatest extent practicable, open space shall be designed as a single block with logical, straightforward boundaries.

Q. **Ownership and Management of Open Space.**
The developer may cause to be endowed a permanent fund to offset continuing open space maintenance costs. Spending from this fund should be restricted to expenditure of interest, in order that the principal may be preserved. Assuming an annual average interest rate of 5%, the amount designated for the Endowment Fund should be twenty (20) times the amount estimated to be required on a yearly basis to maintain the open space. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities (such as a homeowners' association, a land trust, or the County). Applicants may receive a density bonus in accordance with the provisions of Section 8.03 C, Density Incentives, for creation of this fund.

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

8.04 RPD-2 RESIDENTIAL PLANNED DEVELOPMENT - TWO

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

- A. **Base Density.** Base density of 0.45 dwelling units per acre of buildable land (excluding any density bonus which may be awarded in accordance with the provisions of Section 8.03 C, Density Incentives), provided that not less than 30% of the total acreage of the property is designated as open space.
- B. **Maximum Density.** Maximum density, including all density bonuses as provided in Section 8.03 C, shall not exceed 0.65 dwelling units per acre of buildable land (0.45 dwelling units per buildable acre base density, plus maximum incentive of

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0.20 dwelling units per buildable acre). An additional density bonus of 0.20 dwelling units per buildable acre (which would allow up to 0.85 dwelling units per acre of buildable land) may be granted in the case of a proposed development that:

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

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

- C. All other standards of the RPD-1 district except the density regulations of Section 8.03 A-B, Density and the Maximum Lot Size under Section 8.03 D. The Maximum Lot Size in the RPD-2 shall be limited to 90,000 sq. ft.

8.05 RPD-3 RESIDENTIAL PLANNED DEVELOPMENT - THREE

RPD-3. This district applies to all developments lying within Contiguous Growth Area - Urban. Such developments shall meet the following standards:

- A. **Base Density.** Base density of 0.86 dwelling unit per acre of buildable land (excluding any density bonus which may be awarded in accordance with the provisions of Section 8.03 C, Density Incentives), provided that not less than 30% of the total acreage of the property is designated as open space.
- B. **Maximum Density.** Maximum density, including all density bonuses as provided in Section 8.03 C, shall not exceed 1.0 dwelling units per acre of buildable land (.86 dwelling units per buildable acre base density, plus maximum incentive of .14 dwelling units per buildable acre). Provision of multiple amenities shall not entitle the applicant to a density which exceeds the maximum density of 1.0 dwelling units per buildable acre. Regardless of the application of density

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bonuses, at least 30% of the total acreage must still be designated as open space.

- C. All other standards of the RPD-1 district except the density regulations of Section 8.03 A-B, the Maximum Lot Size in the RPD-3 shall be limited to 65,000 sq. ft.

8.06 PROCEDURE FOR APPROVAL OF RPD-1, RPD-2 OR RPD-3 DEVELOPMENT.

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

- c. Soil boundaries as shown on USDA Natural Resources Conservation Service medium intensity maps and supplemental soils surveys of the property based on a 200 foot grid;
- d. The location of significant features such as woodlands, treelines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails and any sites listed on the Critical Trends Assessment Program of the Illinois Department of Natural Resources; and
- e. A drain tile study.

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

The Existing Features (Site Analysis) Plans shall identify both Primary Open Space and Secondary Open Space. Together, these Primary and Secondary Open Space Areas comprise the development's proposed open space, the location of which shall be consistent with the Planning Goals and Objectives for Natural Resources of the Land Resource Management Plan. The Existing Features (Site Analysis) Plan shall form the basis for the Concept Plan, which shall show the tentative location of houses, streets, lot lines, and greenway lands in new subdivisions, according to the four-step design process described in Section 8.06 A5 below.

2. On-Site Inspection. After the Existing Features (Site Analysis) Plan has been prepared, the Director of Planning, Building and Zoning or his designated representative shall, if possible, schedule a mutually convenient date to walk the property with the applicant and his/her site designer. The purpose of this visit is to familiarize County officials with the property's special features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative location of the Secondary Conservation Areas and potential house locations and street alignments. Separate on-site inspections are encouraged if a convenient date cannot be established for a group visit. If this visit is not scheduled before submission of the sketch plan or the Concept Plan, it should occur soon thereafter.

- B. Concept Plan Process. After the pre-application discussion a sketch plan or a Concept Plan shall normally be submitted to the Concept Plan Committee for review and comment for all proposed subdivisions. The Concept Plan Committee shall at a minimum be composed of the Director of Planning, Building and Zoning, County Highway Engineer, the County's Consulting Engineer, Director of Environmental Health, Director of the County Forest Preserve, one representative from each of the County Board, Building and Zoning Committee, Plan Commission, Zoning Board of Appeals and a representative from the municipalities with in 1.5 miles or the affected districts.

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

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

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

1. A site plan of the Planned Development. This plan will be at a scale of not less than one inch equals one hundred feet which shall show all proposed streets (public and private), rights-of-way, preliminary lot locations and sizes, open space areas and any other information as determined by the Director of Planning, Building and Zoning.
2. How the plan follows the four step process.
3. A topographic survey with two foot contour intervals.
4. A preliminary tree preservation plan, that identifies all significant trees proposed to be preserved or removed.
5. A rendered plan of the Planned Development area showing in contrasting colors or by other means the respective location of all categories of land use.

6. A map of the general area showing the location of the Planned Development site and its relation to the existing roads and streets and use districts within the immediately adjacent and surrounding area.
7. Preliminary specifications of the following:
 - (i) Sequence of phases or stages of development of the Planned Development. Common open space areas shall generally be provided in each phase consistent with the phasing of dwelling units.
 - (ii) A general landscape planting plan prepared by a landscape architect, which meets the approval of the Plan Commission.
8. The following shall be provided by either graphic exhibits or written statement:
 - (i) The density of residential uses and the number of dwelling units by type.
 - (ii) The ancillary and non-residential uses to be provided in a Residential Planned Development.
 - (iii) The calculation of buildable acreage, the estimated percent and acreage of land used for each of Primary and Secondary Conservation purposes, and the projected type and acreage of passive and recreational open space.

A Concept Plan shall be submitted by the applicant to the Director of Planning, Building and Zoning for referral to the Concept Plan Committee, the applicable Township, and any municipality within 1 ½ miles of the proposed development, for their review and comment. If requested by an effected municipality or township, the developer shall present their concept plan at an appropriate local government meeting. After a complete submission has been received, the Planning, Building and Zoning Department prepare a report describing how the Plan conforms to the requirements of the County's ordinances, including the Development Evaluation Criteria of Section 8.03.P, and the Land Resource Management Plan and will discuss with the applicant and review their recommendations. The report shall include a copy of any correspondence received from local municipalities or townships.

If in the opinion of the Concept Review Committee, the proposed design and layout of the project does not adequately preserve protect or incorporate the significant natural features of the site as identified in the four step process with regard to wetlands, fens, seeps, high quality streams or significant trees as defined in the County's Subdivision Control

Ordinance or if there is a difference of opinion between the committee and the developer regarding the quality of the features being recommended for preservation by the Concept Review Committee, the Committee may designate a consultant experienced in development design and in the protection of natural features and greenway lands to meet with the applicant and the committee to provide an independent assessment of the proposal. All reasonable costs associated with use of the consultant shall be paid by the applicant.

In reviewing the proposal, the consultant shall provide the applicant and the committee with comments as to how the proposed plan sensitively incorporates and maximizes the preservation of the significant natural resources and features of the site and how these proposed plans and documents conform with the:

1. Goals and objectives of the Kendall County Land Resource Management Plan;
2. Intent and rules of the Residential Planned Development Ordinance;
3. Principles and practices of conservation design.

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

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

The Director of Planning, Building and Zoning or his designated representative shall then submit the Concept Plan and report to the Plan Commission, for review and recommendation within 45 days of the original submission of the Concept Plan. The Concept Plan, report, and the minutes of the applicable Plan Commission meeting shall then be

transmitted to the Planning, Building, and Zoning Committee for their review. Each body shall review the proposal and provide their recommendation. Alternatively, the Planning, Building, and Zoning Committee may recommend further review by the Concept Plan Committee. If the Planning, Building, and Zoning Committee recommends further review by the Concept Plan Committee, the application shall be forwarded to that body, along with the report and the minutes of the applicable meetings of the Plan Commission and the Planning, Building, and Zoning Committee. The Concept Plan Committee shall schedule a meeting within 15 days of the recommendation by the Planning, Building, and Zoning Committee.

The Concept Plan Committee shall meet with the applicant on one or more occasions and shall recommend approval, approval with conditions, or denial. Such recommendation shall be transmitted to the Planning, Building, and Zoning Committee of the County Board for final action.

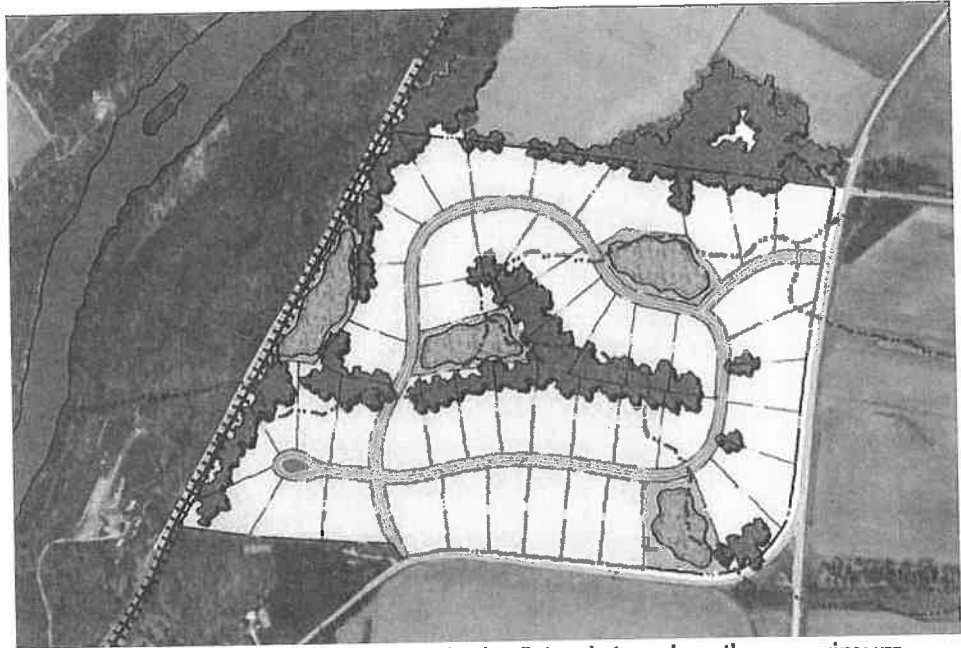
Four-Step Process. Each sketch plan or Concept Plan shall follow a four-step design process, as described below. When the Concept Plan is submitted, applicants shall be prepared to demonstrate to the Concept Plan Committee and Kendall County Board that these four design steps were followed by their site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

1. Designating the Open Space. During the first step, all potential conservation areas (both primary and secondary) are identified, using the Existing Features (Site Analysis) Plan. Primary Conservation Areas shall consist of wetlands, floodplains, slopes over 25%, and soils susceptible to slumping. Secondary Conservation Areas shall include all remaining open space areas and shall strive to include the most sensitive and noteworthy natural, scenic, and cultural resources on the property.

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

- a. the procedures described in Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks, produced by Natural Lands Trust and published by Island Press,
- b. on-site visits or inspections,

- c. the open space location criteria contained in Section 8.03 N above,
- d. the evaluation criteria listed in Section 8.03 P above, and
- e. information from published data and reports.

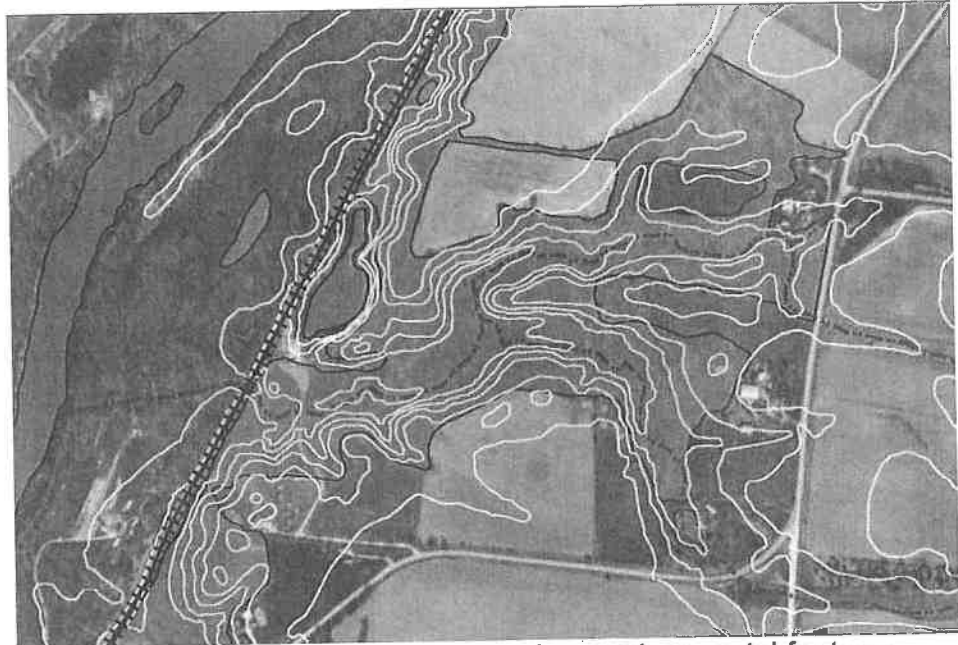


Step 1: Developing a "yield plan" to determine the maximum allowable density for the site.

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

2. Location of House Sites. During the second step, potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the evaluation criteria contained in Section 8.03 P above, subdivision applicants shall identify tentative house sites on the Concept Plan and proposed house sites on the detailed Final Plan. House sites should generally be located not closer than 100 feet from Primary Open Space Areas, but may be situated within 50 feet of Secondary Open Space Areas, in order to enjoy views of the secondary open space without negatively impacting the primary open space. The building "footprint" of proposed residences may be changed by more than

fifty feet in any direction with majority approval from the members of the Kendall County Board. Changes involving less than fifty feet do not require approval.

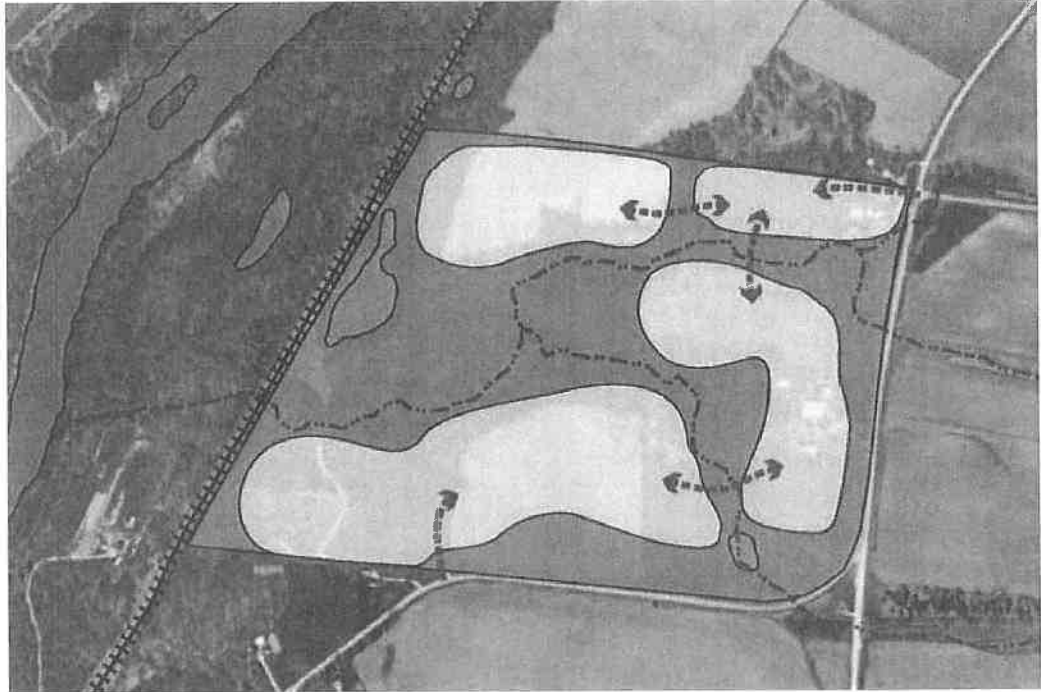


Step 2: Identifying and analyzing key environmental features such as woodlands, topography, wetlands, and natural drainage.

