

ORDINANCE # 2012-

04

**AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE**  
**Section 3.02- "Definitions," Section 4.00- "General Provisions," Section 7.00-**  
**"Agricultural Districts," Section 8.00- "Residential Districts," Section 10.00-**  
**"Manufacturing Districts" and Section 11.00- "Off-street Parking and Loading,"**

*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.

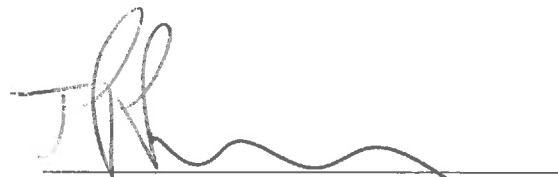
*NOW, THEREFORE, BE IT ORDAINED*, the Kendall County Board hereby amends Sections 3.02- "Definitions," Section 4.00- "General Provisions," Section 7.00- "Agricultural Districts," Section 8.00- "Residential Districts," Section 10.00- "Manufacturing Districts" and Section 11.00- "Off-street Parking and Loading," 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 20<sup>th</sup> day of March, 2012.

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
John Purcell

**SECTION 3.00 RULES AND DEFINITIONS**

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

**3.01 RULES**

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

**3.02 DEFINITIONS**

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

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

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

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

**ADULT BOOK STORE.** An establishment having a majority of its public physical floor space occupied by books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or

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relating to "Specified Sexual Activities" or "Specified Anatomical Areas".

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

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

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

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

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

**AGENCY LICENSED FAMILY RESIDENTIAL CARE HOME - TRANSITIONAL.** A single housekeeping unit of three (3) or fewer persons receiving care in a family-like atmosphere where the residents are residing in the home on a transitional or temporary basis where the length of residency is not expected to be more than one (1) year.

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Oversight and supervisory personnel shall be on the premises in addition to this number. *(Amended 10/17/2000)*

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

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

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

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

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

**AIRPORT OR AIRCRAFT LANDING FIELD.** Any landing area, runway or other facility (including heliports), designed, used or intended to be used either publicly or privately by any person or persons for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings and open spaces.

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

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

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

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

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

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

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

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

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

**BASE FLOOD.** The flood having a one percent chance of being equaled or

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exceeded in any given year. The base flood is also known as the one hundred (100) year flood.

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

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

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

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

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

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

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

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

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

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

1. Wetlands and land that is generally inundated by water (under ponds, lakes, creeks, etc.),

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

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

**BUILDING.** Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure, or protection of persons, animals, or chattels. Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures are not considered as buildings.

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

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

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

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

**BUILDING, PRINCIPAL.** A non-accessory building in which the principal use of

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the zoning lot, on which it is located, is conducted.

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

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

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

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

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

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

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

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

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

**CLUB OR LODGE.** A non-profit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members, their guests, and invitees. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guest shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such



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beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with the applicable, local, Federal, and State laws, and County Ordinances. *(Amended 6/19/2007)*

**COMMON OPEN SPACE.** Common open space refers to the land within a Planned Development that is devoid of buildings and other structures, other than recreational and pedestrian facilities and uses accessory thereto, and is suitable for active and passive recreational activities. For purposes of this ordinance, common open space must be a minimum of 50' wide. Common open space may include underground drainage fields for community septic systems or back-up areas for individual septic systems, and for "spray fields" for spray irrigation purposes in a "land treatment" sewage disposal system. Common open space specifically excludes parking lots for non-recreational uses, street rights-of-way, subdivided residential lots, school sites, "mound" sewage disposal systems protruding above grade and aerated sewage treatment ponds. Common Open Space is further divided into two categories as follows:

Primary Open Space consists of wetlands and land within the 100-year flood plain.

Secondary Open Space includes otherwise developable areas of a property which are being preserved for passive or active open space use. Wet bottom detention areas may be included as a part of secondary open space.

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

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

**CORNER LOT.** See "Lot, Corner".

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

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

**COVERAGE, LOT.** See "Lot Coverage".

**CURB LEVEL.** The level of the established curb in front of the building

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**FLASHING SIGN:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance any revolving, illuminated sign shall be considered as a flashing sign. Due to their unique characteristics, electronic message board displays are not considered flashing signs.

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

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

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

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

**FLOOR AREA FOR DETERMINING REQUIREMENTS FOR OFF-STREET PARKING AND LOADING.** "Floor Area" when prescribed as the basis of measurement of off-street parking spaces and off-street loading spaces for any use shall be the sum of the gross horizontal area of the several floors of the building, excluding areas used for accessory off-street parking facilities and the horizontal areas of the basement and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

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

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

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

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

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

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

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

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

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

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

**GUEST HOUSE.** Living quarters within a detached accessory building located on the same premises with the principal building, for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented

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or otherwise used as a separate dwelling.

**HALFWAY HOUSE.** A home for persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, or inmates on release from more restrictive custodial care or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society. A temporary residential living arrangement for persons who are receiving therapy and counseling from support staff who are present at all times residents are present for the following purposes:

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

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

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

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

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

**HOME OCCUPATION- RESIDENTIAL** A home occupation in a residential zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal

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hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be a "home occupation".

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

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

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

**HOTEL, MOTEL, INN OR AUTO COURT.** An establishment containing lodging accommodations designed for use by transients, or travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial desk service, restaurants, cocktail lounges, meeting rooms, and ancillary retain uses provided access to such uses are from the exterior of the principal use.

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

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

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



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

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

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

**KENNEL** Any lot or premises or portion thereof on which more than a total of 4 dogs, cats, and other household domestic animals or combination thereof over four months of age are kept for sale, or on which more than two such animals are boarded for compensation. *(Amended 6/20/2006)*

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

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

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

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

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

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width, thirty five feet in length, and fourteen feet in height, exclusive of access aisles and maneuvering space.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**LOT, ZONING.** See "Zoning Lot".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**NON-CONFORMING STRUCTURE.** Any building or structure lawfully established at the time of the adoption of this Ordinance or any amendments hereto that

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does not comply with the yard, height, bulk or separation requirements contained the regulations of this Ordinance. (*Amended 6-21-2005 ord. #2005-42*)

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

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

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

**OBSTRUCTION.** An obstacle, impediment or hindrance.

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

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

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

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

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

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

**PARKING SPACE, AUTOMOBILE.** Space within a public or private parking area

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not less than one hundred and eighty square feet (nine by twenty), exclusive of access drives, or aisles, ramps, columns or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one half ton capacity.

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

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

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

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

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

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

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

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

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

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

**PRIVATE CLUBS OR LODGES.** An association organized and operated for persons who are bona fide members typically paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such associations are typically conducted by a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary, and incidental to the common objectives of the organization, and further provided that such sale or service of alcoholic beverages and food is in compliance with all applicable federal, state, county, and local laws and ordinances.

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

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

**RAILROAD RIGHT-OF-WAY.** A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, trainsheds, warehouses, rail car shops, rail car yards, locomotive shops, water towers, etc.

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

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

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

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

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

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

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

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

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

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

**SEASONAL FESTIVAL.** A temporary event held during a specified time of the year which is designed to enhance the sales of seasonal crops and related products produced in conjunction with existing agricultural businesses such as orchards, vineyards, nurseries and similar agricultural operations. Related activities may include, but are not limited to, corn mazes, wagon rides, pony rides, farm animal petting zoos, and pumpkin patches. Activities including amusement park rides, live music concerts, truck and tractor pull competitions are specifically prohibited from Seasonal Festivals.

**SECONDARY OPEN SPACE.** All buildable acreage protected as open space. Secondary open spaces shall include, at a minimum, a 150 foot deep greenway buffer



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

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

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

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

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

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

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

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context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.

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

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

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

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

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

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

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

**SPECIAL USE.** Any use of land or buildings, or both, described and permitted herein, subject to the provisions of Section 13.00.

**SPECIFIED ANATOMICAL AREAS.** Are defined as:

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

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**SPECIFIED SEXUAL ACTIVITIES.** For the purpose of this section are defined as:

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

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

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

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

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

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

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and ceiling next above it. Any portion of a story exceeding fourteen feet in height shall be considered as an additional story for each fourteen feet or fraction thereof.

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

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

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

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

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

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

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

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

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

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

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

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

**TOURIST COURTS, MOTOR LODGES.** A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily

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by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges, or other similar type uses.

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

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

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

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

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

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

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

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

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

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

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

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

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

**WIND FARM, COMMERCIAL.** A single wind driven machine or a collection of wind driven machines or turbines that convert-wind energy into electrical power for the primary purpose of sale, resale or offsite use. *(Amended 6/20/2006)*

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

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

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

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

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

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

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

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

**ZONING BOARD.** The Kendall County Zoning Board of Appeals.

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

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

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

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

## **SECTION 4.00 GENERAL PROVISIONS**

## **EXHIBIT A**

### **4.01 INTERPRETATION.**

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

### **4.02 SCOPE OF REGULATIONS**

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



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may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may upon completion be occupied under a certificate of occupancy by the use for which originally designated - subject thereafter to the provision of Section 5.00 "Non-conforming Buildings and Uses."

