

ORDINANCE # 2011- 17

**AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE SECTION**  
**8.00 "Residential District"**

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

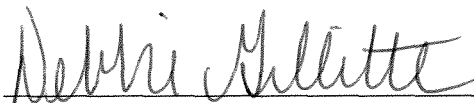
*WHEREAS*, the Kendall County Board amends these ordinances from time to time in the public interest; and

*WHEREAS*, all administrative procedures for amendments have been followed including a Public Hearing held before the Kendall County Zoning Board of Appeals on June 27, 2011.

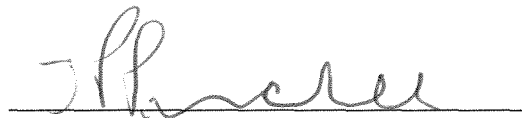
*NOW, THEREFORE, BE IT ORDAINED*, the Kendall County Board hereby amends Section 8.00 "Residential District" of the Kendall County Zoning Ordinance as provided in attached Exhibit "A".

*IN WITNESS OF*, this Ordinance has been enacted by the Kendall County Board this 19<sup>th</sup> day of July, 2011.

Attest:



Kendall County Clerk  
Debbie Gillette



John Purcell  
Kendall County Board Chairman

SECTION 8.00 RESIDENTIAL DISTRICT

8.01 Purpose, Goals and Objectives

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

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

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

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

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

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

## SECTION 8.00 RESIDENTIAL DISTRICT

### 8.02 R-1 ONE-FAMILY ESTATE RESIDENCE DISTRICT

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

- A. Permitted Uses. The following uses are permitted:
1. Accessory Uses.
  2. Fire stations.
  3. Group homes, subject to the following:
    - a. No more than eight (8) persons plus staff.
    - b. Licensed or certified by the State of Illinois.
    - c. A minimum distance of one thousand (1,000) feet is maintained between group home and adjacent properties as measured from the lot line.
  4. Home Occupations, provided:
    - 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.
    - c. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises.
    - 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 stock in trade shall be kept or displayed on the premises unless such stock is clearly secondary and necessary to the performance of the services provided by the home occupation and at no time shall exterior storage of materials be permitted.

## SECTION 8.00 RESIDENTIAL DISTRICT

- f. No person shall be employed other than a member of the family residing on the premises and one person outside the family,
  - g. 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.
  - h. 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.
- 5. Lands and buildings used for horticultural or farm purposes.
  - 6. One Family detached dwellings.
  - 7. Parks
  - 8. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet back from the nearest right-of-way line.
  - 9. Signs, as permitted and regulated by Section 12.00.
  - 10. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.
  - 11. Farm type animals - shall be permitted in accordance with the following:
    - On lots less than once (1) acre, no farm-type animals shall be permitted.
    - On lots at least one acre but less than three acres in size, a maximum of one horse and a maximum combined total of five ducks, rabbits, chickens, or goats, with the following exception: The number of horses permitted on lots less than three acres in size created prior to October 17, 2000, shall be determined in accordance with the methodology as specified in Section 8.02-A.12.d.

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

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

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

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

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

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

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

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

- B. Conditional Uses. The following uses shall be allowed. Specific requirements for each Conditional Use are as contained in the RPD-1 Conditional Use Regulations (Section 8.03.H).
1. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
  2. Model homes
  3. Small Wind Energy Systems subject to the conditions of Section 4.18
- C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.07:
1. Agency Licensed Family Residential Care Homes – Transitional Halfway House. (A single housekeeping unit of three (3) or fewer persons receiving care in a family-like atmosphere where the residents are residing in the home on a transitional or temporary basis where the length of residency is not expected to be more than one (1) year. Oversight and supervisory personnel shall be on the premises in addition to this number.)
  2. Airports or aircraft landing fields.
  3. Bed and breakfast establishments are permitted subject to the following conditions:
    - a. Shall have no more than five (5) guest rooms for rent.
    - b. Shall be in operation for not less than six (6) nights in a six (6) month period.
    - c. Shall maintain a guest register which shall be available at all times for inspections.
    - d. Shall be located in a single family detached dwelling, not an accessory building or garage.
    - e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
    - f. In addition to the parking requirements for a single family detached

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- dwelling, the bed and breakfast establishment shall provide one (1) additional space for each guest room. The off street parking for a bed and breakfast establishment shall not be located in any required yard, but it shall be screened from adjacent properties by a landscape screen of at least fifty (50) percent capacity.
- g. Only one (1) sign shall be permitted for each bed and breakfast establishment. The maximum size of such sign shall be four (4) square feet per sign face.
  - h. Each guest room may have its own private bath. No guest room shall have any kitchen facilities.
  - i. Guest room shall mean sleeping room intended to serve no more than two (2) adult transient guests per night.
  - j. Accommodations shall be provided in guest rooms only. The length of stay in a bed and breakfast establishment shall be a maximum of One (1) week.
  - k. Any application for a special use shall include, in addition to all other documents required for a special use application, floor plans drawn to scale accurately showing the guest rooms in relation to the rest of the single family detached dwelling.
- 4. Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within five hundred feet of any dwelling.
  - 5. Communications facilities.
  - 6. Day Care Facilities.
  - 7. Golf courses, regulation size, including "par 3" golf courses, commercially operated driving ranges and planned unit development for conventional golf courses including a driving range.
  - 8. Group homes that are not licensed or certified by the State of Illinois or are not supervised, or those whether licensed and/or supervised or not, which have nine (9) or more persons plus staff subject to the following:
    - a. A minimum distance of one thousand three hundred (1,300) feet is maintained between the group home and adjacent properties as measured from the lot line.
    - b. The group home conforms to all state licensing standards, if applicable to the use.

