

ORDINANCE # 2006-51

**AMENDMENT TO SECTION 3.02 "DEFINITIONS"; SECTION 4.08 "RECREATIONAL VEHICLES, TRAILERS, AND MOBILE HOMES" AND SECTION 11.02 "ADDITIONAL PARKING REGULATIONS" OF THE KENDALL COUNTY ZONING ORDINANCE**

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

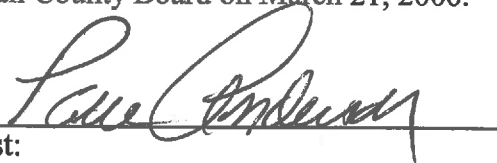
WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

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

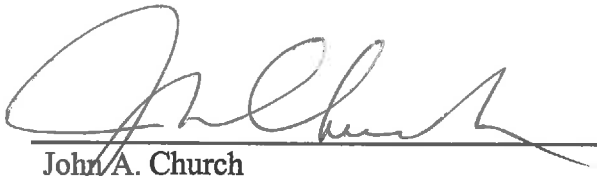
NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends SECTION 3.02 "DEFINITIONS"; SECTION 4.08 "RECREATIONAL VEHICLES, TRAILERS, AND MOBILE HOMES" AND SECTION 11.02 "ADDITIONAL PARKING REGULATIONS" of the Kendall County Zoning Ordinance as presented in attached Exhibit "A".

IN WITNESS OF, this Amendment to the Kendall County Zoning Ordinance was approved by the Kendall County Board on March 21, 2006.

Attest:



Paul Anderson  
Kendall County Clerk



John A. Church  
Kendall County Board Chairman

**EXHIBIT "A"**

**3.02 DEFINITIONS**

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

**RECREATIONAL VEHICLE (RV):** A vehicle that is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily for recreation, camping, travel or seasonal use. For purposes of regulation in this code, pickup campers, jet skis, boats, snowmobiles, ~~and off-road racing,~~ or similar vehicles shall also be considered to be recreational vehicles. *(Amended 11/18/2003)*

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

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

**4.08 PARKING AND STORAGE OF RECREATIONAL VEHICLES, RECREATIONAL TRAILERS, TRAILERS AND MOBILE HOMES**

**A. Storage of Unoccupied Recreational Vehicles, Trailers and Mobile Homes**

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

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

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

This exception shall be non-transferable to any subsequent owner(s) or occupants of the property or the recreational vehicle in question and shall terminate upon either the sale of either the property or change in occupancy of the dwelling unit should the owners chose to maintain it as a rental property -the vehicle. Owners of such properties and vehicles shall immediately notify the Director of Planning, Building and Zoning in writing upon the sale of the affected property or vehicles.

Owners shall be required to register their properties with the Planning, Building and Zoning Department on a form approved by the Department prior to December 29, 2006. In addition, the owner shall supply a copy of the plat of survey indicating the approved location for the storage of the vehicle and shall be required to pay a one time

**one time registration fee of \$75.00. The Planning Building and Zoning Department shall keep a copy of the registration form and approved parking plan on file. Upon sale of the property, the owner shall be required to notify the Planning, Building and Zoning Department in writing and shall note in the file that the exemption has been terminated.**

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

Zoning	Permitted RV's or Trailers
Agriculture	Unlimited, provided such recreational vehicles or trailers are for use by the property owner or tenant
R1, R2, R3, RPD1	2, provided such recreational vehicles or trailers are for use by the property owner or tenant
<del>All Other residential districts</del>	<del>0</del> <u>1</u> provided such recreational vehicles or trailers are for use by the property owner or tenant
Commercial or Industrial Districts	No restriction on trailers, recreational vehicles <del>only</del> <u>provided they are permitted as a part of a permitted trailer storage or sales business.</u>

(Amended 11/18/2003)

- 2. Exception:  
The number of unscreened recreational vehicles, trailers and their contents parked or stored on a lot in a residential district may exceed the number presented in the table above only under the following circumstances:

- a) For purposes of conducting maintenance on, or the loading and unloading of a recreational vehicle or trailer in preparation for a trip or similar recreational use provided the duration does not exceed 72 hours within a one week period.

- b) When a visiting guest or relative of the property owner is in possession of a recreational vehicle. The time period during which the recreational vehicle may be parked or stored on the lot shall be limited to 14 consecutive days within a one year period or 21 days (non-consecutive) within a one year period unless otherwise approved in writing by the Zoning Administrator.

- 3. Unoccupied mobile homes can be stored only in commercial and industrial districts and only as part of a permitted trailer storage or sales business.

B. Occupancy and Location of Recreational Trailers and Mobile Homes

- 1. Except as provided in Section 4.08.B herein, occupied recreational trailers and mobile homes may be located in "recreational camps" and "migrant labor camps" and subject to the standards and conditions of a special use permit.
- 2. Occupied recreational trailers and mobile homes may be located in residential districts only if:
  - a. The pre-existing home was made unsafe for occupancy by fire, tornado, flood, or other disaster, and
  - b. The occupants will be the future occupants the home to be repaired or constructed on the same zoning lot.
  - c. When a visiting guest or relative of the property owner is in possession of a recreational vehicle. The time period during which the recreational vehicle may be occupied and stored on the lot shall be limited to 14 consecutive days within a one year period or 21 days (non-consecutive) within a one year period unless otherwise approved in writing by the Zoning Administrator. This provision shall also apply to properties zoned A-1 Agricultural.