### **4.03 USE AND BULK REGULATIONS**

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

### **4.04 LOT COVERAGE (Amended 10/17/2000)**

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

- D. **REQUIRED YARDS FOR EXISTING BUILDINGS.** No yards now or hereafter provided for a building existing on the effective date of this amended ordinance shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this amended ordinance for equivalent new construction, except as provided in Section 5.11.
- E. **CORNER CLEARANCE.** There shall be no material obstruction to vision on any corner lot between a height of two feet and a height of ten feet above the finished grade of either street within a forty (40) foot triangle formed by the intersection street lines with the following exception:

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

**4.05 ACCESSORY BUILDINGS, STRUCTURES AND USES**

- A. **ACCESSORY BUILDINGS OR USE.** An "accessory building or use" includes but is not limited to the following:
  - a) A children's playhouse, garden house and private greenhouse;
  - b) A garage, shed or building for domestic storage;
  - c) Storage or merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations;
  - d) Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations;
  - e) Incinerators incidental to residential use;
  - f) A non paying guest house (without kitchen facilities) or rooms for guests within an "accessory building" provided such facilities are used for the occasional housing of guests of the occupancy of the principal building and not for permanent occupancy by others. (Only permitted on parcels of 3 acres or more in the A-1 district or R-1 district)
  - g) Swimming pool, private, for use by the occupant and his guests;
  - h) Off-street parking and loading facilities;

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- i) Signs (other than advertising signs) as permitted and regulated in each district incorporated in this Ordinance;
- j) Carports as a separate structure;
- k) Towers for personal use, i.e. radio towers, towers to receive internet service.
- l) Small wind energy system (Permitted as Conditional Use only in the A-1, R-1, R-2, and all Business and Manufacturing Districts – may also be approved as part of an Residential Planned Development) subject to the conditions of Section 4.17 (*Amended 2/16/2010*)
- m) Solar panels (*Amended 2/16/2010*)
- n) Home Occupations (see Section 4.06 – 4.07)

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

- 1. No structure shall be placed within a recorded easement.
- 2. No other obstruction shall occur within a recorded easement unless the sole purpose of the easement is for service to only the subject property.
- 3. No obstruction shall adversely impact drainage.
- 4. Unless otherwise indicated in the table listed below, no obstruction shall be closer than five feet from a property line as regulated in Section 4.10. herein.
- 5. No obstruction shall encroach onto a private septic system or private water wells.

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

|  | <b>Front</b> | <b>Side</b> | <b>Rear</b> |
|--|--------------|-------------|-------------|
| Awnings or canopies, which may project not more than three (3) feet into a required yard   | X            | X           | X           |
| Arbors or trellises, and where trellises are attached to the principal building they may also project into front yards or side yards |              |             | X           |
| Air conditioning equipment   |              |             | X           |

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|   | Front | Side | Rear |
|---|-------|------|------|
| Architectural entrance structures on a lot or at entrance roadways into subdivisions provided they comply with the setbacks established in Section 12.0 herein.   | X     | X    | X    |
| Balconies   |       |      | X    |
| Bay windows - projecting not more than three (3) feet into a yard.  | X     | X    | X    |
| Chimneys, attached - projecting not more than three (3) feet into a yard.   | X     | X    | X    |
| Decks, attached to a principal structure, when constructed entirely or partially around a swimming pool, for the sole purpose of providing a connection of the swimming pool to the principal structure. Such decks shall be removed from the required side and/or rear yard within thirty (30) days of the removal of the swimming pool they are providing a connection for. <i>(Amended 11/15/11; Ord. 11-31)</i> |       | X    | X    |
| Eaves and gutters on principal buildings or attached accessory buildings projecting not more than four (4) feet into a front and rear yard nor more than twenty-four (24) inches into a side yard.  | X     | X    | X    |
| Fallout shelters, attached or detached, when conforming also with other codes and ordinances of the County  |       |      | X    |
| Fire escapes, open or enclosed, or fire towers - may project into a required front yard or side yard adjoining a street not more than five (5) feet and into a required interior side yard not more than three and one-half (3½) feet   | X     | X    | X    |
| Flagpoles, within two and one-half feet (2.5') of a property line   | X     | X    | X    |
| Garages or carports, detached   |       | X    | X    |
| Growing of farm and garden crops in the open is allowed in all yards up to property line.   | X     | X    | X    |

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|   | Front | Side | Rear |
|---|-------|------|------|
| Lawn furniture, such as sun dials, bird baths, and similar architectural features may encroach to within two and one-half feet (2.5') of a lot line.  | X     | X    | X    |
| Open off-street parking and loading spaces may encroach to within two and one-half feet (2.5') of a lot line unless otherwise permitted in Section 11.0 herein.   |       |      | X    |
| Ornamental light standards to within two and one-half feet (2.5') of a property line  | X     | X    | X    |
| Playground and laundry-drying equipment   |       | X    | X    |
| Playhouse and open sided summer houses  |       | X    | X    |
| Sheds and storage buildings for garden equipment and household items as accessory to dwellings.   |       | X    | X    |
| Sills, belt courses, cornices, and ornamental features of the principal buildings, projecting not more than eighteen (18) inches into a yard.   | X     | X    | X    |
| Steps, open or ramps - necessary for access to and from the dwelling or an accessory building, steps or ramps as access to the lot from the street, and in gardens or terraces, up to the property line.  | X     | X    | X    |
| Swimming pools, private - when conforming also with other codes or ordinances of the County.  |       | X    | X    |
| Swimming pools, above or below ground, detached or attached to a principal structure, when also conforming with the setback regulations of well and septic systems. <i>(Amended 11/15/11; Ord. 11-31)</i> |       | X    | X    |
| Terraces, patios, and outdoor fireplaces  |       | X    | X    |
| Tennis courts, private  |       | X    | X    |
| Trees, shrubs, and flowers up to property line except as otherwise regulated per Section 4.04.F Corner Clearance.   | X     | X    | X    |

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|   | Front | Side | Rear |
|---|-------|------|------|
| Other accessory buildings, structures, and uses as herein permitted in district regulations as accessory to a specific permitted use. |       | X    | X    |

- C. **LOCATION.** Except as otherwise provided for under Section 4.04 no part of any accessory building shall be located closer than five (5) feet from any side or rear property line, nor closer than ten (10) feet to any main buildings, unless attached and made a part of such main building. *(Amended 11/18/2003)*
- D. **TIME OF CONSTRUCTION.** Except in Agricultural Districts, no accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory. *(Amended 11/18/2003)*
- E. **HEIGHT OF ACCESSORY BUILDINGS IN REQUIRED REAR YARDS.** No accessory building or portion thereof located in a required rear yard shall exceed the maximum height outlined below:

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

*(Amended 11/18/2003)*

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

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ordinance for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory building shall be located within five (5) feet of any part of a rear lot line which coincides with a side lot line or portion thereof of property in a Residence District.

### 4.06 HOME OCCUPATION- AGRICULTURAL provided:

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

### 4.07 HOME OCCUPATION- RESIDENTIAL provided:

- a. It is conducted entirely within the dwelling by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence.
- b. There are no signs, display or activity that will indicate from the exterior of the dwelling that it is being used for any use other than a dwelling except as allowed by the sign regulations for the district in which such "home occupation" is located.

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- c. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises, except that items incidental to the home occupation may be sold, i.e., hair care products sold at a salon.
- d. No more than ten (10) vehicle trips by either customers, delivery persons or employees may be made throughout a day to and from the home occupation.
- e. No person shall be employed on site other than members of the family residing on the premises and one person outside the family in all residential districts.
- f. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape Requirements of this Ordinance.
- g. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines.
- h. Instruction in music, crafts and dance shall be limited to one student at a time with a maximum of eight per day. To exceed this limit requires a variance.
- i. Salons shall be limited to one chair or nail table, commonly referred to as a station.

### 4.08 LOT AREA AND DIMENSIONS

- A. **CONTIGUOUS PARCELS.** When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the Use District in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.
- B. **LOTS OR PARCELS OF LAND OF RECORD.** Any single lot or parcel of land held in one ownership which was of record, May 10, 1960, that does not meet requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts, or usable open spaces are not less than seventy-five percent (75%) of the minimum required dimensions or area, except as provided in sub-section 5.15.

### 4.09 ACCESS TO PUBLIC STREETS

- A. Every principal building that is constructed on a lot shall have vehicular access by private driveway to a public street. Private driveways shall be located,



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designed, and constructed according to the standards in the Subdivision Ordinance.