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

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

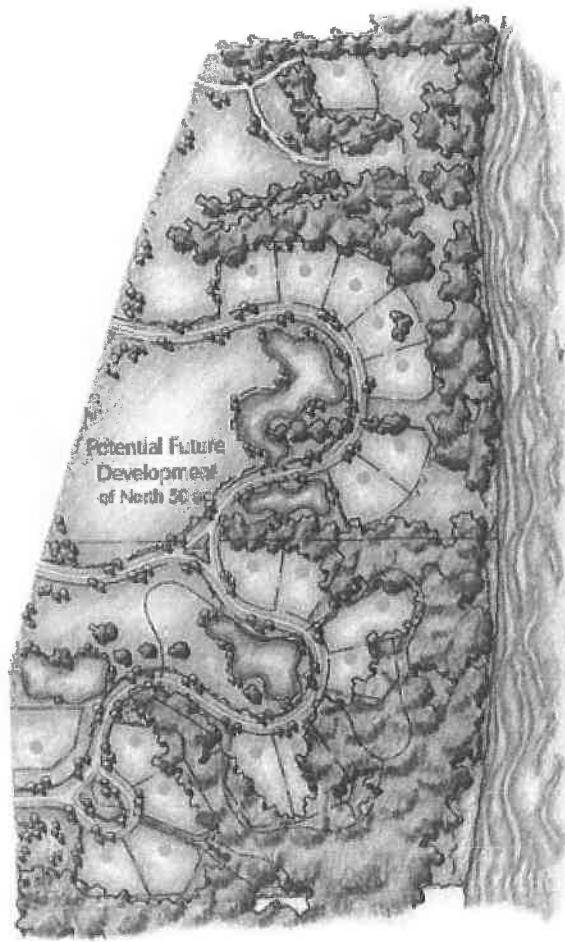
a central island containing indigenous trees and shrubs (either conserved on site or planted).



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

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

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



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

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



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

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

C. Preliminary Site Plan/Plat Approval.

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

to Final Plan Approval or may combine Preliminary and Final Plat approval.

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

- (i) Roads and streets, including classifications, width of right-of-way, widths of paved surfaces and construction details.
 - (ii) Sidewalks and trails, including widths of paved surfaces and construction details.
 - (iii) Sanitary and storm sewer system.
 - (iv) Water supply system.
 - (v) Street lighting and public area lighting system.
 - (vi) Recommended installations for electric, gas and telephone facilities and distribution.
 - (vii) Sequence of phases or stages of development of the Planned Development.
 - (viii) A general landscape planting plan and tree removal and preservation plan, prepared by a landscape architect which meets the approval of the Plan Commission.
- g. The following shall be provided by either graphic exhibits or written statement:
- (i) The density of residential uses and the number of dwelling units by type.
 - (ii) The ancillary and non-residential uses to be provided in a residential planned development.
 - (iii) The off-street parking and other service facilities proposed.
 - (iv) The exception or variations to the Kendall County zoning or subdivision requirements being requested as part of the Planned Development application.
 - (v) The calculation of buildable acreage, the percent and acreage of land used for each of Primary and Secondary Open Space purposes, and the type and acreage of passive and recreational open space.

- h. Other submittals as requested by the County Planning, Building and Zoning Department (including but not limited to traffic studies, ground water studies, etc.).
3. Procedures for Approval
- a. The applicant shall request the Preliminary Plan/Plat Approval in addition to a petition for a zoning map amendment, by letter addressed to the Director of Planning Building and Zoning or his/her designee, to be placed on the agenda of the next regular meeting of the Zoning, Platting Advisory Committee (ZPAC) for a preliminary discussion of the proposed Planned Development. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the ZPAC with the proposed development.
 - b. A copy of the petition shall also be submitted to the applicable Township and any municipality within 1 ½ miles of the proposed development. The applicant shall present the application at a regularly scheduled meeting of the Plan Commission (or other applicable body) of the township or municipality. The Township and/or municipality may submit comments to the County regarding the petition within 30 days.
 - c. The Director of Planning, Building and Zoning or his designated representative shall review the submission to ensure that it complies with the preliminary plan and any comments and conditions governing approval of the preliminary plan.
 - d. The petition shall be reviewed by the Zoning, Platting Advisory Committee within 30 days of the date of the complete original submission of the final plan, and a recommendation shall be made, accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The director or staff shall submit minutes of the ZPAC meeting containing such recommendation shall be submitted to the Plan Commission for review and recommendation, along with any written correspondence received from any municipality or township.

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

- h. The Director of Planning, Building and Zoning or his designated representative shall forward a copy of the petition and the minutes of the applicable meetings of the Plan Commission, Zoning Board of Appeals and Planning Building and Zoning Committee to the County Board. The County Board shall review the petition within 30 days of the Planning Building and Zoning Commission's meeting.
- i. The County Board may grant an ordinance approving a map amendment for the Planned Development as well as any related special use permits. A separate ordinance approving the Concept Plan and Preliminary Plan/Plat may also be granted including plats, landscape plans, and the like. The Concept Plan and Preliminary Site Plan or Plats required by Section 8.06.B.4 and 8.06.C.2. shall be explicitly made a part of the Planned Development Ordinance.

4. Zoning Map

Approved Residential Planned Developments shall be delineated and designated by a number on the zoning district map. A file, available for inspection by the public, shall be maintained by the Director of Planning, Building and Zoning for each Planned Development so designated. The file shall contain a record of the approved development plan and all exceptions authorized therein.

D. Final Plan Approval

- 1. The applicant shall request the Final Plan Approval, by letter addressed to the Director of Planning Building and Zoning or his/her designee, to be placed on the agenda of the next regular meeting of the Plan Commission for a preliminary discussion of the proposed Planned Development at such meeting, which may be continued from time to time. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the Plan Commission with the proposed development.
- 2. Content of Petition. The formal petition shall contain, in addition to all other requirements, the following:
 - a. A site plan of the Planned Development. This plan will be at a scale of not less than one inch equals one hundred feet which

shall show all proposed streets (public and private), street classification, rights-of-way, pavement width of street and driveways, all principal buildings, lot sizes, building lines easements for utility services, off-street parking, service areas, open space recreation facilities and any other information necessary to clearly show the proposed elements of the Planned Development.

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

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- vi. Recommended installations for electric, gas and telephone facilities and distribution.
 - vii. Sequence of phases or stages of development of the Planned Development.
 - viii. A general landscape planting plan, prepared by a landscape architect which meets the approval of the Plan Commission.
- g. The following shall be provided by either graphic exhibits or written statement:
- i. The density of residential uses and the number of dwelling units by type.
 - ii. The ancillary and non-residential uses to be provided in a residential planned development.
 - iii. The off-street parking and other service facilities proposed.
 - iv. The exception or variations to the Kendall County zoning or subdivision requirements being requested as part of the Planning Development application.
 - v. The calculation of buildable acreage, the percent and acreage of land used for each of Primary and Secondary Conservation purposes, and the type and acreage of passive and recreational open space.
 - vi. Estimates of cost of installation of all proposed improvements, confirmed by a registered Illinois engineer.
 - vii. Petitioner's proposed development agreement, covenants, restrictions and conditions, special service district and home owner's association by-laws to be established as a part of the Planned Development.
 - viii. Open Space Maintenance and Monitoring Plan that complies with the standards set forth in Appendix nine of the Kendall County Subdivision Control Ordinance.
 - ix. Other submittals as requested by the County Planning, Building and Zoning Department.
 - i. Construction of Improvements. The petitioner shall construct and install the required improvements in accordance with the County Subdivision Regulations and the Special Use Ordinance.

- ii. Street Classification. Street classifications, definitions, and specification, shall be in accord with the regulations pertaining to same as established in the Subdivision Regulations and the Comprehensive Plan of Kendall County, as may be amended from time to time, as may be modified by the special use permit.
 - iii. Standards. No Planned Development shall be authorized by the County Board unless the Plan Commission shall find and recommend that the following standards will be met:
 - a. The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
 - b. The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
 - c. That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in Planned Development developments are met.
 - d. When private streets and common driveways are made a part of the Planned Development or private common open space or recreation facilities are provided, the applicant shall submit as a part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the County Board.
3. Procedures for Approval.
- a. A copy of the petition shall be filed with the Planning, Building and Zoning Department, and ten copies of the petition shall be filed with the Director of Planning Building and Zoning or his/her designee. Attached to each copy shall be copies of the supporting documents and exhibits provided for herein.

- b. A copy of the petition shall also be submitted to the applicable Township and any municipality within 1 ½ miles of the proposed development. The applicant shall present the application at a regularly scheduled meeting of the Plan Commission (or other applicable body) of the township or municipality. The Township and/or municipality may submit comments to the County regarding the petition within 30 days.
- c. The Director of Planning, Building and Zoning or his designated representative shall review the submission to ensure that it complies with the preliminary plan and any comments and conditions governing approval of the preliminary plan.
- d. The Petition will be placed on the agenda of the next regular meeting of the Zoning, Platting Advisory Committee (ZPAC) for a preliminary discussion of the proposed Planned Development. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the ZPAC with the final plat for the proposed development.
- e. The petition shall be reviewed by Zoning, Platting Advisory Committee within 30 days of the date of the complete original submission of the final plan, and a recommendation shall be made, accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The minutes of the ZPAC meeting containing such recommendation shall be submitted to the Plan Commission for review and recommendation, along with any written correspondence received from any municipality or township
- f. The petition shall be reviewed by the Plan Commission within 60 days of the of the ZPAC meeting provided any necessary revisions or supplemental information requested by ZPAC have been supplied at least 30 days in advance the Plan Commission meeting. Upon completion of their review of the Final Plat, a recommendation shall be made, accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number,

together with any suggested changes therein. The minutes of the Plan Commission meeting containing such recommendation shall be submitted to the Planning Building and Zoning Committee of the County Board, for review and recommendation to the County Board.

- g. The Chairman of the Planning Building and Zoning Committee shall review the matter within 30 days of the submission of the Plan Commission report and receipt of the required approvals for the final engineering plans and supporting documents by all applicable reviewing agencies.
- h. Following review and recommendation by the PBZ Committee, the Director of Planning, Building and Zoning or his designated representative shall forward a copy of the petition and the minutes of the applicable meetings of the Plan Commission and the Planning Building and Zoning Committee to the County Board. The County Board shall review the petition within 30 days of the of the Planning Building and Zoning Commission's meeting.
- i. The County Board may grant an ordinance for the Planned Development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the special use permit, including covenants and agreements, guarantees, performance bonds, plats, and the like. The site development plan required by Section 8.06B.2.a shall be explicitly made a part of the Planned Development Ordinance.

4. Relationship to Subdivision Approval

- a. An application for approval of a Residential Planned Development, as provided for in this Section 8.00, may be undertaken concurrently with an application for subdivision plat approval, as provided in the Kendall County Subdivision Control Ordinance.
- b. Certain large projects may be platted and developed in phases. In such cases, the final subdivision plat may be done on a phase-by-phase basis, after receiving preliminary Planned Development approval and preliminary subdivision approval for the entire development. However, the final Planned Development plan for

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

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

8.07 R-2 ONE-FAMILY RESIDENCE DISTRICT.

A. PERMITTED USES. The following uses are permitted:

- 1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8.02.A, except:
 - a. Lands and buildings used for horticultural or farm purposes,
 - b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and
 - c. Farm-type animals;shall be prohibited in the R-2 District with the exception of chickens.
- 2. Keeping of up to twelve (12) chickens on a zoning lot, provided that:
 - a. The lot is a minimum one (1) acre
 - b. No roosters shall be kept on any zoning lot
 - c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property
 - d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties
 - e. All confinements shall be located at least 10' from all residentially zoned lots
 - f. All uncovered fenced enclosures shall be at least four feet in height.
 - g. No eggs or chickens shall be offered for sale on the premises
 - h. All standards adopted by the Illinois Department of Agriculture and the Kendall County Health Department shall apply (*Amended 10/19/10*)

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- B. **SPECIAL USES.** The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00.
1. Any use permitted as a special use in the R-1 One-Family Estate Residence District, Section 8.02.C and that Planned Developments may be considered where the zoning lot proposed for development has a gross area of not less than forty acres.
- C. **Conditional Uses:** The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator
1. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
 2. Model homes, with the following restrictions:
 - (i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the Planning, Building and Zoning Department.
 - (ii) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.
 - (iii) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.
 - (iv) All signs must conform to the standards set forth in Section 12.00 of this ordinance.
 3. Small Wind Energy Systems subject to the conditions of Section 4.17
- D. **LOT SIZE.**
1. One Family detached dwellings:
 - a. Lot: 90,000 square feet minimum with a width at the established building line equal to forty percent of the depth.
 2. Non-Residential: All non-residential principal uses of building as permitted in this section shall be located on a tract of land having an area of not less than five acres and a width at the established building line of not less than forty percent of the depth of the lot, except municipal project and developments.

3. Special Uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.

E. YARD AREAS.

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

F. LOT COVERAGE. Not more than twelve percent of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.

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

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

8.08 R-3 ONE-FAMILY RESIDENCE DISTRICT

A. PERMITTED USES. The following uses are permitted;

1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8.02.A, except:
 - a. Lands and buildings used for horticultural or farm purposes,
 - b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and

- c. Farm-type animals;
shall be prohibited in the R-2 District with the exception of chickens.
 - 2. Keeping of up to twelve (12) chickens on a zoning lot, provided that:
 - a. The lot is a minimum one (1) acre
 - b. No roosters shall be kept on any zoning lot
 - c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property
 - d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties
 - e. All confinements shall be located at least 10' from all residentially zoned lots
 - f. All uncovered fenced enclosures shall be at least four feet in height.
 - g. No eggs or chickens shall be offered for sale on the premises
 - h. All standards adopted by the Illinois Department of Agriculture and the Kendall County Health Department shall apply (*Amended 10/19/10*)
- B. SPECIAL USES. The following uses may be allowed by a special use permit in accordance with the provisions of Section 13.00:
 - 1. Any use permitted as a special use in the R-1 One-Family Estate Residence District, Section 8.02-C, except a bed and breakfast and that Planned Developments may be considered where the zoning lot proposed for development has a gross area of not less than forty acres.
 - 2. Retail shops/office use that can satisfy the following requirements:
 - a. The site must have direct access onto an arterial roadway as designated on the Transportation Plan.
 - b. No outside storage of any materials or outdoor display.
 - c. No sign, other than one identification sign, non-illuminated, non-flashing and 32 square feet shall be allowed. All other regulations with regards to height and location must be followed as outlined in Chapter 12.09 of this ordinance shall be allowed.
 - d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Chapter 11 of this ordinance.
 - e. No more then 3 employees are allowed to work on-site at one time.
 - f. Contact the Health Department to make sure the septic system is adequate for the proposed use.

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- g. The office or retail use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the R-3 district.
- h. Expansion of a residential building, structure, or of any accessory building in which an office or retail use is proposed to be situated may be permitted upon the submission of a site plan and accurate drawings showing all elevations of such proposed building or structure to the plan commission for its review and recommendation, and upon approval by the County Board. The current structures and any new structures must maintain a residential appearance and match the surrounding neighborhood architecture.
- i. The standards are intended to ensure compatibility with other permitted uses and maintain the residential character of the surrounding residential uses.

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

- 1. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
- 2. Model homes, with the following restrictions:
 - (i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the Planning, Building and Zoning Department.
 - (ii) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.
 - (iii) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.
 - (iv) All signs must conform to the standards set forth in Section 12.00 of this ordinance.

D. LOT SIZE.

- 1. One family detached dwellings:
 - a. Lot: 45,000 square feet minimum with a width at the established building line equal to forty percent of the depth.

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- b. Density: Shall not exceed eight dwelling units per each ten gross acre.
2. Non-Residential: All non-residential principal uses of building as permitted in this section shall be located on a tract of land having an area of not less than five acres and a width at the established building line of not less than forty percent of the depth of the lot, except municipal projects and developments.
3. Special Uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.

E. YARD AREAS.

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

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

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

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

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

8.09 R-4 ONE-FAMILY RESIDENCE DISTRICT

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

- 1. Accessory uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.
- 2. Home occupation provided it follows the definition in Section 3.02, meets the conditions in Section 4.07 and an affidavit is filled out in the Planning, Building and Zoning office stating you meet those conditions.
- 3. Single family detached dwellings.
- 4. Signs, as permitted and regulated by Section 12.00.
- 5. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.