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9. Halfway house must be located a minimum of one thousand (1000) feet from any dwelling.
10. Hospice.
11. Institutions for the aged and for children.
12. Philanthropic and eleemosynary institutions.
13. Places of Worship subject to the following conditions:
  - a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
  - b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
  - c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00.
14. Public service uses:
  - a. Filtration plant, pumping station, and water reservoir.
  - b. Sewage treatment plant.
  - c. Telephone exchange.
  - d. Electric substations and booster stations.
  - e. Non-exempt governmental uses.
15. Rest homes, nursing homes and sanitariums, for human beings only.
16. Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic field auxiliary thereto.
17. Seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land not less than five acres.
18. Uses, not otherwise listed herein, may be granted special use approval if such uses conform to the purpose, goals and objectives of the Residential Zoning Districts as described in Section 8.01.



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### D. Lot Size.

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

### E. Yard Areas.

1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard of as follows:
  - a. One hundred and fifty feet (150') from the roadway centerline when fronting on a Federal, State or County roadway or one hundred (100') feet from the right-of-way, whichever is greater.
  - b. Fifty feet (50') from the right-of way or access easement on all township or private roadways, with the following exception:  
Where lots comprising fifty percent of the frontage on the same side of the street within the same block as the subject property are developed, and the developed properties have front yards that vary from one another not more than 10 feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage of the subject property. However, in no case shall a front yard of more than fifty feet be required. *(AMENDED 8/17/04)*
2. Side Yard. A side yard on each side of the zoning lot of not less than fifty feet, and where a side yard adjoins a street, the minimum width shall be fifty feet.
3. Rear Yard. A rear yard of not less than fifty feet.

F. Lot Coverage. No more than ten (10) percent of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.

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

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1. One-family detached dwellings: Forty (40) feet and not more than two and one-half stories providing such maximum may be waived through the normal variation procedure as provided in Section 13.04 of this Zoning Ordinance.
2. Other non-residential permitted or conditional buildings and structures shall not exceed forty-five (45) feet and not more than three stories in height.
3. Special Uses: Maximum height limitations shall be specified with the granting of a Special Use permit.

### 8.03 RPD-1 RESIDENTIAL PLANNED DEVELOPMENT - ONE

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

- A. Density. Base density of 0.33 dwelling units per acre of buildable acreage (excluding any density bonuses as permitted under Section 8.03 C Density Incentives), provided that not less than 30% of the total acreage of the property is designated as open space. To determine the permitted number of dwelling units, the buildable area of the site shall be multiplied by the sum of the base density, plus any applicable density bonuses.
- B. Maximum Density. Maximum density, including all density bonuses as provided in Section 8.03 C, shall not exceed 0.45 dwelling units per acre of buildable land (0.33 dwelling units per buildable acre base density, plus maximum incentive of 0.12 dwelling units per buildable acre<sup>1</sup>). Provision of multiple amenities shall not entitle the applicant to a density which exceeds the maximum density of 0.45 dwelling units per buildable acre. Regardless of the application of density bonuses, at least 30% of the total acreage must still be designated as open space.
- C. Density Incentives. The following density incentives may be used to increase development density up to the permitted maximum density in each RPD District. Provision of multiple amenities shall not entitle the applicant to a density which

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1 Subject to approval by the County Board.

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exceeds the maximum density for the applicable RPD District. Regardless of the application of density bonuses, at least 30% of the total acreage must still be designated as open space.

1. Provision of public access to open space areas (bonus not to exceed 0.03 dwelling units per buildable acre<sup>1</sup>). Some examples would include trails (walking or bike), sidewalks, etc.
2. Innovative detention/retention facilities or sewage disposal methods (bonus not to exceed 0.04 dwelling units per buildable acre<sup>1</sup>). The following are examples of improvements which may qualify for a density bonus:
  - a. Significant use of native vegetation such as prairies and wetlands to retain water.
  - b. Integration of natural land forms, existing soil filtration characteristics and natural landscaping into the drainage plan, in order to enhance water quality while reducing or eliminating stormwater runoff and the attendant flooding and erosion.
  - c. Provision of alternatives to detention basins such as stormwater infiltration in naturalized swales, native prairie landscapes and gently sloped depressional areas through the development.
3. Secondary open space that is substantially more than the minimum size otherwise required for storm water detention or through park dedication requirements (bonus not to exceed 0.07 dwelling units per buildable acre<sup>1</sup>).
4. Provision of recreational amenities, beyond minimum standards established in the subdivision ordinance, including but not limited to: a golf course, ball fields, playground equipment, tennis courts, basketball courts, swimming pool, hiking and bicycling paths (beyond those designated on the County Transportation Plan), community centers, and exceptional landscape improvements such as native or natural plantings (bonus not to exceed 0.01 dwelling units per buildable acre<sup>1</sup>).
5. Offsite and perimeter road improvements or an ownership and maintenance fund for management of open space in addition to those

## SECTION 8.00 RESIDENTIAL DISTRICT

needed to provide adequate access solely for the proposed development (bonus not to exceed 0.03 dwelling units per buildable acre<sup>1</sup>).