- B. Individual driveways which provide access to one lot and shared private driveways which provided access to two lots shall be approved by the Zoning Administrator.
- C. Shared private driveways which provide access to three or more lots shall be approved by the County Board. In cases where the proposed access would be for lots that existed before March 17, 1998; the procedure for approval would be recommended by the Zoning Administrator, Plat Officer, Planning, Building, and Zoning Committee, and a vote by the County Board. Other cases would be part of the subdivision review procedure.

### 4.10 NUMBER OF BUILDINGS ON A ZONING LOT

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

### 4.11 TENTS

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

### 4.12 PERFORMANCE STANDARDS *(Amended 11/18/2003)*

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. No use lawfully established on the effective date of this comprehensive amendment shall be so altered or modified as to conflict with, or further conflict with these performance standards.

### 4.13 EXISTING SPECIAL USES *(Amended 11/18/2003)*

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

### 4.14 FENCES *(Amended 2/15/2005)*

- A. **GENERAL.** Fences that are open, semi-solid or solid are allowed in all districts and yards with the following conditions, unless otherwise regulated herein:
1. Fences located in the A-1 District shall be excluded from any fence height restriction or fence type restriction specified in this section below.
  2. Only decorative or open fences, which do not exceed four feet (4') in height, are allowed in a required front yard. *(Amended 6/20/2006)*
  3. Semi-solid and solid fences shall be regulated as follows:
    - a. In Residential districts, solid and semi-solid fences are permitted up to six feet (6') in height in required side and rear yards with the finished side out provided they do not extend into a required front or corner side yard. Where a side yard or rear lot line of a residentially zoned lot abuts property located in a Business or Manufacturing district, a solid or semi solid fence of up to eight feet (8') in height may be permitted in the required side and rear yards with the finished side out provided they do not extend into a required front or corner side yard. *(Amended 6/20/2006)*
    - b. In Business and Manufacturing districts, solid and semi-solid fences are permitted up to eight feet (8') in height, and may be placed along the lot line in required side and rear yards with the finished side out provided they do not extend into a required front or corner side yard.
  4. Fences may be placed up to a property line provided that fences shall not encroach into rights-of-way.
  5. Fences on corners of vehicular intersections shall comply with Section 4.04F, Corner Clearance, of this ordinance.
  6. Except in the A-1 District & R-1 District, barbed-wire and aboveground electric fences shall not be located in any Residential District or residential platted subdivision. The use of underground electric fences to contain domestic pets is permitted in any District.

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

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

**4.15 USES - NOT PERMITTED. *(Amended 11/18/2003)***

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

**4.16 REGULATED USES. *(Amended 6/19/2007)***

- A. The following uses are deemed to be regulated uses:

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1. Adult Book Store.
2. Adult Motion Picture Theater.
3. Adult Mini-Motion Picture Theater.
4. Adult Entertainment Facilities.
5. Adult Use.
6. Adult Massage Parlors or Spas.
7. Tattoo Parlors and Permanent Body Art Establishments.
8. Striptease Club or Gentlemen's Club.
9. Adult Video Store

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

### 4.17 SMALL WIND ENERGY SYSTEMS *(Amended 2/16/10)*

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

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the regulations and guidelines of the Federal Aviation Administration (FAA) regulations or appropriate authorities.

- G. Signs/Advertising: No tower should have any sign, writing, or picture that may be construed as advertising.
- H. Visual Effects and Safety. All reasonable visual and safety concerns of adjacent property owners must be resolved before Construction/Use Permit will be issued. When an applicant intends to submit a Construction/Use Permit Application to the Planning, Building and Zoning Department, he/she must also submit a copy of the completed conditional use application form to each adjacent neighbor at least 15 days prior to the issuance of a conditional use permit. If there are negative comments from neighbors, staff will attempt to resolve these negative neighbor comments with the applicant. If staff is unsuccessful in resolving concerns of the neighbors with the applicant, staff will schedule and provide notice of a public hearing before the Kendall County Planning Commission to review and make a determination on the pending application and unresolved issues. At this public hearing the Kendall County Planning Commission will take testimony from staff, the neighbors and the applicant, and then will make a determination, based on the evidence presented, to approve, conditionally approve or deny the application. Any decision by staff or the Planning Commission may be appealed to the County Board.
- I. Multiple wind energy systems: Multiple wind energy systems are allowed on a single parcel as long as the owner/operator complies with all non-commercial wind farm regulations contained in these regulations. Units shall be installed in compliance with minimum setback and clear zone requirements, as defined by these regulations. The minimum distance between wind energy systems shall be equivalent to one hundred ten (110) percent of the hub height.
- J. Approved Wind Turbines: At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as the: California Energy Commission, National Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy Association.
- K. Onsite Electrical Use: On the Construction/Use Permit Application, the applicant must certify that the proposed system will be used primarily to reduce onsite consumption of electricity.

## SECTION 4.00 GENERAL PROVISIONS

Updated on 3.20.12

- M. Compliance with the National Electrical Code: Construction/Use Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- N. Removal of Defective or Abandoned Wind Energy Systems: Any wind energy system found to be unsafe by an authorized county official shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. If any wind energy system is not operated for a continuous period of 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 landowner and such landowner shall remove the turbine within 120 days of receipt of notice from the county.

### 4.18 SOLAR PANELS (*Amended 7/19/11*)

- A. Roof Mounted. Solar panels located on the roof of an existing structure shall be permitted in all districts.
- B. Freestanding. Solar panels located on the ground or attached to a framework located on the ground shall be classified as accessory structures. Freestanding solar panels shall be permitted if they comply with all of the following standards (Properties considered agriculturally exempt as defined in State Statute from building permits are further exempt from these standards with the exception of #3 listed below):
  1. The proposed system is no larger than necessary to provide 120 percent of the electrical and/or thermal energy requirements of the structure to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems.
  2. The solar panels and supporting framework shall not exceed 12' in all districts with the exception of the agricultural district as measured from adjoining grade at base to the highest elevation of the equipment.
  3. The solar energy system including any appurtenant equipment is not located within any required setback areas within the respective zoning district.

## SECTION 4.00 GENERAL PROVISIONS

Updated on 3.20.12

4. If the solar panels are visible from off-site, the solar panels are not located within 150 feet of a dwelling located on a lot other than the lot on which the solar energy system is located unless:
  - a. There are appropriate facades, walls, fences or landscaping that screen the solar panels and supporting framework from unobstructed view.
  - b. Reflection angles from collector surfaces are oriented away from neighboring windows.
  - c. The panels are mounted as close as possible to the ground while allowing adequate drainage and preventing vegetation from shading the panels.
5. The solar panels are located so that they are not readily visible from public viewing areas including parks, roads and trails located to the south of the site.

**11.01 SCOPE OF REGULATIONS**

- A. Applicability.** The off-street parking and loading provisions herein shall apply as follows:
1. For all buildings and structures erected and all uses of land established after May 20, 2008 (date of Ordinance approval), accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located.
  2. When the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity (18 inches per bench seat), or other units of measurement specified herein, the new parking regulations or loading facilities for such increase in intensity shall apply.
  3. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to May 20, 2008 (date of Ordinance approval), additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions herein.
- B. Existing Parking and Loading Facilities.** Accessory off-street parking or loading facilities which are located on the same lot as the building or use served, and which were in existence on the effective date of this amended ordinance or were provided voluntarily after such effective date shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of this amended ordinance for a similar new building or use.
- C. Permissive Parking and Loading Facilities.** Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.
- D. Damage and Destruction.** For any conforming or legally non-conforming building or use which is in existence on the effective date of this ordinance, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, re-established or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or construction.
- E. Control of Off-Site Parking Facilities.** When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking



facilities are accessory. No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking other than on the same zoning lot until and unless the Zoning Board of Appeals has reviewed the plans and has heard the applicant and has made findings that the common ownership or possession of the zoning lot and that the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

- F. **Submission of Plot Plan.** Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include therewith a plot plan - drawn to scale and fully dimensioned - showing any parking or loading facilities to be provided in compliance with this ordinance. Such plot plan shall indicate ingress and egress to the area and traffic patterns in adjacent streets and alleys.

#### 11.02 ADDITIONAL REGULATIONS - PARKING

- A. **Use of Residential Parking Facilities.** Unless otherwise specified elsewhere in this ordinance, off-street parking facilities accessory to residential uses and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned and operated by the permanent occupants, guests or visitors of the dwellings to which they are accessory. Further the parking of not more than one (1) truck of not more than one and one-half (1 1/2) ton capacity used by occupants of the dwelling structures to which such facilities are accessory shall be permitted. Under no circumstances shall parking facilities accessory to residential structures be used for the storage of commercial vehicles, or for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of business or manufacturing establishments. For the purposes of this section, commercial vehicles shall be defined as including trucks in excess of 1 and ½ ton capacity, and construction vehicles and equipment. Temporary parking of these types of vehicles shall be allowed provided the vehicles are engaged in the delivery of goods and services or the construction of improvements on the premises as may be necessary from time to time. In addition, the outdoor storage or parking of race cars or similar vehicles shall be prohibited in all residential zoning districts. (Amended 7/18/2006)
- B. **Joint Parking Facilities.** Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.
- C. **Shared Parking Facilities.** Shared parking may be permitted upon written documentation submitted to the Plan Commission and County Board demonstrating evidence that parking spaces will be shared at specific times of the day (where one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours.) The Shared Parking report published by the Urban Land Institute may be used as a guideline in the estimation of parking demand for mixed-use buildings and sites.