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

- 1. Child Day Care Facilities
- 2. Golf courses, regulation size, but not including "Par 3" golf courses or commercially operated driving ranges.
- 3. Places of Worship subject to the following conditions:
 - a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
 - b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent

that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.

- c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00.
4. Planned residential or institutional developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished, provided the property proposed for development shall have a gross area of at least twenty (20) acres. For such developments, the County Board may vary the bulk regulations subject to the conditions in this ordinance, provided such variations are consistent with the general purpose and intent of this ordinance, and will result in better site planning and thus be of greater benefit to the occupants of the development and to the surrounding area.
 5. Public or Private Utilities and Service uses:
 - a. Telecommunications hub
 - b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses
 6. Rest homes, nursing homes and sanitariums, for human beings only.
 7. Seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation.
 8. Schools, public, elementary, junior high, and high, including playgrounds, garages for school buses, and athletic fields.
- C. Conditional Uses: The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator
1. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
- D. Lot Size.
1. One family detached dwellings:

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- a. Lot: 30,000 square feet minimum with a width at the established building line equal to forty (40) percent of the depth.
 - b. Density: Shall not exceed twelve (12) dwelling units per each ten (10) gross acre.
 - c. Utilities: All lots in this district shall be served by public sewerage facilities.
2. Non-residential: All non-residential principal uses of building as permitted in this section shall be located on a tract of land having an area of not less than five (5) acres and a width at the established building line of not less than forty (40) percent of the depth of the lot, except municipal projects and developments.
 3. Special uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.

D. Yard Areas.

1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - a. Freeway and Arterial Roads, as defined by the Land Resource Management Plan - Forty (40) feet from the right-of-way line.
 - b. Major and Minor Collector Roads, as defined by the Land Resource Management Plan - Thirty (30) feet from the right-of-way line.
 - c. All other roads - Twenty-five (25) feet from the right-of-way line.
 - d. Exception. Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.
2. Side Yard. For Interior lots a side yard on each side of the lot equal to ten percent (10%) of the lot width. Where a side yard is adjacent to a street, a setback of not less than thirty feet (30') shall be provided.
[Amended 10/18/2005]

- 3. Rear Yard. A rear yard of not less than thirty (30) feet.
- E. Lot Coverage. Not more than twenty (20) percent of the area of a zoning lot may be covered by buildings or structures including accessory buildings.
- F. Maximum Building Height. Same regulations shall apply as permitted or required in the R-1 One-Family Estate Residence, Section 8.02 G.

8.10 R-5 ONE-FAMILY RESIDENCE DISTRICT

- A. PERMITTED USES. The following uses are permitted: Any permitted use in the R-4 One-Family Residence District, Section 8.09 A.
- B. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00: Any use permitted as a special use in the R-4 One-Family Residence District, Section 8.09 B, except that Planned Development may be considered where the zoning lot proposed for development has a gross area of not less than twenty (20) acres.
- C. Conditional Uses: The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator
 - 1. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
- D. Lot Size.
 - 1. One family detached dwellings:
 - a. Lot: 15,000 square feet minimum with a width at the established building line equal to forty (40) percent of the depth.
 - b. Density: Shall not exceed twenty-two (22) dwelling units per each ten (10) gross acre.
 - c. Utilities: All lots in this district shall be served by public sewerage facilities.
 - 2. Non-residential: All non-residential principal uses of building as permitted in this section shall be located on a tract of land having an area of not less than five (5) acres and a width at the established building line of not less than forty (40) percent of the depth of the lot, except municipal projects and developments.

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3. Special uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.

E. Yard Areas.

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

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

G. Maximum Building Height. Same regulations shall apply as permitted or required in the R-1 One-Family Estate Residence, Section 8.02.G. *(Amended 11/18/2003)*

H. Floor Area Ratio. The maximum FAR shall be .4. *(Amended 11/18/2003)*

8.11 R-6 ONE-FAMILY RESIDENCE DISTRICT

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Updated on 3.20.12

- A. **PERMITTED USES.** The following uses are permitted: Any permitted use in the R-4 One-Family Residence District, Section 8.09 A.
- B. **SPECIAL USES.** The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00: Any use permitted as a special use in the R-4 One-Family Residence District, Section 8.09 B, except that Planned Development may be considered where the zoning lot proposed for development has a gross area of not less than twenty (20) acres.
- C. **Conditional Uses:** The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator
1. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
- D. **Lot Size.**
One family detached dwellings:
- a. Lot: 7,000 square feet minimum with a width at the established building line equal to forty (40) percent of the depth.
 - b. Density: Shall not exceed three and one-half (3.5) dwelling units per each one (1) gross acre.
 - c. Utilities: All lots in this district shall be served by public sewerage and water facilities.
4. **Non-residential:** All non-residential principal uses of building as permitted in this section shall be located on a tract of land having an area of not less than five (5) acres and a width at the established building line of not less than forty (40) percent of the depth of the lot, except municipal projects and developments.
 5. **Special uses:** Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.
- E. **Yard Areas.**
1. **Front Yard.** Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - a. Freeway and Arterial Roads, as defined by the Land Resource Management Plan - Forty (40) feet from the right-of-way line.

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- b. Major and Minor Collector Roads, as defined by the Land Resource Management Plan - Thirty (30) feet from the right-of-way line.
 - c. All other roads - Twenty-five (25) feet from the right-of-way line.
 - d. Exception. Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.
2. Side Yard. A side yard on each side of the lot equal to ten (10) percent of the lot width for interior side yards. A side yard to a street shall be not less than thirty (30) feet.
 3. Rear Yard. A rear yard of not less than thirty (30) feet.
- F. Hard Surface Coverage. Not more than forty (40) percent of the surface area of a zoning lot may be covered by hard surfaces. *(Amended 11/18/2003)*
- G. Maximum Building Height. Same regulations shall apply as permitted or required in the R-1 One-Family Estate Residence, Section 8.02.G. *(Amended 11/18/2003)*
- H. Floor Area Ratio. The maximum FAR shall be .4. *(Amended 11/18/2003)*

8.12 R-7 GENERAL RESIDENCE DISTRICT

- A. PERMITTED USES. The following uses are permitted:
1. Any of the permitted uses in the R-4 One-Family Residence District, Section 8.09 A.
 2. Multiple-family dwellings.
 3. Single-family semi-detached dwellings.
 4. Single-family attached dwellings, but not more than one hundred eighty (180) feet in length.

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5. Two-family detached dwellings.

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

1. Any use permitted as a special use in the R-4 One-Family Residence District, Section 8.09 B, except that Planned Development may be considered where the zoning lot proposed for development has a gross area of not less than twenty (20) acres.

2. Mobile home park, on a lot not less than (10) acres in area.

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

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

D. Lot Area and Allowable Density.

1. One family detached dwellings:

a. Utilities: All lots in this district shall be served by public sewerage facilities.

b. Every single-family detached dwelling and every two-family detached dwelling shall be on a lot conforming with the area requirements for a single-family detached dwelling in the R-6 Residence District.

c. All residential structures containing two (2) or more attached dwelling units shall be located on a lot which provides the following minimum land area per dwelling unit:

Type of Dwelling Unit	Minimum Lot Area Per Dwelling Unit (in Sq. Ft.)
4 or more bedrooms	4,000
3 bedroom	3,500
2 bedroom	3,000
1 bedroom	2,000
Efficiency	1,000

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- d. For the purposes of determining lot area, any room other than a living room, dining room, kitchen or bath shall be counted as a bedroom.
 - e. Density: The maximum density allowed based upon the gross area shall be fifteen (15) dwelling units per acre.
 2. Non-residential: All non-residential principal uses of building as permitted in this section shall be located on a tract of land having an area of not less than five (5) acres and a width at the established building line of not less than forty (40) percent of the depth of the lot, except municipal projects and developments.
 3. Special uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.
- E. Lot Width. Every lot shall have a width equal to at least forty (40) percent of the lot depth.
- F. Floor Area Ratio.
 1. For one and two-family dwellings - 0.4. *(Amended 11/18/2003)*
 2. For multiple family buildings - 0.5.
 3. For permitted non-residential uses - 0.7.
- G. Yard Areas.
 1. All yard areas for single family and two-family buildings shall be the same as the regulations required in the R-6 One-Family Residence District, Section 8.11 D.
 2. For multiple family buildings, the following yards shall be provided:
 - a. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 1. Freeway and Arterial Roads, as defined by the Land Resource Management Plan - Fifty (50) feet from the right-of-way line.

3. Major and Minor Collector Roads, as defined by the Land Resource Management Plan - Forty (40) feet from the right-of-way line.
 3. All other roads - Thirty (30) feet from the right-of-way line.
 4. Exception. Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.
- b. Side Yard. Two (2) side yards each not less than ten (10) feet in width, except a side yard adjoining a street shall not be less than thirty (30) feet in width and for structures more than thirty (30) feet in length measured perpendicularly to the front lot line, an interior side yard shall be increased in width by one-half (0.5) foot for each one (1) foot the building exceeds thirty (30) feet in length.
 - c. Rear Yard. A rear yard of not less than thirty (30) feet.
- H. Hard Surface Coverage. Not more than forty (40) percent of the surface area of a zoning lot may be covered by hard surfaces. *(Amended 11/18/2003)*
- I. Maximum Building Height.
1. Single-family detached dwellings:. Same regulations shall apply as permitted or required in the R-1 One-Family Estate Residence, Section 8.02 G.
 2. All other dwelling types, not more than two (2) stories or twenty-four (24) feet, whichever is lower.

SECTION 9.00 BUSINESS DISTRICTS

EXHIBIT A

9.00 COMMERCIAL ZONING DISTRICTS

9.01 PURPOSE

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

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

9.02 B-1 LOCAL SHOPPING DISTRICT

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

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7. Convenience Store
8. Custom Dressmaking, Millinery, Tailoring or Shoe Repair Shops
9. Drug Store
10. Fire Stations
11. Gardening Supplies and Seed Stores (retail sales only)
12. Governmental buildings and facilities
13. Grocery and food sales under 10,000 square feet
14. Indoor business sales and service under 10,000 square feet
15. Indoor retail sales of goods under 10,000 square feet, including repair of goods sold on the premises
16. Nano Breweries, subject to the following conditions: *(Amended 11/15/11; Ord. 11-29)*
 - a. The facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
 - b. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
 - c. Locally grown inputs shall be used to the greatest extent possible, with production utilizing crops grown on the same property or in combination with crops grown off-site.
 - d. Any tasting or sale of beer shall be subject to the Kendall County Liquor Control regulations.
17. Offices, business and professional, including medical clinics
18. Personal and business service shops under 10,000 square feet but not including uses regulated in Section 4.16
19. Photography Studios
20. Police Stations.
21. Postal substations

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

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14. Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation.
- D. Conditional Uses. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator:
1. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
 2. Electrical Appliance Stores and Repair with a size limit of 10,000 square feet.
 3. Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.
 4. Small Wind Energy Systems subject to the conditions of Section 4.18
- E. Lot Size. Every lot or tract of land upon which a building is erected or maintained shall have an area of not less than 10,000 square feet and a width of not less than 100 feet as measured from the front building line.
- F. Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building:
1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - a. Arterial Roadways. Fifty (50) feet from a dedicated road right-of-way or one hundred (100) feet from the center line of all adjacent roads, whichever is greater.
 - b. Major or Minor Collector Roadways. Forty (40) feet from a dedicated road right-of-way or ninety (90) feet from the center line of all adjacent roads, whichever is greater.
 - c. All Other Streets. Thirty feet (30) from a dedicated road right-of-way or seventy-five (75) feet from the center line of all adjacent roads, whichever is greater.
 2. Side Yard. Ten feet from the property line. Where a side yard abuts a

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

3. Rear Yard. Twenty feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required rear yard shall be twenty feet, or equivalent to said adjacent setback, whichever is greater.
- G. Lot Coverage.
1. Maximum Floor Area Ratio. Not to exceed 0.50.
 2. Impervious Lot Coverage (buildings, parking, drives, etc.). Not to exceed 75% of the lot.
- H. Maximum Building Height. No building hereinafter erected shall exceed 35 feet in height.
- I. Signs. In accordance with the regulations set forth in Section 12.00.
- J. Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00. Parking shall not encroach upon the required front or side yard. Parking may encroach upon the required rear yard, provided that a landscaped buffer yard of at least 10' from the rear property line is maintained.
- K. Other Provisions.
1. Performance Standards. All activities shall conform with the performance standards set forth in section 10.01.G.
 2. Refuse Enclosures. Refuse or trash collection areas shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, and shall include a concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.
 3. Waste Materials. No materials or wastes shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces.
 4. Screening and Landscaping. Where a commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Section 13.00. Site Plan Review. All

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areas must include a landscaping plan for approval at the time the request for B-1 zoning is made.

9.03 B-2 GENERAL BUSINESS DISTRICT

A. Purpose. The B-2 General Business District is composed of those areas of the County whose principal use is general retail, service and repair business activities which serve persons and businesses in the County. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads.

B. Permitted Uses. The following uses are permitted:

1. All permitted uses in the B-1 Local Shopping District
2. Private Ambulance service
3. Antique Shops
4. Art and school supply stores
5. Auction Facility when conducted wholly within an enclosed building and with no outside storage.
6. Banks and financial institutions
7. Book and Stationery Stores
8. Building material sales (retail)
9. Camera and Photographic Supply Stores
10. Catering Establishments
11. Copying/Reproduction Stores & banner or sign supplies
12. Electrical Appliance Stores and Repair
13. Furrier
14. Glass cutting and glazing establishments
15. Grocery and food sales

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16. Indoor business sales and service in excess of 10,000 square feet
 17. Indoor retail sales of goods in excess of 10,000 sq. feet, including repair of goods sold on the premises
 18. Monument sales, but not including the cutting or grinding of stones
 19. Motor Vehicle accessory store
 20. Musical Instrument Sales and Repair (including lessons)
 21. Packaged Liquor Store or any sale of alcoholic beverages
 25. Personal and business service shops in excess of 10,000 Sq. ft.
 26. Pet shop when conducted wholly within an enclosed building
 27. Plumbing, heating, and roofing supply shops
 28. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
 29. Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation.
- C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00:
1. Agricultural implement sales and service on an open lot or within a building
 2. Boat, Trailer and Recreational Vehicle sales or rental and service.
 3. Child Day Care Facility
 4. Clubs and lodges (non-profit), fraternal or religious institutions
 5. Communications use
 6. Crematories/Funeral Homes
 7. Currency Exchange

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8. Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
 9. Dwelling units for Watchmen and Families including a Caretaker.
 10. Fertilizer sales, including limited storage.
 11. Hospital
 12. Indoor entertainment and recreation
 13. Indoor Target Practice
 14. Meeting halls
 15. Motor Vehicle Service Stations for Retail Sale of Gasoline and Oil for Motor Vehicles
 16. Motor Vehicle /Motorcycle service stations, including repair and rebuilding, or painting of motor vehicles
 17. Motor vehicle-Sales/ Motorcycle Sales
 18. Motor vehicle washing including the use of mechanical conveyers, blowers and steam cleaning
 19. Outdoor storage, provided such storage is screened from adjacent and surrounding properties
 20. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity
 21. Public or Private Utilities and Service uses:
 - a. Telecommunications hub
 - b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses
 24. Taverns
 25. Telecommunications Stations
- D. Conditional Uses. The following Conditional Uses may be permitted only if

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specifically authorized by the Zoning Administrator:

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

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- (iii) Seasonal display areas shall be located at least 10 feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.

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

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

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adjacent buildings. When manufacturing operations of the same or similar products demand space exceeding six thousand square feet, they shall then be located in the M-1 Manufacturing District.

- 10. Small Wind Energy Systems subject to the conditions of Section 4.18
- E. Lot Size. Every lot or tract of land upon which a building is erected or maintained shall have an area of not less than 10,000 square feet and a width of not less than 100 feet.
- F. Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building:
 - 1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - a. Arterial Roadways. Fifty feet (50) from the dedicated road right-of-way or one hundred (100) feet from the center line of all adjacent roads, whichever is greater.
 - b. Major or Minor Collector Roadways. Forty (40) feet from the dedicated road right-of-way or ninety (90) feet from the center line of all adjacent roads, whichever is greater.
 - c. All Other Streets. Thirty (30) feet from the dedicated road right-of-way or seventy (70) feet from the center line of all adjacent roads, whichever is greater.
 - d. Exception. Where lots comprising fifty percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten feet in depth the average of such front shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.
 - 2. Side Yard. Ten feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be ten feet, or equivalent to said adjacent setback, whichever is greater.
 - 3. Rear Yard. Twenty feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the

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required rear yard shall be twenty feet, or equivalent to said adjacent setback, whichever is greater.