6. Conservation of traditional rural architecture reminiscent of Kendall County's agricultural heritage, preservation of historical structures, or design of new structures which reflect these architectural themes (bonus not to exceed 0.01 dwelling units per buildable acre<sup>2</sup>).
  7. Enhancement or expansion of an existing wetland or creation of a new wetland beyond that required for compliance with Army Corps of Engineers Section 404 Permit requirements (bonus not to exceed 0.01 dwelling units per buildable acre<sup>1</sup>).
- D. Lot Size. Due to the existing soils types which are prevalent throughout Kendall County, a minimum lot size of 45,000 will be required if the subdivision design contemplates the use of traditional septic leach fields and individual wells up to a maximum lot size of 130,000 sq. ft. Lot sizes of less than 45,000 sq. ft. down to a minimum size of 20,000 sq. ft. may be considered under one or more of the following circumstances:
- 1) The developer can demonstrate to the satisfaction of the Kendall County Health Department and Planning, Building and Zoning Department that each lot has been appropriately sized to provide:
    - a) An adequate area of undisturbed and unencumbered soils within each lot that can support a primary and secondary area for a conventional septic drainfield which complies with the schedule for sizing of septic envelopes as specified in the Kendall County Subdivision Regulations, and
    - b) Sufficient buildable area outside the septic envelope to allow construction of a standard single-family residential dwelling which complies with all applicable setbacks and height bulk requirements of the corresponding RPD Zoning District, and which meets the required setbacks and separation requirements between the sewage disposal system(s) and potable water supply system(s).

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1 Subject to approval by the County Board.

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

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- 2) A centralized on-site wastewater treatment and disposal system is contemplated meeting the requirements of all applicable state and local government agencies.
  - 3) A community well is proposed to serve the individual lots within the proposed development provided the developer has demonstrated that the individual lots comply with the requirements as stated under Section 8.03.D.1 herein.
- E. Lot Width. Lot width shall not be less than one hundred (100) feet measured at the front building setback.
- F. Permitted Uses.
1. Accessory Uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.10.
  2. Attached Dwelling Units- shall be limited to a maximum of seventy-five (75) percent of the total dwelling units in the Planned Development.
  3. Duplexes or Two-family detached dwellings
  4. Farming
  5. Health clubs (public or private) and related accessory uses only when included in the original plan.
  6. Home Occupations provided it follows the definition in Section 3.02. and off-street parking and loading facilities shall be provided as required or permitted in Section 11.00.
  7. Multiple-Family dwellings.
  8. Parks, forest preserves and recreational areas, when publicly owned and operated.
  9. Planned Unit Development.
  10. Police and fire stations.

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11. Postal substations
  12. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet back from the nearest right-of-way line.
  13. Signs, as permitted and regulated by Section 12.00. However, no part of a sign in a RPD District shall be greater than 10' above ground level and no larger than 30 square feet.
  14. Single Family Detached Dwellings.
  15. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.
- G. Conditional Uses. In residential planned developments containing over fifty (50) dwelling units, the following uses shall be allowed, provided that the general conditions and use-specific conditions are met.
1. General Conditions.
    - a. Conditional uses shall not occupy more than fifteen percent of the buildable acreage of the development.
    - b. Conditional uses, shall front arterial or major collector level streets, as defined in the County Transportation Plan. Model homes shall be excluded from this provision.
  2. Specific Conditions
    - a. Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic fields auxiliary thereto, subject to the following:
      - (i) The minimum lot area shall be one (1) acre.
      - (ii) The minimum lot width requirement shall be one hundred and twenty (120) feet.
      - (iii) A front setback of eighty (80) feet from the center of the road shall be required.
      - (iv) Side and rear yards of no less than twenty-five (25) feet shall be provided. Where any outdoor activity area, swimming

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- pool, ball field or court adjoins a residential land uses, such yards shall be buffered with landscaping across 50% of the lot width.
- (v) Off-street parking and loading facilities shall be provided as required or permitted in section 11.00.
  - (vi) Hours of operation shall be limited to the following:
    - (1) Outdoor group activities shall not be allowed after 10 PM.
    - (2) The facility may not be used as a regular overnight domicile or shelter. This provision does not limit the school from being used for overnight retreats or events for school members and guests.
    - (3) Lighted outdoor recreation facilities, parking lots and lighting shall be designed to avoid excessive light and glare impacts on adjacent properties. Restrictions on light pole height and types, deflectors and other such measures may be required as necessary to prevent overspill and excessive intensity of light.
- b. Home based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
- c. Places of Worship subject to the following:
- (i) The maximum lot coverage of structures may not exceed 35%; total impervious surfaces may not exceed 70% of the lot area.
  - (ii) Buildings shall maintain a minimum setback of eighty (80) feet from the center of the road and 30' from all other property lines
  - (iii) The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
  - v) Off-street parking, lighting and loading facilities shall be provided as required or permitted in Section 11.00.
  - vi. Other related uses, such as schools, child day care services, kindergartens shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.

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- d. Model homes, with the following restrictions:
  - (i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the Planning, Building and Zoning Department.
  - (ii) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.
  - (iii) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.
  - (iv) All signs must conform to the standards set forth in Section 12.00 of this ordinance.
  