- D. Mixed Uses.** When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sums of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Regional Plan Commission and approved by the County Board.
- E. Computation.** When the required number of off-street parking spaces results in a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.
- F. Design and Maintenance.**

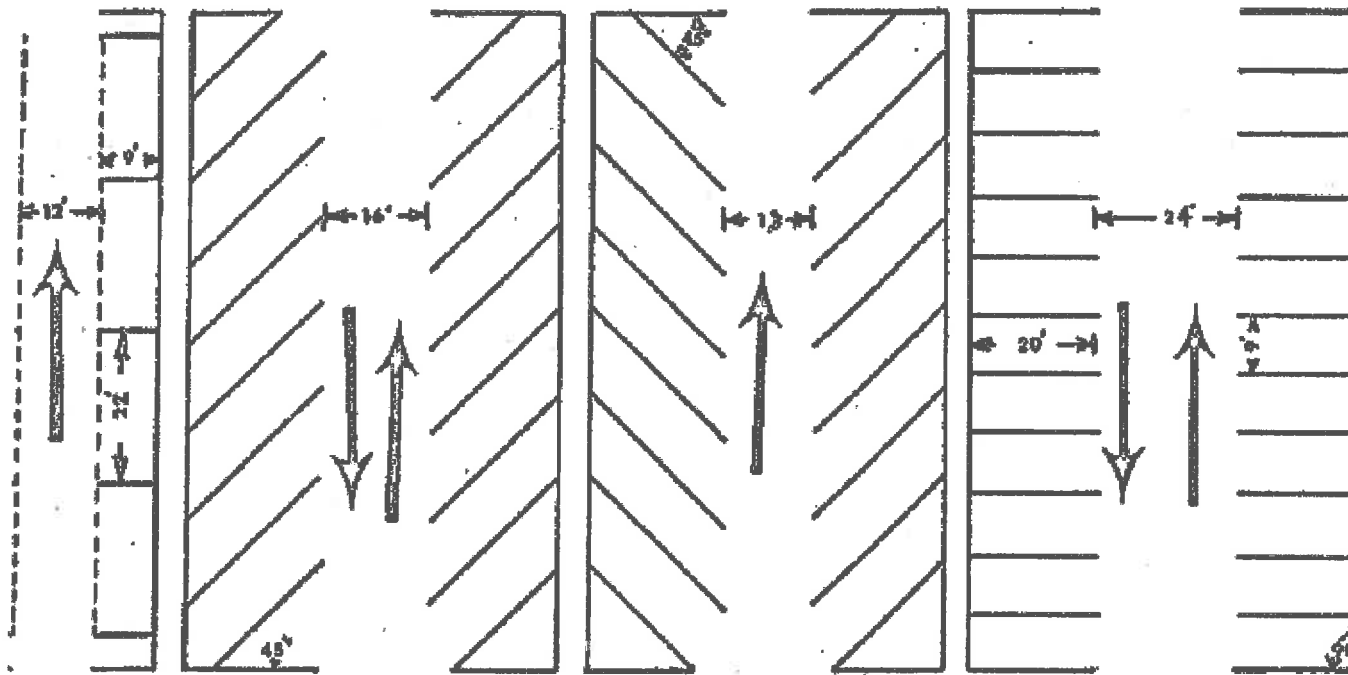
1. **Open and Enclosed Parking Spaces.** Accessory parking spaces may be open to the sky or enclosed in a building. Accessory parking spaces located in a residential district elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a special use.
2. **Surfacing.** All required open off-street parking areas and access drives constructed or re-constructed after May 20, 2008 (effective date of this amendment) in all zoning districts shall be improved with a permanent, concrete, unit paver, asphalt surface or some other environmentally friendly surface or green design practices. Asphalt paving shall include a 9" compacted gravel base and 3" asphalt covering, or equivalent. When more than 4 parking spaces are required, pavement marking shall be provided to clearly identify each parking space. (Amended 7/18/2006)

The Zoning Administrator may grant an exception to agricultural (A-1); R1, R2, and R3 single family; and community service uses from this provision where such uses generate low traffic volume. Handicapped parking stalls within the A-1 district shall be improved with a permanent, concrete, unit paver or asphalt surface and shall also provide a hard surface to the entrance of the structure a minimum of 6 feet wide. Such decisions made by the Zoning Administrator may be appealed to the Planning, Building and Zoning Committee of the County Board. (Amended 7/19/2011)

3. **Off Street Parking Dimensions** Required off-street parking spaces shall be designed in accordance with the following table:
4. **Parking Table**

|                          | Parking Angle    |     |     |                        |
|--------------------------|------------------|-----|-----|------------------------|
|                          | 0°<br>(Parallel) | 45° | 60° | 90°<br>(Perpendicular) |
| (a) Width of stall       | 9'               | 9'  | 9'  | 9'                     |
| (b) Minimum stall length | 22'              | 19' | 19' | 20'                    |

|                          |     |     |     |     |
|--------------------------|-----|-----|-----|-----|
| (c) Aisle width- one way | 12' | 13' | 18' | 12' |
| (d) Aisle width- two way | 24' | 16' | 19' | 24' |



\* Additional width may be required where the aisle serves as the principal means of access to on-site buildings or structures.

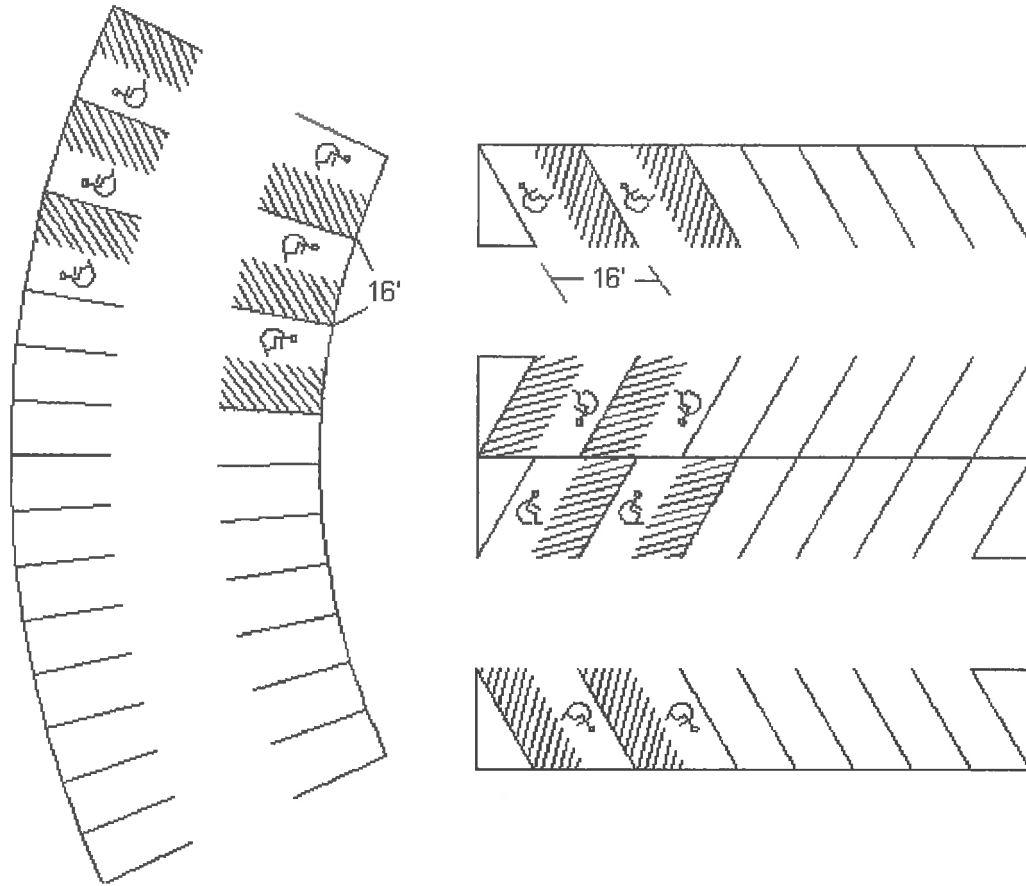
In the event that the desired parking angle is not specified by the above table, the Zoning Administrator may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensions listed in the table.