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

9.04 B-3 HIGHWAY BUSINESS DISTRICT

- A. Purpose: The B-3, Highway Business District is intended for major retail, service and repair establishments serving a large trade area, usually the entire County or beyond and oriented to the traveling public. The trade area population served by these establishments requires easy access, although patronage is more dispersed and visits to these establishments less frequent than in the B-1 District and B-2 District. It is the intent of the B-3 District regulations that establishments desiring location along major traffic routes are grouped with appropriate and adequate access ways provided.
- B. Permitted Uses. The following uses are permitted:
1. All Permitted Uses identified in the B-2 General Business District
 2. Agricultural implement sales and service on an open lot or within a building.
 3. Animal hospital
 4. Banquet Halls are permitted subject to the following conditions:
 - a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
 - b. The subject parcel must be a minimum of 5 acres.
 - c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
 - d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
 - e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
 - f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
 - g. The noise regulations are as follows:

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

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residential land, provided; however, that point of measurement shall be on the property line of the complainant.

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

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

5. Beverages, non-alcoholic, bottling and distributing.
6. Boat, Trailer and Recreational Vehicle sales or rental and service
7. Carpet and Rug Stores
8. Construction equipment sales and service.
9. Crematories/ Funeral Homes
10. Currency exchange.
11. Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
12. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
13. Health clubs (public or private) and related accessory uses.
14. Hotel and/or Motels
15. Indoor entertainment and recreation
16. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.

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17. Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.
18. Miniature Golf Courses
19. Motor Vehicle Service Stations for Retail Sale of Gasoline and Oil for Motor Vehicles
20. Motor Vehicle Sales/Motorcycle Sales
21. Motor Vehicle/Motorcycle service stations, including repair and rebuilding, or painting of motor vehicles
22. Motor Vehicle washing—Facilities including the use of mechanical conveyers, blowers and steam cleaning.
23. Nurseries and greenhouses
24. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity.
25. Restaurants, including the drive-in type where food is served to customers remaining in motor vehicles.
26. Taverns

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

1. Child Day Care Facility
2. Clubs and Lodges (non-profit), fraternal or religious institutions.
3. Communication Uses
4. Consumer credit, payday loan offices, financing or financial offices.
5. Dwelling units for Watchmen and Families including a Caretaker.
6. Fertilizer sales, including limited storage.
7. Hospitals

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8. Indoor Target Practice
9. Kennels with the condition that the kennels must be located inside and must be located a minimum of 250' from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and 150' from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset.
10. Landscaping business, provided that:
 - a. All vehicles equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
 - b. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
 - c. No landscape waste generated off the property can be burned on this site.
11. Meetings Halls
12. Micro-Brewery and/or Winery
13. Outdoor storage provided such storage is screened from adjacent and surrounding properties.
14. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
15. Pawn Shop
16. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales

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of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above listed items are also permitted.

17. Public or Private Utilities and Service uses:
 - a. Telecommunications hub
 - b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses
 18. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
 19. Self-Service Storage Facilities
 20. Telecommunications Stations
 21. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
 22. Truck Driving School
 23. Truck Stop
- A. Conditional Uses. All conditional uses outlined in the B-2 General Business District (Section 9.03D) may be permitted only if specifically authorized by the Zoning Administrator.
- B. Lot Size. Every lot or tract of land upon which a building is erected or maintained shall have an area of not less than 10,000 square feet and a width of not less than 100 feet.
- C. Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building:
1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

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

D. Lot Coverage.

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

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

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

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

H. Other Provisions.

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

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

9.05 B-4 COMMERCIAL RECREATION

- A. Purpose. The B-4 Commercial Recreation District is intended to accommodate commercial activities that serve the recreational needs of County residents, or which are dependent upon locations near recreational resources, such as lakes. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads.
- B. Permitted Uses. The following uses are permitted:
 1. Accessory uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.
 2. Auction Facility when conducted with another permitted use in this district.
 3. Banquet Halls are permitted subject to the following conditions:
 - a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
 - b. The subject parcel must be a minimum of 5 acres.
 - c. The use of this property shall be in compliance with all applicable

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

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

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

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

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

- 4. Boat launching ramp
- 5. Boat, Trailer and Recreational Vehicle sales or rental and service
- 6. Child Day Care facilities
- 7. Dwelling Unit for Watchmen and Families including a Caretaker
- 8. Fairgrounds
- 9. Fire Stations

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10. Golf courses (including miniature golf), golf driving range, club houses, county clubs, and membership riding clubs
11. Governmental buildings and facilities
12. Health clubs (public or private) and related accessory uses
13. Non-profit recreational facilities and related accessory uses
14. Philanthropic institutions and institutions supported by charity.
15. Police Stations.
16. Postal substations
17. Seasonal Festivals provided that the following conditions and restrictions are met:
 - i. Adequate parking on site shall be provided in such a way that no on-street parking is necessary
 - ii. Event areas, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office
 - iii. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services
 - iv. Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services
 - v. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements
 - vi. Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property
 - vii. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Department
 - viii. No event activity shall start earlier than 9:00 A.M. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30pm Thursday thru Sunday
 - ix. Events shall be permitted once a year unless otherwise approved by the PBZ Committee
 - x. Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year

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- xii. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted during the duration of the Seasonal Festival subject to the review and approval of the Zoning Administrator.
 - xiii. All signage shall comply with Section 12.00 of the Zoning Ordinance
 - xiii. All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot-candles at any property line
 - xv. Any Seasonal Festival which cannot meet these standards may still be permitted if approved as a Special Use. An applicant seeking an approval of the conditional use shall submit an application to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator in the review of a Conditional Use for a Seasonal Festival to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests.
18. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.
19. Truck and Tractor Amusement Competition Events, provided that the following conditions and restrictions are met:
- i. Event tracks, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 500 feet of a residential district, or residential structure located off the subject property unless written consent from the effected residents is provided to the Planning, Building and Zoning Office.
 - ii. The operator shall provide adequate parking on the site, such that no on-street parking will be required.
 - iii. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.
 - iv. No alcohol shall be sold on the premises without a Kendall County liquor license.
 - v. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
 - vi. Events shall not exceed six (6) consecutive days in duration.
 - vii. Events shall not exceed two (2) times per calendar year on any particular property.
 - viii. Noise levels shall not exceed 90 dB as measured at the nearest property line, not including any residences located on the subject

property.

- ix. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Department.
- x. Any event activities shall start no earlier than 9:00 A.M., and shall end no later than 9:00 P.M., any day of the week.
- xi. Any truck and tractor amusement competition event which cannot meet these standards may still be permitted via a special use.

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

- 1. Amphitheater, drive-in theater, auditorium, stadium and sports arena, provided that the following conditions are met:
 - a. The minimum site area shall be 200,000 square feet.
 - b. All structures, viewing and seating areas shall be set back at least 100 feet from any street or property line.
 - c. The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
 - d. The following accessory uses may be permitted as incidental to, and limited to patrons of, the principal use:
 - (i) playground
 - (ii) refreshment stand or booth
 - (iii) souvenir stand or booths
 - (iv) offices
 - e. For any drive-in theater:
 - (i) The theater screen shall not be visible from any collector street, arterial street, or freeway within 1,200 feet.
 - (ii) The viewing/parking area shall be screened in such a manner that it cannot be observed from outside the property.

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- (iii) Off-street space for automobiles of patrons awaiting admission to the theater shall be equal to a minimum of 15 percent of the capacity of the viewing area. All entrances and exits shall be separated, and internal circulation shall provide one-way traffic.
- 2. Athletic Fields with Lights, provided that the following conditions are met:
 - a. The minimum site area shall be 140,000 square feet.
 - b. All structures, viewing, parking, and seating areas shall be set back at least 100 feet from any street or property line.
 - c. Photometric lighting plans will be submitted and approved by the County. All lighting shall be directed downward, and should minimize glare and light trespassing on adjacent property.
- 3. Amusement park, including go-cart tracks, water parks and other rides, provided that the following minimum standards are met:
 - a. The site shall be located and designed to minimize adverse impacts on adjacent uses.
 - b. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
- 4. Bait Shop
- 5. Convenience Store
- 6. Hotel and/or Motel
- 7. Indoor entertainment and recreation
- 8. Indoor Target Practice
- 9. Kennels when located more than 600' from any occupied residential structure other than the owners residence
- 10. Planned Developments- Business
- 11. Production and sale of sweet cider, hard cider, wine, jams, wine jams,

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jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above listed items are also permitted.

12. Racetrack provided that the following minimum standards are met:
 - a. The minimum site area shall be 20 acres.
 - b. The racetrack and all building, viewing areas, seating areas, and structures for housing animals shall be located no closer than 275 feet from any public road right-of-way or property line.
 - c. If night racing is to be conducted, all parking areas and access ways shall be adequately lit; provided that such lighting, as well as lighting for the racetrack shall meet the lighting standards set forth in section 11.02.
 - d. If a vehicle racetrack is proposed a noise study shall be prepared by a trained professional addressing anticipated noise levels during races or practice sessions. This study shall also address how excessive noise will be mitigated. The County shall reserve the right to obtain an independent review of this study, and require additional noise mitigation beyond that outlined in the noise study.
 - e. If an animal racetrack is proposed all facilities for housing and maintaining equine shall comply with the following requirements:
 - (i) An approval for such facility from the Kendall County Health Department must accompany the application for a Special Use Permit.
 - (ii) A 100 foot wide area of vegetation cover, exclusive of pasture area, shall be maintained between any corral, un-vegetated exercise area, manure pile, or application area and any surface water or well, in order to minimize runoff,

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prevent erosion, and promote quick nitrogen absorption.

- (iii) All facilities for housing and maintaining other animals shall meet the conditions specified in the Special Use Permit.
- f. The accessory uses may be permitted as incidental to and limited to patrons of the principal use:
- (i) refreshment stands or booths
 - (ii) souvenir stands or booths
 - (iii) wagering facilities
 - (iv) restaurants or lounges
 - (v) playgrounds or child day care facilities
 - (vi) vehicle fuel and supplies sales limited to owners or operators of vehicles to be raced
 - (vii) temporary campgrounds
 - (viii) any other customary and incidental uses which are deemed appropriate by the County Board.
13. Recreational camps and recreational vehicle parks subject to the following conditions:
- a. The minimum lot size must be 20 acres
 - b. All standards of the Health Department are met.
 - c. Must seek approval from the Fire and Police Departments
 - d. Adequate directional signage must be throughout the property.
 - e. Maximum continuous stay shall not exceed 90 days.
14. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses subject to the following:
- a. All such facilities shall meet all State Animal Management Statutes.
 - b. Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time, unless otherwise approved in the special use permit.
 - c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
 - d. Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from

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- surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.
- e. Submissions of a manure management plan for review and approval by the Kendall County Health Department.
 - f. Hours of operation for the indoor arenas shall be restricted to 6:00 am – 10:00 pm daily. Outdoor use of the property for riding horses shall be permitted from dawn to dusk daily.
 - g. Off-street parking and loading at a ratio of not less than one parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e. storage of horse trailers used in conjunction with the stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)
 - h. Provision of handicapped accessible bathroom facilities for customers and employees.
 - i. Compliance with basic life safety requirements for building ingress and egress.
15. Seminaries, convents, monasteries, and similar religious institutions including dormitories and other accessory uses required for operation.
 16. Telecommunications Stations
 17. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-4 District
- D. Conditional Uses. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator:
1. Small Wind Energy Systems subject to the conditions of Section 4.18
- E. Lot Size. Every lot or tract of land upon which a building is erected or maintained shall have an area of not less than 20,000 square feet and a lot width of 100 feet measured at the front building line.
- F. Number of Buildings. Due to the nature of the uses permitted in this zoning district, multiple buildings may be permitted on a single zoning lot, without requiring Planned Development approval.
- G. Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building:
1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

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- a. Arterial Roadway. Fifty (50) feet from the dedicated road right-of-way or one hundred (100) feet from the center line of all adjacent roads, whichever is greater.
 - b. Major or Minor Collector Roadway. Fifty (50) feet from the dedicated road right-of-way or one hundred (100) feet from the center line of all adjacent roads, whichever is greater.
 - c. All Other Streets. Forty (40) feet from the dedicated road right-of-way or eighty (80) feet from the center line of all adjacent roads, whichever is greater.
2. Side Yard. Ten feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be ten feet, or equivalent to said adjacent setback, whichever is greater.
 3. Rear Yard. Ten feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required rear yard shall be ten feet, or equivalent to said adjacent setback, whichever is greater.
- H. Lot Coverage.
1. Maximum Floor Area Ratio. Not to exceed 0.20.
 2. Impervious Lot Coverage (buildings, parking, drives, etc.). Not to exceed 75% of the lot.
- I. Maximum Building Height. No building hereinafter erected shall exceed 50 feet in height.
- J. Signs. In accordance with the regulations set forth in Section 12.00.
- K. Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00.
- L. Other Provisions.
1. Performance Standards. All activities shall conform with the performance standards set forth in section 10.01.G.
 2. Refuse Enclosures. Refuse or trash collection areas shall be completely screened from view on all sides, with solid fencing of either wood or

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masonry construction, to a height of seven feet; and shall include concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.

3. Waste Materials. No materials or wastes shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces.
4. Screening and Landscaping. Adequate screening and landscaping for adjoining residential areas shall be provided as set forth in Section 13, Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-4 zoning is made.

9.06 B-5 BUSINESS PLANNED DEVELOPMENT

- A. Purpose. The B-5 Business Planned Development (BPD) District is intended to provide for greater freedom, imagination, and flexibility in the development of land while assuring appropriate development standards. To this extent it allows diversification and variation in the relationship of uses, structures, and open spaces in developments planned as comprehensive, cohesive projects which are unified by a shared concept. It is further intended to encourage the beneficial integration of different compatible land uses at a proper scale and to encourage better design, provision of amenities, and the efficient use of public services through the use of planned unit development procedures. The intensity and profile of the development within this District are intended to be compatible with all adjacent uses.
- B. Permitted Uses. Permitted uses shall be consistent with the purpose of this District, including a wide variety of retail, office, general commercial and light industry. A permitted use list shall be developed and approved with each zoning request in the BPD District.
- C. Lot, Yard, Coverage and Height. Uses in the BPD District shall conform to a plan for the District, as adopted by ordinance by the County Board. The plan must include, at a minimum, the following:
 1. Minimum yard requirements, including appropriate landscape easements
 2. Lot coverage permitted
 3. Building height permitted
 4. Minimum landscape and site open space standards
 5. Minimum architectural standards
 6. Lighting
- D. Signs. In accordance with the regulations set forth in Section 12.00.

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

F. Other Provisions.

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

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

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

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

Waste Materials. No materials or wastes shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces.

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

9.07 B-6 OFFICE AND RESEARCH PARK DISTRICT

A. Purpose. The B-6 Office and Research District is intended to provide for innovative, well-designed and maintained office and nuisance-free research uses in an environment which is characterized by controlled ingress and egress to

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major streets and extensive setbacks and yard areas with imaginative landscaping. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads.