- e. Small Wind Energy Systems subject to the conditions of Section 4.18

### H. Special Uses.

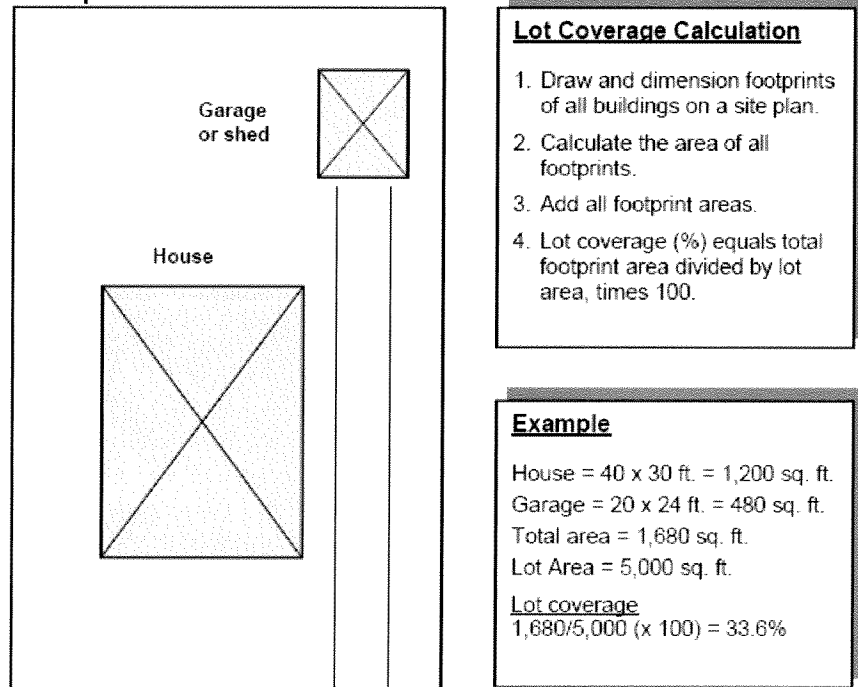
- 1. The following uses may be allowed by a special use permit in accordance with the provisions of Section 13.07 if approved with the Planned Development or as an amendment to a Planned Development.
  - a. Airports or aircraft landing fields.
  - b. Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within five hundred feet of any dwelling.
  - c. Colleges and universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds, but not including business colleges or trade schools when operated for profit.
  - d. Convenience Establishments consistent with the permitted uses as specified in the B-1 district subject to the following:
    - (i) The area, size, and uses to be included in Convenience Establishments shall be established and regulated in the Planned Development Ordinance passed pursuant to Section 8.06.B.6(g).



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

**Sample Site Plan**



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

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

- (vi) Convenience establishments shall have a front setback of at least thirty-five (35) feet, and rear setbacks of at least fifty (50) feet, or equal to the adjoining lot setbacks, whichever is greater. Side setbacks shall be at least ten (10) feet, or equal to the side setback of an adjacent residential use, whichever is greater.
  - (vii) Transition landscaping shall be provided where the convenience establishment parcel abuts residential areas. Continuous landscaping shall be provided across one hundred (100%) percent of the yard to a minimum mature height of six (6') feet. Plant material shall consist of approximately fifty (50%) percent evergreen plants and fifty (50%) percent deciduous material. Shrubs shall be spaced at a maximum of four feet (4') on center. A solid screen may be achieved by clustering shrubs beneath shade or ornamental trees, by using evergreen trees, or any mix thereof, or by providing a six (6') foot high solid commercial grade wood fence along the length of the property. Any fence shall be of one material and one color, and shall have shade trees placed on the side of the fence closest to the commercial use, at the equivalent of one (1) tree for every fifty lineal feet (50').
- e. Club House, Country Clubs and Membership Riding Clubs
  - f. Drug store if it is associated with a hospital.
  - g. Golf courses, including "par 3" golf courses, unlit commercially operated driving ranges, unlit miniature golf courses and planned unit development for conventional golf courses.
  - h. Personal and business service shops under 10,000 square feet but not including uses regulated in Section 4.16

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

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### 1. Purpose:

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

### 2. Conditions:

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

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owner shall record against the deed to the subject property, a covenant or deed restriction which shall prohibit the rental, lease or sale of the secondary dwelling unit separately from the rental, lease or sale of the main dwelling unit. Proof that such a covenant or deed restriction has been recorded shall be provided to the Kendall County Zoning Administrator prior to the issuance of the Building Permit for the secondary dwelling unit.

- (ix) The materials, colors, and architectural style of the secondary dwelling unit shall be similar to the principal residence
  - (x) The livable floor area of the secondary dwelling unit shall not exceed fifty percent (50%) of the livable floor area of the principal residence.
  - (xi) Construction of all secondary dwelling units shall meet applicable building codes.
  - (xii) There must be a shared driveway between both dwelling units.
2. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.07 without inclusion in the Planned Development or a subsequent amendment.
- a. Agency Licensed Family Residential Care Homes - Transitional Halfway house. (A single housekeeping unit of three (3) or fewer persons receiving care in a family-like atmosphere where the residents are residing in the home on a transitional or temporary basis where the length of residency is not expected to be more than one (1) year. Oversight and supervisory personnel shall be on the premises in addition to this number.)
  - b. Bed and breakfast establishments are permitted subject to the following conditions:
    - a. Shall have no more than five (5) guest rooms for rent.
    - b. Shall be in operation for not less than six (6) nights in a six (6) month period.
    - c. Shall maintain a guest register which shall be available at all times for inspections.
    - d. Shall be located in a single family detached dwelling, not an accessory building or garage.
    - e. Shall satisfy all requirements of the Kendall County Health

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Department and Building Department prior to the issuance of occupancy permits.