5. **Access.** Each required off-street parking space shall open directly upon an aisle or driveway of such width as specified in the table above and designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movements. (Amended 7/19/2011)
6. **Accessible Parking.** In any off-street parking facility, a certain number of spaces must be set aside for handicapped accessible parking as summarized in the following table:

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

Exceptions to the requirements of paragraph 1 above:

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



**B. Location of Accessible Spaces**

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

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

**7. In Yards.** Off-street parking spaces in required setbacks shall conform to the following:

**Front Yards.**

- A. No parking and drive aisles are permitted in a required front setback except the interior one-half of the front yard in

an M-1 Limited Manufacturing District, the M-2 Heavy Industrial District.

- B. Unless otherwise provided elsewhere in this ordinance, parking is allowed in a front yard on a private driveway serving single family and two family dwellings but shall not be considered as satisfying the off-street parking requirements for such uses as set forth in the ordinance.

#### **Side Yards.**

Unless otherwise provided elsewhere in this ordinance, parking is not permitted in any required side setback. Residential driveways, or parking in the A-1 zoning district is permitted in the required side setback with a minimum setback of 5 (five) feet from the lot line.

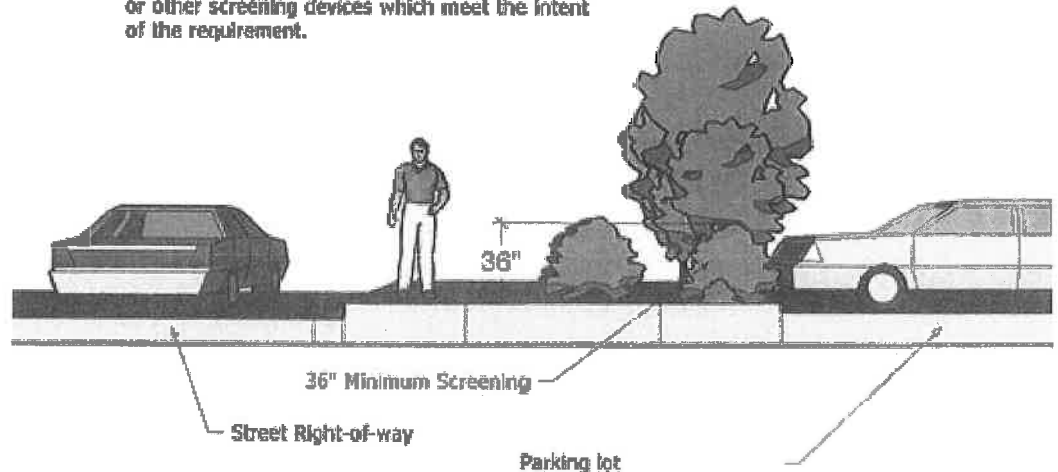
**Rear Yards.** Parking is permitted in any rear setback a minimum of five feet (5') with the following exceptions and requirements:

- A. In the M-1 Limited Manufacturing District, M-2 Heavy Industrial District when a rear yard is adjacent to an "R" District there shall be no parking in the twenty (20) feet adjacent thereto.
  - B. In any "R" District no open off-street parking space shall be located nearer than ten (10) feet to a principal building.
8. **Screening/ Perimeter Landscaping.** All required open automobile parking areas containing more than twenty (20) parking spaces shall be effectively screened as follows:
- A. On each side adjacent to any property situated in a residential district or on any institutional premises, a **wall**, fence, or densely planted compact hedge no less than three (3) feet in height across 100% of the length of the parking area is required.
  - B. On each side across a public right-of-way from any property situated in a residential district or on any institutional premises, the landscaping shall consist of one of the following options:
    - i. A berm that is at least two (2) feet higher than the finished elevation of the parking lot (at the nearest point) and a minimum of one (1) tree and ten (10) shrubs for every thirty feet of frontage shall be provided. Shrubs shall be placed on the property such that parking or vehicular uses are screened from view as seen from the street or neighboring properties. Perennials and groundcovers are

encouraged to compliment the site design. All berms shall maintain a 10 foot setback from the edge of the existing or future R.O.W. whichever is greater.

- ii. A minimum two foot (2') grade drop from the right-of-way line to the parking lot and a minimum one (1) tree and 10 shrubs for every thirty (30) feet of frontage shall be provided. Shrubs shall be placed on the property such that a parking or vehicular areas are screened from view as seen by the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design.
- iii. A wall, fence or natural vegetative screening no less than 3 (three) feet in height along the length of the parking area.

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



C. The minimum size for plant materials (at time of installation) shall be as follows:

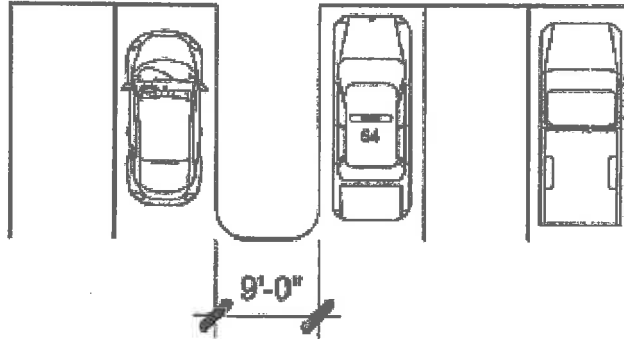
- i. **Tree** – Shade tree – 2-1/2" caliper, evergreen tree – 6' height, ornamental tree 2" caliper single trunk or 6' height multi-trunk.
- ii. **Shrubs** – 24" height

D. All driveways crossing a public sidewalk shall have a clear sight triangle inside the property measuring eight feet by eight feet. (Amended 7/18/2006)

9. **Circulation.** Circulation controls including signs, landscape islands, and pavement markings are encouraged and may be required by the Zoning

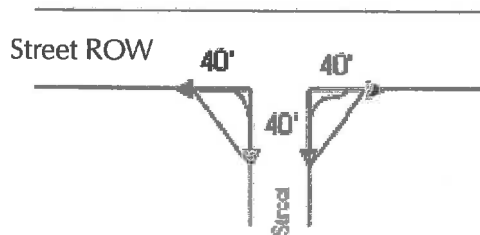
Administrator only where safety concerns suggest a clear need for such enhancements.

10. Landscaped parking lot islands are encouraged. (Amended 7/19/2011)



**MINIMUM REQUIRED WIDTH FOR  
ISLAND - PARALLEL SPACES**

11. **Landscape sight triangle.** No landscaping including berms shall be planted within a 40' (forty) sight triangle measured at the intersection of two public streets.



12. Lighting.

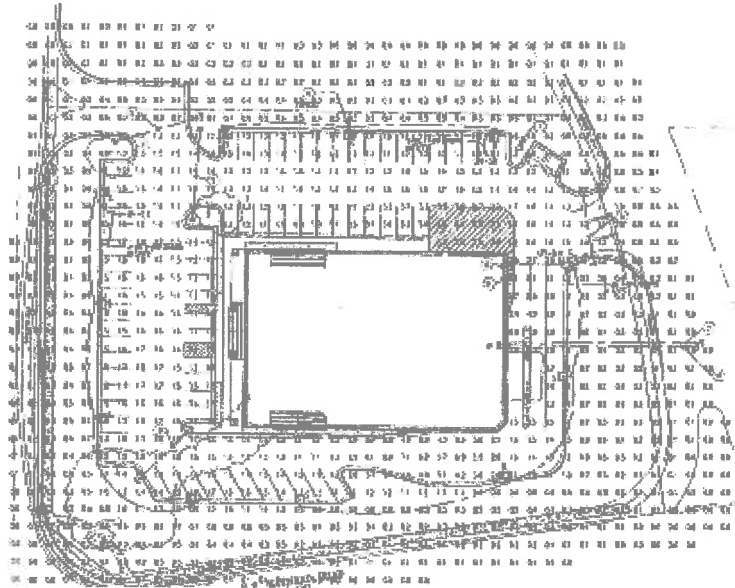
All off-street parking and loading facilities, other than residential driveways, shall be illuminated as approved during submittal of the final review phase (special use, final RPD, site plan review or amendments to the parking lot layout). Lighting shall be in accordance with the standards of Illuminating Engineering Society of North America (IESNA) as follows:

- A. A photometric plan will be required as a supporting document for parking lots with equal to or greater than thirty (30) parking spaces. Said photometric plan must show the locations, size, height, orientation, design, construction details, catalog cuts and plans for all of the outdoor lighting and signs, including wall mounted lighting. The plan must show the levels of illumination measured in horizontal foot-candles at ground level in a regularly spaced grid pattern extending sufficiently past the project

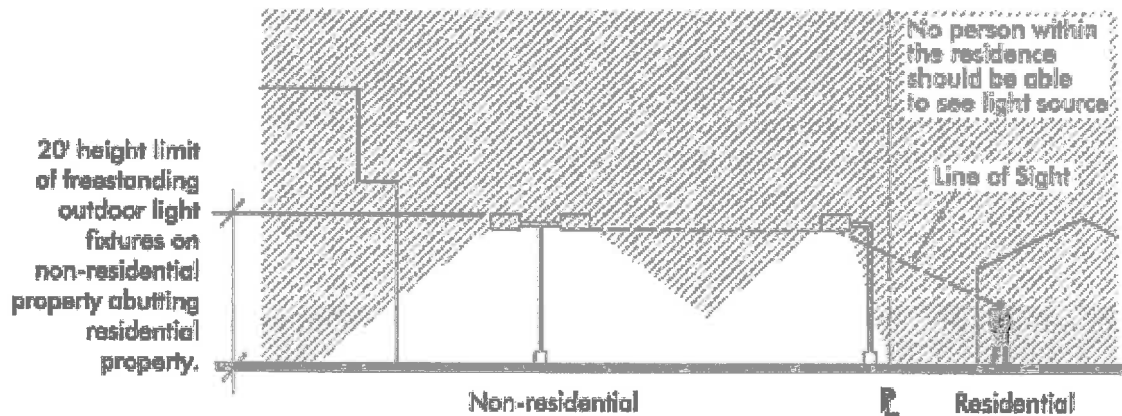


property lines. A catalog sheet showing the proposed lighting fixtures must be included.

