

ORDINANCE # 2004- 31

**AMENDMENT TO THE R-1 RESIDENTIAL DISTRICT 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 Sections 8.01 and 8.02 – R-1 One-Family Estate Residence District 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 August 17, 2004.



Attest:



John A. Church
Kendall County Board Chairman

Paul Anderson
Kendall County Clerk

EXHIBIT "A"

8.01 R-1 ONE-FAMILY ESTATE RESIDENCE DISTRICT (5/30/04 DRAFT)

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. One Family detached dwellings.
 2. 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 homes as measured from the lot line.
 3. Lands and buildings used for horticultural or farm purposes.
 4. 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.
 5. 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.
 - 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.
- 6. Parks, forest preserves, and recreational areas, when public owned and operated, providing that said use is expressly subject to the terms and conditions of Kendall County Recreational vehicle Park and Campground Regulations.
- 7. Police and fire stations.
- 8. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.
- 9. Accessory Uses.
- 10. Signs, as permitted and regulated by Section 12.00.
- 11. Off-street parking facilities, as required or permitted in accordance with the provisions of Section 11.00.
- 12. Farm-type animals - shall be permitted in accordance with the following:
 - a. On lots less than 1 acre, no farm-type animals shall be permitted.
 - b. On lots between 1 and 3 acres, 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-C.12.d.
 - c. On lots over 3 acres but less than 5 acres, a maximum of two horses and a maximum combined total of ten ducks, rabbits, chickens, or goats.
 - d. On lots of 5 acres or more, the following animals 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. ~~Animal unit is hereby defined in accordance with the standards to the U.S. Department of Agriculture.~~ 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	TYPE OF ANIMAL
1.4	Dairy Cattle
1.0	Beef Cattle
0.8	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 0.666) = Total Number of Animal units allowed.

Example: 5.0 Acres x 0.666 = 3.33 Animal Units Based on the Table Above the following mix of animals would be permitted:

(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

- 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 8.03H.2.b).
1. Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic field auxiliary thereto.
 2. Churches, rectories, parish houses, synagogues, and temples with seating capacity of not more than 750 persons in the assembly area.
 3. Model homes.

- C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00:
1. Airports, or aircraft landing fields.
 2. Halfway house.
 3. 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 group homes as measured from the lot line.
 - b. The group home conforms to all state licensing standards, if applicable to the use.
 4. Hospice.
 5. Bed and breakfast establishments.
 6. Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within five hundred feet of any dwelling.
 7. Churches, rectories, parish houses, synagogues, and temples with seating capacity of over 750 persons in the assembly area
 8. Communications facilities.
 9. Private recreational areas or camps, when not operated for profit, providing that said use is expressly subject to the terms and conditions of Kendall County Recreational Vehicle Park and Campground Regulations.
 10. 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.
 11. Rest homes, nursing homes, hospitals, halfway houses, and sanitariums, for human beings only.
 12. Public service uses:
 - ~~a.~~ Filtration plant, pumping station, and water reservoir.
 - ~~b.~~ Sewage treatment plant.
 - ~~c.~~
 - ~~d.~~ c. Telephone exchange.

- e. ~~f.~~ d. Electric substations and booster stations.
- f. ~~e.~~ e. Non-exempt governmental uses.

1. Institutions for the aged and for children.
2. Schools and Day Care Facilities.
3. Philanthropic and eleemosynary institutions.
4. Golf courses, regulation size, including "par 3" golf courses, commercially operated driving ranges, miniature golf courses and planned unit development for conventional golf courses.
5. Duplexes or Two-Family Detached.
6. 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.
7. Unique 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.

B. 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

C. Yard Areas.

1. Front Yard. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard ~~of not less than fifty feet, as follows:~~
 1. 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.
 2. 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 and 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.

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.
- D. 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.
- E. Maximum Building Height. No building or structure shall be erected or structurally altered to exceed the following heights:
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. Churches: Seventy-five feet for towers and steeples, but not more than forty-five (45) feet for the main structure.
 3. Other non-residential permitted or conditional buildings and structures shall not exceed forty-five (45) feet and not more than three stories in height.
 4. Special Uses: Maximum height limitations shall be specified with the granting of a Special Use permit.