- f. In addition to the parking requirements for a single family detached dwelling, the bed and breakfast establishment shall provide one (1) additional space for each guest room. The off street parking for a bed and breakfast establishment shall not be located in any required yard, but it shall be screened from adjacent properties by a landscape screen of at least fifty (50) percent capacity.
  - g. Only one (1) sign shall be permitted for each bed and breakfast establishment. The maximum size of such sign shall be four (4) square feet per sign face.
  - h. Each guest room may have its own private bath. No guest room shall have any kitchen facilities.
  - i. Guest room shall mean sleeping room intended to serve no more than two (2) adult transient guests per night.
  - j. Accommodations shall be provided in guest rooms only. The length of stay in a bed and breakfast establishment shall be a maximum of One (1) week.
  - k. Any application for a special use shall include, in addition to all other documents required for a special use application, floor plans drawn to scale accurately showing the guest rooms in relation to the rest of the single family detached dwelling.
- c. Day Care facilities , subject to the following:
- (i) Minimum lot area of 45,000 gross square feet.
  - (ii) Off-street parking and loading facilities shall be provided as required or permitted in Section 11.00.
  - (iii) Provision of appropriate outdoor play areas.
  - (iv) Other standards as appropriate for the particular location and use such as screening, buffering, and fencing or other provisions to promote the health, safety, and welfare of County residents.
- d. Group homes that are not licensed or certified by the State of Illinois or are not supervised, or those whether licensed and/or supervised or not, which have nine (9) or more persons plus staff subject to the following:

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- (i) A minimum distance of one thousand three hundred (1,300) feet is maintained between group home and adjacent properties as measured from the lot line.
  - (ii) The group home conforms to all state licensing standards, if applicable to the use.
- e. Home Occupations employing more than one person who does not reside on the premises.
- f. Hospice.
- g. Rest homes, nursing homes, hospitals and sanitariums, for human beings only.
- h. Places of Worship subject to the following conditions:
  - (i) Must be located on an arterial or major collector street as defined in the County Transportation Plan.
  - (ii) The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
  - vi) Off-street parking, lighting and loading facilities shall be provided as required or permitted in Section 11.00.
  - vii) Other related uses, such as schools, child day care services, kindergartens, meeting shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
- i. Public service uses, provided such uses are not exempt from County Zoning Regulations per State Statutes:
  - (i) Filtration plant, pumping station, and water reservoir.
  - (ii) On-site Sewage treatment plant.
  - (iii) Telephone exchange.
  - (iv) Electric substations and booster stations.
  - (v) Non-exempt governmental uses.
- I. Development Standards. All developments shall be developed according to the standards of the Kendall County Subdivision Ordinance. In addition, the following requirements shall apply:

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

### J. Yard/Setback and Height Standards.

1. Yard Areas.
  - a. Front Yard. Thirty (30) feet or greater, measured from the front property line.
  - b. Side Yards. 10% or greater of the lot width as measured at the front yard setback line.
  - c. Rear Yard. Fifty (50) feet or greater from the rear property line.
2. Maximum Building Height. No building or structure shall be erected or structurally altered to exceed the following heights:



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

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

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

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

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

- P. Development Evaluation Criteria. In evaluating the layout, amount, and location of lots and open space, the County shall evaluate the extent to which the site plan does the following:

1. Protects floodplains, wetlands and steep slopes from clearing, grading, filling or construction.
2. Preserves and maintains mature woodlands, existing fields, pastures, meadows and orchards and creates a sufficient buffer area to minimize conflicts between residential and agricultural uses.
3. Locates development on open fields or pastures because of site constraints. Dwellings should be sited on the least prime agricultural soils or in locations at the far edge of a field, as seen from existing public roads.
4. Visually buffers development from existing public roads, such as by a planting screen primarily consisting of indigenous trees, shrubs and wildflowers as identified in Appendix 4 of the Subdivision Control Ordinance.

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

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

### Q. Ownership and Management of Open Space.

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

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

## 8.04 RPD-2 RESIDENTIAL PLANNED DEVELOPMENT - TWO

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

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

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

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

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

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

### 8.05 RPD-3 RESIDENTIAL PLANNED DEVELOPMENT - THREE

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

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

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dwelling units per buildable acre. Regardless of the application of density bonuses, at least 30% of the total acreage must still be designated as open space.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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