Example:



- B. To reduce glare onto adjacent properties, only “fully shielded” or “cut-off” light fixtures are allowed. Fully shielded means that no light is emitted above the horizontal plane of the luminaries. Flat lenses are allowed. Sag lenses and wall packs are prohibited. Abutting or nearby residential properties shall not be able to see the actual light source, unless the luminaries are less than 100 watt incandescent. (Amended 7/19/2011)



- C. All under-canopy lights must be fully recessed into the canopy.

- D. Where non-residential sites are adjacent to residential sites (existing or future residential areas as shown on the officially adopted version of the Land Resource Management Plan (LRMP)), the light level at the property line produced by the non-residential lighting shall not exceed 0.2 foot-candles. The lighting shall be designed to avoid casting direct light or glare onto the adjacent residential property. Acceptable means to prevent glare or direct light onto the residential property include pole/luminary-mounted shields and dense vegetation. On abutting nonresidential properties (existing or future non-residential as shown on the officially adopted version of on the Land Resource Management Plan (LRMP)), or public streets the maximum illumination at the property line shall be five (5.0) foot-candles. Where residential is across a street, the maximum illumination at the use's boundary shall be two (2.0) foot-candles.

Higher maintained foot-candle levels may be appropriate for certain uses such as illuminated ball fields, auto dealerships, or gas stations. In such instances, information will be reviewed during Site Plan review. The Zoning Administrator may approve higher light levels for specific uses during the review process without the need for a variation. The Zoning Administrator may refer such instances to the Planning, Building, and Zoning Committee of the County Board. Such decisions made by the Zoning Administrator may be appealed to the Planning, Building, and Zoning Committee of the County Board. (Amended 7/19/2011)

- E. The maximum mounting height (including fixture, pole and base) for light standards located in a parking lot shall not exceed twenty (20) feet measured from ground level to the base of the lens. (Amended 7/19/2011)
- F. All non-residential lighting is required to be turned off no later than sixty (60) minutes after business hours, only leaving lighting necessary for site security, unless otherwise approved by the Planning, Building, and Zoning Committee of the County Board.
- G. Non-residential out lot lighting fixtures must be architecturally compatible with fixtures used elsewhere in the development.
- H. Decorative seasonal lighting shall be limited to a power rating of less than or equal to 75 watts.
13. **Repair and Service.** No motor vehicle repair work for compensation or sale of gasoline and motor oil of any kind shall be permitted in conjunction with

open accessory off-street parking facilities provided in a residential district, except as may be permitted under an approved Special Use or planned unit development. (Amended 7/18/2006)

**11.03 LOCATION OF ACCESSORY OFF-STREET PARKING FACILITIES**

The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

- A. **For Uses in a Residential District.** Parking spaces accessory to dwelling shall be located on the same zoning lot as the use served.
- B. **For Uses in Business and Manufacturing Districts.** All required parking spaces shall be within one thousand feet from the entrance of the principal building being served. Spaces accessory to dwelling units (not including hotels) shall be within three hundred (300) feet of the use served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residential district, except that private, free, off-street parking accessory to such uses may be allowed by special use permit in accordance with the Administrative Section in any residential district within two hundred feet of and adjacent to any business or industrial use.

**11.04 SCHEDULE OF PARKING REQUIREMENTS**

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

| <b>Residential Uses</b>                   |   |
|---|---|
| One-Family Dwelling, Two-Family Dwellings | Two parking spaces shall be provided for each dwelling unit (garage spaces or in the driveway behind the front yard setback line).  |
| Bed and Breakfasts                        | One parking space shall be provided for each guest room, plus the spaces required for a single family home. Parking spaces may be stacked in a driveway to prevent the over-paving of the area. |
| Hotel or Motel                            | One parking space for each guest room, plus one space per employee shall be provided.   |

|  |   |
|--|---|
| Lodging or Boarding Houses   | One parking space shall be provided for each lodging room plus one space for the owner or manager.  |
| Private Clubs and Lodges (with sleeping facilities)  | One parking space shall be provided for each lodging room plus one for each employee, plus parking spaces equal in number to twenty five percent of the capacity (as determined by the Fire Protection District) in persons (exclusive of lodging-room capacity) of such club or lodge.   |
| <b>Retail and Service Uses</b>   |   |
| Automobile Laundry   | Five (5) stacking spaces shall be provided for each manual wash rack. Ten (10) stacking spaces shall be provided for each automatic wash lane. For either manual or automatic facilities, one (1) parking space for each employee shall be provided. For automobile laundries associated with a gas station, a bypass lane shall be provided. |
| Automobile Service Stations  | One (1) space shall be provided for each employee plus two (2) spaces per pump station, but not less than five (5) parking spaces.  |
| Bowling Alleys   | Four (4) parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated uses - bars, restaurants and the like as set forth herein for such uses.   |
| Drive-thru restaurant  | Stacking of eight (8) vehicles plus one (1) parking stall per one hundred (100) square feet of floor area.  |
| Restaurants  | One (1) parking space shall be provided for each seventy-five (75) square feet of floor area.   |
| Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops  | One (1) parking space shall be provided for each six hundred (600) square feet of floor area.   |
| Heath Clubs and fitness centers  | One (1) parking space shall be provided per each two hundred (200) square feet AND one per employee.  |
| Establishments Engaged in Manufacturing, Assembly, Production, Processing, Cleaning, Servicing, Testing or Repair of Materials, Goods, or Products | One (1) parking space shall be provided for each employee plus one (1) parking space for each vehicle used in the conduct of the enterprise-  |
| Motor Vehicle Sales and Machinery and heavy equipment Sales  | One (1) parking space shall be provided for each six hundred (600) square feet of sales floor area, plus three spaces (3) for every service bay, plus one (1) space per employee. All required parking shall be in addition to areas reserved for storage and sale of vehicles.   |

|  |   |
|--|---|
| Offices - Business, Professional and Governmental  | One (1) parking space shall be provided for each two hundred and fifty (250) square feet of floor area.   |
| Offices – Medical or Dental  | One (1) parking space shall be provided for each two hundred (200) square feet of floor area.   |
| Research and Development   | One (1) parking space for each two hundred and fifty (250) square feet up to fifty-thousand (50,000) square feet; thence one (1) space for each five hundred (500) square feet over fifty-thousand (50,000) square feet.  |
| Retail Stores and Banks  | One (1) parking space shall be provided for each two hundred (200) square feet of gross floor area. Drive-in banks or other similar drive-in establishments shall provide four (4) stacking spaces per teller or customer service window.                                     |
| Tennis, squash, racquetball facility, indoor or outdoor  | Three (3) parking spaces shall be provided per court  |
| Theaters (indoors)   | One (1) parking space shall be provided for each three (3) seats.   |
| Undertaking Establishments, Funeral Parlors  | Fifteen (15) parking spaces shall be provided for each chapel or parlor, plus one (1) parking space for each funeral vehicle kept on the premises; in addition there shall be provided stacking space for not less than ten (10) automobiles for funeral procession assembly. |
| Warehouses and Storage   | One (1) parking space for each one thousand (1,000) square feet of warehouse or storage area, plus one (1) parking space for each two hundred and fifty (250) square feet of office area, plus one (1) space for each vehicle kept on the premises.                           |
| Wholesale Establishments (but not including Warehouses and Storage Buildings other than Accessory) | One (1) parking space shall be provided for each six hundred (600) square feet of floor area.   |
| <b>Community Service Uses</b>  |   |
| Place of Worship, School, College and Other Auditoriums  | One (1) parking space shall be provided for each three (3) auditorium seats. Adequate space shall also be provided for buses used in connection with the activity of the institution and all loading and unloading of passengers shall take place upon the premises.          |
| Colleges, Universities and Business, Professional and Trade Schools                                | One (1) parking space shall be provided for each employee, and one (1) parking space shall be provided for each three (3) students based on the maximum number of students attending classes on the premises at any one time during any 24 hour period.                       |