B. Permitted Uses. The following uses are permitted:

1. Accessory uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.
2. Banks and financial institutions
3. Business or trade school.
4. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds, but not including business colleges or trade schools when operated for profit.
5. Consumer credit, payday loan offices, financing or financial offices.
6. Fire Stations
7. Governmental buildings and facilities
8. Hospital.
9. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
10. Offices, business and professional, including medical clinics.
11. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity
12. Planned Developments- Business
13. Police Stations.
14. Research laboratories, including the testing of products, but not including the manufacturing of products, except as incidental to the research and testing of products

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15. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
 16. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
 17. Wholesale sales, displays and offices, but not including storage or warehousing
- C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00:
1. Book and stationary stores when Services are intended to serve the immediate convenience needs of persons employed in the area
 2. Child Day Care Facility
 3. Convenience store
 4. Dwelling Unit for Watchmen and Families including a Caretaker
 5. Health clubs (public or private) and related accessory uses.
 6. Hotel and/or motel
 7. Indoor Target Practice
 8. Light manufacturing and assembly
 9. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
 10. Private clubs such as soccer, ect. provided all other sections of the Zoning Ordinance and Health Department regulations are met.
 11. Public or Private Utilities and Service uses:
 - a. Telecommunications hub
 - b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses
 12. Restaurants and/or taverns

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

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3. Rear Yard. Forty feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required rear yard shall be forty feet, or equivalent to said adjacent setback, whichever is greater.
- G. Lot Coverage.
1. Maximum Floor Area Ratio. Not to exceed 0.50.
 2. Impervious Lot Coverage (buildings, parking, drives, etc.). Not to exceed 70% of the lot.
- H. Maximum Building Height. No building hereinafter erected shall exceed 75 feet in height. No building within 300 feet of a residential district shall exceed two stories, nor shall it exceed forty (40) feet in height.
- I. Signs. In accordance with the regulations set forth in Section 12.00.
- J. Off-Street Parking and Loading. In accordance with the regulations set forth in section 11.00. Parking may encroach upon the required side or rear yard, provided that a landscaped buffer yard of at least 10' from the side or rear property line is maintained. Trucks and semi trailers shall not be parked or stored out-of-doors overnight, in the parking lot or on the premises, except within an area screened from adjacent properties by a walled and gated sight screen enclosure, fence or landscaped berm. However, temporary parking, overnight, not to exceed a 48-hour time period, may be permitted for delivery vehicles which arrive after normal business hours.
- K. Other Provisions.
1. Performance Standards. All activities shall conform with the performance standards set forth in section 10.01.G.
 2. Outdoor Sales. All outdoor sales space shall be provided with a permanent durable and dustless surface, and shall be graded and drained as to dispose of all surface water.
 3. Outdoor Storage. No outdoor storage shall be permitted.
 4. Refuse Enclosures. Refuse or trash collection areas shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, to a height of seven feet; and shall include concrete pad and an operable door of adequate width. Screening may

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also be of chain link, with a screen of dense landscape plantings.

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

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EXHIBIT A

10.01 M-1 LIMITED MANUFACTURING DISTRICT

- A. **CONDITIONS OF USE.** All permitted uses are subject to the following conditions:
1. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the performance standards set forth in section 10.01.G.
 2. All business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified. Within one hundred and fifty feet of a Residential District, all storage shall be in completely enclosed buildings or structures; and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage; and suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half ton capacity may be un-enclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 11.00.
 3. Uses established on the effective date of this amended ordinance and by its provisions are rendered non-conforming, shall be permitted to continue, subject to the regulations of Section 5.00.
 4. Uses established after the effective date of this amended ordinance shall conform fully to the performance standards hereinafter set forth for the district.
- B. **PERMITTED USES.** The following uses are permitted:
1. Ambulance Service (Private)
 2. Animal feed; preparation, grinding, mixing and storage.
 3. Auction Facility
 4. Banquet Halls are permitted subject to the following conditions:
 - a. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)

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

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

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

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

5. Beverages, non-alcoholic, bottling and distributing.
6. Business or trade school
7. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds.
8. Construction equipment sales and service.
9. Contractors' offices and shops.
10. Glass cutting and glazing establishments

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11. Light manufacturing and assembly.

12. Miscellaneous uses - as follows:

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

Signs.

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

13. Motor vehicle Sales/ Motorcycle Sales including truck sales.

14. Nano Breweries, subject to the following conditions: *(Amended 11/15/11; Ord. 11-29)*

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

15. Offices, business and professional, including medical clinics.

16. Parking Garages for storage of private passenger automobiles and commercial vehicles.

17. Public and community service uses - as follows:

Bus terminals, bus garages, bus lots, street railway terminals, or street car houses.

Electric sub-stations.

Fire stations.

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Governmental buildings and facilities

Municipal or privately owned recreation buildings

Police stations.

Sewage treatment plants.

Telephone exchanges.

Water filtration plants.

Water pumping stations.

Water reservoirs.

18. Production, publishing, processing, cleaning, testing, or repair, limited to the following uses and products:

Apparel and other products manufactured from textiles.

Art needle work and hand weaving.

Motor vehicle painting, upholstering, repairing, reconditioning, and body and fender repairing when done within the confines of a structure.

Awnings, venetian blinds.

Bakeries.

Beverages - non-alcoholic.

Blacksmith shop.

Books - hand binding and tooling.

Bottling works.

Brushes and brooms.

Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature.

Cameras and other photographic equipment and supplies.

Canning and preserving.

Canvas and canvas products.

Carpet and rug cleaning.

Carting, express hauling or storage yards.

Cement block manufacture.

Ceramic products - such as pottery and small glazed tile.

Cleaning and dyeing establishments when employing facilities for handling more than fifteen hundred pounds of dry goods per day.

Clothing.

Cosmetics and toiletries.

Creameries and dairies.

Dentures.

Drugs.

Electrical appliances, such as lighting fixtures, irons, fans, toasters and electric toys.

Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.

Electrical supplies, manufacturing and assembly of - such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.

Food products, processing and combining of (except meat and fish) - baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.

Fur goods, not including tanning and dyeing.

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Glass products, from previous manufactured glass.

Hair, felt and feather products (except washing, curing and dyeing).

Hat bodies of fur and wool felt.

Hosiery.

House trailer, manufacture.

Ice, dry and natural.

Ink mixing and packaging and inked ribbons.

Jewelry.

Laboratories - medical, dental, research, experimental, and testing - provided there is no danger from fire or explosion nor of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.

Laundries.

Leather products, including shoes and machine belting, but not including tanning and dyeing.

Luggage.

Machine shops for tool, die and pattern making.

Meat products.

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing and heat treatment.

Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.

Musical instruments.

Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.

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Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.

Perfumes and cosmetics.

Pharmaceutical products.

Plastic products, but not including the processing of the raw materials.

Poultry and rabbits - slaughtering.

Precision instruments - such as optical, medical and drafting.

Products from finished materials - plastic, bone, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious and semi-precious stones, rubber, shell or yard.

Printing and newspaper publishing, including engraving and photoengraving.

Public utility electric substations and distribution centers, gas regulations centers and underground gas holder stations.

Copying/Reproduction Stores & banner or sign supplies

Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.

Silverware, plate and sterling.

Soap and detergents, packaging only.

Soldering and welding.

Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets, and rods.

Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.

Storage of household goods.

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Storage and sale of trailers, farm implements and other similar equipment on an open lot.

Storage of flammable liquids, fats or oil in tanks each of fifty thousand gallons or less capacity, but only after the locations and protective measures have been approved by local fire chief in the district in which the subject property is located.

Textiles - spinning, weaving, manufacturing, dyeing, printing, knit goods, yard goods, thread, and cordage, but not including textile bleaching.

Tool and die shops.

Tools and hardware - such as bolts, nuts, and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks nonferrous metal castings, and plumbing appliances.

Toys.

Truck, truck tractor, truck trailer, car trailer, or bus storage yard, when all equipment is in operable condition, but not including a truck or motor freight terminal, which shall be treated under sub-section 10.01-C.

Umbrellas.

Upholstering (bulk), including mattress manufacturing, rebuildings, and renovating.

Vehicles, children's - such as bicycles, scooter, wagons and baby carriages.

Watches.

Wood products, such as furniture, boxes, crates, baskets and pencils and cooperage works.

Any other manufacturing establishment that can be operated in compliance with the performance standards of sub-section 10.01-G without creating objectionable noise, odor, dust, smoke, gas, fumes, or vapor; and that is a use compatible with the use and occupancy of adjoining properties.

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19. Retail and services as follows:

Motor vehicle service station for the retail sale of gasoline and oil for motor vehicles, for minor services which may be conducted out of doors.

Motor vehicle/Motorcycle Service Stations (includes repair, rebuild, and painting)

Banks and financial institutions

Carpet and Rug Stores

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

Contractor or construction such as: building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air-conditioning, heating and ventilating, fuel oil, with a storage of fuel oils, gas and other flammable products limited to 120,000 gallons per tank, with total storage on zoning lot not to exceed 500,000 gallons.

Plumbing, heating, and roofing supply shops

20. Residential uses - as follows:

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

21. Telecommunication Stations

22. Wholesaling and warehousing

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

1. Any use which may be allowed as a special use in the B-3 or B-4 Business Districts, but not including house trailers (mobile homes) camps.
2. Adult Regulated uses; the following uses are deemed to be regulated uses:
 1. Adult Book Store.
 2. Adult Motion Picture Theater.

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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.

B. RESTRICTIONS ON LOCATION OF REGULATED USES. No regulated use, either as a permitted use or as a special use, shall be maintained;

1. Within 1,000 feet of the property line of another;
2. 500 feet of any of the following zoning districts or provided for under this ordinance: R-1, R-2, R-3, B-1, B-2, B-3, B-4; nor
3. Within 1,000 feet of a zoned area or district lying within a municipality and zoned for any kind of residential, business or commercial office, or office-research use under an ordinance of that municipality.

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

3. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions:
 - i. Site shall be a minimum of fifty (50) acres for a Basic Utility Stage 1 airport with a two thousand two hundred (2,200') foot runway. More area is required for larger airports. Airport size and layout shall conform to current FAA and IDOT Division of Aeronautics requirements.
 - ii. There shall be a minimum three hundred (300') foot distance between airport property and the nearest residential property line.
 - iii. Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6') feet in height.

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- iv. Other requirements as noted in Section 4.13 of this Zoning Ordinance.
4. Airport, private airstrip, heliports and aircraft landing fields provided airports and surrounding territory are subject to the rules and regulations of the State of Illinois Department of Aeronautics and must comply with all Illinois Department of Transportation (IDOT) Division of Aeronautic and Federal Aviation Administration (F.A.A.) requirements and provisions as follows:
- A. Height of structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the State of Illinois Department of Aeronautics shall be in accordance with the requirements set forth in the approach plan.
 - B. Height of structures, in areas ten thousand lineal feet beyond the boundaries of airports that do not have an established approach plan shall be governed by the following:
 - 1. For an airport having the longest runway less than thirty-nine hundred and fifty lineal feet in length, structures located just beyond the boundaries of the airport shall not be in excess of fifteen feet in height, and for every two hundred lineal feet of additional distance from the airport boundaries the height of structures may be increased by not more than ten feet.
 - 2. For an airport having a runway of thirty-nine hundred and fifty lineal feet or more in length, structures just beyond the boundaries of the airport shall not be in excess of fifteen feet in height; and for every two hundred lineal feet of additional distance from airport boundaries, the height of structures may be increased by not more than five feet and where a runway has been designated as an instrument runway, the height of structures may be increased by not more than four feet in every two hundred lineal feet of additional distance from airport boundaries, for the first ten thousand lineal feet, and for the area covered in the next forty thousand lineal feet, the height of structures may be increased by not more than five feet in every additional two hundred lineal feet.
 - C. Structures exceeding the limiting heights shall be considered obstruction to air navigation unless found not to be objectionable after special aeronautical study. Such structures may be specifically authorized as a variation after public hearing by the Zoning Board as provided by law.
5. Art Galleries and studios
6. Grain Storage.

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7. Indoor & Outdoor Target Practice, provided that outdoor target practice meets the following conditions:
 - a. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board.
 - b. No activity shall leave the boundaries of the site.
 - c. All applicable State and County rules and regulations shall be adhered to.
8. Kennels with the condition that the kennels must be located inside and must be located a minimum of 250' from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and 150' from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset.
9. Motor freight terminals.
10. Motor vehicle/ Truckwash Facilities including the use of mechanical conveyers, blowers and steam cleaning.
11. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
12. Paintball Facilities subject to the following conditions:
 - a. Minimum lot size of 20 acres;
 - b. Hours and days of operation as specified in Special Use Permit to be determined by the County Board
 - c. All safe and spectator areas must be protected by special paintball netting, and participants and spectators must wear approved paintball goggles; and
 - d. No paintball activity shall leave the boundaries of the site, including fired paintballs.
 - e. Requirement of netting to be installed around the property shall be determined by the County Board
 - f. Paintball guns shall only be powered by carbon dioxide (CO₂), high pressured air (HPA) or Nitrogen (N₂).
 - g. All signage shall comply with the provisions of Section 12 of the Kendal County Zoning Ordinance.
 - h. Ammo for such paintball guns shall only include paintball pellets made of non-toxic, biodegradable water soluble substances.
 - i. All applicable State and County rules and regulations pertaining to wastewater treatment and disposal, potable water supply, and food

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service shall be adhered to.

13. Parks and recreational areas
14. Planned developments, industrial
15. Private Clubs or lodges
16. Private clubs such as soccer, ect. provided all other sections of the Zoning Ordinance and Health Department regulations are met and an event parking plan is provided with the application.
17. Racetrack provided that the following minimum standards are met:
 - a. The minimum site area shall be 20 acres.
 - b. The racetrack and all building; viewing areas, seating areas, and structures for housing animals shall be located no closer than 275 feet from any public road right-of-way or property line.
 - c. If night racing is to be conducted, all parking areas and access ways shall be adequately lit; provided that such lighting, as well as lighting for the racetrack shall meet the lighting standards set forth in section 11.02.
 - d. If a vehicle racetrack is proposed a noise study shall be prepared by a trained professional addressing anticipated noise levels during races or practice sessions. This study shall also address how excessive noise will be mitigated. The County shall reserve the right to obtain an independent review of this study, and require additional noise mitigation beyond that outlined in the noise study.
 - e. If an animal racetrack is proposed all facilities for housing and maintaining other animals shall comply with the following requirements:
 - i. An approval for such facility from the Kendall County Health Department must accompany the application for a Special Use Permit.
 - ii. A 100 foot wide area of vegetation cover, exclusive of pasture area, shall be maintained between any corral, un-vegetated exercise area, manure pile, or application area

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and any surface water or well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.

- f. The accessory uses may be permitted as incidental to and limited to patrons of the principal use:
 - i. refreshment stands or booths
 - ii. souvenir stands or booths
 - iii. wagering facilities
 - iv. restaurants or lounges
 - v. playgrounds or Child Day Care facilities
 - vi. vehicle fuel and supplies sales limited to owners or operators of vehicles to be raced
 - vii. temporary campgrounds
 - viii. any other customary and incidental uses which are deemed appropriate by the County Board.
18. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
19. Stadiums, auditoriums and arenas.
20. Theaters, outdoor drive-in.
21. Transfer Stations as long as it conforms to the Solid Waste Plan and all EPA requirements.
22. Truck Wash Facility or Motor Vehicle Wash Facility
23. Any use permitted in the M-2 Heavy Manufacturing District, provided the performance standard of sub-section 10.01.G can be met in their entirety.
24. Wind Farms, Commercial, subject to the following:
 - a. Location Guidelines - The following guidelines shall be considered in evaluating the appropriateness of proposed locations for Wind Farms and the proposed project components. The purpose of these guidelines

is to assist decision-makers in uniformly analyzing the site-specific impacts of each proposed project and thereby arrive at consistent and balanced decisions.

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

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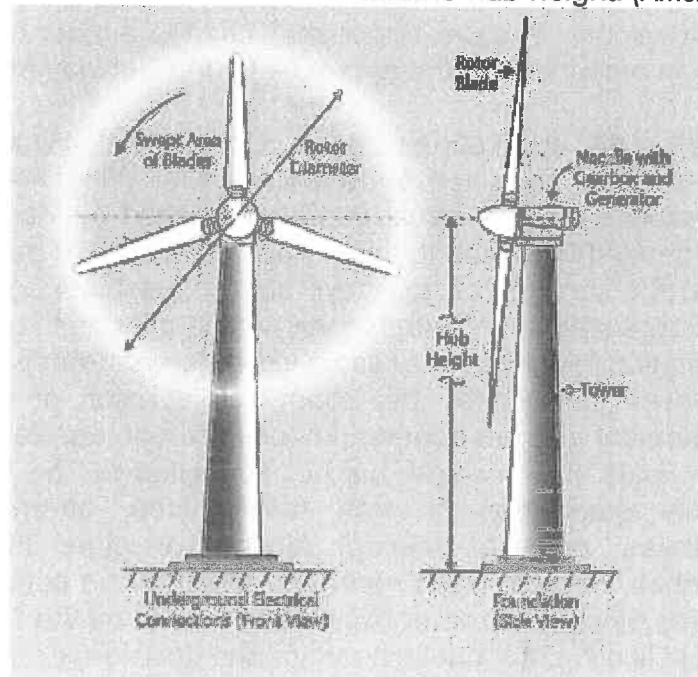
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each Wind Farm project without exception. Because they are standards, they are considered to be requirements of any Wind Farm project. The final decision on whether or not a particular standard is achieved by a Wind Farm project shall be made by the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

- i. Noise Management - The noise level caused by the operation of the project, measured at five (5) feet above ground level at the property line coincident with or outside the project boundary, shall not exceed 65 decibels (A-weighted) and shall not exceed 50 decibels (A-weighted) if it is determined that a pure tone noise is generated by the project. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- ii. Wind Farm Design: Wind Farms that are not designed in “accordance with proven good engineering practices” or not purchased from a national manufacturer with a proven track record shall be prohibited. Wind Farms designed with the following characteristics shall be deemed in “accordance with proven good engineering practices”:
 1. at least 3 blades.
 2. upwind rotor.
 3. no furling, where “furling” means that the wind turbine is designed to limit its power output in high winds by changing the rotor’s plane of rotation to a plane that is not perpendicular to the prevailing wind direction.
 4. tapered and twisted blades.
 5. a well-designed braking system.
- iii. Visual Impacts - To provide visual order to a Wind Farm project, all individual turbines shall have the same number of rotor blades and all rotor blades shall spin in the same direction (i.e., clockwise or counter-clockwise) in relation to the wind. To promote visual uniformity, all turbines at a similar ground elevation shall have the same height from blade tip to the ground. Except during construction, re-construction or removal, outdoor storage is not permitted within the project boundary except at locations that are screened from view. To avoid cluttering the skyline, inverters and pendant power cables shall be located inside the wind turbine tower, nacelle or structure. No telecommunications dishes, antennas, cellular telephone repeaters or other similar devices shall be attached to wind turbine towers. Aircraft obstruction markings of the turbines by use of alternating red and white bands

shall be prohibited. No Billboards, logos and advertising signs of any kind shall be located on the turbines.