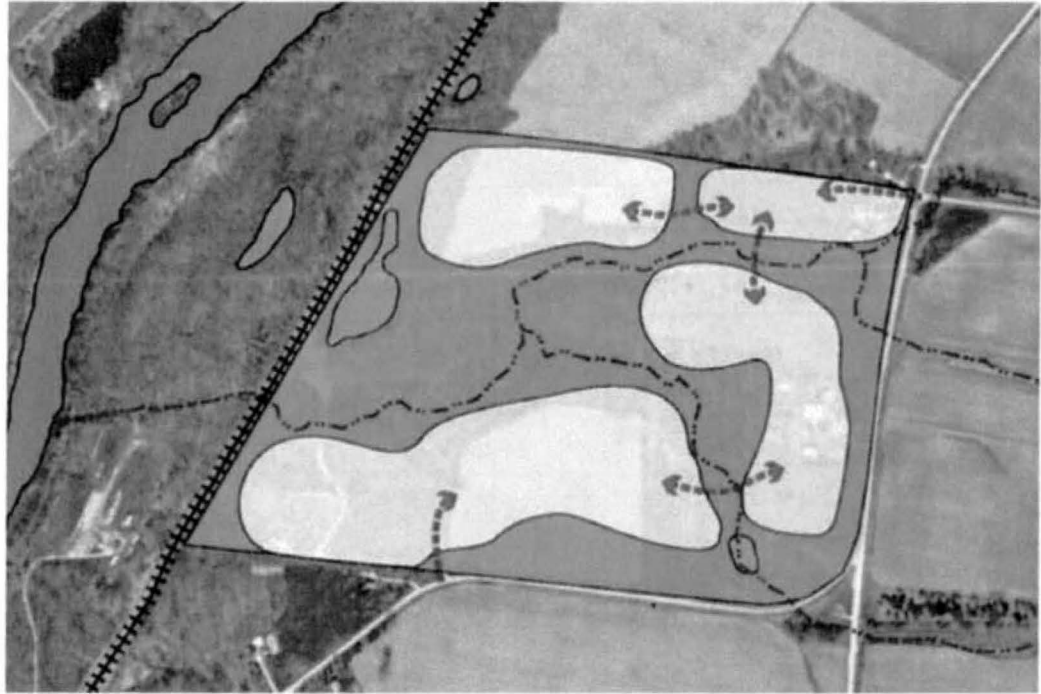
Step 2: Identifying and analyzing key environmental features such as woodlands, topography, wetlands, and natural drainage.

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

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

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



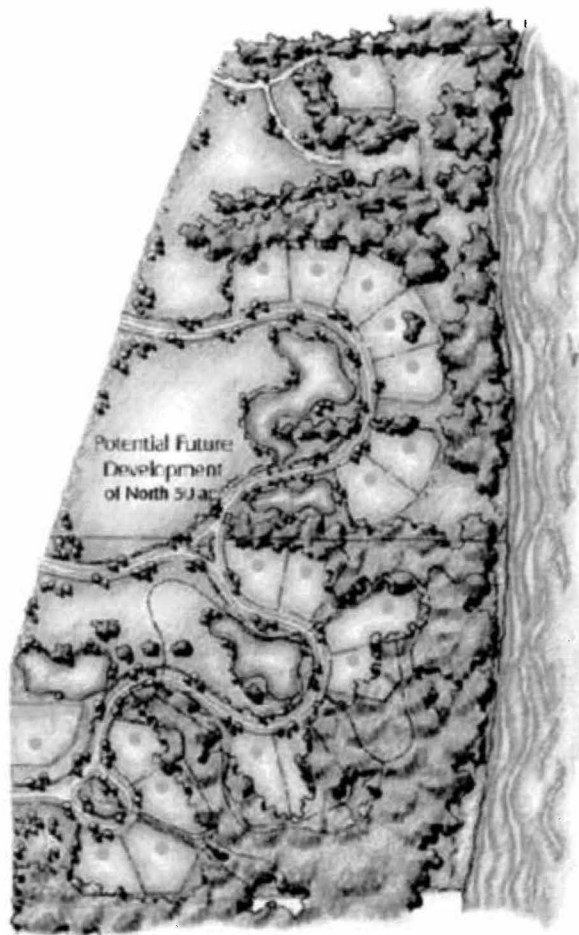
Step 3: Identifying “development opportunities” and “conservation opportunities.”