|  |  |
|--|--|
| Hospitals  | One (1) parking space shall be provided for each two (2) hospital beds, plus one (1) parking space for each employee, plus one (1) parking space for each doctor assigned to the staff.  |
| Libraries, Art Galleries and Museums - Public  | One (1) parking space shall be provided for each four hundred (400) square feet of gross floor area.   |
| Public Utility and Public Service Uses, including police and fire services   | One (1) parking space shall be provided for each employee per shift plus one parking space for each vehicle used in the conduct of the enterprise plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public. |
| Child care facility/ Nursery School  | One third (0.33) parking spaces per student capacity (as determined by the Fire Protection District), plus one (1) parking space for each employee. Adequate drop-off and pick-up locations must be provided.  |
| Elementary or Junior High School   | One (1) parking space for each employee plus one (1) space for each (20) students plus one (1) space for each vehicle used in the conduct of the school (plus additional parking as required for associated gymnasiums or auditoriums).                    |
| High Schools   | One (1) parking space for each employee plus one (1) space for each two (2) students and one (1) space for each vehicle used in the conduct of the school. (plus additional parking as required for associated gymnasiums or auditoriums).                 |
| Auditoriums, Stadiums, arenas, gymnasiums, convention halls, dance halls, exhibition halls, skating rinks and other similar places of assembly | Parking spaces equal in number to twenty-five percent (25%) of the capacity (as determined by the Fire Protection District) in persons shall be provided.  |
| <b>Miscellaneous Uses</b>  |  |
| Fraternities, Sororities and Dormitories   | One (1) parking space shall be provided for each three (3) active members plus one (1) parking space for each employee.  |
| Private Clubs and Lodges (without sleeping facilities for guests)  | Parking spaces equal in number to twenty-five percent (25%) of the capacity (as determined by the Fire Protection District) in persons   |
| Rest Homes, Convalescent Centers, Assisted Living, or Residential Care Homes   | One (1) parking space shall be provided for each five (5) beds, plus one (1) parking space for each employee on duty at one time, plus one (1) parking space for each doctor assigned to the staff.  |

|  |   |
|--|---|
| Theatres - Automobile Drive-In   | Reservoir parking space equal to ten percent (10%) of the vehicle capacity of such theatres shall be provided.  |
| Airports or aircraft landing field<br>Heliports<br>Convents and monasteries<br>Crematories and mausoleums<br>Fraternal institutions<br>Outdoor amusement establishments - fairgrounds, permanent carnivals, kiddy parks and other similar amusement centers<br>Municipal or privately owned recreation buildings, community centers, club houses, or other recreational uses such as ball fields or golf courses<br>Penal and correctional institutions<br>Rectories and parish houses<br>Swimming pools | Parking spaces shall be provided in adequate number as determined by the Regional Plan Commission and approved by the County Board to serve persons employed or residing on the premises as well as the visiting public |

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

**11.05 PARKING AND STORAGE OF RECREATIONAL VEHICLES, RECREATIONAL TRAILERS, TRAILERS AND MOBILE HOMES. (Amended 7/18/2006)**

**A. Storage of Unoccupied Recreational Vehicles, Trailers and Mobile Homes (Amended 7/18/2006)**

1. Unoccupied recreational vehicles, trailers and their contents may be located on lots in any district provided they comply with the following regulations:
  - a. The number of recreational vehicles and trailers on a lot shall not be restricted when such recreational vehicles or trailers are located within the interior of a permitted structure or when fully screened from adjacent property. Screening shall consist of permitted solid fencing, structures, or evergreen landscaping such that the vehicle does not exceed the height of the permitted screening and so that the vehicle is not directly visible from adjacent properties when viewed at ground level.

- b. Recreational vehicles trailers and their contents not stored within a permitted structure shall comply with the following parking requirements:
  - i. Except for the A-1, R-1, R-2 and R-3 districts, unless otherwise permitted in Section 11.02, such vehicles shall be parked on a hard surfaced all weather pad constructed of concrete, asphalt, brick or stone pavers or comparable material.
  - ii. Recreational vehicles, trailers and their contents may not encroach into a required front or corner side yard setback, shall not block any portion of a sidewalk or trail and shall not be parked or stored in a way that obstructs the visibility of oncoming traffic so as to create a safety hazard.
  - iii. Recreational vehicles may be stored or parked within a required rear or interior side yard setback.

Exception: An owner of a recreational vehicle located on property in the R-4, R-5, R-6 or R-7 Residential District which cannot comply with the front yard setback provisions of Section 4.08.A.1.b.ii above as of June 20, 2006 and that has registered said vehicle with the Kendall County Planning Building and Zoning Department, may be permitted to store such vehicle within the front yard setback provided said encroachment does not obstruct the required sight distance triangle, in the case of a corner lot, or create an obstruction so as to compromise the safety of pedestrians or other vehicles operating within the road right-of-way (R.O.W.) Said exemption shall apply to the original recreational vehicle registered and any replacement of said recreational vehicle.

This exception shall be non-transferable to any subsequent owner(s) or occupants of the property and shall terminate upon either the sale of the property or change in occupancy of the dwelling unit should the owners chose to maintain it as a rental property.

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

- c. When recreational vehicles or trailers and their contents are not fully screened from adjacent properties, the maximum number of unscreened recreational vehicles or trailers permitted to be parked or stored on a zoning lot shall be in accordance with the following table:



| Zoning                             | Permitted RV's or Trailers   |
|------------------------------------|--|
| Agriculture                        | Unlimited, provided such recreational vehicles or trailers are for use by the property owner or tenant                     |
| R1, R2, R3                         | 2, provided such recreational vehicles or trailers are for use by the property owner or tenant                             |
| All other residential districts    | 1 provided such recreational vehicles or trailers are for use by the property owner or tenant                              |
| Commercial or Industrial Districts | No restriction on trailers, recreational vehicles provided they are part of a permitted trailer storage or sales business. |

(Amended 7/18/2006)

2. Exception: The number of unscreened recreational vehicles, trailers and their contents parked or stored on a lot in a residential district may exceed the number presented in the table above only under the following circumstances:
  - a) For purposes of conducting maintenance on, or the loading and unloading of a recreational vehicle or trailer in preparation for a trip or similar recreational use provided the duration does not exceed 72 hours within a one week period.
  - b) When a visiting guest or relative of the property owner is in possession of a recreational vehicle. The time period during which the recreational vehicle may be parked or stored on the lot shall be limited to 14 consecutive days within a one year period or 21 days (non-consecutive) within a one year period unless otherwise approved in writing by the Zoning Administrator.
3. Unoccupied mobile homes can be stored only in commercial and industrial districts and only as part of a permitted trailer storage or sales business. (Amended 7/18/2006)

**B. Occupied Recreational Trailers and Mobile Homes (Amended 2/16/2010)**

1. Except as provided in Section 4.08.B herein, occupied recreational trailers and mobile homes may be located in "recreational camps" and subject to the standards and conditions of a special use permit. (Amended 2/16/2010)
2. Occupied recreational trailers and mobile homes may be located in residential districts only if:

- a. The pre-existing home was made unsafe for occupancy by fire, tornado, flood, or other disaster, and
  - b. The occupants will be the future occupants the home to be repaired or constructed on the same zoning lot.
  - c. When a visiting guest or relative of the property owner is in possession of a recreational vehicle. The time period during which the recreational vehicle may be occupied and stored on the lot shall be limited to 14 consecutive days within a one year period or 21 days (non-consecutive) within a one year period unless otherwise approved in writing by the Zoning Administrator. This provision shall also apply to properties zoned A-1 Agricultural. (Amended 7/18/2006)
3. Occupied mobile homes utilized for the following purposes may be located in agricultural districts subject to the following restrictions:
- a. Medical Care Assistance:
    - (1) Limited to one per zoning lot provided the individual occupying the mobile home provides medical care or assistance to the occupant of the primary residence on the same zoning lot; and
    - (2) That the zoning lot on which the mobile home and principal residence to which it is accessory are located, must be of sufficient size to provide a lot area of at least 130,000 sq. ft. for each dwelling unit.
    - (3) Shall comply with all zoning and permit requirements and fees of the county.
  - b. Temporary Housing:
    - (1) Limited to one per zoning lot provided the individuals residing in said temporary housing will be the future occupants of a home to be repaired or constructed on the same zoning lot,
    - (2) Mobile homes serving as temporary housing for the repair or re-construction of a Farm Residence are exempt from all zoning regulations and permit fees except those fees and permits as may be required per the County's Floodplain Regulations and fees, and the setback standards of the A-1 district.
  - c. Ag Labor Housing:
    - (1) Where the occupant is an individual whose employment is related to agricultural activities on the same zoning lot the mobile home is exempt from all zoning regulations and permit fees except

those fees and permits as may be required per the County's Floodplain Regulations and the setback standards of the A-1 district. In addition, the zoning lot on which the mobile home and principal residence to which it is accessory are located must be of sufficient size to provide a lot area of at least 130,000 sq. ft. for each dwelling unit.