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



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

- vi. Lighting - Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. Approval from the FAA stating that the turbines will not pose a hazard to aviation must be obtained prior to final recommendation by the Kendall County Regional Plan Commission. If lighting of turbines, or other structures, is required, "daytime white-nighttime red" shall be the only type of lighting allowed unless prohibited by

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law. All required lighting effects shall be in synchronization with each turbine located on the same or contiguous zoning lot and under the same ownership of a single wind energy system organization. All turbines and towers shall be a shade of white in color. *(Amended 2/16/2010)*

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

- e. **Removal of Defective Wind Energy Systems:** Any wind energy system found to be unsafe by an authorized county official shall be repaired by the owner to meet federal, state and local safety standards or removed within sixty (60) days. If any wind energy system is not operated for a continuous period of 12 months, the county will notify the landowner by registered mail and provide 45 days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action as unreasonable, they must notify the operator and such operator shall remove the turbine within 120 days of receipt of notice from the county.

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

 - ii. If the Applicant chooses an escrow agreement:
 - 1. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed; and

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

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

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

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

- 1. Small Wind Energy Systems subject to the conditions of Section 4.18

D. YARD AREA.

1. Front yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

- a. Primary thoroughfares. Fifty feet from the property line.
- b. Collector thoroughfares. Forty feet from the property line.
- c. All other streets. Thirty feet from the property line.
- d. Exception. Where lots comprising fifty percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten feet in depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.

2. Side yards. On every zoning lot a side yard shall be provided along each side lot line of not less than ten percent of the lot width, but need not exceed twenty feet in width.

3. Rear yard. On every zoning lot there shall be provided a rear yard

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of not less than forty feet.

- E. LOT COVERAGE. Not more than sixty percent of the area of the lot may be covered by buildings or structures, including accessory buildings.
- F. FLOOR AREA RATIO. Not more than 0.8.
- G. PERFORMANCE STANDARDS. Any use established in a Manufacturing District after the effective date of this comprehensive amendment shall be so operated as to comply with the performance standards set forth in the standards adopted by the Illinois Air Pollution Control Board dated April 14, 1972; and the State Water Pollution Control Board dated March 7, 1972 as amended time to time. 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.

10.02 M-2 HEAVY INDUSTRIAL DISTRICT

- A. CONDITION OF USE. Permitted uses are subject to the following conditions:
 - 1. All production, processing, cleaning, servicing, testing, repair, or storage of goods, materials, or products shall conform with the performance standards set forth in subsection 10.01.G.
 - 2. All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified.

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

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

- B. PERMITTED USES. The following uses are permitted:
 - 1. Any use permitted in the M-1 Districts except banks and financial institutions.
 - 2. Production, processing, cleaning, servicing, testing, and repair, including

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the following products:

Charcoal, lampblack and fuel briquettes.

Chemicals - including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparation, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates, (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yard, hydrochloric, picric and sulfuric acids and derivatives.

Coal, coke and tar products, including gas manufacturing.

Electric central station, power and steam-generating plants.

Fertilizers.

Film, photographic.

Flour, feed and grain - milling and processing.

Incineration or reduction of garbage, offal and dead animals.

Linoleum and oil cloth.

Magnesium foundries.

Matches.

Metal and metal ores (except precious and rare metals) - reduction, refining, smelting and alloying.

Paint, lacquer, shellac, varnishes, linseed oil and turpentine.

Petroleum products, refining - such as gasoline, kerosene, naphtha, lubricating oil and liquefied petroleum gases.

Rubber (natural or synthetic).

Soaps, including fat and oil rendering.

Starch.

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Wood, coal, and bones, distillations.

Wood pulp and fiber, reduction and processing, including paper mill operations.

Any other production, processing, cleaning, servicing, testing, and repair which conforms with the performance standards established hereinafter for the M-2 District.

3. Storage, including the following uses and materials or products:

Goods used in or produced by manufacturing activities permitted in this district.

Grain.

Manure, peat and topsoil.

Petroleum and petroleum products.

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

1. Any use which may be allowed as a special use in the M-1 Districts, unless already permitted under Section 10.02.B above.
2. Commercial off-premise advertising structures in accordance with section 12.11 of this Ordinance.
3. Correctional Facilities subject to the following:
 - a. The facility shall be at least 650 feet from the nearest property which is residentially zoned or used.
 - b. The facility shall not be established within 1,320 feet of a public or private school, Child Day Care or place of worship.The County may deny the permit when the use would be detrimental to nearby properties or may add conditions or safeguards to the approval in order to protect the health and welfare of citizens.
4. Explosive, including storage, when not prohibited by other ordinance.
5. Junk yards and Motor vehicle wrecking yards provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly

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painted solid fence at least twelve feet high.

6. Miscellaneous uses as follows:

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

7. Slaughter House

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

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

E. YARD AREAS. All yard areas shall be the same as required in the M-1 Limited Manufacturing Districts.

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

G. FLOOR AREA RATIO. Not more than 0.85.

H. PERFORMANCE STANDARDS. Same as in the M-1 Limited Manufacturing District, 10.01.G.

SECTION 10.03 M-3 AGGREGATE MATERIALS EXTRACTION, PROCESSING AND SITE RECLAMATION

INTENT

It is the purpose of this section to establish regulations and standards for surface mining operations and to provide for conservation and reclamation of lands affected by surface mining in order to restore them to optimum future productive use. Aggregate materials extraction, processing and site reclamation shall be determined and permitted in compliance with standards as set forth herein.

A. PERMITTED USES

1. Surface and/or open pit mining, extraction and or processing of aggregate materials, e.g. sand, gravel, limestone, subject to the issuance of a permit as provided including an office in relation to business.
2. Explosive, including storage, when not prohibited by other ordinance.

B. SPECIAL USES

1. Commercial off-premise advertising structures in accordance with section 12.11 of this Ordinance.
2. Asphalt and/or concrete batch mixing plants with or without associated recycling facilities.

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

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

D. SETBACK REQUIREMENTS

1. Unless otherwise specifically provided in an applicable special use permit, production, processing and excavation shall not be conducted closer than two hundred (200) feet to the boundary of any zoning district where such operations are not permitted, nor closer than one hundred (100) feet from the boundaries of an adjoining property line, nor closer than one hundred fifty (150) feet to the right-of-way of any existing or platted street, road or highway, except in the following situations:
 - a. The bottom of the slope of the mined face of the excavation shall not be closer to said point above, than a distance equal to one and one-half (1½) times the depth of the excavation (see diagram 10.03.1);
 - b. If consolidated materials occur in the mined face, the slope of the face may be steeper than 1½ to .1 slope per "a" above for the depth(s) of those materials, however all other mined slopes of unconsolidated materials shall be no steeper than 2:1.
2. Buildings and Structures:
 - a. Unless otherwise specified in the mining operations permit, every building and structure hereafter erected or enlarged shall provide and maintain a setback from a public or private street of not less One hundred (100) feet from a dedicated road right-of-way or one hundred and fifty (150) feet from the center line of all adjacent roads, whichever is greater.

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- b. Unless otherwise specified in the mining operations permit, every building and structure hereafter erected or enlarged shall have a side and rear yard of not less than fifty (50) feet from all property lines dividing lots held in separate ownership.

E. AREA REQUIREMENTS

The minimum area required for each M-3 District shall be greater than ten (10) acres.

F. PROHIBITED ACTIVITY

1. No person, firm or corporation shall hereafter engage in the extraction of aggregate materials on any land within the unincorporated areas of the County of Kendall, without first obtaining from the County a mining operations permit in such form and in such a manner as shall hereinafter be provided. The inadvertent extraction of aggregate materials while in the process of land beautification, pond construction or such other activity unrelated to mining and processing uses are hereby excluded.

G. FENCING

1. Where required by the County Board in granting an M-3 zoning to promote safety, a minimum 7 foot chain link fence shall be erected at the site of the operation and facilities which shall be of a nature and character to reasonably protect the general public from danger. The location of the fencing shall be depicted on the site plan submitted as part of the mining permit application.

H. REQUEST FOR LOCATION PROTECTION

Within seven days of filing any application for M-3 zoning or M-3 Special Use, the applicant shall give notice of such filing, and at applicant's expense, sent by registered mail through the Planning Building and Zoning Office, a copy of such application as well as a copy of this complete paragraph, to each owner as set forth on the tax assessor's records of all property located within one and one half (1.5) miles of the parcel sought to be permitted. If, within fifteen days of receipt of such notice, any owner or occupant of such property files with the Planning, Building and Zoning Administrator (hereinafter referred to as "Administrator") a "Request for Location Protection," substantially in the form provided in paragraph 2 below, then the following shall occur. Provided however, if the proposed use of the property is for the surface mining of sand and gravel only (and includes no

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blasting or any special use), and the property is situated wholly within a township having a population in excess of 20,000, then notice shall only be sent to properties located with one thousand (1,000) feet of the parcel sought to be permitted. (Ord. #99-25 August 17, 1999)

- a. Subject to different provisions being made by the County Board as provided in subparagraph c below, any aggregate materials processing, ready-mix concrete, asphalt, and/or recycling equipment or plants on the subject property shall be located so as to provide maximum distance between the residence of any such owner or occupant and any such equipment or plant; if more than one owner or occupant files a "Request for Location Protection," then any such equipment or plant shall be located on the property so as to provide as much distance as possible between such residences and such equipment or plant; provided, in any event, that setbacks otherwise required by this Ordinance shall be maintained.
- b. Any owner or occupant filing for location protection, and/or his agents shall be invited to participate in County staff discussions with the applicants regarding the most effective and appropriate measures required to protect the residence site(s) from adverse impacts. The discussions shall include, but not be limited to: location of processing, ready-mix concrete, asphalt, and/or recycling equipment and plants, material storage and mining operations; size and shape of screening berms as they may interface with the residences; noise and dust abatement; site specific landscaping for both short term and long term visual effect, and data reflecting the quality of aggregate materials to be excavated. The advice of a technically trained person selected by the County Board shall be utilized at the applicant's reasonable expense to review and make recommendations concerning the most effective and appropriate measures to protect the residence site(s) from adverse impact as provided in Section G below.
- c. The County Board may approve a location for aggregate material processing, ready-mix concrete, asphalt, and/or recycling equipment and plants, other than a location at a maximum distance from the residence(s) of the owner(s) or Occupant(s) filing for location protection, if the County Board determines, that, because of berming, landscaping, and/or other protections proposed for the property sought to be rezoned, such an alternate location, when compared to the location providing maximum distance, provides the

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residence site(s) as much or greater protection from adverse effects of such equipment and/or plants. No such alternate location may be approved by the County Board prior to the residence owner(s)/occupant(s) having at least a sixty day period within which to review such alternative location, have it reviewed by the technically trained person provided for in subparagraph (b) above, and make recommendations to the County Board concerning it.

2. The form hereinabove referred to is the following:

The undersigned, being an owner or occupant of a residence at (mailing address)_____

_____hereby requests location protection pursuant the provisions of the Kendall County Zoning Ordinance on Earth Materials Extraction, Processing and Site Reclamation."

_____(Owner/Occupant)

I. FEES

All applications for an M-3 zoning designation shall be accompanied by a fee for map amendments in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, legal fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the hearing officer, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any all additional costs incurred by the County in the completion of their review and recommendation of the zoning map amendment. Costs in excess of the application fee deposit will need to be paid in full by the applicant prior to scheduling the matter for action by the County Board. *(Amended 3/21/06)*

J. SUBMITTAL REQUIREMENTS

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In order for the County to adequately determine the short and long term impact of the proposed mining operation on vegetation, wildlife, fish, land use, land values, local tax base, the economy of the County, employment opportunities, air pollution, water pollution, soil contamination, noise pollution and drainage, all applications for an M-3 zoning designation shall be accompanied by the background information as outlined below in Section 10.03-1.A.4 of this ordinance.

SECTION 10.03-1 PERMITTING

A. PERMIT FOR MINING

1. All operators extracting and/or processing aggregate materials shall apply for a permit jointly with the owner and any person who is entitled to legal possession of the property to be affected and shall comply with the operation and reclamation regulations in this Ordinance.

Application for permit shall be made upon a form furnished by the Department. Such application shall be accompanied by a fee of \$100 for every acre and fraction of an acre of land to be affected during the life of the permit.

2. An operator desiring to have his permit amended to cover additional land may file an amended application with the County with such additional fee and bond or security as may be required under the provisions of this Act. Such amendment shall comply with all requirements of this Ordinance.
3. It shall be unlawful for any owner/operator to engage in surface mining in an area where the overburden shall exceed ten (10) feet in depth or where the operation will affect more than ten (10) acres during the permit year without first obtaining from the Illinois Department of Mines and Minerals a permit to do so, pursuant to the Surface-Mined Land Conservation and Reclamation Act ILCS 715/1 et. seq. as amended.

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

4. Every application, and every amendment to an application submitted under this Ordinance shall contain the following, except that the Administrator may waive the requirements of this subsection for amendments if the affected acreage is similar in nature to the acreage

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stated in the permit to be amended:

- a. Ownership of land;
- b. Aggregate materials to be mined;
- c. Character and composition of vegetation and wildlife on land to be affected;
- d. The proposed equipment to be used;
- e. The current and past uses to which the lands to be affected have been put;
- f. The current assessed valuation of the lands to be affected and the assessed valuation shown by the two (2) quadrennial assessments next preceding the currently effective assessment;
- g. The nature, depth, and proposed disposition of the overburden;
- h. The estimated depth to which the mineral deposit will be mined;
- i. The location of the existing roads, and anticipated access and haulage roads planned to be used or constructed in conducting surface mining;
- j. The technique to be used in surface mining;
- k. Drainage on and away from the lands to be affected including directional flow of water, natural and artificial drain ways and waterways, and streams or tributaries receiving the discharge;
- l. The current location of existing buildings and utility lines and easements within the lands to be affected;
- m. Practices and methods proposed to be used to minimize noise, dust, air contaminants and vibration and to prevent pollution of surface or underground water;
- n. The recycling of water used for washing and grading;
- o. The simultaneous reclamation plan including methods of accomplishment, phasing, and timing as an area is mined out to start reclamation;
- p. A detailed map of the land drawn at a scale of one (1) inch equals (=) one hundred (100) feet showing at least the following specifics:
 - 1) Existing topographical features at two (2) foot contour intervals, up to and including seven (7) percent grade. Greater than seven (7) percent grade would require five (5) foot contours;
 - 2) Location and names of all streams, creeks, bodies of water, underground water resources (which are readily ascertainable from sources such as Illinois State Geological Survey well drillings logs) and drainage systems within the lands to be affected;
 - 3) Outline of area to be excavated;

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- 4) The proposed location of sorting, grading, crushing and similar equipment necessary to the operation and initial distribution of the excavated products;
 - 5) The proposed location of any buildings, scale house, equipment storage areas, and equipment repair sheds or areas; and
 - 6) The current location of buildings, utility lines and easements within the lands to be affected.
 - q. "Affected Lands or Affected Land" shall be defined as real property described within the application filed herein whenever said terms are used in this Ordinance.
5. Prior to the issuance of a permit, the applicant must obtain the approval by the County of the reclamation plan and map as provided in Section 10.03-1-B. Such plan shall be forwarded to the Zoning Board of Appeals for public hearing, review and recommendation in accordance with the procedures provided under Section 13.06 "Amendments" of the County Zoning Ordinance. The recommendation of the Zoning Board of Appeals shall be forwarded to the County Board for action. If approved, the Board will enact an ordinance establishing a date by which the permit shall expire.
 6. All permits issued hereunder shall expire ten (10) years from the date of issuance, unless the County Board passes an ordinance extending such expiration date.
 7. Each renewal of a Mining Permit under this section shall be for a period of time not more than ten (10) years.
 - a. A request to renew a Mining Permit that involves acreage or equipment in addition to that allowed in the Original Mining Permit, shall be treated in the same manner as the initial application.
 - b. A request to renew a Mining Permit when no additional acreage or equipment will be brought into use shall be handled in the following manner:
 - i. If an owner/operator is not able to finish mining the acreage described in the Mining Permit in the time specified, he shall apply to the County. A public hearing will be held. The maps required by this Ordinance for the initial hearing shall be revised, updated and resubmitted along with a statement of the current status of the mining reclamation. A new map

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describing conditions present on the site shall be furnished as described in "EXISTING CONDITIONS" of the Standards.