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

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



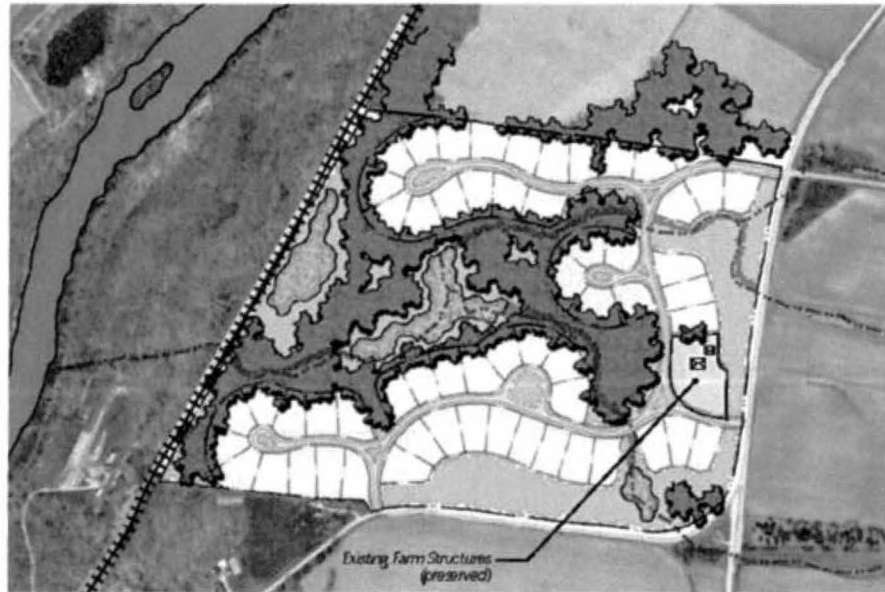
## SECTION 8.00 RESIDENTIAL DISTRICT



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

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

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

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

### C. Preliminary Site Plan/Plat Approval.

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

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

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

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



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

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

### 4. Zoning Map

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

### D. Final Plan Approval

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

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

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



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

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

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

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

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

### 4. Relationship to Subdivision Approval

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

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

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

### 8.07 R-2 ONE-FAMILY RESIDENCE DISTRICT.

A. PERMITTED USES. The following uses are permitted:

1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8.02.A except 8.02.A.3, 8.02.A.4 and 8.02.A.12 shall be prohibited in the R-2 District with the exception of chickens.
2. Keeping of up to twelve (12) chickens on a zoning lot, provided that:
  - a. The lot is a minimum one (1) acre
  - b. No roosters shall be kept on any zoning lot
  - c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property
  - d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties
  - e. All confinements shall be located at least 10' from all residentially zoned lots
  - f. All uncovered fenced enclosures shall be at least four feet in height.
  - g. No eggs or chickens shall be offered for sale on the premises
  - h. All standards adopted by the Illinois Department of Agriculture and the Kendall County Health Department shall apply (*Amended 10/19/10*)

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

1. Any use permitted as a special use in the R-1 One-Family Estate Residence District, Section 8.02.C and that Planned Developments may

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be considered where the zoning lot proposed for development has a gross area of not less than forty acres.

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

1. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
2. Model homes
3. Small Wind Energy Systems subject to the conditions of Section 4.18

D. LOT SIZE.

1. One Family detached dwellings:
  - a. Lot: 90,000 square feet minimum with a width at the established building line equal to forty percent of the depth.
2. Non-Residential: All non-residential principal uses of building as permitted in this section shall be located on a tract of land having an area of not less than five acres and a width at the established building line of not less than forty percent of the depth of the lot, except municipal project and developments.
3. Special Uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.

E. YARD AREAS.

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

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2. Side yard. A side yard on each side of the zoning lot of not less than twenty-five (25) feet, and where a side yard adjoins a street, the minimum width shall be fifty feet.
  3. Rear yard. A rear yard of not less than fifty feet.
- F. LOT COVERAGE. Not more than twelve percent of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.
- G. MAXIMUM BUILDING HEIGHT. Same regulations shall apply as permitted or required in the "R-1" One-Family Estate Residence District.
- H. No parcel originally larger than ten (10) acres in size shall qualify for rezoning to this category after January 16, 2001, unless an application has been submitted for such rezoning prior to that date.

### 8.08 R-3 ONE-FAMILY RESIDENCE DISTRICT

- A. PERMITTED USES. The following uses are permitted;
1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8.02.A except 8.02.A.3, 8.02.A.4 and 8.02.A.12 shall be prohibited in the R-3 District with the exception of chickens.
  2. Keeping of up to twelve (12) chickens on a zoning lot, provided that:
    - a. The lot is a minimum one (1) acre
    - b. No roosters shall be kept on any zoning lot
    - c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property
    - d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties
    - e. All confinements shall be located at least 10' from all residentially zoned lots
    - f. All uncovered fenced enclosures shall be at least four feet in height.
    - g. No eggs or chickens shall be offered for sale on the premises
    - h. All standards adopted by the Illinois Department of Agriculture and the Kendall County Health Department shall apply (*Amended 10/19/10*)
- B. SPECIAL USES. The following uses may be allowed by a special use permit in accordance with the provisions of Section 13.00:

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1. Any use permitted as a special use in the R-1 One-Family Estate Residence District, Section 8.02-C except 8.02.C.1 and that Planned Developments may be considered where the zoning lot proposed for development has a gross area of not less than forty acres.
  2. Retail shops/office use that can satisfy the following requirements:
    - a. The site must have direct access onto an arterial roadway as designated on the Transportation Plan.
    - b. No outside storage of any materials or outdoor display.
    - c. No sign, other than one identification sign, non-illuminated, non-flashing and 32 square feet shall be allowed. All other regulations with regards to height and location must be followed as outlined in Chapter 12.09 of this ordinance shall be allowed.
    - d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Chapter 11 of this ordinance.
    - e. No more then 3 employees are allowed to work on-site at one time.
    - f. Contact the Health Department to make sure the septic system is adequate for the proposed use.
    - g. The office or retail use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the R-3 district.
    - h. Expansion of a residential building, structure, or of any accessory building in which an office or retail use is proposed to be situated may be permitted upon the submission of a site plan and accurate drawings showing all elevations of such proposed building or structure to the plan commission for its review and recommendation, and upon approval by the County Board. The current structures and any new structures must maintain a residential appearance and match the surrounding neighborhood architecture.
    - i. The standards are intended to ensure compatibility with other permitted uses and maintain the residential character of the surrounding residential uses.
- C. Conditional Uses: The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator
1. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
  2. Model Homes



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### D. LOT SIZE.