- 3. Occupied mobile homes may be located in agricultural districts only if:
  - a. Limited to one per zoning lot, and
  - b. The occupants are either:
    - (1) Require the medical care or assistance of the occupant of

of the primary residence on the same zoning lot, or

- (2) Will be the future occupants of a home to be repaired or constructed on the same zoning lot, or
- (3) Whose primary employment is agricultural activities on the same zoning lot. If the mobile home is on a zoning lot of 5 acres or larger then it is exempt from all zoning regulations and fees except the setback standards of the district shall still apply.

C. Installation

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

D. Permits

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

applicant shows adequate progress in construction.

4. Agricultural employee permits and renewals may be approved by the Planning, Building and Zoning Committee. These permits shall only be renewed a total of five (5) times. Any renewals beyond this number will require the property owner to physically remove the mobile home from the property during the time when occupants are not actively engaged in agricultural activities. This period where the trailer shall be removed shall be at least three (3) months out of each calendar year.
  5. Permits may be rescinded by the Planning, Building and Zoning Committee for failure to conform to this ordinance.
  6. Recreational trailers and mobile homes must be removed from the zoning lot within 60 days of notice of the rescinded or expired permit.
  7. Permits for a temporary mobile home must be renewed annually or as stated above. The Planning, Building and Zoning Committee may extend permits beyond the one (1) year and six (6) month limit as stated in Section 4.08-D-3-b. When the permit expires or when occupants of the trailer or mobile home do not meet the conditions set forth above, the trailer or mobile home must be removed within 60 days.
  8. Fees:
    - a. Permit application form must be accompanied by a fee set by the Kendall County Board, not refundable.
    - b. An annual fee set by the Kendall County Board will be required on or before the renewable date stated on the approved permit.
- E. That all applications for a permit be accompanied by an affidavit, stating as follows:
1. Names and addresses of occupants.
  2. Location of use.
  3. Description of trailer.
  4. Reason for application.
  5. Statement that a change in usage, name or number of occupants, location, will be reported to the Building and Zoning Office immediately.

11.02 ADDITIONAL REGULATIONS – PARKING

- A. USE OF PARKING FACILITIES. Unless otherwise specified elsewhere in this ordinance, Off-street parking facilities accessory to residential uses and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned and operated by the permanent occupants, guests or visitors of the dwellings to which they are accessory. Further and the parking of not more than one (1) truck of not more than one and one-half (1 1/2) ton capacity used by occupants of the dwelling structures to which such facilities are accessory shall be permitted. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles, or for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of business or manufacturing establishments. For the purposes of this section, commercial vehicles shall be defined as including trucks in excess of 1 and 1/2 ton capacity, and construction vehicles and equipment. Temporary parking of these types of vehicles shall be allowed provided the vehicles are engaged in the delivery of goods and services or the construction of improvements on the premises as may be necessary from time to time. In addition, the outdoor storage or parking of race cars or similar vehicles shall be prohibited in all residential zoning districts.

11.02 ADDITIONAL REGULATIONS – PARKING

- F. IN YARDS. Off-street parking spaces in required yards shall conform to the following:
1. Front Yards.
    - a. No parking is permitted in a required front yard except the interior one-half of the front yard in an M-1 Limited Manufacturing District or an M-2 Heavy Industrial District.
    - b. Unless otherwise provided elsewhere in this ordinance, Pparking is allowed in a front yard on a private driveway serving single family and two family dwellings, but shall not be considered as satisfying the off-street parking requirements for such uses as set forth in the ordinance.
  2. Side Yards.
    - a. Unless otherwise provided elsewhere in this ordinance, Pparking is not permitted in any required side yard. Further, no open off-street parking serving a residential use in a non-required side yard shall be located



located nearer than ten feet to a principal building.

3. Rear Yards. In any rear yard with the following exceptions and requirements:
  - a. In the M-1 Limited Manufacturing District, M-2 Heavy Industrial District when a rear yard is adjacent to an "R" District there shall be no parking in the twenty (20) feet adjacent thereto.
  - b. In any "R" District no open off-street parking space shall be located nearer than ten (10) feet to a principal building.

G. DESIGN AND MAINTENANCE.

1. Open and Enclosed Parking Spaces. Accessory parking spaces may be open to the sky or enclosed in a building. Accessory parking spaces located in a residence district elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a special use.
2. Surfacing. All ~~required~~ open off-street parking areas and access drives constructed or re-constructed after (insert the effective date of this ordinance) in the R5, R6, and R7 Residential zoning districts shall be improved with a permanent, concrete, unit paver or asphalt surface. Asphalt paving shall include a 9" compacted gravel base and 3" asphalt covering, or equivalent. Where more than 4 parking spaces are required, pavement marking shall be provided to clearly identify each parking space. *(Amended 11/18/2003)*
3. Screening and Landscaping. All required open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residence district or on any institutional premises by a wall, fence, or densely planted compact hedge no less than five feet nor more than seven feet in height. Such required screening shall conform with the front and side yard setback requirements of the district in which the parking is located. However, all driveways crossing a public sidewalk shall have a clear sight triangle inside the property measuring eight feet by eight feet.
4. Lighting. All off-street parking facilities shall be lighted as approved by the Plan Commission. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such way as not to create a nuisance.

5. **Repair and Service.** No motor vehicles repair work **for compensation**, or sale of gasoline and motor oil of any kind shall be permitted in conjunction with open accessory off-street parking facilities provided in a residence district, except as may be permitted under an approved Special Use or planned unit development.