- d. ECHO Housing
  - (1) Provided it complies with the provisions of Section 7.01.1.e of this Chapter.

C. Installation

1. Occupied mobile homes must comply with Kendall County regulations for sewage disposal.
2. Occupied mobile homes must comply with State regulations for tie-downs.
3. Wheels, tongue and hitch must remain attached.
4. Occupied mobile homes must be placed on piers having depth below the frost line.
5. Any stairs, decks, or other "add-ons" must comply with Kendall County building regulations.

D. Permits

1. Permits are required for recreational trailers and mobile homes that are to be occupied with the exception of those situations permitted under section 4.08.B.2c. herein. (Amended 7/18/2006)
2. Occupied recreational trailers and mobile homes subject to permit requirements must show evidence of compliance with federal HUD regulations or the Illinois Mobile Home Safety Act. (Amended 7/18/2006)
3. Permits and annual renewals may be approved by the Planning, Building and Zoning Director as follows:
  - a. Medical care or assistance: Permits may be renewed annually provided a doctor's certification is provided indicating assistance is still required.
  - b. New home construction or repair: Permits may be issued for a period of up to one (1) year, and may be extended by the Planning, Building and Zoning Director by six (6) months if the applicant shows adequate progress in construction.
4. Permits may be rescinded by the Planning, Building and Zoning Committee for failure to conform to this ordinance.

5. Recreational trailers and mobile homes must be removed from the zoning lot within 60 days of notice of the rescinded or expired permit.
  6. Permits for a temporary mobile home must be renewed annually or as stated above. The Planning, Building and Zoning Committee may extend permits beyond the one (1) year and six (6) month limit as stated in Section 4.08-D-3-b. When the permit expires or when occupants of the trailer or mobile home do not meet the conditions set forth above, the trailer or mobile home must be removed within 60 days.
  7. Fees:
    - a. Permit application form must be accompanied by a fee set by the Kendall County Board, not refundable.
    - b. An annual fee set by the Kendall County Board will be required on or before the renewable date stated on the approved permit.
- E. That all applications for a permit be accompanied by an affidavit, stating as follows:
1. Names and addresses of occupants.
  2. Location of use.
  3. Description of trailer.
  4. Reason for application.
  5. Statement that a change in usage, name or number of occupants, location, will be reported to the Building and Zoning Office immediately.

#### 11.06 ADDITIONAL REGULATIONS - OFF-STREET LOADING.

- A. **Location.** All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two tons capacity shall be closer than fifty feet to any property in a residential district unless completely screened by building walls, or a uniformly painted solid fence, natural vegetation screening providing one hundred percent (100%) opacity, wall or any combination thereof, not less than six feet in height. No permitted or required loading berth shall be located within thirty-five feet of the nearest point of intersection of any two streets.
- B. **Size.** Unless otherwise specified, a required loading berth shall be at least twelve feet (12') in width by at least thirty feet (30') in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fourteen feet.

- C. **Access.** Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
- D. **Surfacing.** All open off-street loading berths shall be improved with a concrete pad
- E. **Repair and Service.**
- i. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residential, manufacturing or business district.
  - ii. Space allocated to any off-street loading shall not while so allocated be used to satisfy the space requirements of any off-street parking facilities or portions thereof.
- F. **Landscaping for loading docks.** The landscaping shall consist of one of the following options:
- i. A berm that is at least four (4) feet higher than the finished elevation of the loading dock (at the nearest point) and a minimum of one (1) tree and ten (10) shrubs for every thirty feet of frontage shall be provided. Shrubs shall be placed on the property such that vehicular uses are screened from view as seen from the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design.
  - ii. A minimum two foot (2') grade drop from the right-of-way line to the parking lot and a minimum one (1) tree and 10 shrubs for every thirty (30) feet of frontage shall be provided. Shrubs shall be placed on the property such that a parking or vehicular areas are screened from view as seen by the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design.
  - iii. A wall, fence or natural vegetative screening no less than four (4) feet in height across the length of the loading dock

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

- i. **Tree** – Shade tree – 2-1/2" caliper, evergreen tree – 6' height, ornamental tree 2" caliper single trunk or 6' height multi-trunk.
- ii. **Shrubs** – 24" height

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

#### SCHEDULE OF LOADING REQUIREMENTS

| USE  | GROSS FLOOR AREA IN SQUARE FEET                            | REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS |
|--|--|---|
| Auditoriums, convention halls, exhibition halls, sports arenas, stadiums   | 10,000 to 100,000  | 1 - 12' X 60'   |
|  | For each additional 100,000 or fraction thereof            | 1 – additional 12' X 60'                                    |
| Banks and offices - business, professional and governmental  | 10,000 to 100,000  | 1 - 12' X 30'   |
|  | For each additional 100,000 of fraction thereof to 500,000 | 1 additional 12' X 30'                                      |
|  | For each additional 500,000 or fraction thereof            | 1 additional 12' X 30'                                      |
| Bowling alleys   | 10,000 to 100,000  | 1 - 12' X 30'   |
|  | For each additional 100,000 or fraction Thereof            | 1 additional 12' X 30'                                      |
| Establishments dispensing food or beverages for consumption on the premises  | 5,000 to 10,000  | 1 - 12' X 30'   |
|  | 10,000 to 25,000   | 2 - 12' X 30'   |
|  | 25,000 to 40,000   | 3 - 12' X 60'   |
|  | 40,000 to 100,000  | 4 - 12' X 60'   |
|  | For each additional 100,000 or fraction thereof            | 1 additional 12' X 60'                                      |
| Establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods or products | 5,000 to 40,000  | 1 - 12' X 30'   |
|  | 40,000 to 100,000  | 2 - 12' X 60'   |
|  | For each additional 100,000 or fraction thereof            | 1 additional 12' X 60'                                      |
| Hospital, sanitariums, nursing homes,  | 10,000 to 100,000  | 1 - 12' X 30'   |

**SECTION 11.00 OFF-STREET PARKING AND LOADING**

Updated on 3.20.12

| USE   | GROSS FLOOR AREA IN SQUARE FEET   | REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS  |
|---|---|--|
| convalescent centers, assisted living, etc., churches and schools   | For each additional 100,000 or fraction thereof   | 1 – additional 12' X 30'   |
| Hotel, clubs, and lodges  | 10,000 to 100,000<br><br>For each additional 100,000 or fraction thereof  | 1 - 12' X 30'<br><br>1 – additional 12' X 30'  |
| Hotels, clubs and lodges, when containing any of the following: retail shops, convention halls, or business or professional offices (other than accessory) auditoriums, or exhibition halls | 10,000 to 20,000<br><br>20,000 to 150,000<br><br>For each additional 150,000 or fraction thereof  | 1 - 12' X 30'<br><br>1 - 12' X 60'<br><br>1 additional 12' X 60'   |
| Motor vehicle and machinery sales   | 5,000 to 25,000<br><br>25,000 to 40,000<br><br>40,000 to 100,000<br><br>For each additional 100,000 or fraction thereof                         | 1 - 12' X 30'<br><br>2 - 12' X 60'<br><br>3 - 12' X 60'<br><br>1 additional 12' X 60'                      |
| Retail stores   | 5,000 to 10,000<br><br>10,000 to 25,000<br><br>25,000 to 40,000<br><br>40,000 to 100,000<br><br>For each additional 100,000 or fraction thereof | 1 - 12' X 30'<br><br>2 - 12' X 30'<br><br>3 - 12' X 30'<br><br>4 - 12' X 30'<br><br>1 additional 12' X 30' |
| Theaters  | 8,000 to 25,000<br><br>For each additional 50,000 or fraction thereof   | 1 - 12' X 30'<br><br>1 additional 12' X 30'  |

**SECTION 11.00 OFF-STREET PARKING AND LOADING**

Updated on 3.20.12

| USE   | GROSS FLOOR AREA IN SQUARE FEET   | REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS |
|---|---|---|
| Wholesale establishments (but not including warehouse and storage buildings other than accessory) | 5,000 to 10,000   | 1 - 12' X 60'   |
|   | 10,000 to 25,000  | 2 - 12' X 60'   |
|   | 25,000 to 40,000  | 3 - 12' X 60'   |
|   | 40,000 to 100,000   | 4 - 12' X 60'   |
|   | For each additional 100,000 or fraction thereof   | 1 additional 12' X 60'                                      |
| Warehouses and storage buildings  | For each 100,000 or fraction thereof  | 1 - 12'x60'   |
| Undertaking establishments  | 8,000 to 100,000  | 1 - 12' X 30'   |
|   | For each additional 100,000 or fraction thereof   | 1 additional 12' X 30'                                      |
| Other   | Uses not listed in this schedule of loading requirements shall provide loading berths according to the most similar use, as determined by the Zoning Administrator. |   |



