

ORDINANCE # 2006- 34

**AMENDMENT TO SECTION 3.0 "RULES AND DEFINITIONS" OF THE  
KENDALL COUNTY ZONING ORDINANCE SUBSECTION 3.02 "DEFINITIONS"**

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, the County has proposed amendments to the business section of the zoning ordinance that have necessitated revisions to the existing definitions which are attached to this Ordinance as Exhibit "A"; and

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

WHEREAS, the Regional Planning Commission reviewed the proposed amendments on January 24, 2007, and recommended approval of them by a unanimous vote; and

WHEREAS, the Zoning Board of Appeals conducted a public hearing on the proposed changes on March 27, 2007, and subsequently voted unanimously in favor of the proposed amendments; and

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

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 3.02 "DEFINITIONS" of the Kendall County Zoning Ordinance by amending the existing definitions and adding new definitions as outlined in Exhibit "A" to, to be inserted alphabetically.

IN WITNESS OF, this Amendment to the Kendall County Zoning Ordinance was approved by the Kendall County Board on June 19, 2007.

  
\_\_\_\_\_  
Attest:

  
\_\_\_\_\_  
John A. Church  
Kendall County Board Chairman

Paul Anderson  
Kendall County Clerk

## EXHIBIT "A"

### SECTION 3.0 RULES AND DEFINITIONS

#### DEFINITIONS

##### SECTION 3.02

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

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

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

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

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

CONVENIENCE STORE ESTABLISHMENTS: A retail store with a floor area of less than 5,000 square feet that sells a limited line of groceries, tobacco, newspapers and periodicals, and other household goods. ~~Small establishments designed to serve the daily or frequent trade or service needs of the immediately surrounding population. Such establishments include groceries, automobile gasoline stations, variety stores, drug stores, coin-operated laundry and dry cleaning agencies, convenience stores, barber shops, professional offices and Automated Teller Machines. Specifically excluded are repair garages, drive-in eating, massage parlors, taverns, or lounges.~~

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

~~MASSAGE: The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with any mechanical or bathing device with or without supplementary aids.~~

MASSAGE or MASSAGE THERAPY: A system of structured palpation or movement of the soft tissue of the body or the performance of non-sexual manipulative exercises or techniques as defined Under the Illinois Massage Licensing Act 225 ILCS 57/10, by a Massage Therapist for compensation, except those persons exempted under 225 ILCS 57/25.

MASSAGE THERAPIST: A person who is Licensed by the Illinois Department of Professional Regulation, as defined in 225 ILCS 57/1 et. seq. and administers massage for compensation.

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

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

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

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

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

PERSONAL SERVICES. Personal service uses are exclusively indoor land uses in which personal services are provided to individuals on a walk-in or on an appointment basis. Examples may include: barber shops, beauty shops, shoe repair/shoe shine shops, tailor/garment repair shops, small household appliance repair shops, ~~coin-operated laundromats~~, travel office, and similar land uses. Adult and Regulated Uses are specifically excluded from this category. (Amended 8/21/2001)

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