- ii The applicant shall furnish the Kendall County Planning, Building and Zoning Department with a copy of the aforesaid maps, plans and other related exhibits for review of the revised or extended reclamation plan no less than thirty (30) days before the Zoning Board of Appeals hearing.
- iii The Planning, Building and Zoning Department shall prepare a written report and oral statement on the revised or extended reclamation plan and enter it into evidence at the Zoning Board of Appeals hearing.
- iv Any application for a renewal of a Mining Permit shall be filed with the Zoning Board of Appeals prior to one hundred twenty (120) days before the expiration date of the original Mining Permit or any renewal thereof. A failure to file a request for renewal within the required time designated in this Section shall result in a required cessation of mining and sale of product upon the expiration of the Mining Permit.

8. Annual Inspections

An examination of the premises shall be made by the Administrator or his/her designee at least annually during the term of the permit. The Administrator shall subsequently complete a Mining Inspection Report, mailing to the operator one (1) copy by certified mail return receipt requested and retaining one (1) copy in the permanent files at the County.

9. A permit issued hereunder may be revoked or modified by the County Board after due hearing in the event the permittee violates any provision of 10.03-1-C. of this Ordinance.

B. RECLAMATION

1. At the County Board's discretion, the advice of technically trained experts will be utilized at a reasonable cost to the owner/operator(s) to review the reclamation plan for its appropriateness on the affected land.
2. The County shall consider the short and long term impact of the proposed mining on vegetation, wildlife, fish, land use, land values, local tax base, the economy of the County, employment opportunities, air pollution, water pollution, soil contamination, noise pollution and drainage.
3. The reclamation plan map and statement of sequential operation and

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reclamation shall be followed to produce a finished condition that complies with the reclamation plan map and the provisions of this Section so as to provide for the return to a useful purpose of the affected land.

4. The Operator shall provide with the application for permit a detailed reclamation plan and map drawn at a scale of one (1) inch equals (=) one hundred (100) feet designating which parts of the land shall be reclaimed for forest, pasture, crop, horticultural, home site, recreational, industrial, or other uses including food, shelter and ground cover for wildlife. The reclamation plan and map shall specify progress and completion dates of the reclamation plan; provided, however, the reclamation is to be completed prior to the expiration of three (3) years after the termination of the mining operation on the land. In the event the operator and the County shall mutually determine that characteristics of the area concerned have been found to be present during the conduct of mining, changes may be made in the original reclamation plan by mutual consent of the operator and the Planning Building and Zoning Committee of the County Board, which change shall preserve, as substantially as possible, the original reclamation plan, and shall also provide for the previously unknown variables. Contours shall conform to requirements of development proposed, but not less than required for existing original topography.
5. The reclamation plan shall contain a written statement containing an explanation of the character of the site to be mined and of the surrounding territory, and an explanation of the schedule of development.
6. All reclamation provided for hereunder shall be carried to completion by the operator prior to the expiration of three (3) years after the termination of the mining operation, except that no other reclamation of any kind shall be required to be made within depressed haulage roads or final cuts or any other area where pools or lakes, capable of supporting aquatic life, may be formed by rainfall or drainage runoff from adjoining land or where the Administrator determines that a road, dry pit bottom or ditch is consistent with and necessary to the conservation and reclamation plan. All mined areas which in the reclamation plan call for vegetation, shall be covered with sufficient topsoil and other materials from the case overburden which will support acceptable plant growth as outlined in the reclamation plan. The County shall have authority to require darkened surface soil be segregated from other overburden in the stripping process so as to accomplish the requirements of this subparagraph.
7. Extension of the reclamation period may be granted by the Administrator as necessary to accomplish acceptable reclamation. Such extension shall

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be made at the discretion of the Department, however, the Department shall not deny a reasonable extension when the operator shows that acts of God, strikes, inability to receive ordered equipment or extended periods of unreasonable weather have made completion within the time limits impossible. When determined to be appropriate, the Administrator at his or her discretion, may refer a request for such an extension to the County Board for review and recommendation prior to taking action on such request.

8. The County shall declare forfeiture of the surety, bond or security on such land not satisfactorily reclaimed, and shall use such funds to complete the reclamation. Any excess shall be remitted to the permittee.
9. Any reclamation plan must require that viable ground cover or similar vegetation will be placed on the site within one (1) year of final production.
10. Disposal areas shall be reclaimed within one (1) year from final production.
11. The reclamation plan shall protect persons against hazards remaining on the property.
12. A landscape plan shall be prepared by a qualified landscape professional in accordance with the reclamation plan. Said plan shall include details on phasing of the landscape plan as cells are exhausted and the anticipated time line for the sequential restoration of the subject property.

C. MINING OPERATION REQUIREMENTS

Duties of Operator. Every operator to whom a permit is issued pursuant to the provisions of this ordinance may engage in surface mining upon the lands described in the permit upon the performance of and subject to the following requirements with respect to such lands:

1. All land affected by surface mining except as otherwise provided in this Ordinance shall be graded to a rolling topography traversable by machines necessary for maintenance in accordance with planned use, with slopes that have no more than 15% (or 8 degrees and 32 minutes) grade, except that in the case of those lands to be reclaimed in accordance with a filed plan for forest, plantation, recreational or wildlife, the outside slope of the box cut spoil, the slopes of all perimeter berms, all unconsolidated material in the pit sidewalls, and the outside slopes of all overburden deposition areas the grade shall not exceed 30% (or 16

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degrees and 42 minutes); the final cut spoil and the side slopes of haulage roads included can remain at a slope equal to the angle of repose of the material in order to retain or provide as much row crop of 15% slope land as possible, but such slopes need not be reduced to less than the original grade of the overburden of that area prior to mining; vertical highwalls can be left in competent material upon conclusion of the mining or pits formed by the aggregate mining industry.

2. In the case that the right-of-way has not been recently surveyed by a registered land surveyor and clearly marked, the right-of-way line shall be assumed to be as follows, for the purpose of this Section:
 - a) When the adjoining roadway is classified as a local street, a minimum of seventy feet (70') of R.O.W. (35' from the centerline) shall be provided
 - b) When the adjoining roadway is classified as a local sub-collector, a minimum of eighty feet (80') of R.O.W. (40' from the centerline) shall be provided
 - c) When the adjoining roadway is classified as a minor collector, a minimum of ninety feet (90') of R.O.W. (45' from the centerline) shall be provided
 - d) When the adjoining roadway is classified as a major collector, a minimum of one hundred twenty feet (120') of R.O.W. (60' from the centerline) shall be provided.
 - e) When the adjoining roadway is classified as an arterial, a minimum of one hundred fifty feet (150') of R.O.W. (75' from the centerline) shall be provided.
3. All storm runoff water shall be detained, impounded, drained or treated in accordance with the Kendall County Stormwater Management Ordinance in effect at the time the permit is issued so as to reduce soil erosion, damage to un-mined lands, construct earth dams, where lakes may be formed, in accordance with sound engineering practices if necessary to impound water, provided the formation of lakes or ponds will not interfere with underground or other mining operations, other subsequent uses of the area approved by the County, or damage adjoining property. Such water impoundments must be approved by the County based on the expected ability of the lakes or ponds to support desirable uses such as water for livestock or wildlife; and if to be used for fish life, shall have minimum depths in accordance with standards for fish stocking in the various areas of the State recommended by the County.
4. Acid forming materials present in the exposed face of the mined

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aggregate material seam or seams in the final cut shall be covered at all times with not less than four (4) feet of water, or other materials which shall be placed with slopes having no more than 30% grade, capable of supporting plant and animal life. Final cuts or other depressed affected areas, no longer in use in mining operations, which accumulate toxic waters will not meet reclamation requirements.

5. Slurry must be confined in depressed or mine areas bounded by levees or dams constructed from material capable of supporting acceptable vegetation built in accordance with sound engineering practices.
6. All abandoned haulage roads and all mine drainage ditches must be removed and graded, except where the Administrator determines that a road or ditch is consistent with and necessary to the conservation and reclamation plan.
7. The soil shall be prepared and planted with trees, shrubs, grasses, and legumes to provide suitable vegetative cover, in accordance with the approved reclamation plan.
8. Clearing of the mine site may include the moving of existing trees and shrubs to such location as will provide screening as hereinafter provided when cost effective to do so, or as will conform to the reclamation plan for ultimate use of the property as shown on such a plan.
9. Maximum depth of excavation shall not be below existing groundwater, except in such cases where the reclamation plan indicates that a lake or lakes will be part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation for conformance to the approved reclamation plan.
10. Adequate planting, berming and/or fencing shall be provided along all public roads adjacent to the property involved, sufficient to screen the operation from public view, as reasonably as possible and as approved by the County Board in granting the zoning. The toe of any berm shall not be closer than ten feet (10') from the R.O.W. line.
11. No more than one (1) entrance and one (1) exit from a highway or road shall be provided to the area of operation. Such entrance shall be subject to approval by the Department of Highways having jurisdiction and shall, preferably, be located along a secondary road, and shall be located as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development. In the event the

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Highway Authority having jurisdiction over the roadway that provides access to the mining operations, requires turning lanes, then said lanes shall conform to IDOT requirements for geometrics and pavement design. Furthermore, a paved road from the entrance and exit, at a distance of not less than three (300) hundred feet from the right-of-way line into the area of operation shall be provided in order to minimize the deposit of dirt and gravel from trucks into the public highway. Such pavement shall be in accordance with the specifications of the County Highway Department or at the discretion of the Highway Department having jurisdiction over the road way. A wheel wash shall be installed within the operation along that portion of the paved entrance/exit road that is furthest from the point at which it accesses the adjoining roadway so as to prevent the tracking of dirt, dust, sand, gravel and debris onto the public right-of-way. Entrances and exits shall be provided with the gates to be securely locked during hours of in-operation.

12. Trucks used in hauling materials from the site of excavation shall be loaded in such a manner as to prevent spillage onto the public roadway, including, at a minimum, a secure cover over the top of the bed of the truck carrying said material. Any spillage or tracking of material on said roadways shall be removed from said public roadways as needed to maintain a safe vehicular driving operation and a safe driving surface. At a minimum, the public roadway shall be reviewed for said spillage or tracking of material every eight (8) hours. All generally accepted industrial safety precautions shall be practiced and observed during such process of removal. Access ways and on-site roads shall be maintained in a dust-free condition using sweepers, water trucks or other appropriate methods of dust suppression.
13. The owner/operator shall, coincidental with commencement of operations, bring the adjacent roadway providing access to the site up to IDOT standards and specifications for 80,000 lb truck routes including pavement designs and geometrics from the entrance to the subject site to the nearest intersecting 80,000 lb roadway. The design shall include full-depth concrete pavement at the entrance to the site and extending in each direction to the end of the radius returns. The owner/operator shall repair any section of road damaged as a result of trucks and heavy equipment accessing or servicing the aggregate excavation operation. This provision shall not be construed to require the operator to purchase additional right-of-way.
14. Except in the areas needed for plant and equipment, stock piles, maintenance facilities, scale houses and roads, overburden shall not be

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removed in excess of the area to be mined within one (1) year. Development toward the final plan shall be carried on as excavation progresses. Where ground cover or other planting shall be made in areas where excavation is completed and land is not being used for material storage before further overburden is removed in order to ensure development as operations proceed.

15. Hours of arrival and departure of transport vehicles shall be from six o'clock (6:00) a.m. to seven o'clock (7:00) p.m. from April 1st until November 1st. The rest of the year the arrival and departure of transport vehicles shall be restricted to six o'clock (6:00) a.m. to six o'clock (6:00) p.m. Hours may be extended during a public emergency during which sand, gravel or limestone is needed and upon the order of the County Superintendent of Highways.
16. The holder of a permit hereunder shall ensure the safe and continued use of all wells on surrounding properties located within one and one half (1.5) miles of the boundaries of the parcel on which the mining operation is located and shall be required to post a bond or similar surety to guarantee the repair or replacement of any wells determined to have been adversely affected as a result of such mining operations. The amount of said bond shall be determined by multiplying the total number of wells located on those parcels for which location protection was properly filed times the average estimated cost for replacement as determined by a certified well expert or engineer's estimate of cost. No extraction operations shall be conducted in such a manner that the groundwater table of surrounding properties is harmfully lowered. Water pumped from the site for the purpose of washing of vehicles and or product produced on site shall be retained in a settling pond until the silt and clay settles prior to the water being recycled in the area affected as provided for in Section 10.03-1-A.4. of this ordinance.
17. Landscaping shall be regularly maintained to present a neat and orderly appearance and in such manner so as to discourage the encroachment of weeds and other unsightly or noxious vegetation from encroaching onto the premises or migrating off-site and onto any adjoining properties.
18. The premises shall be neat and orderly, free from junk, trash or unnecessary debris. Buildings shall be maintained in a sound condition, in good repair and appearance. Salvageable equipment stored in a non-operating condition shall be suitably screened or garaged.
19. Enough topsoil must be stockpiled to meet the finished conditions in

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accordance with the approved reclamation plan, unless additional bonding to ensure the required quantities of topsoil has been furnished to the County.

20. Existing trees and ground cover along public road frontages shall be preserved and maintained in such a manner to preserve line of sight requirements.
21. Upon the completion of operations, the land shall be left in a condition so that sufficient drainage is provided in order to prevent water pockets or undue erosion; all final grading and drainage ways shall exist such that natural stormwater leaves the entire property at the original and natural drainage points and without an excessive load on a particular drainage point. In the event the reclamation plan shall provide for the permanent establishment of a lake, the grading and drainage may be altered, but not in such a manner as to cause damage or inconvenience to surrounding or abutting properties.
22. Trees, shrubs, legumes, grasses, or ground cover shall be planted upon such area in order to avoid erosion, in accordance with the approved reclamation plan.
23. Within six (6) months after final production, all buildings, structures (except fences), and equipment shall be removed unless same are to be used in connection with the reclamation project.
24. Noise, Dust, and Odor
 - a. The noise level originating from a mining operation shall comply with the performance standards set forth in the standards adopted by the Illinois Pollution Control Board, as from time to time amended; provided, however, that day time hours be defined as six o'clock (6:00) a.m. to seven o'clock (7:00) p.m. from April 1st until November 1st and from six o'clock (6:00) a.m. to six (6:00) p.m. during the rest of the year. Any variation of these regulations will constitute a violation of this ordinance.
 - b. The release of particulate emissions shall also comply with the performance standards in the standards adopted by the Illinois Pollution Control Board, as from time to time amended.
 - c. Operations shall be conducted so that noise levels and air and water quality standards comply with all applicable Federal and State standards and/or regulations.

25. Blasting

- a. Blasting operations at all permitted sites operated by the aggregate mining industry shall be conducted in accordance with existing State, and federal law and the rules promulgated by the Departments having jurisdiction over such operations with the advice of the aggregate mining industry and in accordance with the provisions as outlined in 225 ILCS 715/6.5 as may be amended from time to time.

