

ORDINANCE # 2007- 37

**AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE SECTION**  
**“Section 7.01.C.16 – A-1 Agricultural District – Uses Permitted – Single Family Residential**  
**Use – Agricultural Allocations”**

*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.

*NOW, THEREFORE, BE IT ORDAINED*, the Kendall County Board hereby amends Sections 7.01.C.16 “A-1 Agricultural District – Uses Permitted – Single Family Residential Use – Agricultural Allocations” of the Kendall County Zoning Ordinance as provided in attached Exhibit “A”.

*IN WITNESS OF*, this Amendment to the Kendall County Zoning Ordinance was approved by the Kendall County Board on July 17, 2007.

  
Attest:

  
John A. Church  
Kendall County Board Chairman

Paul Anderson  
Kendall County Clerk

## EXHIBIT "A"

### 7.01 A-1 Agricultural District

#### D. USES PERMITTED

##### 16. Single Family Residential Use, provided

- a. Standard Lot - A new residence shall be permitted on a zoning lot forty (40) acres or larger. Prior to the construction of any new residence, the property owner shall file with the Kendall County Planning, Building and Zoning Department a legal description detailing the location of the parcel, along with a sketch identifying the location of the proposed residence. The County will maintain records of parcels that have been allocated for single-family residences. (AMENDED - 12/16/03)
- b. Allocation -Parcels of forty (40) acres or more in size shall be entitled to one allocation for a single-family residence for each forty acres of available land within the overall zoning lot. Available land shall be determined as the total acreage of any parcel regardless of the number of existing residences on the premises or replacement homes for which the parcel may be eligible. The available allocations shall be registered in accordance with the procedures outlined in subsection 7.01.C.16.e. below. Prior to the construction of any new residence, the property owner shall file with the Kendall County Planning, Building and Zoning Department a legal description detailing the location of the ~~40 acres~~ acreage to which the allocation(s) is/are being assigned, ~~along with a sketch identifying the location of the proposed residence.~~ All parcels upon which a single-family residence is to be constructed utilizing a building permit allocation shall be a minimum of 130,000 square feet with a minimum lot width of 200 feet at the front building setback line. The County will maintain records of parcels that have been ~~allocated~~ registered for single-family residences, ~~and record the dimensions of the parcels upon which the single family residences are built upon.~~
- c. Existing Approved Lots - Single Family Dwellings on zoning lots approved pursuant to the applicable regulations prior to 8th day of March, 1977, which are as follows:
  - i. Any three-quarter (3/4) acre lot, or larger, existing prior to July 17, 1959.
  - ii. Any vacant three (3) acre parcel or larger that existed prior to August 8, 1971.
  - iii. Any vacant five (5) acre parcel or larger that existed prior to August 28, 1972.

- iv. Any vacant twenty (20) acre parcel or larger that existed prior to March 8, 1977.
  - v. Any lot in a subdivision or group of lots combined to meet the minimum area requirements of a zoning lot except as otherwise permitted under Section 5.07.G of this ordinance. *(AMENDED – 12/16/03)*
- d.
- i. Replacement Home – A replacement home is defined as a residence intended to replace a pre-existing home destroyed or damaged to the extent that it was demolished. *(AMENDED – 12/16/03)*
  - ii. A replacement home shall be permitted in those instances where the owner can supply physical evidence documenting the prior existence of a residence on the property and further provided that it is registered in accordance with the procedures and deadlines established below in subsection 7.01.C.16.e. Evidence shall be submitted to the Kendall County Planning, Building and Zoning Department and may include historic aerial photographs, tax records, plat maps or other legal documentation verifying the prior existence of a residential dwelling. *(AMENDED – 12/16/03)*
  - iii. Except for those parcels of land created prior to December 16, 2003 which are improved with existing residences or are eligible for a replacement home, all replacement home lots shall have a minimum area of 130,000 square feet. *(AMENDED – 12/16/03)*
  - iv. Lots created prior to December 16, 2003 which are less than 130,000 square feet in area and are improved with existing residences or are eligible for a replacement home shall be considered legally non-conforming and shall not be further reduced in size except as may result from the required dedication of additional right-of-way for an adjoining roadway. *(AMENDED – 12/16/03)*
  - v. If the Planning, Building and Zoning Department determines that adequate evidence is not provided to support a replacement home, the applicant may appeal the decision to the Planning, Building and Zoning Committee of the County Board. Appeals of the Board's decision shall be reviewed by the Zoning Board of Appeals in accordance with Section 13 of this ordinance. *(AMENDED – 12/16/03)*

- e. All existing zoning lots which meet the requirements of 16 a, 16b, 16c or 16d above shall be registered by the property owner with the Kendall County Planning, Building and Zoning Department prior to the issuance of a building permit. One single-family residence shall be permitted on each registered zoning lot for each registered allocation. All parcels upon which a single-family residence is to be constructed utilizing a building permit allocation shall be a minimum of 130,000 square feet with a minimum lot width of 200 feet at the front building setback line. The County will maintain records of parcels that have been allocated and registered for single-family dwellings in the A-1 zoning district, along with the number permit allocations available to each tract. As each available permit allocation is used, the Planning Building and Zoning Department shall record the location and dimensions of the parcels upon which the single family residences are built upon and shall update the records to track the number of available allocations remaining.
- f. Allocations Registered Prior to December 16, 2003. Parcels in excess of 60 acres in size which were registered for a single allocation prior to December 16, 2003, may register for additional allocations for each 40 acres of available land for any zoning lot in excess of 40 acres in size that remains within the original parent parcel. These additional allocations will be registered in the same manner as outlined in § 7.01.C.16.e