1. One family detached dwellings:
  - a. Lot: 45,000 square feet minimum with a width at the established building line equal to forty percent of the depth.
  - b. Density: Shall not exceed eight dwelling units per each ten gross acre.
2. Non-Residential: All non-residential principal uses of building as permitted in this section shall be located on a tract of land having an area of not less than five acres and a width at the established building line of not less than forty percent of the depth of the lot, except municipal projects and developments.
3. Special Uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.

### E. YARD AREAS.

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

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- F. LOT COVERAGE. Not more than twenty percent of the area of a zoning lot may be covered by buildings, or structures, including accessory buildings.
- G. MAXIMUM BUILDING HEIGHT. Same regulations shall apply as permitted or required in the "R-1" One-Family Estate Residence District.
- H. No parcel originally larger than ten (10) acres in size shall qualify for rezoning to this category after January 16, 2001, unless an application has been submitted for such rezoning prior to that date.

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

### 8.09 R-4 ONE-FAMILY RESIDENCE DISTRICT

- A. PERMITTED USES. The following uses are permitted:
  - 1. Accessory uses.
  - 2. Home Occupations.
  - 3. One family detached dwellings.
  - 4. Signs, as permitted and regulated by Section 12.00.
  - 5. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.
- B. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00:
  - 1. Day Care Facilities
  - 2. Golf courses, regulation size, but not including "Par 3" golf courses or commercially operated driving ranges.
  - 3. Places of Worship subject to the following conditions:
    - a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.

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

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### D. Lot Size.

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

### D. Yard Areas.

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

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

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

### 8.10 R-5 ONE-FAMILY RESIDENCE DISTRICT

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

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than forty (40) percent of the depth of the lot, except municipal projects and developments.

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

E. Yard Areas.

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

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

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

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

8.11 R-6 ONE-FAMILY RESIDENCE DISTRICT

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

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

### 8.12 R-7 GENERAL RESIDENCE DISTRICT

- A. PERMITTED USES. The following uses are permitted:
1. Any of the permitted uses in the R-4 One-Family Residence District, Section 8.09 A.
  2. Multiple-family dwellings.
  3. Single-family semi-detached dwellings.



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- 4. Single-family attached dwellings, but not more than one hundred eighty (180) feet in length.
  - 5. Two-family detached dwellings.
- B. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00:
- 1. Any use permitted as a special use in the R-4 One-Family Residence District, Section 8.09 B, except that Planned Development may be considered where the zoning lot proposed for development has a gross area of not less than twenty (20) acres.
  - 2. Mobile home park, on a lot not less than (10) acres in area.
- C. Conditional Uses: The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator
- 1. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
- D. Lot Area and Allowable Density.
- 1. One family detached dwellings:
    - a. Utilities: All lots in this district shall be served by public sewerage facilities.
    - b. Every single-family detached dwelling and every two-family detached dwelling shall be on a lot conforming with the area requirements for a single-family detached dwelling in the R-6 Residence District.
    - c. All residential structures containing two (2) or more attached dwelling units shall be located on a lot which provides the following minimum land area per dwelling unit:

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

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

- d. For the purposes of determining lot area, any room other than a living room, dining room, kitchen or bath shall be counted as a bedroom.
  - e. Density: The maximum density allowed based upon the gross area shall be fifteen (15) dwelling units per acre.
2. Non-residential: All non-residential principal uses of building as permitted in this section shall be located on a tract of land having an area of not less than five (5) acres and a width at the established building line of not less than forty (40) percent of the depth of the lot, except municipal projects and developments.
3. Special uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.
- E. Lot Width. Every lot shall have a width equal to at least forty (40) percent of the lot depth.
- F. Floor Area Ratio.
- 1. For one and two-family dwellings - 0.4. *(Amended 11/18/2003)*
  - 2. For multiple family buildings - 0.5.
  - 3. For permitted non-residential uses - 0.7.
- G. Yard Areas.

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1. All yard areas for single family and two-family buildings shall be the same as the regulations required in the R-6 One-Family Residence District, Section 8.11 D.
2. For multiple family buildings, the following yards shall be provided:
  - a. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
    1. Freeway and Arterial Roads, as defined by the Land Resource Management Plan - Fifty (50) feet from the right-of-way line.
    3. Major and Minor Collector Roads, as defined by the Land Resource Management Plan - Forty (40) feet from the right-of-way line.
    3. All other roads - Thirty (30) feet from the right-of-way line.
    4. Exception. Where lots comprising fifty (50) percent of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of a street on which the property is located be required.
  - b. Side Yard. Two (2) side yards each not less than ten (10) feet in width, except a side yard adjoining a street shall not be less than thirty (30) feet in width and for structures more than thirty (30) feet in length measured perpendicularly to the front lot line, an interior side yard shall be increased in width by one-half (0.5) foot for each one (1) foot the building exceeds thirty (30) feet in length.
  - c. Rear Yard. A rear yard of not less than thirty (30) feet.
- H. Hard Surface Coverage. Not more than forty (40) percent of the surface area of a zoning lot may be covered by hard surfaces. (*Amended 11/18/2003*)
- I. Maximum Building Height.

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1. Single-family detached dwellings:. Same regulations shall apply as permitted or required in the R-1 One-Family Estate Residence, Section 8.02 G.
2. All other dwelling types, not more than two (2) stories or twenty-four (24) feet, whichever is lower.