D. RECLAMATION BOND

- 1. In order to ensure that the approved reclamation plan is completed, the owner/operator shall provide bonding in accordance with the provisions of 225 ILCS 715/8 as may be amended from time to time. If the facility will affect less than 10 acres annually or the overburden depth is less than 10 feet, or does not require bonding with IDNR per 225 ILCS 715/8, a reclamation bond will be filed with Kendall County. An engineer's estimate of reclamation cost should be performed annually to determine the bond amount.

E. ENFORCEMENT

The Enforcement Officer, in conjunction with other appropriate departments, shall annually review each surface mining permit. In addition to the reclamation plan/map; the owner/operator shall provide the Planning and Development Department with an annual aerial photo of his total operation, enlarged to a scale of one (1) inch equals one hundred (100) feet or other scale that would adequately display the property affected on a thirty (30) inch square format. All aerial photos shall meet the Planning and Development Department standards. The first photo shall be taken during the first year in operation and subsequent photos shall be taken in the same month of the following years. Each year's photo shall be presented at the same scale for the purpose of comparison. Photos shall be submitted prior to the issuance of the annual operating permit.

The Enforcement Officer, in conjunction with the Planning, Building and Zoning Department, shall prepare a report and submit it to the Planning, Building and Zoning Committee for their review. If it is determined that the operator is not in compliance with this Ordinance, the Bonding Requirements, the simultaneous operation and reclamation statement or the reclamation plan/map, the Enforcement Officer shall issue a stop work order on all operations other than reclamation work needed to bring the operation into compliance.

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

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

F. RULES AND REGULATIONS

1. The County may adopt and promulgate reasonable rules and regulations respecting the administration of the Ordinance and conformity therewith.
2. Any act authorized to be done by the Administrator may be performed by any employee of the Department of Planning, Building and Zoning when so designated by the Zoning Administrator.

G. SEVERABILITY

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

H. EXEMPTIONS

Any mining operation legally commenced prior to the adoption of this Section shall be exempt from the requirements hereof, except that said operations shall not be exempt from the requirements hereof pertaining to the hours of operation, the operation of motor vehicles, safety and noise regulations as defined in Sections 10.03-1.C.15 and 10.03-1C.24.

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
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Table of Permitted and Special Uses

- P Permitted Use
- C Conditional Use
- S Special Use
- T Temporary Use
- Blank Not Permitted

Accessory Agricultural Services (includes blacksmith, sale of farm supplies by farmers as agents, or similar accessory use to a farm residence)	C															See Ordinance
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Adult Day Care or Respite Care	S							P	P	P						
Adult Use / Regulated Uses (per Section 4.16)													S	S		See Ordinance
Agency Licensed Family Residential Care Homes – Transitional Halfway House	S	S	S	S	S											See Ordinance
Agency Licensed Group Residential Care Home- Permanent	S	S	S	S	S											
Agricultural Implement Sales and Service	S								S	P						See Ordinance
Agricultural Labor Housing or living quarters for groomsman or employee watchman	C															See Ordinance

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R- 6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Airports and heliports including airport hangers, tie downs and aircraft service and repair	S	S	S	S	S								S	S		See Ordinance
Airstrips or Heliports (Private)	S	S	S	S	S								S	S		See Ordinance
Ambulance Service (Private)								P	P				P	P		
Amphitheater											S		S	S		See Ordinance
Amusement Park/ Establishment										S	S		S	S		See Ordinance
Animal Feed preparation, grinding, mixing and storage	S												P	P		
Animal Hospital										P						
Antique Shops									P	P						
Art Galleries and Studios								P	P	P			S	S		
Art and School Supply Stores									P	P						
Asphalt and/or Concrete Batch Mixing Plants with or without recycling facilities															S	
Athletic fields	S	S	C	S	S	S	S				S		S	S		See Ordinance
Attached Single-Family Dwelling Units			P				P									See Ordinance
Auction Facilities	S							P	P	P	P		P	P		See Ordinance
Bait Shop	S							P	P	P	S		S	S		See Ordinance
Banks and Financial Institutions									P	P			P	P		
Banquet Halls	S										P		P	P		See Ordinance
Barber Shops, Beauty Parlors, Massage or Similar Personal Service Shops								P	P	P						
Bed and Breakfast	S	S	S	S	S											See Ordinance

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R- 6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Establishments																
Beverages, non-alcoholic, bottling and distributing										P			P			
Bicycle Sales and Repair								P	P	P						
Boat Launching Ramp											P					
Boat, Trailer and RV Sales or rental and service									S	P	P					
Book and Stationary Stores								S	P	P		S				See Ordinance
Building Material Sales (Retail)									P	P						
Business or Trade Schools												P	P	P		
Camera and Photographic Supply Stores								S	P	P						
Carpet and Rug Stores										P			P	P		
Catering Establishments									P	P						
Cemetery, including crematoriums and mausoleums)	S	S	S	S	S											See Ordinance
Chickens	P	P	S	P	P											See Ordinance
Child Day Care Facilities	S	S	S	S	S			S	S	S	P	S	S	S		
Christmas Tree Sales	T															See Ordinance
Clubs and Lodges (non-profit) and Fraternal or religious institutions								S	S	S			S	S		
Colleges and Universities (excluding business colleges or trade schools operated for profit)			S									P	P	P		See Ordinance
Commercial Off-Premise Advertising														S	S	S

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Structure	S	S		S	S			S	S	S			S	S		
Communication Use			S													See Ordinance
Community Center																See Ordinance
Composting of landscaping waste & food waste	S															See Ordinance
Concrete ready-mix or asphalt plant due to major construction	T															See Ordinance
Construction equipment sales and service.										P			P	P		
Consumer Credit																
payday loan office, Financing or Financial Offices										S			S	S		
Contractor or Construction Services									C	C			P	P		See Ordinance
Contractors' Office and Shops									C	C			P	P		See Ordinance
Convenience Store			S					P	P	P	S	S	S	S		See Ordinance
Convention Center										S			S	S		
Copying/Reproduction Stores & banner or sign supplies									P	P			P	P		
Correctional Facilities	S															See Ordinance
Crematories/Funeral Homes										P						
Crop and Tree Farming	P							S	S	P						
Currency Exchange									S	S						
Custom Dressmaking, Millinery, Tailoring or Shoe Repair Shops								P	P	P						
Dairy and Livestock Farming	P															
Drive Through or Drive Up Windows for any Permitted Use								S	S	P						

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R- 6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
excluding the sale of alcoholic beverages																
Drug Store			S					P	P	P						See Ordinance
Dry Cleaning and Pressing Establishments								C	C	P						See Ordinance
Duplexes or Two-Family Detached			P				P									
Dwelling Unit for Watchmen and Families including a Caretaker	P							S	S	S	P	S	P	P		
Elderly Cottage Housing (ECHO)	C															See Ordinance
Electrical Appliances Stores and Repairs								C	P	P						See Ordinance
Explosives (including storage)														S	P	See Ordinance
Fairgrounds											P					
Farming	P		P													
Farm-Type Animals	P	P	S													See Ordinance
Feed Yards	C															See Ordinance
Fertilizer sales including limited storage									S	S			S	S		
Fertilizer and Seed Sales (includes bulk storage and mixing)	S															
Fire Stations		P	P	P	P			P	P	P	P	P	P	P		
Forest Preserve	P		P													
Forestry	P															
Funeral Homes/Crematories									S	P						
Furrier									P	P						
Game Breeding	P															
Gardening Supplies and Seed Stores (retail sales only)								P	P	P						
Glass Cutting and									P	P			P	P		

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Glazing Establishments		S	S	S	S	S	S				P					See Ordinance
Golf Courses			S													
Golf Courses, club houses, country clubs and membership riding clubs	S		S								P					
Government Buildings and Facilities	S							P	P	P	P	P	P	P		
Grain Storage	S												S	P		See Ordinance
Grazing and Forage	P															
Green houses and Nurseries	P									P						
Grocery and Food Sales (under 10,000 sq.ft.)								P	P	P						
Grocery and Food Sales (10,000 sq.ft. and over)									P	P						
Group Homes (licensed or certified with 8 or less persons)	P	P	P	P	P											See Ordinance
Group Homes (licensed or certified with 9 or more persons)	S	S	S	S	S											See Ordinance
Guest house w/kitchen facilities (in an accessory structure)	C															
Halfway House	S	S		S	S											See Ordinance
Health Clubs (public or private)			P							P	P	S				See Ordinance
Home based retail and/or wholesale food operation	C	C	C	C	C	C	C									See Ordinance
Home Occupation	P	P	P/S	P	P	P	P									See Ordinance
Horse Breeding and Raising	P															
Hospice	S	S	S	S	S											

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Hospital			S						S	S		P	S	S		
Hotel and/or Motel										P	S	S	S	S		
Indoor Business Sales and Service (under 10,000 sq. ft.)								P	P	P						
Indoor Business Sales and Service (in excess of 10,000 sq. ft.)									P	P						
Indoor Entertainment and Recreation									S	P	S		S	S		
Indoor Retail Sales of Goods (under 10,000 sq.ft.) – Includes Repairs of Goods Sold on Premises								P	P	P						
Indoor Retail Sales of Goods (10,000 sq.ft. and over) – Includes Repairs of Goods Sold on Premises									P	P						
Indoor Target Practice	S							S	S	S	S	S	S	S		See Ordinance
Junk Yards and Automobile Wrecking Yards														S		See Ordinance
Kennels	S									S	S		S	S		See Ordinance
Laboratories (medical, dental, research, experimental, and testing)									C	P		P	P	P		See Ordinance
Land Application of domestic septage	P															See Ordinance
Lands and buildings used for horticulture or farm purposes		P	P													
Landscape Business	S									S			S	S		See Ordinance
Laundries, Automatic Self-Service Types								C	C	P						See Ordinance
Light Manufacturing												S	P	P		

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R- 6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
and Assembly																
Livestock Sales and Purchasing (does not include stockyard or slaughter house)	C															See Ordinance
Meeting Halls								S	S				S	S		
Micro-Brewery, and/or Winery										S			S	S		
Miniature Golf Course			S					P			P					See Ordinance
Model Homes		C	C	C	C											
Mobile Home Park						S										
Monument Sales (excludes cutting or grinding of stones)								P	P							
Motor Freight Terminals													S	S		
Motor Vehicle Accessory Stores								P	P							
Motor Vehicle Gas Station								S	P				P	P		See Ordinance
Motor Vehicle/Motorcycle Service Stations								S	P				P	P		See Ordinance
Motor Vehicle/Motorcycle Sales								S	P				P	P		See Ordinance
Motor Vehicle Washing								S	P				S	S		
Multi-family dwellings			P					P								
Musical Instrument Sales and Repair (includes lessons)								S	P	P						
Nano Breweries	S							P	P	P			P	P		See Ordinance
Offices (Business and Professional including medical clinics)								P	P	P			P	P		
Offices of architects, brokers, engineers, etc.	S															See Ordinance

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Outdoor Commercial sporting activities	S															See Ordinance
Outdoor Display								C	C							
Outdoor storage								S	S				S	S		See Ordinance
Packaged Liquor Store or any sale of alcoholic beverages								P	P			S	S	S		See Ordinance
Paintball Facilities	S												S	S		See Ordinance
Parks	S	P	P	P	P								S	S		
Parking Garages								S	P	P	P		P	P		See Ordinance
Pawn Shop										S			S	S		
Personal and Business Service Shops (under 10,000 sq. ft.)			S					P	P	P						See Ordinance
Personal and Business Service Shops (in excess of 10,000 sq. ft.)			S						P	P						
Pet Shops- wholly within an enclosed building								P	P	P						
Philanthropic and eleemosynary Institutions	S	S		S	S						P					See Ordinance
Photography Studios								P	P	P						
Places of Worship	S	S	C/S	S	S		S									See Ordinance
Planned Unit Development			P				S	S			S	P	S	S		See Ordinance
Plumbing, Heating, and Roofing Supply Shops									P	P			P	P		
Police Stations			P					P	P	P	P	P	P	P		
Postal Substation			P					P	P	P	P					
Private Clubs or Lodges	S												S	S		See Ordinance
Private Clubs- soccer, etc.												S	S	S		See Ordinance
Processing or Assembly									C	C				P	P	See Ordinance
Production and sale of sweet cider, hard cider,	S									S	S		S	S		See Ordinance

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
wine, jams, etc. Also tasting and retail of items produced on site and ancillary items																
Production, Processing, Cleaning, Testing, or Repair Services (Limited uses)													P	P		See Ordinance
Public or Private Utilities and Service Uses	S	S	S	S	S	S	S	S	S	S		S	P	P		See Ordinance
Public 911 Safety Towers	C												S	S		See Ordinance
Racetrack											S					See Ordinance
Railroad Freight Terminals, Railroad Switching and Classifications Yards, Repair Shops and Roundhouses														S		
Recreational Areas			P								P		S	S		See Ordinance
Recreational Camps or RV Parks	S										S		S	S		See Ordinance
Research Laboratories including testing												P				See Ordinance
Rest Homes, Nursing Homes and sanitariums	S	S	S	S	S	S	S									
Restaurants, Cafes, Cafeterias, and Like Uses								P	P	P		S	S	S		See Ordinance
Restaurants including drive-in type of establishments										P						
Retail shops or office use with conditions					S											See Ordinance
Retail or Wholesales sale of pottery, art, or home décor products	S															See Ordinance
Retail or Wholesale	S									S			S	S		See Ordinance

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R- 6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Sales Yards for Agricultural Products																
Riding Stables including polo clubs, rodeo clubs and similar uses	S/C		S								S		S	S		See Ordinance
Roadside Stands	P	P	P													See Ordinance
Schools (elementary, junior high and high school)	S	S	C	S	S	S	S									See Ordinance
Schools (music, dance, business, commercial, or trade)								P	P	P		P	S	S		See Ordinance
School bus garages	S	S	C	S	S	S	S						P	P		See Ordinance
Seasonal Festivals	C										P					See Ordinance
Secondary Dwelling Unit			S													See Ordinance
Self Service Storage Facilities								C	C	C/S		S	S	S		See Ordinance
Seminaries, Convents, Monasteries (and like uses)		S	S	S	S	S	S				S		S	S		See Ordinance
Service or Commercial uses for immediate convenience												S				See Ordinance
Service Clubs																
Single-Family Attached Dwelling Units			P													See Ordinance
Single-Family Detached Dwelling		P	P	P	P	P	P									
Single-Family Semi-Detached Dwelling																
Single-Family Dwelling (130,00 square foot minimum and evidence that it is incompatible with agricultural uses)	C															See Ordinance

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R- 6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Single-Family Residential use (40 acres, allocated, approved lot or replacement home)	P															See Ordinance
Slaughter House														S		
Slaughtering of Poultry or Rabbits													P	P		
Sod Farms	P															
Sports Arena and Stadiums											S		S	S		See Ordinance
Storage Facilities (for motor vehicles, boats, trailers and other recreational vehicles)	S												P	P		See Ordinance
Storage of manure, peat, topsoil, petroleum, and goods used in or produced by manufacturing activities													S	P		
Storage of products when accessory to the pursuit of agriculture	P												P	P		
Surface and/or open pit mining, extraction and processing of aggregate materials															P	See Ordinance
Taverns									S	P		S				
Telecommunications Stations	S							S	S	S	S	S	P	P		
Temporary buildings for construction offices or storage		P	P	P	P	P	P	P	P	P	P	P	P	P		
Temporary building, trailer, or yard for construction materials and/or equipment	T															See Ordinance
Theaters										S	S		S	S		See Ordinance

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R- 6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Tobacco Shops								P	P	P						
Trailers or mobile homes for residential purposes during construction of new home	T													S		See Ordinance
Transfer Stations														S		See Ordinance
Truck and Tractor Amusement Competition Events	C									P						See Ordinance
Truck Farming	P															
Truck Driving School										S			S			
Truck Sales													P			
Truck Stop										S			S			
Truck Wash Facility													S	S		See Ordinance
Veterinary establishments	S							S	P	P						See Ordinance
Whole sales (not including storage or warehousing)												P				See Ordinance
Wholesaling and Warehousing													P	P		
Small Wind Energy Systems	C	C	C	C				C	C	C	C	C	C	C	C	See Ordinance
Wind Farms, Commercial	S												S	S		See Ordinance
Other uses not specifically listed as permitted. Conform to goals, purpose and objectives of district		S		S	S						S	S	S	S		See Ordinance

For B-5, Business Planned Development (BPD) District, permitted uses shall be consistent with the purpose of this District, including a wide variety of retail, office, general commercial and light industry. A permitted use list shall be developed and approved with each zoning request in the BPD District.
